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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.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2022-0436; Airspace Docket No. 22-ASW-1]

RIN 2120-AA66

Amendment and Establishment of Air Traffic Service (ATS) Routes; South Central United States

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends VHF Omnidirectional Range (VOR) Federal airways V-198, V-212, V-556, and V-558; amends Area Navigation (RNAV) route T-256; and establishes RNAV route T-466. The FAA is taking this action due to the planned decommissioning of the VOR portion of the Eagle Lake, TX (ELA), VOR/Distance Measuring Equipment (VOR/DME) navigational aid (NAVAID). The Eagle Lake VOR is being decommissioned in support of the FAA's VOR Minimum Operational Network (MON) program.

DATES: Effective date 0901 UTC, December 29, 2022. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

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

FOR FURTHER INFORMATION CONTACT: Colby Abbott, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800

Independence Avenue SW, Washington, DC 20591; telephone: (202) 267-8783.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

History

The FAA published a notice of proposed rulemaking for Docket No. FAA-2022-0436 in the **Federal Register** (87 FR 24905; April 27, 2022), amending VOR Federal airways V-198, V-212, V-556, and V-558; amending RNAV route T-256; and establishing RNAV route T-466. The proposed amendment and establishment actions were due to the planned decommissioning of the VOR portion of the Eagle Lake, TX, VOR/DME NAVAID. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. No comments were received.

VOR Federal airways are published in paragraph 6010(a) and United States Area Navigation Routes are published in paragraph 6011 of FAA Order JO 7400.11G, dated August 19, 2022, and effective September 15, 2022, which is incorporated by reference in 14 CFR 71.1. The Air Traffic Service (ATS) routes listed in this document will be published subsequently in FAA Order JO 7400.11.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order JO 7400.11G, Airspace Designations and Reporting Points, dated August 19, 2022, and effective September 15, 2022. FAA Order JO 7400.11G is publicly

available as listed in the **ADDRESSES** section of this document. FAA Order JO 7400.11G lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This action amends 14 CFR part 71 by amending VOR Federal airways V-198, V-212, V-556, and V-558; amending RNAV route T-256; and establishing RNAV route T-466 due to the planned decommissioning of the Eagle Lake, TX, VOR. The ATS route actions are described below.

V-198: V-198 extends between the San Simon, AZ, VOR/Tactical Air Navigation (VORTAC) and the Eagle Lake, TX, VOR/DME; and between the Sabine Pass, TX, VOR/DME and the Craig, FL, VORTAC. The route segment between the San Antonio, TX, VORTAC and the Eagle Lake, TX, VOR/DME is removed. As amended, the airway is changed to extend between the San Simon, AZ, VORTAC and the San Antonio, TX, VORTAC; and between the Sabine Pass, TX, VOR/DME and the Craig, FL, VORTAC.

V-212: V-212 extends between the San Antonio, TX, VORTAC and the Mc Comb, MS, VORTAC. The airway segment between the San Antonio, TX, VORTAC and the Industry, TX, VORTAC is removed. As amended, the airway is changed to extend between the Industry, TX, VORTAC and the Mc Comb, MS, VORTAC.

V-556: V-556 extends between the San Angelo, TX, VORTAC and the Sabine Pass, TX, VOR/DME. The airway segment between the Stonewall, TX, VORTAC and the Scholes, TX, VOR/DME is removed. As amended, the airway is changed to extend between the San Angelo, TX, VORTAC and the Stonewall, TX, VORTAC; and between the Scholes, TX, VOR/DME and the Sabine Pass, TX, VOR/DME.

V-558: V-558 extends between the Llano, TX, VORTAC and the Eagle Lake, TX, VOR/DME. The airway segment between the Industry, TX, VORTAC and the Eagle Lake, TX, VOR/DME is removed. As amended, the airway is changed to extend between Llano, TX, VORTAC and the Industry, TX, VORTAC.

T-256: T-256 extends between the San Antonio, TX, VORTAC and the Sabine, TX, VOR/DME. The Eagle Lake, TX, VOR/DME route point is removed from the description as it is on a straight

segment of the route and does not change the route structure between the San Antonio, TX, VORTAC and the MOLLR, TX, waypoint (WP). Additionally, a RNAV route segment overlaying V-194 is added between the Sabine, TX, VOR/DME and the DAFLY, LA, WP being established near the Lafayette, LA, VORTAC. The full route description is listed in the amendments to part 71 set forth below.

T-466: T-466 is a new RNAV route that extends between the San Angelo, TX, VORTAC and the Sabine Pass, TX, VOR/DME. The new T-466 overlays the V-556 airway and, in part, mitigates the removal of the V-556 segment between the Stonewall, TX, VORTAC and the Scholes, TX, VOR/DME; providing RNAV routing between the San Angelo, TX, area southeastward to the Galveston, TX, area and then northeastward to the Beaumont, TX, area. The full route description is listed in the amendments to part 71 set forth below.

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

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

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action of amending VOR Federal

airways V-198, V-212, V-556, and V-558; amending RNAV route T-256; and establishing RNAV route T-466, due to the planned decommissioning of the VOR portion of the Eagle Lake, TX, VOR/DME NAVAID, qualifies for categorical exclusion under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations at 40 CFR part 1500, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 5-6.5a, which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points) and paragraph 5-6.5i, which categorically excludes from further environmental impact review the establishment of new or revised air traffic control procedures conducted at 3,000 feet or more above ground level (AGL); procedures conducted below 3,000 feet AGL that do not cause traffic to be routinely routed over noise sensitive areas; modifications to currently approved procedures conducted below 3,000 feet AGL that do not significantly increase noise over noise sensitive areas; and increases in minimum altitudes and landing minima. As such, this action is not expected to result in any potentially significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5-2 regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. The FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

T-256 San Antonio, TX (SAT) to DAFLY, LA [Amended]

| | | |
|-----------------------|---------|--|
| San Antonio, TX (SAT) | VORTAC | (Lat. 29°38'38.51" N, long. 098°27'40.74" W) |
| MOLLR, TX | WP | (Lat. 29°39'20.23" N, long. 095°16'35.83" W) |
| Sabine Pass, TX (SBI) | VOR/DME | (Lat. 29°41'12.19" N, long. 094°02'16.72" W) |
| DAFLY, LA | WP | (Lat. 30°11'37.70" N, long. 091°59'33.94" W) |

* * * * *

T-466 San Angelo, TX (SJT) to Sabine Pass, TX (SBI) [New]

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11G, Airspace Designations and Reporting Points, dated August 19, 2022, and effective September 15, 2022, is amended as follows:

Paragraph 6010(a) Domestic VOR Federal Airways.

* * * * *

V-198 [Amended]

From San Simon, AZ; Columbus, NM; El Paso, TX; 6 miles wide INT El Paso 109° and Hudspeth, TX, 287° radials; 6 miles wide Hudspeth; 29 miles, 38 miles 82 MSL INT Hudspeth 109° and Fort Stockton, TX, 284° radials; 18 miles 82 MSL Fort Stockton; 20 miles, 116 miles 55 MSL Junction, TX; to San Antonio, TX. From Sabine Pass, TX; White Lake, LA; Tibby, LA; Harvey, LA; 69 miles, 33 miles 25 MSL Brookley, AL; INT Brookley 056° and Crestview, FL, 266° radials; Crestview; Marianna, FL; Seminole, FL; Greenville, FL; Taylor, FL; INT Taylor 093° and Craig, FL, 287° radials; to Craig.

* * * * *

V-212 [Amended]

From Industry, TX; Navasota, TX; INT Navasota 019° and Lufkin, TX, 250° radials; Lufkin; Alexandria, LA; to Mc Comb, MS.

* * * * *

V-556 [Amended]

From San Angelo, TX; INT San Angelo 181° and Junction, TX, 310° radials; Junction; to Stonewall, TX. From Scholes, TX; to Sabine Pass, TX.

* * * * *

V-558 [Amended]

From Llano, TX; INT Llano 088° and Centex, TX, 306° radials; Centex; to Industry, TX.

* * * * *

Paragraph 6011 United States Area Navigation Routes.

* * * * *

| | | |
|-----------------------|---------|--|
| San Angelo, TX (SJT) | VORTAC | (Lat. 31°22'29.84" N, long. 100°27'17.53" W) |
| CHILD, TX | WP | (Lat. 31°03'41.17" N, long. 100°27'40.62" W) |
| Junction, TX (JCT) | VORTAC | (Lat. 30°35'52.88" N, long. 099°49'02.93" W) |
| BETTI, TX | FIX | (Lat. 29°57'54.97" N, long. 098°03'23.98" W) |
| MARCS, TX | FIX | (Lat. 29°53'52.04" N, long. 097°51'40.70" W) |
| SEEDS, TX | FIX | (Lat. 29°39'31.94" N, long. 097°14'58.66" W) |
| LDRET, TX | WP | (Lat. 29°39'44.93" N, long. 096°19'00.96" W) |
| KEEDS, TX | WP | (Lat. 29°21'59.49" N, long. 095°36'48.98" W) |
| Scholes, TX (VUH) | VOR/DME | (Lat. 29°16'09.60" N, long. 094°52'03.81" W) |
| Sabine Pass, TX (SBI) | VOR/DME | (Lat. 29°41'12.19" N, long. 094°02'16.72" W) |

Issued in Washington, DC, on October 5, 2022.

Scott M. Rosenbloom,

Manager, Airspace Rules and Regulations.

[FR Doc. 2022–22164 Filed 10–26–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2022–0852]

RIN 1625–AA00

Safety Zone; Monongahela River Mile Marker 22–22.86, Elizabeth, PA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters of the Monongahela River Mile Marker 22–22.86 on October 27, 2022 and October 28, 2022 from 5 p.m. through 8 a.m. each day. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by filming on a barge. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Pittsburgh.

DATES: This rule is effective from 5 p.m. on October 27, 2022, through 8 a.m. on October 29, 2022.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2022–0852 in the search box and click “Search.” Next, in the Document Type column, select “Supporting & Related Material.”

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email MST1 Onnalee Blackledge, Marine Safety Unit Pittsburgh, U.S. Coast Guard, at telephone 412–221–0807, email Onnalee.A.Blackledge@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because this safety zone must be established by October 27, 2022 and we lack sufficient time to provide a reasonable comment period and then consider those comments before issuing this rule. The NPRM process would delay the establishment of the safety zone until after the date of the filming on the barge.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable because action is needed on October 27, 2022 to ensure the safety of the filming on the barge.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port Pittsburgh (COTP) has determined that potential hazards associated with filming on the barge October 27, 2022 through October 29, 2022. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while the filming is being conducted.

IV. Discussion of the Rule

This rule establishes a safety zone from 5 p.m. on October 27, 2022 through 8 a.m. on October 29, 2022. It

is subject to enforcement from 5 p.m. on October 27, 2022 through 8 a.m. on October 28, 2022 and from 5 p.m. on October 28, 2022 through 8 a.m. on October 29, 2022. The safety zone will cover all navigable waters on the Monongahela River mile marker 22–22.86 while filming is being conducted. The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters while the filming is being conducted. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on size, location, and duration of the temporary safety zone. This safety zone impacts only a mile stretch of the Monongahela River for thirteen hours both days. Vessel traffic will be informed about the safety zone through local notices to mariners. Moreover, the Coast Guard will issue Local Notice to Mariners and Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone and the rule allows vessels to seek permission from the COTP to transit the zone.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on

small entities during rulemaking. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

principles and preemption requirements described in Executive Order 13132.

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting only thirteen hours each day that will prohibit entry from mile marker 22–22.86. It is categorically excluded from further review under paragraph L60 (a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 46 U.S.C. 70034, 70051; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 00170. 1, Revision No. 01.2.

■ 2. Add § 165.T08–0852 to read as follows

§ 165.T08–0852 Safety Zone; Monongahela River, Elizabeth, PA.

(a) *Location.* The following area is a temporary safety zone: all navigable waters of the Monongahela River mile marker 22–22.86.

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

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23, entry of persons and vessels into this zone is prohibited unless authorized by the Captain of the Port Marine Safety Unit Pittsburgh (COTP) or a designated representative.

(2) Persons or vessels requiring entry into or passage through the zone must request permission from the COTP or a designated representative. The COTP’s representative may be contacted at 412–670–4288.

(d) *Enforcement period.* This section is effective from 5 p.m. on October 27, 2022, through 6 a.m. on October 29, 2022. It is subject to enforcement from 5 p.m. on October 27, 2022, through 8 a.m. on October 28, 2022, and from 5 p.m. on October 28, 2022, through 8 a.m. on October 29, 2022.

Dated: October 24, 2022.

Eric J. Velez,

Commander, U.S. Coast Guard, Captain of the Port, MSU Pittsburgh.

[FR Doc. 2022–23445 Filed 10–26–22; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[EPA–R09–OAR–2022–0306; FRL–9713–04–R9]

Air Quality State Implementation Plans; Approvals and Promulgations: California; San Diego County Air Pollution Control District; Permits; Correcting Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: On September 28, 2022, the Environmental Protection Agency (EPA) published a final rule in the **Federal Register** approving revisions to the San Diego County Air Pollution Control District (SDAPCD) portion of the California State Implementation Plan (SIP). In that rulemaking, the EPA inadvertently included erroneous amendatory instructions codifying the replacement of the previously approved versions of Rules 20.1, 20.3, and 20.4. This document corrects the errors in the final rule's amendatory instructions.

DATES: This correction is effective October 28, 2022.

FOR FURTHER INFORMATION CONTACT:

Laura Yannayon, EPA Region IX, (415) 972–3534, yannayon.laura@epa.gov.

SUPPLEMENTARY INFORMATION: In our final rule published September 28, 2022 (87 FR 58729), the EPA inadvertently included errors in amendatory instructions that codified our deletion with replacement of the previously-approved versions of the following rules:

1. Rule 20.1, “New Source Review—General Provisions,” as amended on October 14, 2021, at 40 CFR 52.220(c)(508)(i)(A)(10), citing the EPA’s approval of a previous version of Rule 20.1 at 40 CFR 52.220(c)(508)(i)(A)(6). The EPA’s approval of the version of Rule 20.1 that had been previously approved and is being replaced by our approval of the October 14, 2021 version of Rule 20.1 is listed in 40 CFR 52.220(c)(539)(i)(A)(1), not 40 CFR 52.220(c)(508)(i)(A)(6). This error correction corrects the amendatory instructions to codify the replacement of

the previously-approved version of Rule 20.1 in a new paragraph at 40 CFR 52.220(c)(539)(i)(A)(5).

2. Rule 20.3, “New Source Review—Major Stationary Sources and PSD Stationary Sources,” (except subsections (d)(1)(vi), (d)(2)(i)(B), (d)(2)(v), (d)(2)(vi)(B) and (d)(3)), revision adopted on October 14, 2021, at 40 CFR 52.220(c)(508)(i)(A)(11), citing the EPA’s approval of a previous version of Rule 20.3 at 40 CFR 52.220(c)(508)(i)(A)(8). The EPA’s approval of the version of Rule 20.3 that had been previously approved and is being replaced by our approval of the October 14, 2021 version of Rule 20.3 is listed in 40 CFR 52.220(c)(539)(i)(A)(3), not 40 CFR 52.220(c)(508)(i)(A)(8). This error correction corrects the amendatory instructions to codify the replacement of the previously-approved version of Rule 20.3 in a new paragraph at 52.220(c)(539)(i)(A)(6).

3. Rule 20.4, “New Source Review—Portable Emission Units” (except subsections (b)(2), (b)(3), (d)(1)(iii), (d)(2)(i)(B), (d)(2)(iv), (d)(2)(v)(B), (d)(3) and (d)(5)), revision adopted on October 14, 2021, at 40 CFR 52.220(c)(508)(i)(A)(12) citing the EPA’s approval of a previous version of Rule 20.4 at 40 CFR 52.220(c)(508)(i)(A)(9). The EPA’s approval of the version of Rule 20.4 that had been previously approved and is being replaced by our approval of the October 14, 2021 version of Rule 20.4 is listed in 40 CFR 52.220(c)(539)(i)(A)(4), not 40 CFR 52.220(c)(508)(i)(A)(9). This error correction corrects the amendatory instructions to codify the replacement of the previously-approved version of Rule 20.4 in a new paragraph at 52.220(c)(539)(i)(A)(7).

■ In FR Doc. 2022–20588 appearing on pages 58731–58732 in the **Federal Register** of Wednesday, September 28, 2022, the following corrections are made:

§ 52.220 [Corrected]

1. On page 58731, in the middle of the third column, the amendatory instruction currently reading as “2. Section 52.220 is amended by adding paragraphs (c)(488)(i)(A)(6), (c)(508)(i)(A)(10), (11), and (12), and (c)(557)(i)(B), adding reserved paragraph

(c)(587), and adding paragraph (c)(588) to read as follows:” is corrected to read as “2. Section 52.220 is amended by adding paragraphs (c)(488)(i)(A)(6), (c)(539)(i)(A)(5), (6), and (7), and (c)(557)(i)(B), adding reserved paragraph (c)(587), and adding (c)(588) to read as follows:”

2. On page 58731, at the bottom of the third column, the regulatory text adding 40 CFR 52.220(c)(508)(i)(A)(10) is corrected to add 52.220(c)(539)(i)(A)(5), to read as follows: “(5) Previously approved on September 16, 2020 in paragraph (c)(539)(i)(A)(1) of this section and now deleted with replacement in (c)(588)(i)(A)(1) of this section, Rule 20.1, “New Source Review—General Provisions,” revision adopted on October 14, 2021.”

3. Beginning on page 58731, at the bottom of the third column, the regulatory text adding 40 CFR 52.220(c)(508)(i)(A)(11) is corrected to add 52.220(c)(539)(i)(A)(6), to read as follows: “(6) Previously approved on September 16, 2020 in paragraph (c)(539)(i)(A)(3) of this section and now deleted with replacement in paragraph (c)(588)(i)(A)(2) of this section, Rule 20.3, “New Source Review—Major Stationary Sources and PSD Stationary Sources” (except subsections (d)(1)(vi), (d)(2)(i)(B), (d)(2)(v), (d)(2)(vi)(B) and (d)(3)), revision adopted on October 14, 2021.”

4. On page 58732, at the top of the first column, the regulatory text adding 40 CFR 52.220(c)(508)(i)(A)(12) is corrected to add 52.220(c)(539)(i)(A)(7), to read as follows: “(7) Previously approved on September 16, 2020 in paragraph (c)(539)(i)(A)(4) of this section and now deleted with replacement in (c)(588)(i)(A)(3), of this section, Rule 20.4, “New Source Review—Portable Emission Units” (except subsections (b)(2), (b)(3), (d)(1)(iii), (d)(2)(i)(B), (d)(2)(iv), (d)(2)(v)(B), (d)(3) and (d)(5)), revision adopted on October 14, 2021.”

Dated: October 18, 2022.

Martha Guzman Aceves,

Regional Administrator, Region IX.

[FR Doc. 2022–22978 Filed 10–26–22; 8:45 am]

BILLING CODE 6560–50–P

Proposed Rules

Federal Register

Vol. 87, No. 207

Thursday, October 27, 2022

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2022-1301; Project Identifier MCAI-2021-01447-T]

RIN 2120-AA64

Airworthiness Directives; Viking Air Limited (Type Certificate Previously Held by Bombardier, Inc.; Canadair Limited) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 96-12-11, which applies to all Canadair Model CL-215-1A10 airplanes. AD 96-12-11 requires repetitive inspections to detect discrepancies of the microswitches fitted at the water door actuator; replacement of any discrepant microswitch; and modification of the water door actuator switches, which terminates the repetitive inspections. Since the FAA issued AD 96-12-11, it has determined that the corrective actions of that AD have not been effective at mitigating the risk of uncommanded opening of the water doors. This proposed AD would continue to require the modification of the water door actuator switches. This proposed AD would also require modification of the water door solenoid valve common grounds, add airplanes to the applicability, and prohibit installing certain water door solenoid valve selector assemblies. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by December 12, 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:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Viking Air Limited, 1959 de Havilland Way, Sidney, British Columbia V8L 5V5, Canada; telephone +1-250-656-7227; fax +1-250-656-0673; email acs-technical.publications@vikingair.com; internet vikingair.com. You may view this service information 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.

Examining the AD Docket

You may examine the AD docket on the internet at [regulations.gov](https://www.regulations.gov) by searching for and locating Docket No. FAA-2022-1301; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Thomas Niczky, Aerospace Engineer, Avionics and Electrical Systems Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516-228-7347; email 9-avs-nyaco-cos@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include “Docket No. FAA-2022-1301; Project Identifier MCAI-2021-01447-T” at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any

recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Thomas Niczky, Aerospace Engineer, Avionics and Electrical Systems Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516-228-7347; email 9-avs-nyaco-cos@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

The FAA issued AD 96-12-11, Amendment 39-9653 (61 FR 28734, June 6, 1996) (AD 96-12-11), for all Canadair Model CL-215-1A10 airplanes. AD 96-12-11 requires repetitive inspections to detect discrepancies of the microswitches fitted at the water door actuator, replacement of any discrepant microswitch, and a terminating action for the repetitive inspections. AD 96-12-11 resulted from a report indicating

that the water doors on one airplane opened inadvertently during flight, due to corrosion of the microswitches fitted to the water door actuator. The FAA issued AD 96–12–11 to address a possible uncommanded opening of the water doors, especially at high speed during a takeoff run, a water pick-up run, or a landing run, which could cause serious damage to the airplane.

Actions Since AD 96–12–11 Was Issued

Since the FAA issued AD 96–12–11, it has been determined that mandating the modification of the water door actuator microswitches, in lieu of the previous repetitive inspections, will provide a more robust water door design that will better mitigate the risk of uncommanded water door opening. Also, it has been determined that modifying the water door solenoid valve common grounds will mitigate the risk of corroded or contaminated electrical contact leading to a sneak path and subsequent uncommanded opening of the water doors.

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued TCCA AD CF–2021–51, dated December 21, 2021 (TCCA AD CF–2021–51) (also referred to after this as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for all Viking Air Limited Model CL–215–1A10 and CL–215–6B11 (CL–215T Variant) airplanes. You may examine the MCAI in the AD docket on

the internet at *regulations.gov* by searching for and locating Docket No. FAA–2022–1301.

This proposed AD was prompted by reports of uncommanded opening of the water doors during flight and water scooping. The FAA is proposing this AD to address the uncommanded opening of water doors, which, at high speed during the take-off run, water pick-up run, or landing run, could cause serious damage to the airplane. See the MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

Viking Air Limited has issued Viking Service Bulletin 215–389, Revision 2, dated September 21, 2021. This service information describes procedures for modifying the water door actuator switches, which includes replacing the water door actuator microswitches, installing a relay channel and relays, and modifying related wiring.

Bombardier has issued Alert Service Bulletin 215–A497, dated November 16, 1998. This service information describes procedures for installing two additional water door solenoid common grounds, as well as inspecting the existing ground studs for corrosion and cleaning if necessary.

This proposed AD would also require Canadair Service Bulletin 215–389, Revision 1, dated September 30, 1991, which the Director of the Federal Register approved for incorporation by reference as of June 21, 1996 (61 FR 28734, June 6, 1996).

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

FAA’s Determination

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to the FAA’s bilateral agreement with the State of Design Authority, the FAA has been notified of the unsafe condition described in the MCAI and service information referenced above. The FAA is proposing this AD because the FAA evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Proposed Requirements of This NPRM

This proposed AD would retain certain requirements of AD 96–12–11 and add airplanes to the applicability. This proposed AD would require accomplishing the actions specified in the service information described previously. This proposed AD would also prohibit installing certain water door solenoid valve selector assemblies.

Costs of Compliance

The FAA estimates that this proposed AD affects 6 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

| Action | Labor cost | Parts cost | Cost per product | Cost on U.S. operators |
|---|---|------------|------------------|------------------------|
| Retained actions from AD 96–12–11 | 40 work-hours × \$85 per hour = \$3,400 | \$10,038 | \$13,438 | \$80,628 |
| New proposed actions | 2 work-hours × \$85 per hour = \$170 | 108 | 278 | 1,668 |

Authority for This Rulemaking

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

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce.

This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

The FAA has determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

- (1) Is not a “significant regulatory action” under Executive Order 12866,
- (2) Will not affect intrastate aviation in Alaska, and
- (3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

- 2. The FAA amends § 39.13 by:
- a. Removing Airworthiness Directive (AD) 96–12–11, Amendment 39–9653 (61 FR 28734, June 6, 1996); and
 - b. Adding the following new AD:

Viking Air Limited (Type Certificate Previously Held by Bombardier, Inc.; Canadair Limited): Docket No. FAA–2022–1301; Project Identifier MCAI–2021–01447–T.

(a) Comments Due Date

The FAA must receive comments by December 12, 2022.

(b) Affected Airworthiness Directives (ADs)

This AD replaces AD 96–12–11, Amendment 39–9653 (61 FR 28734, June 6, 1996) (AD 96–12–11).

(c) Applicability

This AD applies to all Viking Air Limited (Type Certificate previously held by Bombardier, Inc.; Canadair Limited) Model CL–215–1A10 and CL–215–6B11 (CL–215T Variant) airplanes, certificated in any category.

(d) Subject

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

(e) Reason

This AD was prompted by reports of uncommanded opening of the water doors during flight and water scooping. The FAA is issuing this AD to address the uncommanded opening of water doors, which, at high speed during the take-off run, water pick-up run, or landing run, could cause serious damage to the airplane.

(f) Compliance

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

(g) Retained Modification of Microswitches, With Revised Service Information

This paragraph restates the requirements of paragraph (d) of AD 96–12–11, with revised service information. For Model CL–215–1A10 and CL–215–6B11 (CL–215T Variant) airplanes: Within 2 years after June 21, 1996 (the effective date of AD 96–12–11), modify the water door microswitches in accordance with Canadair Service Bulletin 215–389, Revision 1, dated September 30, 1991; or Viking Service Bulletin 215–389, Revision 2, dated September 21, 2021. As of the effective date of this AD, use only Viking Service Bulletin 215–389, Revision 2, dated September 21, 2021.

(h) New Requirement of This AD: Installation of Common Grounds

Within 24 months after the effective date of this AD, install two new water door

solenoid valve common grounds in accordance with the Accomplishment Instructions of Bombardier Alert Service Bulletin 215–A497, dated November 16, 1998.

(i) Parts Installation Prohibition

After the effective date of this AD, the water door solenoid valve, selector assembly, part number (P/N) 362–0377, is not eligible for installation as a replacement part. Water door solenoid valve, 4-way selector valve, P/N 20P16–2, specification control drawing (SCD) 215T92392–2, or superseding part with internal back electro-motive force (EMF) protection, must be used as a replacement part.

(j) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Canadair Service Bulletin 215–389, Revision 1, dated September 30, 1991, including the retrospective action for aircraft modified in accordance with Canadair Service Bulletin 215–389, Original Issue, dated November 15, 1988.

(k) Other FAA AD Provisions

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the certification office, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531. 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, New York ACO Branch, FAA; or Transport Canada Civil Aviation (TCCA); or Viking Air Limited's TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(l) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) TCCA AD CF–2021–51, dated December 21, 2021, for related information. This MCAI may be found in the AD docket on the internet at [regulations.gov](https://www.regulations.gov) by searching for and locating Docket No. FAA–2022–1301.

(2) For more information about this AD, contact Thomas Niczky, Aerospace Engineer, Avionics and Electrical Systems Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7347; email 9-avs-nyacos@faa.gov.

(3) For service information identified in this AD, contact Viking Air Limited, 1959 de Havilland Way, Sidney, British Columbia V8L 5V5, Canada; telephone +1–250–656–7227; fax +1–250–656–0673; email acs-technical.publications@vikingair.com; internet vikingair.com. You may view this service information 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.

Issued on October 7, 2022.

Christina Underwood,

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

[FR Doc. 2022–22274 Filed 10–26–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–1305; Project Identifier AD–2022–00913–T]

RIN 2120–AA64

Airworthiness Directives; Gulfstream Aerospace Corporation Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Gulfstream Aerospace Corporation (Gulfstream) Model GV and GV–SP airplanes. This proposed AD was prompted by the omission of a life limit in the airworthiness limitations section (ALS) of the maintenance manual for a certain main landing gear (MLG) trunnion pin. This AD requires revising the ALS of the existing instructions for continued airworthiness (ICA) or inspection program for the airplane to establish a life limit for the affected MLG trunnion pin. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by December 12, 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:** Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2022-1305; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Miral Patel, Aerospace Engineer, Systems and Equipment Section, FAA, Atlanta ACO Branch, 1701 Columbia Avenue, College Park, GA 30337; phone: 404-474-5590; email: 9-ASO-ATLACO-ADs@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include “Docket No. FAA-2022-1305; Project Identifier AD-2022-00913-T” at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments

received, without change, to [regulations.gov](https://www.regulations.gov), including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this NPRM.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Miral Patel, Aerospace Engineer, Systems and Equipment Section, FAA, Atlanta ACO Branch, 1701 Columbia Avenue, College Park, GA 30337; phone: 404-474-5590; email: 9-ASO-ATLACO-ADs@faa.gov. Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA has received a report indicating a life limit for replacing MLG trunnion pin part number (P/N) 1159SCL566-17 had been omitted from the ALS of the maintenance manual for Models GV and GV-SP airplanes.

Gulfstream revised the ALS for the applicable airplanes to establish a life limit of 20,000 flight cycles for the affected MLG trunnion pin. A trunnion pin remaining in service beyond its life limit could lead to fracture and failure of the trunnion pin. This condition, if unaddressed, could result in MLG failure and could lead to a runway excursion.

FAA’s Determination

The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Related Service Information

The FAA reviewed Gulfstream GV Aircraft Maintenance Manual, Revision 55, dated March 15, 2022; Gulfstream G550 Aircraft Maintenance Manual, Revision 36, dated March 15, 2022; and Gulfstream G500-5000 Aircraft Maintenance Manual, Revision 36, dated March 15, 2022. The service information adds a life limit for MLG trunnion pin P/N 1159SCL566-17.

Proposed AD Requirements in This NPRM

This proposed AD would require revising the ALS of the existing ICA or inspection program for the airplane to establish a life limit of 20,000 flight cycles for MLG trunnion pin P/N 1159SCL566-17.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 582 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS

| Action | Labor cost | Parts cost | Cost/airplane | Cost on U.S. operators |
|------------------|--------------------------------|------------|---------------|------------------------|
| Revise ALS | 1 work-hr. × \$85 = \$85 | N/A | \$85 | \$49,470 |

Authority for This Rulemaking

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

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under

that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Gulfstream Aerospace Corporation: Docket No. FAA–2022–1305; Project Identifier AD–2022–00913–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by December 12, 2022.

(b) Affected ADs

None.

(c) Applicability

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

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

(d) Subject

Joint Aircraft System Component (JASC) Code 3200, Landing Gear System.

(e) Unsafe Condition

This AD was prompted by the omission of a life limit in the airworthiness limitations section (ALS) for a certain main landing gear (MLG) trunnion pin. The FAA is issuing this AD to prevent a MLG trunnion pin from remaining in service beyond its fatigue life. This unsafe condition, if not addressed, could result in MLG failure and could lead to a runway excursion.

(f) Compliance

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

(g) Incorporation of ALS Revisions

Within 12 months after the effective date of this AD, revise the existing ALS of the instructions for continued airworthiness or aircraft inspection program for your airplane by establishing a life limit of 20,000 flight cycles for each MLG trunnion pin part number (P/N) 1159SCL566–17.

Note 2 to paragraph (g): The life limit in paragraph (g) of this AD is contained in table 5 in Section 05–10–10 of Gulfstream V Aircraft Maintenance Manual, Revision 55, dated March 15, 2022; table 4 in Section 05–10–10 of the Gulfstream G500–5000 Aircraft Maintenance Manual, Revision 36, dated March 15, 2022; and table 4 in Section 05–10–10 of the Gulfstream G550 Aircraft Maintenance Manual, Revision 36, dated March 15, 2022.

(h) Alternative Methods of Compliance (AMOCs)

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

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(i) Related Information

(1) For more information about this AD, contact Miral Patel, Aerospace Engineer, Systems and Equipment Section, FAA, Atlanta ACO Branch, 1701 Columbia Avenue, College Park, GA 30337; phone: 404–474–5590; email: 9-ASO-ATLACO-ADs@faa.gov.

(2) For Gulfstream service information identified in this AD that is not incorporated by reference, contact Gulfstream Aerospace Corporation, Technical Publications Dept., P.O. Box 2206, Savannah, GA 31402–2206; phone: (800) 810–4853; email: pubs@gulfstream.com; website: gulfstream.com/en/customer-support/. You may view this service information 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. You may view this service information 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.

(j) Material Incorporated by Reference

None.

Issued on October 14, 2022.

Gaetano A. Sciortino,

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

[FR Doc. 2022–22851 Filed 10–26–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 174, 175, and 177

[Docket No. FDA–2022–F–1108]

Environmental Defense Fund, Maricel Maffini, Breast Cancer Prevention Partners, Clean Water Action/Clean Water Fund, Consumer Reports, Endocrine Society, Environmental Working Group, Healthy Babies Bright Futures, Linda Birnbaum, and the Nicholas School of the Environment at Duke University; Filing of Food Additive Petition; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification of petition; correction.

SUMMARY: The Food and Drug Administration (FDA or we) is correcting a notification that appeared in the **Federal Register** of July 11, 2022. The notification contained errors in the subject heading and list of petitioners. This document corrects the errors.

DATES: This notification of petition correction is effective October 27, 2022.

FOR FURTHER INFORMATION CONTACT:

Marissa Santos, Office of Food Additive Safety (HFS–255), Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–8160; or Carrol Bascus, Office of Regulations and Policy (HFS–024), Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–2378.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of July 11, 2022 (87 FR 41079), in FR Doc. 2022–14682, appearing on page 41079, the following corrections are made:

On page 41079, all instances of “the Nicholas School of the Environment at Duke University” and “Clean Water Fund” are removed, and the location of “Maricel Maffini” is revised in the list of petitioners in the subject heading. The subject heading of the notification is updated to read as follows:

“Environmental Defense Fund, Breast Cancer Prevention Partners, Clean Water Action, Consumer Reports, Endocrine Society, Environmental Working Group, Healthy Babies Bright Futures, Maricel Maffini, and Linda Birnbaum; Filing of Food Additive Petition”.

On page 41079, “the Nicholas School of the Environment at Duke University” and “Clean Water Fund” are removed from the list of petitioners and the

location of “Maricel Maffini” is revised in the **SUMMARY** (1st column), **ADDRESSES** (2nd column, *Instructions* paragraph), and Background (3rd column, 1st paragraph) sections to read as follows: “Environmental Defense Fund, Breast Cancer Prevention Partners, Clean Water Action, Consumer Reports, Endocrine Society, Environmental Working Group, Healthy Babies Bright Futures, Maricel Maffini, and Linda Birnbaum”.

Dated: October 20, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–23384 Filed 10–26–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 218

[Docket No. FRA–2021–0032, Notice No. 3]

RIN 2130–AC88

Train Crew Size Safety Requirements

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Proposed rulemaking; announcement of public hearing and extension of comment period.

SUMMARY: On July 28, 2022, FRA published a notice of proposed rulemaking (NPRM) that would establish minimum safety requirements for the size of train crews, depending on the type of operation. FRA is announcing a public hearing to allow interested persons the opportunity to provide comments on the proposal. FRA is also announcing a second extension of the comment period, providing an 86-day extension to the original comment period, to allow time for interested parties to submit comments on the proposal or in response to views or information provided at the public hearing.

DATES:

(1) A public hearing will be held on December 14, 2022, from 9:30 a.m. (ET) to 4 p.m. (ET) in Washington, DC and through one or more internet links.

(2) *Comments:* The comment period for the proposed rule published Jul. 28, 2022, at 87 FR 45564, is extended. Comments on the proposed rule or in response to views or information provided at the public hearing should be received on or before December 21, 2022. FRA will consider comments received after that date to the extent practicable.

ADDRESSES:

Public Hearing: The public hearing will allow for participation in-person or virtually. For those participants that prefer to appear in person, the public hearing will be held at the National Association of Home Builders, located at 1201 15th Street NW, Washington, DC 20005. For those participants wishing to make a statement at the public hearing, either in-person or virtually, please contact FRA as described under the Public Participation Procedures heading in the **SUPPLEMENTARY INFORMATION** section of this document. Any person who wants to participate or observe the public hearing virtually can visit www.railroads.dot.gov/train-crew-staffing-nprm for the web address and hyperlink.

Comments: Comments related to Docket No. FRA–2021–0032 may be submitted by going to <https://www.regulations.gov> and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name, docket number (FRA–2021–0032), and Regulatory Identification Number (RIN) for this rulemaking (2130–AC88). All comments received will be posted without change to <https://www.regulations.gov>; this includes any personal information. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted comments or materials.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov> and follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT:

Kevin Lewis, Operating Crew Certification Specialist, Federal Railroad Administration, telephone: 918–557–0651, email: kevin.lewis@dot.gov; or Alan Nagler, Senior Attorney, Federal Railroad Administration, telephone: 202–493–6038, email: alan.nagler@dot.gov.

SUPPLEMENTARY INFORMATION: Interested parties are invited to present statements and to offer information and views at the hearing. The hearing will be informal and will be conducted by a representative FRA designates under FRA’s Rules of Practice (49 CFR 211.25). The hearing will be a non-adversarial proceeding. Therefore, there will be no cross-examination of persons presenting statements or offering information. An FRA representative will make an opening statement outlining the scope

of the hearing. After all initial statements are completed, those persons wishing to make a brief rebuttal will be given the opportunity to do so, in the same order in which the initial statements were made. FRA will announce any additional procedures necessary at the hearing. The purpose of this hearing is to receive comments in response to an NPRM that requested public comment on a potential train crew size safety requirements rulemaking. 87 FR 45564 (Jul. 28, 2022). There will be a court reporter to record and transcribe comments presented verbatim at the hearing. FRA will add the verbatim transcript of the discussions to the public docket in this proceeding.

Public Participation Procedures

Any person: (1) wishing to attend the hearing in person, (2) make a statement at the hearing either in-person or virtually, or (3) both, should notify FRA by contacting Mr. Patrick Hogan, Transportation Analyst, by email at Patrick.Hogan@dot.gov, no later than December 9, 2022, providing the following information, as applicable:

(a) The name, affiliation or party represented, email address, and phone number of the participant.

(b) Whether the participant is attending in person or virtually.

(c) The subject(s) of the statement and/or presentation wishes to make, and the amount of time requested.

(d) A copy of the oral statement and/or presentation.

FRA reserves the right to limit participation in the hearing of persons who fail to follow the public participation procedures as outlined above. FRA also reserves the right to limit the duration of presentations, as necessary, to afford all persons the opportunity to speak or to limit participation in the hearing of persons who exceed their allotted time or who discuss topics or issues outside the scope of the proposed rulemaking. Further, FRA reserves the right to limit in-person attendance at the hearing, as space is limited; preference in attendance will be provided to persons requesting to present statements in person.

FRA is committed to providing equal access to this meeting for all participants. If you need alternative formats or other reasonable accommodations to participate in this meeting, either in-person or virtually, please contact FRA Program Analyst Mr. Kenton Kilgore via email at kenton.kilgore@dot.gov no later than December 5, 2022.

Extension of Comment Period

FRA previously extended the original comment period for the proposed rule by 67 days to December 2, 2022. 87 FR 57863 (Sep. 22, 2022). FRA is further extending the comment period an additional 19 days to December 21, 2022, to allow time for interested parties to submit written comments on the proposal or in response to views or information provided at the public hearing.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to www.regulations.gov, under docket number FRA-2021-0032, as described in the system of records notice, DOT/ALL-14 FDMS, accessible through <https://www.transportation.gov/privacy>. To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however,

submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

Issued in Washington, DC.

Amitabha Bose,
Administrator.

[FR Doc. 2022-23418 Filed 10-26-22; 8:45 am]

BILLING CODE 4910-06-P

Notices

Federal Register

Vol. 87, No. 207

Thursday, October 27, 2022

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2022–0016]

Notice of Withdrawal of Select Agent Regulatory Exclusions for Two Strains of African Swine Fever Virus

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of withdrawal of select agent regulatory exclusions.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service (APHIS) has withdrawn the select agent regulatory exclusions for two African swine fever virus strains, ASFV–G–ΔMGF and ASFV–G–Δ9GL/ΔMGF. Possession, use, and transfer of these strains must now comply with APHIS' select agent and toxin regulations. APHIS withdrew the select agent regulatory exclusions for these strains because it has evaluated new information and determined that they have the potential to pose a severe threat to animal health or animal products.

DATES: As of January 7, 2022, the subject select agent exclusions were withdrawn.

FOR FURTHER INFORMATION CONTACT: Dr. Randy Capsel, Science Officer, Division of Agricultural Select Agents and Toxins, Emergency and Regulatory Compliance Services, Animal and Plant Health Inspection Service, 4700 River Road, Riverdale, Maryland 20737; Telephone: (301) 851–3402; email: Randy.T.Capsel@usda.gov.

SUPPLEMENTARY INFORMATION:

Background

The Agricultural Bioterrorism Protection Act of 2002 (7 U.S.C. 8401, referred to below as the Act) provides for the regulation of certain biological agents and toxins that have the potential to pose a severe threat to animal and

plant health, or to animal and plant products. The Animal and Plant Health Inspection Service (APHIS) has the primary responsibility for implementing the provisions of the Act within the U.S. Department of Agriculture.

In accordance with the Act, APHIS promulgated the select agent and toxin regulations found in 7 CFR part 331 and 9 CFR part 121. Paragraph (e) in § 121.3 states that an attenuated strain of a select agent or a select toxin modified to be less potent or toxic may be excluded from the requirements of this part based upon a determination by the Administrator that the attenuated strain or modified toxin does not pose a severe threat to animal health or animal products.

African swine fever virus (ASFV) is listed as a select agent in § 121.3(b) of the select agent and toxin regulations. APHIS approved the initial select agent regulatory exclusions of two ASFV strains, ASFV–G–ΔMGF and ASFV–G–Δ9GL/ΔMGF, based on applications submitted in accordance with the select agent and toxin regulations and with review and recommendations from the Agriculture Interagency Select Agents and Toxins Technical Advisory Committee (Ag–ISATTAC) at meetings on January 27, 2020, and April 8, 2021. Pursuant to § 121.3(e)(1), APHIS listed the exclusions on the National Select Agent Registry website at <https://www.selectagents.gov>.

On January 7, 2022, APHIS withdrew the previously approved select agent regulatory exclusions for the ASFV–G–ΔMGF and ASFV–G–Δ9GL/ΔMGF strains and removed them from the list on the National Select Agent Registry website. In addition, APHIS notified all entities that were known to have the previously excluded ASFV strains that possession, use, and transfer of these ASFV strains must now comply with the select agent and toxin regulations in part 121. APHIS based the decision to withdraw the exclusions on newly acquired information regarding safety and genome instability potentially leading to reversion of virulence that was either unavailable or not provided to either APHIS or Ag–ISATTAC during either the January 2020 or April 2021 discussions for regulatory exclusion. More specifically, among other sources, two journal articles published in 2020 and 2021 from China's Harbin Veterinary Research Institute identified

instability within the MGF genome segments.

With the publication of this notice, we are informing the public that we withdrew the previously approved select agent regulatory exclusions for the ASFV–G–ΔMGF and ASFV–G–Δ9GL/ΔMGF strains, effective on January 7, 2022, and that the possession, use, and transfer of these ASFV strains must now comply with the select agent and toxin regulations in part 121. This notice serves as an official record and public notification of these actions.

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. 8401; 7 CFR 2.22, 2.80, and 371.4.

Done in Washington, DC, this 13th day of October 2022.

Anthony Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2022–23446 Filed 10–26–22; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

Notice of Request for Approval of an Existing Information Collection in Use Without an Office of Management and Budget Control Number

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Notice of Information Collection; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the Foreign Agricultural Service (FAS) to request approval for an existing collection in use without an Office of Management and Budget (OMB) control number for the International Agricultural Education Fellowship Program.

DATES: Comments on this notice must be received by December 27, 2022 to be assured of consideration.

ADDRESSES: You may send comments, identified by OMB Control Number 0551–New, by any of the following methods:

• *Federal eRulemaking Portal*: <http://www.regulations.gov>. This portal enables respondents to enter short comments or attach a file containing lengthier comments.

• *Email*: FAS.FellowshipPrograms@usda.gov. Include OMB Control Number 0551-New in the subject line of the message.

• *Mail, Courier, or Hand Delivery*: Giovanna Casas Reyes, U.S. Department of Agriculture, Foreign Agricultural Service, 1400 Independence Avenue SW, Room 6609, Washington, DC 20250.

Instructions: All submissions received must include the agency names and OMB Control Number for this notice. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Giovanna Casas Reyes, 202-720-9207, FAS.FellowshipPrograms@usda.gov.

SUPPLEMENTARY INFORMATION:

Title: International Agricultural Education Fellowship Program application.

OMB Number: 0551-New.

Expiration Date of Approval: Three years from approval date.

Type of Request: Existing collection in use without an OMB control number.

Abstract: The International Agricultural Education Fellowship Program (IAEFP) was established in 2020. IAEFP provides opportunities to eligible U.S. citizens to assist developing countries in establishing school-based agricultural education and youth extension programs under the Agriculture Improvement Act of 2018. The intention of the IAEFP is to develop globally minded United States agriculturalists with experience living abroad, focus on meeting the food and fiber needs of the domestic population of eligible countries, and strengthen and enhance trade linkages between eligible countries and the United States agricultural industry.

To achieve its objectives, IAEFP relies on the solicitation for qualified program applicants through a written application. FAS Posts across Africa provide this application to potential Fellows to assist in determining the adequacy of their candidacy alongside FAS Washington. The application is designed to capture the professional status of the applicant, the applicant's personal contact information, and the applicant's suitability for the program. Thus, the IAEFP application is an integral tool to Fellowship Programs Division and FAS' strategic goals at large.

In addition to information related to program objectives, the IAEFP

application collects information that may be considered Personal Identifiable Information (PII), including the following: first name, middle name, last name, gender, salutation, birth date, birth city, citizenship country, country of residence, work phone, permanent home address, work address, personal email, work email, and emergency contact information (family contact: name, relationship, home phone, cell phone, and email).

Estimate of Burden: The public reporting burden for each respondent resulting from information collection under IAEFP varies in direct relation to the number of fellowships that each respondent participates in.

Type of Respondents: Individuals.
Estimated Number of Respondents: 25 per annum.

Estimated Number of Responses per Respondent: 1 per annum.

Estimated Total Annual Burden of Respondents: 13 hours per annum.

Copies of this information collection can be obtained from Dacia Rogers, the Agency Information Collection Coordinator, at Dacia.Rogers@usda.gov.

Request for Comments: Send comments regarding (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information including validity of the methodology and assumption 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 through the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be available without change, including any personal information provided, for inspection online at <http://www.regulations.gov> and at the mail address listed above between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays.

Comments will be summarized and included in the submission for OMB approval.

Persons with disabilities who require an alternative means for communication of information (Braille, large print, audiotape, etc.) should contact FAS-ReasonableAccommodation@usda.gov or Felice Robinson (Senior Reasonable

Accommodations Specialist), Felice.Robinson@usda.gov.

Brooke Jamison,

Acting Administrator, Foreign Agricultural Service.

[FR Doc. 2022-23400 Filed 10-26-22; 8:45 am]

BILLING CODE 3410-10-P

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

Notice of Request for Approval of an Existing Information Collection in Use Without an Office of Management and Budget Control Number

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Notice of information collection; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the Foreign Agricultural Service (FAS) to request approval for an existing collection in use without an Office of Management and Budget (OMB) control number for the Faculty Exchange Program.

DATES: Comments on this notice must be received by December 27, 2022 to be assured of consideration.

ADDRESSES: You may send comments, identified by OMB Control Number 0551-New, by any of the following methods:

• *Federal eRulemaking Portal*: <http://www.regulations.gov>. This portal enables respondents to enter short comments or attach a file containing lengthier comments.

• *Email*: FAS.FellowshipPrograms@usda.gov. Include OMB Control Number 0551-New in the subject line of the message.

• *Mail, Courier, or Hand Delivery*: Giovanna Casas Reyes, U.S. Department of Agriculture, Foreign Agricultural Service, 1400 Independence Avenue SW, Room 6609, Washington, DC 20250.

Instructions: All submissions received must include the agency names and OMB Control Number for this notice. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Giovanna Casas Reyes, 202-720-9207, FAS.FellowshipPrograms@usda.gov.

SUPPLEMENTARY INFORMATION:

Title: Faculty Exchange Program application.

OMB Number: 0551-New.

Expiration Date of Approval: Three years from approval date.

Type of Request: Existing collection in use without an OMB control number.

Abstract: The Faculty Exchange Program (FEP) was established in 1995 and currently focuses on improving veterinary education and research in selected African countries for early- to mid-career instructors at colleges of veterinary medicine. FEP training programs are designed and organized in conjunction with U.S. universities, USDA veterinarians and other federal government agencies. Since the program began, FEP has trained 54 early- to mid-career instructors at colleges of veterinary medicine in Nigeria, Ghana, Kenya, Uganda, Tanzania, and Ethiopia.

To achieve its objectives, FEP relies on the solicitation for qualified program applicants through a written application. FAS Posts across the globe provide this application to potential Fellows to assist in determining the adequacy of their candidacy alongside FAS Washington. The application is designed to capture the professional status of the applicant, the applicant's personal contact information, and the applicant's suitability for the program. Thus, the FEP application is an integral tool to Fellowship Programs Division and FAS' strategic goals at large.

In addition to information related to program objectives, the FEP application collects information that may be considered Personal Identifiable Information (PII), including the following: first name, middle name, last name, gender, salutation, birth date, birth city, citizenship country, country of residence, work phone, permanent home address, work address, personal email, work email, and emergency contact information (family contact: name, relationship, home phone, cell phone, and email).

Estimate of Burden: The public reporting burden for each respondent resulting from information collection under FEP varies in direct relation to the number of fellowships that each respondent participates in.

Type of Respondents: Individuals.

Estimated Number of Respondents: 40 per annum.

Estimated Number of Responses per Respondent: 1 per annum.

Estimated Total Annual Burden of Respondents: 20 hours per annum.

Copies of this information collection can be obtained from Dacia Rogers, the Agency Information Collection Coordinator, at Dacia.Rogers@usda.gov.

Request for Comments: Send comments regarding (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have

practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information including validity of the methodology and assumption 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 through the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be available without change, including any personal information provided, for inspection online at <http://www.regulations.gov> and at the mail address listed above between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays.

Comments will be summarized and included in the submission for OMB approval.

Persons with disabilities who require an alternative means for communication of information (Braille, large print, audiotape, etc.) should contact FAS-ReasonableAccommodation@usda.gov or Felice Robinson (Senior Reasonable Accommodations Specialist), Felice.Robinson@usda.gov.

Brooke Jamison,

Acting Administrator, Foreign Agricultural Service.

[FR Doc. 2022-23399 Filed 10-26-22; 8:45 am]

BILLING CODE 3410-10-P

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

Notice of Request for Approval of an Existing Collection in Use Without an OMB Control Number

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the Foreign Agricultural Service (FAS) to request approval for an existing collection in use without an OMB control number for the Cochran Fellowship Program.

DATES: Comments on this notice must be received by December 27, 2022 to be assured of consideration.

ADDRESSES: You may send comments, identified by OMB Control Number

0551-New, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. This portal enables respondents to enter short comments or attach a file containing lengthier comments.

- *Email:* FAS.FellowshipPrograms@usda.gov. Include OMB Control Number 0551-New in the subject line of the message.

- *Mail, Courier, or Hand Delivery:* Giovanna Casas Reyes, U.S. Department of Agriculture, Foreign Agricultural Service, 1400 Independence Avenue SW, Room 6609, Washington, DC 20250.

Instructions: All submissions received must include the agency names and OMB Control Number for this notice. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Giovanna Casas Reyes, 202-720-9207, FAS.FellowshipPrograms@usda.gov.

SUPPLEMENTARY INFORMATION:

Title: Cochran Fellowship Program. OMB Number: 0551-New.

Expiration Date of Approval: Three years from approval date.

Type of Request: Existing collection in use without an OMB control number.

Abstract: Since 1984, U.S. Congress has made funds available to USDA's Cochran Fellowship Program to provide short-term training to Fellows from middle-income and emerging market countries in order to expose agricultural officials and industry representatives to U.S. agriculture products and policies, helping facilitate lasting, global relationships. The Cochran Fellowship Program is implemented by USDA's Foreign Agricultural Service, Global Programs, Fellowship Programs, and has hosted U.S.-based trainings for over 19,000 international participants from 127 countries worldwide.

To achieve its objectives, the Cochran Fellowship Program relies on the solicitation for qualified program applicants through a written application. FAS Posts across the globe provide this application to potential Fellows to assist in determining the adequacy of their candidacy alongside FAS Washington. The application is designed to capture the professional status of the applicant, the applicant's personal contact information, and the applicant's suitability for the program. Thus, the Cochran Fellowship Program application is an integral tool to Fellowship Programs Division and FAS' strategic goals at large.

In summary, excluding discrete questions related to program objectives,

the Cochran Fellowship Program application collects the following personal information (that may be considered Personal Identifiable Information (PII)): first name, middle name, last name, gender, salutation, birth date, birth city, birth country, citizenship country, country of residence, home phone, work phone, mobile phone, permanent home address, work address, personal email, work email, passport information, U.S. contacts information (name, title, address, phone number, email), emergency contact information (US implementer), and emergency contact information (family contact: name, relationship, home phone, cell phone, and email).

Estimate of Burden: The public reporting burden for each respondent resulting from information collection under the Cochran Fellowship Program varies in direct relation to the number of fellowships that each respondent participates in.

Type of Respondents: Individuals.

Estimated Number of Respondents: 620 per annum.

Estimated Number of Responses per Respondent: 1 per annum.

Estimated Total Annual Burden of Respondents: 207 hours per annum.

Copies of this information collection can be obtained from Dacia Rogers, the Agency Information Collection Coordinator, at Dacia.Rogers@usda.gov.

Request for Comments: Send comments regarding (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information including validity of the methodology and assumption 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 through the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be available without change, including any personal information provided, for inspection online at <http://www.regulations.gov> and at the mail address listed above between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays.

Comments will be summarized and included in the submission for Office of Management and Budget approval.

Persons with disabilities who require an alternative means for communication of information (Braille, large print, audiotape, etc.) should contact FAS-ReasonableAccommodation@usda.gov or Felice Robinson (Senior Reasonable Accommodations Specialist), Felice.Robinson@usda.gov.

Brooke Jamison,

Acting Administrator, Foreign Agricultural Service.

[FR Doc. 2022-23397 Filed 10-26-22; 8:45 am]

BILLING CODE 3410-10-P

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

Notice of Request for Approval of an Existing Information Collection in Use Without an Office of Management and Budget Control Number

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Notice of Information Collection; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the Foreign Agricultural Service (FAS) to request approval for an existing collection in use without an Office of Management and Budget (OMB) control number for the Scientific Cooperation Exchange Program.

DATES: Comments on this notice must be received by December 27, 2022 to be assured of consideration.

ADDRESSES: You may send comments, identified by OMB Control Number 0551-New, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. This portal enables respondents to enter short comments or attach a file containing lengthier comments.

- *Email:* FAS.FellowshipPrograms@usda.gov. Include OMB Control Number 0551-New in the subject line of the message.

- *Mail, Courier, or Hand Delivery:* Giovanna Casas Reyes, U.S. Department of Agriculture, Foreign Agricultural Service, 1400 Independence Avenue SW, Room 6609, Washington, DC 20250.

Instructions: All submissions received must include the agency names and OMB Control Number for this notice. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Giovanna Casas Reyes, 202-720-9207, FAS.FellowshipPrograms@usda.gov.

SUPPLEMENTARY INFORMATION:

Title: Scientific Cooperation Exchange Program application.

OMB Number: 0551-New.

Expiration Date of Approval: Three years from approval date.

Type of Request: Existing collection in use without an OMB control number.

Abstract: The Scientific Cooperation Exchange Program (SCEP) was established in 1979 to support bilateral exchanges between teams of scientific and technical experts from the United States and the People's Republic of China. SCEP has facilitated exchanges for more than 3,000 participants on topics of trade importance to USDA, including food safety and security, animal and plant health, and agricultural biotechnology and emerging technologies. The program promotes U.S. agricultural priorities, encourages long-term cooperation in agricultural science and technology, creates a positive atmosphere for agricultural trade, and enhances overall relations between the United States and China.

To achieve its objectives, SCEP relies on the solicitation for qualified program applicants through a written application. FAS Posts within China provide this application to potential Fellows to assist in determining the adequacy of their candidacy alongside FAS Washington. The application is designed to capture the professional status of the applicant, the applicant's personal contact information, and the applicant's suitability for the program. Thus, the SCEP application is an integral tool to Fellowship Programs Division and FAS' strategic goals at large.

In summary addition to information related to program objectives, the SCEP application collects information that may be considered Personal Identifiable Information, including the following: first name, middle name, last name, gender, salutation, birth date, birth city, citizenship country, country of residence, work phone, permanent home address, work address, personal email, work email, and emergency contact information (family contact: name, relationship, home phone, cell phone, and email).

Estimate of Burden: The public reporting burden for each respondent resulting from information collection under SCEP varies in direct relation to the number of fellowships that each respondent participates in.

Type of Respondents: Individuals.

Estimated Number of Respondents: 30 per annum.

Estimated Number of Responses per Respondent: 1 per annum.

Estimated Total Annual Burden of Respondents: 30 hours per annum.

Copies of this information collection can be obtained from Dacia Rogers, the Agency Information Collection Coordinator, at Dacia.Rogers@usda.gov.

Request for Comments: Send comments regarding (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information including validity of the methodology and assumption 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 through the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be available without change, including any personal information provided, for inspection online at <http://www.regulations.gov> and at the mail address listed above between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays.

Comments will be summarized and included in the submission for Office of Management and Budget approval.

Persons with disabilities who require an alternative means for communication of information (Braille, large print, audiotope, etc.) should contact FAS-ReasonableAccommodation@usda.gov or Felice Robinson (Senior Reasonable Accommodations Specialist), Felice.Robinson@usda.gov.

Brooke Jamison,

Acting Administrator, Foreign Agricultural Service.

[FR Doc. 2022-23402 Filed 10-26-22; 8:45 am]

BILLING CODE 3410-10-P

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

Notice of Request for Approval of an Existing Collection in Use Without an OMB Control Number

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the Foreign Agricultural Service (FAS) to request approval for an existing collection in use without an OMB control number for the Borlaug Fellowship Program.

DATES: Comments on this notice must be received by December 27, 2022 to be assured of consideration.

ADDRESSES: You may send comments, identified by OMB Control Number 0551-New, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. This portal enables respondents to enter short comments or attach a file containing lengthier comments.

- *Email:* FAS.FellowshipPrograms@usda.gov. Include OMB Control Number 0551-New in the subject line of the message.

- *Mail, Courier, or Hand Delivery:* Giovanna Casas Reyes, U.S. Department of Agriculture, Foreign Agricultural Service, 1400 Independence Avenue SW, Room 6609, Washington, DC 20250.

Instructions: All submissions received must include the agency names and OMB Control Number for this notice. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Giovanna Casas Reyes, 202-720-9207, FAS.FellowshipPrograms@usda.gov.

SUPPLEMENTARY INFORMATION:

Title: Borlaug Fellowship Program.
OMB Number: 0551-New.

Expiration Date of Approval: Three years from approval date.

Type of Request: Existing collection in use without an OMB control number.

Abstract: The Borlaug International Agricultural Science and Technology Fellowship Program (Borlaug) was established in 2008. Borlaug promotes agricultural productivity, food security, trade, and economic growth by providing training and collaborative research opportunities to early and mid-career scientists, researchers, or policymakers from eligible countries. An eligible country is a developing country, as determined by the Secretary using a gross national income per capita test selected by the Secretary. Since the program's inception, USDA has sponsored more than 920 Borlaug Fellows from 69 countries.

To achieve its objectives, Borlaug relies on the solicitation for qualified program applicants through a written application. FAS Posts across the globe provide this application to potential

Fellows to assist in determining the adequacy of their candidacy alongside FAS Washington. The application is designed to capture the professional status of the applicant, the applicant's personal contact information, and the applicant's suitability for the program. Thus, the Borlaug application is an integral tool to Fellowship Programs Division and FAS' strategic goals at large.

In summary, excluding discrete questions related to program objectives, the Borlaug application collects the following personal information (that may be considered Personal Identifiable Information (PII)): first name, middle name, last name, gender, salutation, birth date, birth city, country of birth, citizenship country, country of residence, home/mobile phone, work phone, permanent home address, work address, personal email, work email, and emergency contact information (family contact: name, phone, and email), supervisors' contact information (name, email, phone number), professional contacts' information (name, email, phone number), and passport information.

Estimate of Burden: The public reporting burden for each respondent resulting from information collection under Borlaug varies in direct relation to the number of fellowships that each respondent participates in.

Type of Respondents: Individuals.

Estimated Number of Respondents: 145 per annum.

Estimated Number of Responses per Respondent: 1 per annum.

Estimated Total Annual Burden of Respondents: 218 hours per annum.

Copies of this information collection can be obtained from Dacia Rogers, the Agency Information Collection Coordinator, at Dacia.Rogers@usda.gov.

Request for Comments: Send comments regarding (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information including validity of the methodology and assumption 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 through the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and

addresses when provided, will be a matter of public record. Comments will be available without change, including any personal information provided, for inspection online at <http://www.regulations.gov> and at the mail address listed above between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays.

Comments will be summarized and included in the submission for Office of Management and Budget approval.

Persons with disabilities who require an alternative means for communication of information (Braille, large print, audiotape, etc.) should contact FAS-ReasonableAccommodation@usda.gov or Felice Robinson (Senior Reasonable Accommodations Specialist), Felice.Robinson@usda.gov.

Brooke Jamison,

Acting Administrator, Foreign Agricultural Service.

[FR Doc. 2022-23393 Filed 10-26-22; 8:45 am]

BILLING CODE 3410-10-P

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

Notice of Request for Approval of an Existing Information Collection in Use Without an Office of Management and Budget Control Number

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Notice of Information Collection; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the Foreign Agricultural Service (FAS) to request approval for an existing collection in use without an Office of Management and Budget (OMB) control number for the Scientific Exchanges Program.

DATES: Comments on this notice must be received by December 27, 2022 to be assured of consideration.

ADDRESSES: You may send comments, identified by OMB Control Number 0551-New, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. This portal enables respondents to enter short comments or attach a file containing lengthier comments.

- *Email:* FAS.FellowshipPrograms@usda.gov. Include OMB Control Number 0551-New in the subject line of the message.

- *Mail, Courier, or Hand Delivery:* Giovanna Casas Reyes, U.S. Department

of Agriculture, Foreign Agricultural Service, 1400 Independence Avenue SW, Room 6609, Washington, DC 20250.

Instructions: All submissions received must include the agency names and OMB Control Number for this notice. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Giovanna Casas Reyes, 202-720-9207, FAS.FellowshipPrograms@usda.gov.

SUPPLEMENTARY INFORMATION:

Title: Scientific Exchanges Program application.

OMB Number: 0551-New.

Expiration Date of Approval: Three years from approval date.

Type of Request: Existing collection in use without an OMB control number.

Abstract: The Scientific Exchanges Program (SEP) supports USDA's agricultural research goals of promoting collaborative programs among agricultural professionals of eligible countries, agricultural professionals of the United States, the international agricultural research system, and U.S. entities conducting research. SEP helps eligible countries by providing scientific training and collaborative research opportunities to early and mid-career scientists, researchers, and policymakers. The focus of SEP is to establish and harmonize sanitary and phytosanitary (SPS) regulatory regimes across the eight Regional Economic Communities of the African Union and improve animal health governance in Kenya.

To achieve its objectives, SEP relies on the solicitation for qualified program applicants through a written application. FAS Posts throughout the African Union provide this application to potential Fellows to assist in determining the adequacy of their candidacy alongside FAS Washington. The application is designed to capture the professional status of the applicant, the applicant's personal contact information, and the applicant's suitability for the program. Thus, the SEP application is an integral tool to Fellowship Programs Division and FAS' strategic goals at large.

In addition to information related to program objectives, the SEP application collects information that may be considered Personal Identifiable Information (PII), including the following: first name, middle name, last name, gender, salutation, birth date, birth city, citizenship country, country of residence, work phone, permanent home address, work address, personal email, work email, and emergency

contact information (family contact: name, relationship, home phone, cell phone, and email).

Estimate of Burden: The public reporting burden for each respondent resulting from information collection under SEP varies in direct relation to the number of fellowships that each respondent participates in.

Type of Respondents: Individuals.

Estimated Number of Respondents: 165 per annum.

Estimated Number of Responses per Respondent: 1 per annum.

Estimated Total Annual Burden of Respondents: 165 hours per annum.

Copies of this information collection can be obtained from Dacia Rogers, the Agency Information Collection Coordinator, at Dacia.Rogers@usda.gov.

Request for Comments: Send comments regarding (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information including validity of the methodology and assumption 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 through the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be available without change, including any personal information provided, for inspection online at <http://www.regulations.gov> and at the mail address listed above between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays.

Comments will be summarized and included in the submission for OMB approval.

Persons with disabilities who require an alternative means for communication of information (Braille, large print, audiotape, etc.) should contact FAS-ReasonableAccommodation@usda.gov or Felice Robinson (Senior Reasonable Accommodations Specialist), Felice.Robinson@usda.gov.

Brooke Jamison,

Acting Administrator, Foreign Agricultural Service.

[FR Doc. 2022-23404 Filed 10-26-22; 8:45 am]

BILLING CODE 3410-10-P

DEPARTMENT OF AGRICULTURE**Foreign Agricultural Service****Notice of Request for Approval of an Existing Information Collection in use Without an Office of Management and Budget Control Number**

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Notice of Information Collection; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Foreign Agricultural Service (FAS) intends to request approval for an existing information collection in use without an Office of Management and Budget (OMB) control number for the Embassy Science Fellows Program.

DATES: Comments on this notice must be received by December 27, 2022 to be assured of consideration.

ADDRESSES: You may send comments, identified by OMB Control Number 0551–New, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. This portal enables respondents to enter short comments or attach a file containing lengthier comments.

- *Email:* FAS.FellowshipPrograms@usda.gov. Include OMB Control Number 0551–New in the subject line of the message.

- *Mail, Courier, or Hand Delivery:* Giovanna Casas Reyes, U.S. Department of Agriculture, Foreign Agricultural Service, 1400 Independence Avenue SW, Room 6609, Washington, DC 20250.

Instructions: All submissions received must include the agency names and OMB Control Number for this notice. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Giovanna Casas Reyes, 202–720–9207, FAS.FellowshipPrograms@usda.gov.

SUPPLEMENTARY INFORMATION:

Title: Embassy Science Fellows Program application.

OMB Number: 0551–New.

Expiration Date of Approval: Three years from approval date.

Type of Request: Existing collection in use without an OMB control number.

Abstract: The Embassy Science Fellows Program (ESFP) was established in 2002 as a collaboration between USDA's Foreign Agricultural Service and the U.S. Department of State to provide U.S. embassies access to the subject matter expertise of U.S. government officials in science and

technology fields. Fifteen U.S. Government agencies, including FAS, participate in the ESFP. The Program provides technical experts to U.S. embassies all over the world to assist with issues related to agriculture, science, technology, and health. Since the program's inception, FAS has sponsored 42 Fellows in 27 countries.

To achieve its objectives, ESFP relies on the solicitation for qualified program applicants through a written application. FAS Posts across the globe provide this application to potential Fellows to assist in determining the adequacy of their candidacy alongside FAS Washington. The application is designed to capture the professional status of the applicant, the applicant's personal contact information, and the applicant's suitability for the program. Thus, the ESFP application is an integral tool to Fellowship Programs Division and FAS' strategic goals at large.

In addition to information related to program objectives, the ESFP application collects information that may be considered Personal Identifiable Information (PII), including the following: name, gender, birth date, birth city, citizenship country, country of residence, work phone, permanent home address, work address, personal email, work email, and emergency contact information (family contact: name, relationship, home phone, cell phone, and email).

Estimate of Burden: The public reporting burden for each respondent resulting from information collection under ESFP varies in direct relation to the number of fellowships that each respondent participates in.

Type of Respondents: Individuals.

Estimated Number of Annual Respondents: 10.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Total Annual Burden of Respondents: 8 hours.

Copies of this information collection can be obtained from Dacia Rogers, the Agency Information Collection Coordinator, at Dacia.Rogers@usda.gov.

Request for Comments: Send comments regarding (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information including validity of the methodology and assumption 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 through the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be available without change, including any personal information provided, for inspection online at <http://www.regulations.gov> and at the mail address listed above between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays.

Comments will be summarized and included in the submission for OMB approval.

Persons with disabilities who require an alternative means for communication of information (Braille, large print, audiotope, etc.) should contact FAS-ReasonableAccommodation@usda.gov or Felice Robinson (Senior Reasonable Accommodations Specialist), Felice.Robinson@usda.gov.

Brooke Jamison,

Acting Administrator, Foreign Agricultural Service.

[FR Doc. 2022–23398 Filed 10–26–22; 8:45 am]

BILLING CODE 3410–10–P

DEPARTMENT OF AGRICULTURE**Foreign Agricultural Service****Notice of Request for Approval of an Existing Information Collection in Use Without an Office of Management and Budget Control Number**

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Notice of Information Collection; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the Foreign Agricultural Service (FAS) to request approval for an existing collection in use without an Office of Management and Budget (OMB) control number for the Scientific Cooperation Research Program.

DATES: Comments on this notice must be received by December 27, 2022 to be assured of consideration.

ADDRESSES: You may send comments, identified by OMB Control Number 0551–New, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. This portal enables respondents to enter short

comments or attach a file containing lengthier comments.

- *Email: FAS.FellowshipPrograms@usda.gov.* Include OMB Control Number 0551–New in the subject line of the message.

- *Mail, Courier, or Hand Delivery:* Giovanna Casas Reyes, U.S. Department of Agriculture, Foreign Agricultural Service, 1400 Independence Avenue SW, Room 6609, Washington, DC 20250.

Instructions: All submissions received must include the agency names and OMB Control Number for this notice. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Giovanna Casas Reyes, 202–720–9207, FAS.FellowshipPrograms@usda.gov.

SUPPLEMENTARY INFORMATION:

Title: Scientific Cooperation Research Program application.

OMB Number: 0551–New.

Expiration Date of Approval: Three years from approval date.

Type of Request: Existing collection in use without an OMB control number.

Abstract: The Scientific Cooperation Research Program (SCRP) was established in 1980 and supports the Borlaug Fellowship Program by utilizing the scientific community's accumulated knowledge and technologies to develop practical solutions to agricultural trade, market access, animal health, plant health, biotechnology, food safety, food security, and sustainable natural resource management. Since the program's inception, USDA has sponsored more than 400 projects with about 95 partnering countries.

To achieve its objectives, SCRCP relies on the solicitation for qualified program applicants through a written application. FAS Posts across the globe provide this application to potential Fellows to assist in determining the adequacy of their candidacy alongside FAS Washington. The application is designed to capture the professional status of the applicant, the applicant's personal contact information, and the applicant's suitability for the program. Thus, the SCRCP application is an integral tool to Fellowship Programs Division and FAS' strategic goals at large.

In addition to information related to program objectives, the SCRCP application collects information that may be considered Personal Identifiable Information (PII), including the following: first name, middle name, last name, gender, salutation, birth date, birth city, citizenship country, country of residence, work phone, permanent

home address, work address, personal email, work email, and emergency contact information (family contact: name, relationship, home phone, cell phone, and email).

Estimate of Burden: The public reporting burden for each respondent resulting from information collection under SCRCP varies in direct relation to the number of fellowships that each respondent participates in.

Type of Respondents: Individuals.

Estimated Number of Respondents: 20 per annum.

Estimated Number of Responses per Respondent: 1 per annum.

Estimated Total Annual Burden of Respondents: 20 hours per annum.

Copies of this information collection can be obtained from Dacia Rogers, the Agency Information Collection Coordinator, at Dacia.Rogers@usda.gov.

Request for Comments: Send comments regarding (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information including validity of the methodology and assumption 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 through the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be available without change, including any personal information provided, for inspection online at <http://www.regulations.gov> and at the mail address listed above between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays.

Comments will be summarized and included in the submission for OMB approval.

Persons with disabilities who require an alternative means for communication of information (Braille, large print, audiotape, etc.) should contact FAS-ReasonableAccommodation@usda.gov or Felice Robinson (Senior Reasonable

Accommodations Specialist), Felice.Robinson@usda.gov.

Brooke Jamison,

Acting Administrator, Foreign Agricultural Service.

[FR Doc. 2022–23403 Filed 10–26–22; 8:45 am]

BILLING CODE 3410–10–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Massachusetts Advisory Committee

AGENCY: 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 (FACA), that a briefing of the Massachusetts Advisory Committee to the Commission will convene via web conference on Tuesday, November 1, 2022, at 12:00 p.m. (ET). The purpose of the briefing is to hear from additional panelists on civil asset forfeiture. The public will have an opportunity to make comments towards the conclusion of the briefing.

Meeting Date: Tuesday, November 1, 2022; at 12:00 p.m. (ET).

Zoom Link (audio/video): <https://tinyurl.com/3vtr9tj7>.

If Phone Only, Dial: 1–800–360–9505; Meeting ID: 161 046 1872#.

FOR FURTHER INFORMATION CONTACT: Evelyn Bohor at ero@uscrr.gov or by phone at 202–921–2212.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the Zoom link above. If joining only via phone, callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Individuals who are deaf, deafblind and hard of hearing may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the call-in number found through registering at the web link provided above for the meeting.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the respective meeting. Written comments may be emailed to Barbara Delaviez at ero@uscrr.gov. Persons who desire additional information may contact the Regional Programs Unit at (202) 809–

9618. Records and documents discussed during the meeting will be available for public viewing as they become available at the www.facadatabase.gov. Persons interested in the work of this advisory committee are advised to go to the Commission's website, www.usccr.gov, or to contact the Regional Programs Unit at the above phone number or email address.

Agenda

Tuesday, November 1, 2022; 12:00 p.m. (ET)

1. Welcome and Roll call
2. Chair Remarks
3. Web Briefing; Civil Asset Forfeiture
4. Public Comment
5. Other Business
6. Adjourn

Exceptional Circumstance: Pursuant to 41 CFR 102–3.150, the notice for this meeting is given fewer than 15 calendar days prior to the meeting because of the exceptional circumstances of panelist availability.

Dated: October 21, 2022.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2022–23367 Filed 10–26–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–27–2022]

Foreign-Trade Zone (FTZ) 149—Freeport, Texas; Authorization of Production Activity; Maxter Healthcare Inc. (Medical Examination Disposable Gloves); Rosharon, Texas

On June 24, 2022, Port Freeport, grantee of FTZ 149, submitted a notification of proposed production activity to the FTZ Board on behalf of Maxter Healthcare Inc., within Subzone 149H, in Rosharon, Texas.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (87 FR 40484, July 7, 2022). On October 24, 2022, the applicant was notified of the FTZ Board's decision that no further review of the activity is warranted at this time. The production activity described in the notification was authorized, subject to the FTZ Act and the FTZ Board's regulations, including section 400.14.

Dated: October 24, 2022.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2022–23430 Filed 10–26–22; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Subsidy Programs Provided by Countries Exporting Softwood Lumber and Softwood Lumber Products to the United States; Request for Comment

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) seeks public comment on any subsidies, including stumpage subsidies, provided by certain countries exporting softwood lumber or softwood lumber products to the United States during the period January 1, 2022, through June 30, 2022.

DATES: Comments must be submitted within 30 days after publication of this notice.

FOR FURTHER INFORMATION CONTACT:

Kristen Johnson, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4793.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to section 805 of title VIII of the Tariff Act of 1930 (the Softwood Lumber Act of 2008), the Secretary of Commerce is mandated to submit to the appropriate Congressional committees a report every 180 days on any subsidy provided by countries exporting softwood lumber or softwood lumber products to the United States, including stumpage subsidies. Commerce submitted its last subsidy report to the Congress on June 30, 2022.

Request for Comments

Given the large number of countries that export softwood lumber and softwood lumber products to the United States, we are soliciting public comment only on subsidies provided by countries which had exports accounting for at least one percent of total U.S. imports of softwood lumber by quantity, as classified under Harmonized Tariff Schedule of the United States (HTSUS) codes 4407.1100, 4407.1200, 4407.1300, 4407.1400, and 4407.1900, during the period January 1, 2022, through June 30,

2022.¹ Official U.S. import data, published by the United States International Trade Commission's DataWeb, indicate that six countries (Austria, Brazil, Canada, Germany, Romania, and Sweden) exported softwood lumber to the United States during that time period in amounts sufficient to account for at least one percent of U.S. imports of softwood lumber products. We intend to rely on similar six-month periods to identify the countries subject to future reports on softwood lumber subsidies. For example, we will rely on U.S. imports of softwood lumber and softwood lumber products during the period July 1, 2022, through December 31, 2022, to select the countries subject for the next report.

Under U.S. trade law, a subsidy exists where an authority: (i) provides a financial contribution; (ii) provides any form of income or price support within the meaning of article XVI of the GATT 1994; or (iii) makes a payment to a funding mechanism to provide a financial contribution to a person, or entrusts or directs a private entity to make a financial contribution, if providing the contribution would normally be vested in the government and the practice does not differ in substance from practices normally followed by governments, and a benefit is thereby conferred.²

Parties should include in their comments: (1) the country which provided the subsidy; (2) the name of the subsidy program; (3) a brief description (no more than 3–4 sentences) of the subsidy program; and (4) the government body or authority that provided the subsidy.

Submission of Comments

As specified above, to be assured of consideration, comments must be received no later than 30 days after the publication of this notice in the **Federal Register**. All comments must be submitted through the Federal eRulemaking Portal at <http://www.regulations.gov>, Docket No. ITA–2022–0011. The materials in the docket will not be edited to remove identifying or contact information, and Commerce cautions against including any information in an electronic submission that the submitter does not want publicly disclosed. Attachments to electronic comments will be accepted in

¹ We previously queried HTSUS codes 4407.1001, 4407.1905, 4407.1906, 4407.1910. However, those codes were deactivated and replaced by codes included in the import data query for the period January 1, 2022, through June 30, 2022.

² See section 771(5)(B) of the Tariff Act of 1930, as amended.

Microsoft Word, Excel, or Adobe PDF formats only.

All comments should be addressed to Ryan Majerus, Deputy Assistant Secretary for Policy and Negotiations, at U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

Dated: October 24, 2022.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2022-23442 Filed 10-26-22; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

Notice of Scope Ruling Applications Filed in Antidumping and Countervailing Duty Proceedings

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) received scope ruling applications, requesting that scope inquiries be conducted to determine whether identified products are covered by the scope of antidumping duty (AD) and/or countervailing duty (CVD) orders and that Commerce issue scope rulings pursuant to those inquiries. In accordance with Commerce's regulations, we are notifying the public of the filing of the scope ruling applications listed below in the month of September 2022.

DATES: Applicable October 27, 2022.

FOR FURTHER INFORMATION CONTACT: Terri Monroe, AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482-1384.

Notice of Scope Ruling Applications

In accordance with 19 CFR 351.225(d)(3), we are notifying the public of the following scope ruling applications related to AD and CVD orders and findings filed in or around the month of September 2022. This notification includes, for each scope application: (1) identification of the AD and/or CVD orders at issue (19 CFR 351.225(c)(1)); (2) concise public descriptions of the products at issue, including the physical characteristics (including chemical, dimensional and technical characteristics) of the products (19 CFR 351.225(c)(2)(ii)); (3) the countries where the products are produced and the countries from where

the products are exported (19 CFR 351.225(c)(2)(i)(B)); (4) the full names of the applicants; and (5) the dates that the scope applications were filed with Commerce and the name of the ACCESS scope segment where the scope applications can be found.¹ This notice does not include applications which have been rejected and not properly resubmitted. The scope ruling applications listed below are available on Commerce's online e-filing and document management system, Antidumping and Countervailing Duty Electronic Service System (ACCESS), at <https://access.trade.gov>.

Scope Ruling Applications

Certain Quartz Surface Products from India (A-533-889/C-533-890); quartz sinks, basins, integrated vanities, and shower trays (Quartz Sinks and Basins);² produced in and exported from India; submitted by Pokarna Engineered Stone Limited (Pokarna); August 31, 2022; ACCESS scope segment "Quartz Sinks and Basins."

Fresh Garlic from the People's Republic of China (China) (A-570-831); Large and Small Garlic Chunks;³ produced in and exported from China; submitted by Green Garden Produce, LLC (Green Garden); September 23, 2022; ACCESS scope segment "Green Garden Produce."

Certain Quartz Surface Products from China (A-570-084/C-570-085); Crushed Glass Surface Product (Crushed Glass);⁴ produced in and exported from

¹ See *Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws*, 86 FR 52300, 52316 (September 20, 2021) (*Final Rule*) ("It is our expectation that the **Federal Register** list will include, where appropriate, for each scope application the following data: (1) identification of the AD and/or CVD orders at issue; (2) a concise public summary of the product's description, including the physical characteristics (including chemical, dimensional and technical characteristics) of the product; (3) the country(ies) where the product is produced and the country from where the product is exported; (4) the full name of the applicant; and (5) the date that the scope application was filed with Commerce.")

² The following are the models specified in the scope application: Sink Models: Como, Garda, Orta, Iseo, Lugano, Bracciano; Basin Models: Bellagio, Bellano, Colico, Lecco, Menaggio, Tremezzo, Varenna, Domaso, Lenno, Nesso, Sirmoine, Bardolino, Arona, Cannero, Ascona; Integrated Vanity Model: Moxy; and Shower Tray Models: Capri, Sardinia, Tenerife, Hvar, Corsica, Elba, Sicily, Milos, Burano, Valeta, Ischia, Hoy, Crete, Cyprus, Menorca, Gozo, Mallorca.

³ Large, peeled, trimmed, blanched, and individually quick frozen (IQF) garlic chunks coated with citric acid; Small, peeled, trimmed and cut, blanched, and individually quick frozen (IQF) garlic chunks coated with citric acid.

⁴ The product the subject of this scope request is crushed glass slab containing visible pieces of glass. The slab is produced in one size 63" by 120" or prefabricated into cut to size pieces. The Materials which go into the slab are as follows: Crushed Glass

China; submitted by Golden Spectrum, LLC (Golden Spectrum); September 27, 2022; ACCESS scope segment "Golden Spectrum."

Notification to Interested Parties

This list of scope ruling applications is not an identification of scope inquiries that have been initiated. In accordance with 19 CFR 351.225(d)(1), if Commerce has not rejected a scope ruling application nor initiated the scope inquiry within 30 days after the filing of the application, the application will be deemed accepted and a scope inquiry will be deemed initiated the following day—day 31.⁵ Commerce's practice generally dictates that where a deadline falls on a weekend, Federal holiday, or other non-business day, the appropriate deadline is the next business day.⁶ Accordingly, if the 30th day after the filing of the application falls on a non-business day, the next business day will be considered the "updated" 30th day, and if the application is not rejected or a scope inquiry initiated by or on that particular business day, the application will be deemed accepted and a scope inquiry will be deemed initiated on the next business day which follows the "updated" 30th day.⁷

In accordance with 19 CFR 351.225(m)(2), if there are companion AD and CVD orders covering the same merchandise from the same country of origin, the scope inquiry will be

is a material consisting of glass which has been crushed into particles of various sizes. This raw material would be classified under HTS 7001.00.5100 as Cullet and other waste and scrap of glass. Quartz Powder/Sand is a natural material consisting of a mixture of clean quartz sand and quartz powder made by crushing quartz rock. Colorant is material added to the crushed glass and quartz powder to color the slab. Resin is the material mixed with the crushed glass and quartz sand in order to hold together the slab. Finished slab is a solid product which is either 20 or 30 mm thick and which mimics the feel and appearance of natural stone such as granite but contains colors and patterns not found in nature. The product is produced in China and is exported from China. The agglomerated glass slab is classified under HTS 7020.00.6000.

⁵ In accordance with 19 CFR 351.225(d)(2), within 30 days after the filing of a scope ruling application, if Commerce determines that it intends to address the scope issue raised in the application in another segment of the proceeding (such as a circumvention inquiry under 19 CFR 351.226 or a covered merchandise inquiry under 19 CFR 351.227), it will notify the applicant that it will not initiate a scope inquiry, but will instead determine if the product is covered by the scope at issue in that alternative segment.

⁶ See *Notice of Clarification: Application of "Next Business Day" Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended*, 70 FR 24533 (May 10, 2005).

⁷ This structure maintains the intent of the applicable regulation, 19 CFR 351.225(d)(1), to allow day 30 and day 31 to be separate business days.

conducted on the record of the AD proceeding. Further, please note that pursuant to 19 CFR 351.225(m)(1), Commerce may either apply a scope ruling to all products from the same country with the same relevant physical characteristics, (including chemical, dimensional, and technical characteristics) as the product at issue, on a country-wide basis, regardless of the producer, exporter, or importer of those products, or on a company-specific basis.

For further information on procedures for filing information with Commerce through ACCESS and participating in scope inquiries, please refer to the Filing Instructions section of the Scope Ruling Application Guide, at https://access.trade.gov/help/Scope_Ruling_Guidance.pdf. Interested parties, apart from the scope ruling applicant, who wish to participate in a scope inquiry and be added to the public service list for that segment of the proceeding must file an entry of appearance in accordance with 19 CFR 351.103(d)(1) and 19 CFR 351.225(n)(4). Interested parties are advised to refer to the case segment in ACCESS as well as 19 CFR 351.225(f) for further information on the scope inquiry procedures, including the timelines for the submission of comments.

Please note that this notice of scope ruling applications filed in AD and CVD proceedings may be published before any potential initiation, or after the initiation, of a given scope inquiry based on a scope ruling application identified in this notice. Therefore, please refer to the case segment on ACCESS to determine whether a scope ruling application has been accepted or rejected and whether a scope inquiry has been initiated.

Interested parties who wish to be served scope ruling applications for a particular AD or CVD order may file a request to be included on the annual inquiry service list during the anniversary month of the publication of the AD or CVD order in accordance with 19 CFR 351.225(n) and Commerce's procedures.⁸

Interested parties are invited to comment on the completeness of this monthly list of scope ruling applications received by Commerce. Any comments should be submitted to James Maeder, Deputy Assistant Secretary for AD/CVD Operations, Enforcement and Compliance, International Trade Administration, via email to CommerceCLU@trade.gov.

⁸ See *Scope Ruling Application; Annual Inquiry Service List; and Informational Sessions*, 86 FR 53205 (September 27, 2021).

This notice of scope ruling applications filed in AD and CVD proceedings is published in accordance with 19 CFR 351.225(d)(3).

Dated: October 24, 2022.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2022-23428 Filed 10-26-22; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-129, C-570-130]

Certain Walk-Behind Lawn Mowers and Parts Thereof From the People's Republic of China: Initiation of a Circumvention Inquiry on the Antidumping and Countervailing Duty Orders

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: In response to a request from MTD Products, Inc (MTD), and its parent company, Stanley Black & Decker, Inc. (SBD) (collectively, the domestic interested parties), the U.S. Department of Commerce (Commerce) is initiating a circumvention inquiry to determine whether certain lawn mowers assembled or completed in the United States by attaching Chinese cutting deck shells (attached to at least one significant non-engine component) to internal combustion engines, are circumventing the antidumping duty (AD) and countervailing duty (CVD) orders on certain walk-behind lawn mowers and parts thereof (lawn mowers) from the People's Republic of China (China).

DATES: Applicable October 27, 2022.

FOR FURTHER INFORMATION CONTACT: Yang Jin Chun or Natasia Harrison, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-5760 or (202) 482-1240, respectively.

SUPPLEMENTARY INFORMATION:

Background

On April 12, 2022, MTD requested the initiation of a circumvention inquiry pursuant to section 781(a) of the Tariff Act of 1930, as amended (the Act), to determine whether certain lawn mowers assembled or completed by Daye North America, Inc. by joining, in the United States, a cutting deck shell (attached to at least one significant non-engine

component) made in China to an internal combustion engine are circumventing the *Orders*.¹ However, Commerce rejected MTD's circumvention inquiry request because we found that MTD had not adequately alleged the elements necessary for a circumvention determination under section 781(a) of the Act.² On July 5, 2022, pursuant to section 781(a) of the Act and 19 CFR 351.226, MTD filed an amended circumvention inquiry request alleging that the *Orders* were being circumvented by merchandise completed or assembled in the United States.³ On August 18, 2022, Commerce rejected MTD's amended request based on certain deficiencies identified in the amended circumvention inquiry request, and issued a deficiency questionnaire to MTD.⁴

On September 7, 2022, pursuant to section 781(a) of the Act and 19 CFR 351.226, the domestic interested parties filed a third circumvention inquiry request alleging that the *Orders* are being circumvented by merchandise completed or assembled in the United States.⁵ The domestic interested parties also provided information in response to Commerce's August 18, 2022 Deficiency Questionnaire.⁶ On September 21, 2022, Ningbo Daye Garden Machinery Co., Ltd. (Ningbo Daye), Ningbo Lingyue Intelligent Equipment Co., Ltd., and Daye North America, Inc. (Daye North America) (collectively, Daye), filed comments in opposition to the domestic interested parties' request.⁷ On October 6, 2022,

¹ See *Certain Walk-Behind Lawn Mowers and Parts Thereof from the People's Republic of China and the Socialist Republic of Vietnam: Antidumping Duty Orders*, 86 FR 36703 (July 13, 2021); and *Certain Walk-Behind Lawn Mowers and Parts Thereof from the People's Republic of China: Countervailing Duty Order and Amended Final Affirmative Countervailing Duty Determination*, 86 FR 36702 (July 13, 2021) (collectively, *Orders*).

² See Commerce's Letter, "Certain Walk-Behind Lawn Mowers and Parts Thereof from the People's Republic of China: Declining to Initiate a Circumvention Inquiry," dated May 26, 2022.

³ See Commerce's Letter, "Certain Walk-Behind Lawn Mowers and Parts Thereof from the People's Republic of China: Declining to Initiate a Circumvention Inquiry and Deficiency Questionnaire," dated August 18, 2022.

⁴ *Id.*

⁵ See Domestic Interested Parties' Letter, "Certain Walk-Behind Lawn Mowers and Parts Thereof from the People's Republic of China: Amended Request for an Anticircumvention Inquiry Pursuant to 19 U.S.C. 1677(a)," dated September 7, 2022, at part 2.

⁶ See Domestic Interested Parties' Letter, "Certain Walk-Behind Lawn Mowers and Parts Thereof from the People's Republic of China: Amended Request for an Anticircumvention Inquiry Pursuant to 19 U.S.C. 1677(a)," dated September 7, 2022 (Deficiency Questionnaire Response), at part 1.

⁷ See Daye's Letter, "Certain Walk-Behind Lawn Mowers and Parts Thereof from the People's

we extended the deadline to initiate this circumvention inquiry by 14 days, to October 21, 2022, in accordance with 19 CFR 351.226(d)(1).⁸

Scope of the Orders

The products covered by these *Orders* are lawn mowers from China. A full description of the scope of the *Orders* is provided in the Circumvention Initiation Memorandum.⁹

Merchandise Subject to the Circumvention Inquiry

The merchandise subject to this circumvention inquiry are lawn mower sub-assemblies imported from China and comprised of a cutting deck shell attached to at least one other significant non-engine component, such as, but not limited to, a handle, wheels, grass catcher bag, or an electronic starter.¹⁰ These sub-assemblies are assembled or completed in the United States by attaching internal combustion engines to produce rotary walk-behind lawn mowers of the type that would be subject to the *Orders*.¹¹ The cutting deck

shell is the portion of the lawn mower—typically of aluminum or steel—that houses and protects a user from a rotating blade. Cutting deck shells are typically entered under Harmonized Tariff Schedule of the United States (HTSUS) subheading 8433.11 or 8433.90.

Initiation of Circumvention Inquiry

If Commerce determines that a request for a circumvention inquiry satisfies the requirements of 19 CFR 351.226(c), then Commerce “will accept the request and initiate a circumvention inquiry.”¹² Each circumvention inquiry request must allege “that the elements necessary for a circumvention determination under section 781 of the Act exist” and be “accompanied by information reasonably available to the interested party supporting these allegations.”¹³ The domestic interested parties allege circumvention pursuant to section 781(a) of the Act, which pertains to merchandise completed or assembled in the United States.

For companion AD and CVD proceedings, “the Secretary will initiate and conduct a single inquiry with respect to the product at issue for both orders only on the record of the antidumping proceeding.”¹⁴ Further, once “the Secretary issues a final circumvention determination on the record of the antidumping duty proceeding, the Secretary will include a copy of that determination on the record of the countervailing duty proceeding.”¹⁵ Accordingly, once Commerce concludes this circumvention inquiry, Commerce intends to place its final circumvention determination on the record of the companion CVD proceeding.

Section 781(a)(1) of the Act provides that Commerce may find circumvention of an order when merchandise of the same class or kind subject to the order is completed or assembled in the United States from parts or components produced in the country subject to the order. In conducting a circumvention inquiry, under section 781(a)(1) of the Act, Commerce relies on the following criteria: (A) merchandise sold in the United States is of the same class or kind as any merchandise that is the subject of an AD or CVD order; (B) such merchandise sold in the United States is completed or assembled in the United States from parts or components produced in the foreign country with respect to which such order applies; (C)

the process of assembly or completion in the United States is minor or insignificant; and (D) the value of the parts or components referred to in subparagraph (B) is a significant portion of the total value of the merchandise. As discussed below, the domestic interested parties provided evidence with respect to these criteria.

However, no single factor, by itself, controls Commerce’s determination of whether the process of assembly or completion in the United States is minor or insignificant.¹⁶ Accordingly, it is Commerce’s practice to evaluate each of these five factors as they exist in the United States, and to reach an affirmative or negative circumvention determination based on the totality of the circumstances of the particular circumvention inquiry.¹⁷

In addition, section 781(a)(3) of the Act sets forth additional factors to consider in determining whether to include merchandise assembled or completed in a foreign country within the scope of an AD or CVD order. Specifically, Commerce shall take into account such factors as: (A) the pattern of trade, including sourcing patterns; (B) whether the manufacturer or exporter of the parts or components is affiliated with the person who assembles or completes the merchandise sold in the United States from the parts or components produced in the foreign country to which the order applies; and (C) whether imports into the United States of the parts or components produced in such foreign country have increased after the initiation of the investigation that resulted in the issuance of such order.

Based on our analysis of the domestic interested parties’ circumvention request, Commerce determines that the domestic interested parties have satisfied the criteria under 19 CFR 351.226(c) to warrant the initiation of a circumvention inquiry of the *Orders*. For a full discussion of the basis for our decision to initiate this circumvention inquiry, see the Circumvention Initiation Memorandum. A list of topics discussed in the Circumvention Initiation Memorandum is included as the appendix to this notice. As explained in the Circumvention

Republic of China; Anti-Circumvention Inquiry: Daye’s Comments in Opposition to Initiation and Request to Reject MTD’s Third Request for an Anti-Circumvention Inquiry,” dated September 21, 2022.

⁸ See Memorandum, “Extension of Time to Determine Whether to Initiate Circumvention Inquiry,” dated October 6, 2022.

⁹ See Memorandum, “Certain Walk-Behind Lawn Mowers and Parts Thereof from the People’s Republic of China: Initiation of a Circumvention Inquiry on the Antidumping Duty and Countervailing Duty Orders,” dated concurrently with, and hereby adopted by, this notice (Circumvention Initiation Memorandum).

¹⁰ The domestic interested parties describe a “significant” component as “a component that is attached to the cutting deck shell at the time it is imported into the United States, and which is material to the operation of the mower into which it is to be completed in the United States.” See Deficiency Questionnaire Response at 7. According to the domestic interested parties, “generic items that are not specifically designed for use on lawn mowers, such as screws, nuts, bolts, cotter pins, shear pins, or clips” are not significant. *Id.* While we have initiated on the product description as proposed by the domestic interested parties, we have concerns about the administrability of the current language. As such, we intend to consider this issue further during the inquiry.

¹¹ The domestic interested parties ask that the inquiry cover only lawn mowers “of the type that would be subject to the Orders on Certain Walk-Behind Lawn Mowers and Parts Thereof from the People’s Republic of China.” The *Orders*, in turn, include lawn mowers “regardless of the origin of its engine, unless such lawn mowers contain an engine that is covered by the scope of the antidumping and countervailing duty orders on certain vertical shaft engines between 99cc and up to 225cc, and parts thereof (small vertical engines) from China.” See Circumvention Initiation Memorandum at 2–3. Therefore, this inquiry does not include lawn mowers assembled or completed in the United States using small vertical engines from China that are covered by the scope of the antidumping and countervailing duty orders on certain vertical shaft engines between 99cc and up to 225 cc, and parts thereof.

¹² See 19 CFR 351.226(d)(1)(ii).

¹³ See 19 CFR 351.226(c)(1).

¹⁴ See 19 CFR 351.226(m)(2).

¹⁵ *Id.*

¹⁶ See Statement of Administrative Action Accompanying the Uruguay Round Agreements Act, H.R. Doc. No. 103–316, Vol. 1 (1994), at 893.

¹⁷ See *Hydrofluorocarbon Blends from the People’s Republic of China: Final Negative Scope Ruling on Gujarat Fluorochemicals Ltd.’s R-410A Blend; Affirmative Final Determination of Circumvention of the Antidumping Duty Order by Indian Blends Containing CCC Components*, 85 FR 61930 (October 1, 2020), and accompanying Issues and Decision Memorandum, at 20 (specifying same in the context of a section 781(b) inquiry).

Initiation Memorandum, the information provided by the domestic interested parties warrants initiating this circumvention inquiry on a country-wide basis. Commerce has taken this approach in prior circumvention inquiries, where the facts warranted initiation on a country-wide basis.¹⁸

Consistent with the approach in the prior circumvention inquiries that were initiated on a country-wide basis, Commerce intends to issue questionnaires to solicit information from producers and exporters in China concerning shipments of Chinese cutting deck shells (attached to at least one significant non-engine component) to the United States to be attached to internal combustion engines and assembled or completed into lawn mowers in the United States. A company's failure to respond completely to Commerce's requests for information may result in the application of partial or total facts available, pursuant to section 776(a) of the Act, which may include adverse inferences, pursuant to section 776(b) of the Act.

Suspension of Liquidation

Pursuant to 19 CFR 351.226(l)(1), Commerce will notify U.S. Customs and Border Protection (CBP) of the initiation of this circumvention inquiry and direct CBP to continue the suspension of liquidation of entries of products subject to the circumvention inquiry that were already subject to the suspension of liquidation under the *Orders* and to apply the cash deposit rate that would be applicable if the products were determined to be covered by the scope of the *Orders*. Should Commerce issue preliminary or final circumvention determination, Commerce will follow the suspension of liquidation rules under 19 CFR 351.226(l)(2)–(4).

Notification to Interested Parties

In accordance with 19 CFR 351.226(d) and section 781(a) of the Act, Commerce

determines that the MTD's request for this circumvention inquiry satisfies the requirements of 19 CFR 351.226(c). Accordingly, Commerce is notifying all interested parties of the initiation of this circumvention inquiry to determine whether certain lawn mowers assembled in the United States with Chinese cutting deck shells (attached to at least one significant non-engine component) and internal combustion engines, are circumventing the *Orders*. In addition, we included a description of the product that is the subject of this inquiry, and an explanation of the reasons for Commerce's decision to initiate this inquiry as provided above and in the accompanying Circumvention Initiation Memorandum. In accordance with 19 CFR 351.226(e)(1), Commerce intends to issue its preliminary determination no later than 150 days from the date of publication of the notice of initiation of this circumvention inquiry in the **Federal Register**.

This notice is published in accordance with section 781(a) of the Act and 19 CFR 351.226(d)(1)(ii).

Dated: October 21, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Circumvention Initiation Memorandum

- I. Summary
- II. Background
- III. Scope of the *Orders*
- IV. Merchandise Subject to the Circumvention Inquiry
- V. Statutory and Regulatory Framework for Circumvention Inquiries
- VI. Statutory Analysis for a Circumvention Inquiry
- VII. Whether Process of Assembly or Completion is Minor or Insignificant
- VIII. Additional Factors to Consider in Determining Whether a Circumvention Inquiry is Warranted
- IX. Comments on the Initiation of the Circumvention Inquiry
- X. Country-Wide Circumvention Inquiry
- XI. Recommendation

[FR Doc. 2022–23440 Filed 10–26–22; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–914]

Certain Superabsorbent Polymers From the Republic of Korea: Final Determination of Sales at Less Than Fair Value

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that certain superabsorbent polymers (SAP) from the Republic of Korea (Korea) are being, or are likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is October 1, 2020, through September 30, 2021.

DATES: Applicable October 27, 2022.

FOR FURTHER INFORMATION CONTACT: Charles DeFilippo or Elfi Blum, 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) 482–3979 or (202) 482–0197, respectively.

SUPPLEMENTARY INFORMATION:

Background

On June 7, 2022, Commerce published in the **Federal Register** its preliminary affirmative determination in the LTFV investigation of SAP from Korea, in which it also postponed the final determination until October 20, 2022.¹ We invited interested parties to comment on the *Preliminary Determination*. A summary of the events that occurred since Commerce published the *Preliminary Determination*, as well as a full discussion of the issues raised by parties for this final determination, may be found in the Issues and Decision Memorandum.²

Scope of the Investigation

The products covered by this investigation are SAP from Korea. For a complete description of the scope of this investigation, see appendix I.

¹ See *Certain Superabsorbent Polymers from the Republic of Korea: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination and Extension of Provisional Measures*, 87 FR 34647 (June 7, 2022) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum.

² See Memorandum, “Decision Memorandum for the Final Determination in the Less-Than-Fair-Value Investigation of Certain Superabsorbent Polymers from the Republic of Korea,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

¹⁸ See, e.g., *Certain Corrosion-Resistant Steel Products from the Republic of Korea and Taiwan: Initiation of Anti-Circumvention Inquiries on the Antidumping Duty and Countervailing Duty Orders*, 83 FR 37785 (August 2, 2018); *Carbon Steel Butt-Weld Pipe Fittings from the People's Republic of China: Initiation of Anti-Circumvention Inquiry on the Antidumping Duty Order*, 82 FR 40556, 40560 (August 25, 2017) (stating at initiation that Commerce would evaluate the extent to which a country-wide finding applicable to all exports might be warranted); and *Certain Corrosion-Resistant Steel Products from the People's Republic of China: Initiation of Anti-Circumvention Inquiries on the Antidumping Duty and Countervailing Duty Orders*, 81 FR 79454, 79458 (November 14, 2016) (stating at initiation that Commerce would evaluate the extent to which a country-wide finding applicable to all exports might be warranted).

Scope Comments

During the course of this investigation, Commerce received scope comments from interested parties. Commerce issued a Preliminary Scope Decision Memorandum to address these comments.³

We received comments from interested parties on the Preliminary Scope Decision Memorandum,⁴ which we addressed in a Final Scope Decision Memorandum.⁵ Commerce is not modifying the scope language as it appeared in the correction to the *Preliminary Determination*. See Appendix I for the final scope of the investigation.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs submitted by interested parties in this investigation are addressed in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision Memorandum is attached to this notice as appendix II. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Verification

Commerce conducted verification of the information relied upon in making its final determination in this investigation, in accordance with section 782(i) of the Tariff Act of 1930, as amended (the Act). Specifically, Commerce conducted on-site verifications of the home market sales, U.S. sales, and cost of production responses submitted by LG Chem, Ltd. (LGC) and its U.S. affiliate, LG Chem America Inc.

³ See Memorandum, “Certain Superabsorbent Polymers from the Republic of Korea: Preliminary Scope Decision,” dated April 29, 2022, (Preliminary Scope Decision Memorandum).

⁴ See LGC’s Letter, “Superabsorbent Polymers from the Republic of Korea: LGC’s Scope Brief,” dated May 9, 2022; see also Ad Hoc Coalition of American SAP Producers’ (Petitioner) Letter, “Certain Superabsorbent Polymers from the Republic of Korea—Petitioner’s Scope Rebuttal Brief,” dated May 16, 2022.

⁵ See Memorandum, “Superabsorbent Polymers from the Republic of Korea: Final Scope Decision Memorandum,” dated concurrently with, and hereby adopted by, this notice (Final Scope Memorandum).

Changes Since the Preliminary Determination

Based on our analysis of the comments received and additional information obtained since the *Preliminary Determination*, we made certain changes to the margin calculation for this final determination. For a discussion of these changes, see the Issues and Decision Memorandum.

All-Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated weighted-average dumping margin for all other producers and exporters not individually investigated shall be equal to the weighted average of the estimated weighted-average dumping margins established for individually-investigated exporters and producers, excluding rates that are zero, *de minimis*, or determined entirely under section 776 of the Act, *i.e.*, facts otherwise available.

In this investigation, Commerce calculated an individual estimated weighted-average dumping margin for LGC, the only individually-examined exporter/producer in this investigation. Because the only individually calculated dumping margin is not zero, *de minimis*, or based entirely on facts otherwise available, the estimated weighted-average dumping margin calculated for LGC is the margin assigned to all other producers and exporters, pursuant to section 735(c)(5)(A) of the Act.

Final Determination

Commerce determines that the following estimated weighted-average dumping margins exist for the period October 1, 2020, through September 30, 2021:

| Exporter/producer | Estimated weighted-average dumping margin (percent) |
|--------------------|---|
| LG Chem, Ltd | 17.64 |
| All Others | 17.64 |

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in this final determination within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice, in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, Commerce will

instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all entries of subject merchandise, as described in appendix I of this notice, which were entered, or withdrawn from warehouse, for consumption on or after June 7, 2022, the date of publication of the *Preliminary Determination* in the **Federal Register**. This suspension of liquidation instructions will remain in effect until further notice.

Pursuant to sections 735(c)(1)(B)(ii) and 735(c)(5)(A) of the Act and 19 CFR 351.210(d), upon the publication of this notice, we will instruct CBP to require a cash deposit for estimated antidumping duties for such entries as follows: (1) the cash deposit rate for the respondent listed in the table above is the company-specific estimated weighted-average dumping margin determined in this final determination; (2) if the exporter is not identified above, but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for the producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be the all-others estimated weighted-average dumping margin listed above.

U.S. International Trade Commission Notification

In accordance with section 735(d) of the Act, Commerce will notify the U.S. International Trade Commission (ITC) of its final determination of sales at LTFV. Because the final determination in this investigation is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports or sales (or the likelihood of sales) for importation of SAP no later than 45 days after this final determination. If the ITC determines that such injury does not exist, this proceeding will be terminated, all cash deposits posted will be refunded, and suspension of liquidation will be lifted. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed in the “Continuation of Suspension of Liquidation” section above.

Administrative Protective Order

This notice serves as the only reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the disposition 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

This determination is issued and published in accordance with sections 735(d) and 777(i) of the Act and 19 CFR 351.210(c).

Dated: October 20, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The merchandise covered by this investigation is superabsorbent polymers (SAP), which is cross-linked sodium polyacrylate most commonly conforming to Chemical Abstracts Service (CAS) registry number 9003-04-7, where at least 90 percent of the dry matter, by weight on a nominal basis, corrected for moisture content, is comprised of a polymer with a chemical formula of $(C_3H_3O_2Na_xH_{1-x})_n$, where x is within a range of 0.00–1.00 and there is no limit to n . The subject merchandise also includes merchandise with a chemical formula of $\{(C_2H_3)COONa_yH_{(1-y)}\}_n$, where y is within a range of 0.00–1.00 and there is no limit to n . The subject merchandise includes SAP which is fully neutralized as well as SAP that is not fully neutralized.

The subject merchandise may also conform to CAS numbers 25549-84-2, 77751-27-0, 9065-11-6, 9033-79-8, 164715-58-6, 445299-36-5, 912842-45-6, 561012-86-0, 561012-85-9, or 9003-01-4.

All forms and sizes of SAP, regardless of packaging type, including but not limited to granules, pellets, powder, fibers, flakes, liquid, or gel are within the scope of this investigation. The scope also includes SAP whether or not it incorporates additives for anticaking, anti-odor, anti-yellowing, or similar functions.

The scope also includes SAP that is combined, commingled, or mixed with other products after final sieving. For such combined products, only the SAP component is covered by the scope of this investigation. SAP that has been combined with other products is included within the scope, regardless of whether the combining occurs in third countries. A combination is excluded from this investigation if the total SAP component of the combination (regardless of the source or sources) comprises less than 50 percent of the combination, on a nominal dry weight basis.

SAP is classified under the Harmonized Tariff Schedule of the United States (HTSUS) subheading 3906.90.5000. SAP may also enter the United States under HTSUS 3906.10.0000. Although the HTSUS subheadings and CAS registry numbers are provided for convenience and customs purposes, the written description of the merchandise is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Investigation
- IV. Changes from the *Preliminary Determination*
- V. Discussion of the Issues
 - Comment 1: Model Match and Product Characteristics
 - Comment 2: Contract Prices for International and U.S. Inland Freight
 - Comment 3: Affiliated Party U.S. Freight Costs
 - Comment 4: Foreign Exchange Gains and Losses
 - Comment 5: Impairment Losses
 - Comment 6: Depreciation of Non-operating Assets and Inventory Valuation Losses
 - Comment 7: Constructed Export Price (CEP) Offset
- VI. Recommendation

[FR Doc. 2022-23427 Filed 10-26-22; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XC468]

Fisheries of the South Atlantic; 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 77 Highly Migratory Species (HMS) Hammerhead Sharks Assessment Webinar VI.

SUMMARY: The SEDAR 77 assessment of the Atlantic stock of hammerhead sharks will consist of a stock identification (ID) process, data webinars/workshop, a series of assessment webinars, and a review workshop. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR 77 HMS Hammerhead Sharks Assessment Webinar VI has been scheduled for Wednesday, November 16, 2022, from 12 p.m. to 3 p.m., eastern time. The established times may be adjusted as necessary to accommodate the timely completion of discussion relevant to the

assessment process. Such adjustments may result in the meeting being extended from or completed prior to the time established by this notice.

ADDRESSES: The meeting will be held via webinar. The webinar is open to members of the public. Registration for the webinar is available by contacting the SEDAR coordinator via email at Kathleen.Howington@safmc.net.

SEDAR address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N Charleston, SC 29405; www.sedarweb.org.

FOR FURTHER INFORMATION CONTACT:

Kathleen Howington, SEDAR Coordinator, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405; phone: (843) 571-4371; email: Kathleen.Howington@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 three-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 which 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 which 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, Highly Migratory Species 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 non-governmental organizations (NGOs); international experts; and staff of

Councils, Commissions, and state and federal agencies.

The items of discussion at the SEDAR 77 HMS Hammerhead Shark Assessment Webinar VI are as follows: discuss any leftover data issues that were not cleared up during the data process, answer any questions that the analysts have, and discuss model development and model setup.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

This meeting is accessible to people with disabilities. Requests for auxiliary aids should be directed to the South Atlantic Fishery Management Council office (see **ADDRESSES**) at least 5 business 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: October 24, 2022.

Rey Israel Marquez,

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

[FR Doc. 2022-23435 Filed 10-26-22; 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; Alaska Region Amendment 80 Program

AGENCY: National Oceanic & Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of Information Collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection

requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before December 27, 2022.

ADDRESSES: Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at NOAA.PRA@noaa.gov. Please reference OMB Control Number 0648-0565 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Gabrielle Aberle, Sustainable Fisheries Division, 222 West 7th Ave., Anchorage, AK 99513; or 907-586-7356.

SUPPLEMENTARY INFORMATION:

I. Abstract

The National Marine Fisheries Service (NMFS), Alaska Regional Office, is requesting extension of a currently approved information collection that contains applications for permits and transfers necessary for NMFS to manage the Amendment 80 Program (A80 Program).

Under the *Magnuson-Stevens Fishery Conservation and Management Act* 16 U.S.C. 1801 *et seq.*, the Secretary of Commerce is responsible for the conservation and management of marine fishery resources within the Exclusive Economic Zone (EEZ) of the United States through NOAA/NMFS. NMFS Alaska Region manages the EEZ off Alaska under the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI FMP) and the Fishery Management Plan for Groundfish of the Gulf of Alaska. The North Pacific Fishery Management Council recommended A80 to the BSAI FMP in June 2006 (72 FR 52668, September 14, 2007). A80 allocates several Bering Sea and Aleutian Islands (BSAI) non-pollock trawl groundfish species among trawl fishery sectors, established a limited access privilege program (LAPP), and facilitated the formation of harvesting cooperatives in the non-American Fisheries Act (non-AFA) trawl catcher/processor sector. More information on the A80 Program is provided on the NMFS Alaska Region website at [https://www.fisheries.noaa.gov/alaska/sustainable-fisheries/bering-sea-and-](https://www.fisheries.noaa.gov/alaska/sustainable-fisheries/bering-sea-and-aleutian-islands-amendment-80-groundfish-trawl-fishery)

[aleutian-islands-amendment-80-groundfish-trawl-fishery](https://www.fisheries.noaa.gov/alaska/sustainable-fisheries/bering-sea-and-aleutian-islands-amendment-80-groundfish-trawl-fishery).

This collection contains applications used by an individual or business entity to apply for A80 quota share, used by A80 quota shareholders to transfer A80 quota share and to apply for an A80 limited access fishery permit, used by A80 cooperatives to apply for cooperative quota and transfer cooperative quota, used by cooperatives or Community Development Quota groups to exchange community quota for one eligible flatfish species with community quota of a different eligible flatfish species, and used by A80 vessel owners to replace their vessels. This information collection also contains the appeals process for an application that is denied.

The type of information collected includes information on the applicants, transferors, transferees, permits, vessels, quota share, cooperative quota, and flatfish harvest quota.

NMFS uses this information to establish eligibility to receive A80 quota share, cooperative quota, and permits; transfer and assign harvest quota; replace vessels used in the A80 Program; determine A80 species initial total allowable catch assignments; determine which vessels must be tracked for catch accounting; and review ownership and control information to ensure that quota share and cooperative quota use caps are not exceeded.

II. Method of Collection

The information is collected primarily by mail, fax, electronically through eFISH, or delivery. The Flatfish Exchange Application must be submitted through eFISH on the NMFS Alaska Region website at <https://alaskafisheries.noaa.gov/webapps/efish/login>. The Application for Inter-cooperative Transfer of Amendment 80 CQ is submitted to NMFS online through eFISH with the option to mail, fax, or deliver the application. The applications are available as fillable PDFs on the NMFS Alaska Region website at <https://alaskafisheries.noaa.gov/fisheries-applications>.

III. Data

OMB Control Number: 0648-0565.
Form Number(s): None.

Type of Review: Regular submission (extension of a current information collection).

Affected Public: Individuals or households; Business or other for-profit organizations.

Estimated Number of Respondents: 25.

Estimated Time per Response: Application for A80 Quota Share: 2

hours; Application for A80 Limited Access Fishery Permit: 2 hours; Application for A80 Cooperative Quota Permit: 2 hours; Application to Transfer A80 Quota Share: 2 hours; Application for Inter-cooperative Transfer of A80 Cooperative Quota: 2 hours; Application for A80 Vessel Replacement: 2 hours; A80 appeals letter: 4 hours; Flatfish Exchange Application: 5 minutes.

Estimated Total Annual Burden Hours: 20 hours.

Estimated Total Annual Cost to Public: \$525 in recordkeeping and reporting costs.

Respondent's Obligation: Required to Obtain or Retain Benefits; Mandatory.

Legal Authority: Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.*

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2022–23389 Filed 10–26–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC497]

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Groundfish Recreational Advisory Panel via webinar to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This webinar will be held on Monday, November 14, 2022, at 9:30 a.m.

ADDRESSES:

Webinar registration URL information: <https://attendee.gotowebinar.com/register/6016661094378955023>.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Recreational Advisory Panel will discuss draft alternatives and draft impacts analysis for Framework Adjustment 65/Specifications & Management Measures, and make recommendations to the Groundfish Committee for final action to include: status determination criteria, rebuilding plan for Gulf of Maine (GOM) cod, FY2023–FY2024 US/CA total allowable catches, FY2023–FY2024 specifications: Georges Bank (GB) yellowtail flounder and GB cod (including a catch target for the recreational fishery), FY2023–FY2025 specifications for 14 stocks, additional measures to promote stock rebuilding for GB cod and GOM cod, and revised acceptable biological catch (ABC) control rules, in consultation with the Scientific and Statistical Committee. The Panel will also discuss Atlantic Cod Management the development of a draft white paper on potential approaches to allocate “Georges Bank cod” to the recreational

fishery delivered in 2022 to inform the 2023 priorities discussion. They will also discuss possible 2023 Council Priorities and make recommendations to the Committee, as appropriate. Other business may be discussed, as necessary.

Although non-emergency issues not contained on the agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: October 24, 2022.

Rey Israel Marquez,

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

[FR Doc. 2022–23437 Filed 10–26–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC467]

Fisheries of the Gulf of Mexico; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

ACTION: Notice of SEDAR 74 Assessment Webinar II for Gulf of Mexico red snapper.

SUMMARY: The SEDAR 74 assessment of Gulf of Mexico red snapper will consist of a Data Workshop, a series of assessment webinars, and a Review Workshop. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR 74 Assessment Webinar II will be held Wednesday,

November 16, 2022, from 9 a.m. to 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@safinc.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 for the webinar are as follows:

Participants will review data and discuss modeling approaches for use in the assessment of Gulf of Mexico red snapper.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

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: October 24, 2022.

Rey Israel Marquez,

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

[FR Doc. 2022-23434 Filed 10-26-22; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XC426]

Marine Mammals; File No. 26599

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Florian Graner, Ph.D., Sea-Life Productions, 4021 Beach Drive, Freeland, Washington 98249, has applied in due form for a permit to conduct commercial and educational photography of transient killer whales (*Orcinus orca*) and other marine mammals.

DATES: Written, telefaxed, or email comments must be received on or before November 28, 2022.

ADDRESSES: These documents are available upon written request via email to NMFS.Pr1Comments@noaa.gov.

Written comments on this application should be submitted via email to NMFS.Pr1Comments@noaa.gov. Please include File No. 26599 in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request via email to NMFS.Pr1Comments@noaa.gov. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Courtney Smith, Ph.D. 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 take, by harassment, up to 480 transient killer whales and 100 gray whales (*Eschrichtius robustus*); 60 Dall's (*Phocoenoides dalli*) and 60 harbor (*Phocoena phocoena*) porpoises; 50 northern elephant (*Mirounga angustirostris*) and 800 harbor seals (*Phoca vitulina*); 200 California (*Zalophus californianus*) and 400 Eastern Steller (*Eumetopias jubatus*) sea lions, annually. Filming and observations may occur from vessels, underwater (snorkelers, divers, and towed or pole cameras), unmanned aircraft systems, and land-based platforms within Washington inland waters. The permit is requested for 3 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: October 21, 2022.

Julia M. Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2022-23360 Filed 10-26-22; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[RTID 0648–XC469]

Fisheries of the South Atlantic; 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 76 South Atlantic Black Sea Bass Assessment Webinar 2.

SUMMARY: The SEDAR 76 assessment of the South Atlantic stock of Black Sea Bass will consist of a series of assessment webinars. See

SUPPLEMENTARY INFORMATION.

DATES: The SEDAR 76 South Atlantic Black Sea Bass Assessment Webinar 2 has been scheduled for Thursday, November 17, 2022, from 10 a.m. to 1 p.m., eastern. The established times may be adjusted as necessary to accommodate the timely completion of discussion relevant to the assessment process. Such adjustments may result in the meeting being extended from or completed prior to the time established by this notice.

ADDRESSES: The meeting will be held via webinar. The webinar is open to members of the public. Registration for the webinar is available by contacting the SEDAR coordinator via email at Kathleen.Howington@safmc.net.

SEDAR address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N Charleston, SC 29405; www.sedarweb.org.

FOR FURTHER INFORMATION CONTACT:

Kathleen Howington, SEDAR Coordinator, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405; phone: (843) 571–4371; email: Kathleen.Howington@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 three-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 which

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 which 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, Highly Migratory Species 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 non-governmental organizations (NGOs); international experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion at the SEDAR 76 South Atlantic Black Sea Bass Assessment Webinar 2 are as follows: discuss any known data issues and model development and model setup.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

This meeting is accessible to people with disabilities. Requests for auxiliary aids should be directed to the South Atlantic Fishery Management Council office (see **ADDRESSES**) at least 5 business 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: October 24, 2022.

Rey Israel Marquez,

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

[FR Doc. 2022–23436 Filed 10–26–22; 8:45 am]

BILLING CODE 3510–22–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No. CFPB–2022–0073]

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 (CFPB or Bureau) requests the extension of the Office of Management and Budget's (OMB's) approval of the existing information collection titled "Survey Screening Question List."

DATES: Written comments are encouraged and must be received on or before November 28, 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. 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. Requests for additional information should be directed to Anthony May, Paperwork Reduction Act Officer, at (202) 435–7278, or email: CFPB_PRA@cfpb.gov. If you require this document in an alternative electronic format, please contact CFPB_Accessibility@cfpb.gov. Please do not submit comments to these email boxes.

SUPPLEMENTARY INFORMATION:

Title of Collection: Survey Screening Question List.

OMB Control Number: 3170–00XX.

Type of review: New information collection.

Affected Public: Individuals.

Estimated Number of Respondents: 50,000.

Estimated Total Annual Burden Hours: 12,500.

Abstract: The Bureau conducts a variety of research efforts to ascertain financial issues the American public may be experiencing. The Bureau developed a list of potential screener questions formulated to allow the Bureau's research efforts to focus on the appropriate consumers for each study and strengthen our ability to address financial needs and concerns of the public and to improve the Bureau's delivery of services and programs. Usage of questions included and approved within this list will reduce administrative burden on the Bureau and grant greater expediency in conducting research on emergent financial issues.

Request for Comments: The Bureau published a 60-day **Federal Register** notice on 4/7/2022 (87 FR 20394) under Docket Number: CFPB-2022-0022. The Bureau is 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 submitted to 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. 2022-23350 Filed 10-26-22; 8:45 am]

BILLING CODE 4810-AM-P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Agency Information Collection Activities; Comment Request; Application Package for the AmeriCorps National Civilian Community Corps (NCCC) Member Experience Survey

AGENCY: Corporation for National and Community Service (CNCS).

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Corporation for National and Community Service (operating as AmeriCorps) is proposing to renew an information collection.

DATES: Written comments must be submitted to the individual and office listed in the **ADDRESSES** section by December 27, 2022.

ADDRESSES: You may submit comments, identified by the title of the information collection activity, by any of the following methods:

(1) Electronically through www.regulations.gov (preferred method).

(2) *By mail sent to:* AmeriCorps, Michael Ketover, 250 E Street SW, Washington, DC 20525.

(3) By hand delivery or by courier to the AmeriCorps mailroom at the mail address given in paragraph (2) above, between 9 a.m. and 4 p.m. Eastern Time, Monday through Friday, except Federal holidays.

Comments submitted in response to this notice may be made available to the public through regulations.gov. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an email comment, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comment that may be made available to the public, notwithstanding the inclusion of the routine notice.

FOR FURTHER INFORMATION CONTACT: Michael Ketover, 202-873-4574, or by email at mketover@cns.gov.

SUPPLEMENTARY INFORMATION:

Title of Collection: AmeriCorps NCCC Member Experience Survey.

OMB Control Number: 3045-0181.

Type of Review: Renewal.

Respondents/Affected Public: Current AmeriCorps NCCC Members.

Total Estimated Number of Annual Responses: 600.

Total Estimated Number of Annual Burden Hours: 150 hours.

Abstract: The AmeriCorps NCCC Member Experience Survey is completed by AmeriCorps members who have been a part of an AmeriCorps NCCC team. Each year, AmeriCorps

NCCC engages teams of members in projects in communities across the United States. Service projects, which typically last from six to eight weeks, address critical needs in natural and other disasters, infrastructure improvement, environmental stewardship and conservation, energy conservation, and urban and rural development. Members construct and rehabilitate low-income housing, respond to natural disasters, clean up streams, help communities develop emergency plans, and address other local needs.

AmeriCorps seeks to renew and potentially revise the current survey. The survey tool will be used in the same manner as the existing survey. AmeriCorps additionally seeks to continue using the current survey until the revised survey tool is approved by OMB. The current survey is due to expire on January 21, 2023.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose, or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information. All written comments will

be available for public inspection on [regulations.gov](https://www.regulations.gov).

Walter Goodson,

Director, AmeriCorps NCCC.

[FR Doc. 2022-23365 Filed 10-26-22; 8:45 am]

BILLING CODE 6050-28-P

DEPARTMENT OF DEFENSE

Department of the Air Force

[Docket ID: USAF-2022-HQ-0007]

Submission for OMB Review; Comment Request

AGENCY: Department of the Air Force, Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The DoD has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by November 28, 2022.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: Angela Duncan, 571-372-7574, whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: SDDC Transportation Financial Management System Access Request; SDDC Form 417; OMB Control Number 0704-0587.

Type of Request: Revision.
Number of Respondents: 993.
Responses per Respondent: 1.
Annual Responses: 993.
Average Burden per Response: 25 minutes.
Annual Burden Hours: 414.
Needs and Uses: The information collection requirement is necessary to

establish Human Resource accounts within the Transportation Financial Management System (TFMS) for the Military Surface Deployment and Distribution Command (SDDC). The information is used to establish and control user accounts in TFMS and Oracle Business Intelligence Enterprise Edition, and to authenticate Transportation Enhanced Access Management Service access. Respondents are new employees that will be paid through the Defense Civilian Pay System, travelers that will be reimbursed using the SDDC line of accounting, or anyone requiring access to the accounting system to enter data or query exiting data. They are responding to the information collection to ensure they receive pay and benefits or to gain access to the accounting system as part of their assigned duties.

Affected Public: Individuals or households.

Frequency: As required.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, Docket ID number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Ms. Angela Duncan.

Requests for copies of the information collection proposal should be sent to Ms. Duncan at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

Dated: October 24, 2022.

Kayyonne T. Marston,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2022-23438 Filed 10-26-22; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

Revised Non-Foreign Overseas Per Diem Rates

AGENCY: Defense Human Resources Activity, Department of Defense (DoD).

ACTION: Notice of revised per diem rates in non-foreign areas outside the Continental U.S.

SUMMARY: Defense Human Resources Activity publishes this Civilian Personnel Per Diem Bulletin Number 321. Bulletin Number 321 lists current per diem rates prescribed for reimbursement of subsistence expenses while on official Government travel to Alaska, Hawaii, the Commonwealth of Puerto Rico, and the possessions of the United States. The Fiscal Year (FY) 2022 lodging rate review for Alaska resulted in rate changes for multiple locations.

DATES: The updated rates take effect November 1, 2022.

FOR FURTHER INFORMATION CONTACT: Mr. Scott Laws, (571) 372-1282, david.s.laws2.civ@mail.mil.

SUPPLEMENTARY INFORMATION: This document notifies the public of revisions in per diem rates prescribed by the Per Diem, Travel and Transportation Allowance Committee for travel to non-foreign areas outside the continental United States. The FY 2022 lodging rate review for Alaska resulted in rate changes for multiple locations. Bulletin Number 321 is published in the **Federal Register** to ensure that Government travelers outside the DoD are notified of revisions to the current reimbursement rates.

If you believe the lodging, meal or incidental allowance rate for a locality listed in the following table is insufficient, you may request a rate review for that location. For more information about how to request a review, please see the Defense Travel Management Office's Per Diem Rate Review Frequently Asked Questions (FAQ) page at <https://www.defensetravel.dod.mil/site/faqraterev.cfm>.

Dated: October 21, 2022.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

| State or territory | Locality | Season start | Season end | Lodging | M&IE | Total per diem | Effective date |
|--------------------|-----------------|--------------|------------|---------|------|----------------|----------------|
| ALASKA | [OTHER] | 01/01 | 12/31 | 193 | 121 | 314 | 11/01/2022 |
| ALASKA | ADAK | 01/01 | 12/31 | 193 | 121 | 314 | 11/01/2022 |
| ALASKA | ANCHORAGE | 01/01 | 12/31 | 229 | 145 | 374 | 11/01/2022 |
| ALASKA | BARROW | 05/01 | 08/31 | 301 | 129 | 430 | 11/01/2022 |
| ALASKA | BARROW | 09/01 | 04/30 | 266 | 129 | 395 | 11/01/2022 |

| State or territory | Locality | Season start | Season end | Lodging | M&IE | Total per diem | Effective date |
|--------------------|-------------------------|--------------|------------|---------|------|----------------|----------------|
| ALASKA | BARTER ISLAND LRRS | 01/01 | 12/31 | 193 | 121 | 314 | 11/01/2022 |
| ALASKA | BETHEL | 01/01 | 12/31 | 219 | 101 | 320 | 11/01/2022 |
| ALASKA | BETTLES | 01/01 | 12/31 | 193 | 121 | * 314 | 11/01/2022 |
| ALASKA | CAPE LISBURNE LRRS | 01/01 | 12/31 | 193 | 121 | 314 | 11/01/2022 |
| ALASKA | CAPE NEWENHAM LRRS | 01/01 | 12/31 | 193 | 121 | 314 | 11/01/2022 |
| ALASKA | CAPE ROMANZOF LRRS | 01/01 | 12/31 | 193 | 121 | 314 | 11/01/2022 |
| ALASKA | CLEAR AB | 01/01 | 12/31 | 193 | 121 | 314 | 11/01/2022 |
| ALASKA | COLD BAY | 01/01 | 12/31 | 193 | 121 | 314 | 11/01/2022 |
| ALASKA | COLD BAY LRRS | 01/01 | 12/31 | 193 | 121 | 314 | 11/01/2022 |
| ALASKA | COLDFOOT | 01/01 | 12/31 | 249 | 93 | 342 | 11/01/2022 |
| ALASKA | COPPER CENTER | 01/01 | 12/31 | 193 | 121 | 314 | 11/01/2022 |
| ALASKA | CORDOVA | 01/01 | 12/31 | 174 | 106 | 280 | 11/01/2022 |
| ALASKA | CRAIG | 05/01 | 09/30 | 139 | 94 | 233 | 11/01/2022 |
| ALASKA | CRAIG | 10/01 | 04/30 | 109 | 94 | 203 | 11/01/2022 |
| ALASKA | DEADHORSE | 01/01 | 12/31 | 193 | 121 | * 314 | 11/01/2022 |
| ALASKA | DELTA JUNCTION | 01/01 | 12/31 | 193 | 106 | 299 | 11/01/2022 |
| ALASKA | DENALI NATIONAL PARK | 05/01 | 09/30 | 189 | 118 | 307 | 11/01/2022 |
| ALASKA | DENALI NATIONAL PARK | 10/01 | 04/30 | 99 | 118 | 217 | 11/01/2022 |
| ALASKA | DILLINGHAM | 01/01 | 12/31 | 320 | 113 | 433 | 11/01/2022 |
| ALASKA | DUTCH HARBOR-UNALASKA | 01/01 | 12/31 | 154 | 129 | 283 | 11/01/2022 |
| ALASKA | EARECKSON AIR STATION | 01/01 | 12/31 | 146 | 74 | 220 | 11/01/2022 |
| ALASKA | EIELSON AFB | 05/16 | 09/30 | 204 | 108 | 312 | 11/01/2022 |
| ALASKA | EIELSON AFB | 10/01 | 05/15 | 129 | 108 | 237 | 11/01/2022 |
| ALASKA | ELFIN COVE | 01/01 | 12/31 | 193 | 121 | 314 | 11/01/2022 |
| ALASKA | ELMENDORF AFB | 01/01 | 12/31 | 229 | 145 | 374 | 11/01/2022 |
| ALASKA | FAIRBANKS | 05/16 | 09/30 | 204 | 108 | 312 | 11/01/2022 |
| ALASKA | FAIRBANKS | 10/01 | 05/15 | 129 | 108 | 237 | 11/01/2022 |
| ALASKA | FORT YUKON LRRS | 01/01 | 12/31 | 193 | 121 | 314 | 11/01/2022 |
| ALASKA | FT. GREELY | 01/01 | 12/31 | 193 | 106 | 299 | 11/01/2022 |
| ALASKA | FT. RICHARDSON | 01/01 | 12/31 | 229 | 145 | 374 | 11/01/2022 |
| ALASKA | FT. WAINWRIGHT | 05/16 | 09/30 | 204 | 108 | 312 | 11/01/2022 |
| ALASKA | FT. WAINWRIGHT | 10/01 | 05/15 | 129 | 108 | 237 | 11/01/2022 |
| ALASKA | GAMBELL | 01/01 | 12/31 | 193 | 121 | 314 | 11/01/2022 |
| ALASKA | GLENNALLEN | 01/01 | 12/31 | 193 | 121 | 314 | 11/01/2022 |
| ALASKA | HAINES | 05/01 | 09/30 | 184 | 113 | 297 | 11/01/2022 |
| ALASKA | HAINES | 10/01 | 04/30 | 159 | 113 | 272 | 11/01/2022 |
| ALASKA | HEALY | 05/01 | 09/30 | 189 | 118 | 307 | 11/01/2022 |
| ALASKA | HEALY | 10/01 | 04/30 | 99 | 118 | 217 | 11/01/2022 |
| ALASKA | HOMER | 05/01 | 09/30 | 210 | 124 | 334 | 11/01/2022 |
| ALASKA | HOMER | 10/01 | 04/30 | 129 | 124 | 253 | 11/01/2022 |
| ALASKA | JB ELMENDORF-RICHARDSON | 01/01 | 12/31 | 229 | 145 | 374 | 11/01/2022 |
| ALASKA | JUNEAU | 02/01 | 09/30 | 249 | 118 | 367 | 11/01/2022 |
| ALASKA | JUNEAU | 10/01 | 01/31 | 189 | 118 | 307 | 11/01/2022 |
| ALASKA | KAKTOVIK | 01/01 | 12/31 | 193 | 121 | * 314 | 11/01/2022 |
| ALASKA | KAVIK CAMP | 01/01 | 12/31 | 193 | 121 | * 314 | 11/01/2022 |
| ALASKA | KENAI-SOLDOTNA | 05/01 | 09/30 | 171 | 113 | 284 | 11/01/2022 |
| ALASKA | KENAI-SOLDOTNA | 10/01 | 04/30 | 129 | 113 | 242 | 11/01/2022 |
| ALASKA | KENNICOTT | 01/01 | 12/31 | 193 | 121 | 314 | 11/01/2022 |
| ALASKA | KETCHIKAN | 05/01 | 09/30 | 250 | 118 | 368 | 11/01/2022 |
| ALASKA | KETCHIKAN | 10/01 | 04/30 | 160 | 118 | 278 | 11/01/2022 |
| ALASKA | KING SALMON | 01/01 | 12/31 | 193 | 121 | 314 | 11/01/2022 |
| ALASKA | KING SALMON LRRS | 01/01 | 12/31 | 193 | 121 | 314 | 11/01/2022 |
| ALASKA | KLAWOCK | 05/01 | 09/30 | 139 | 94 | 233 | 11/01/2022 |
| ALASKA | KLAWOCK | 10/01 | 04/30 | 109 | 94 | 203 | 11/01/2022 |
| ALASKA | KODIAK | 03/01 | 09/30 | 223 | 109 | 332 | 11/01/2022 |
| ALASKA | KODIAK | 10/01 | 02/28 | 121 | 109 | 230 | 11/01/2022 |
| ALASKA | KOTZEBUE | 01/01 | 12/31 | 193 | 121 | 314 | 11/01/2022 |
| ALASKA | KULIS AGS | 01/01 | 12/31 | 229 | 145 | 374 | 11/01/2022 |
| ALASKA | MCCARTHY | 01/01 | 12/31 | 193 | 121 | 314 | 11/01/2022 |
| ALASKA | MCGRATH | 01/01 | 12/31 | 193 | 121 | * 314 | 11/01/2022 |
| ALASKA | MURPHY DOME | 05/16 | 09/30 | 204 | 108 | 312 | 11/01/2022 |
| ALASKA | MURPHY DOME | 10/01 | 05/15 | 129 | 108 | 237 | 11/01/2022 |
| ALASKA | NOME | 05/01 | 08/31 | 250 | 118 | 368 | 11/01/2022 |
| ALASKA | NOME | 09/01 | 04/30 | 242 | 118 | 360 | 11/01/2022 |
| ALASKA | NOSC ANCHORAGE | 01/01 | 12/31 | 229 | 145 | 374 | 11/01/2022 |
| ALASKA | NUIQSUT | 01/01 | 12/31 | 193 | 121 | * 314 | 11/01/2022 |
| ALASKA | OLIKTOK LRRS | 01/01 | 12/31 | 193 | 121 | 314 | 11/01/2022 |
| ALASKA | PALMER | 01/01 | 12/31 | 196 | 131 | 327 | 11/01/2022 |
| ALASKA | PETERSBURG | 01/01 | 12/31 | 130 | 108 | 238 | 11/01/2022 |
| ALASKA | POINT BARROW LRRS | 01/01 | 12/31 | 193 | 121 | 314 | 11/01/2022 |
| ALASKA | POINT HOPE | 01/01 | 12/31 | 193 | 121 | * 314 | 11/01/2022 |
| ALASKA | POINT LONELY LRRS | 01/01 | 12/31 | 193 | 121 | 314 | 11/01/2022 |
| ALASKA | PORT ALEXANDER | 01/01 | 12/31 | 193 | 121 | * 314 | 11/01/2022 |
| ALASKA | PORT ALSWORTH | 01/01 | 12/31 | 193 | 121 | 314 | 11/01/2022 |
| ALASKA | PRUDHOE BAY | 01/01 | 12/31 | 193 | 121 | * 314 | 11/01/2022 |
| ALASKA | SELDOVIA | 05/01 | 09/30 | 210 | 124 | 334 | 11/01/2022 |
| ALASKA | SELDOVIA | 10/01 | 04/30 | 129 | 124 | 253 | 11/01/2022 |
| ALASKA | SEWARD | 04/01 | 09/30 | 284 | 164 | 448 | 11/01/2022 |
| ALASKA | SEWARD | 10/01 | 03/31 | 129 | 164 | 293 | 11/01/2022 |
| ALASKA | SITKA-MT. EDGE CUMBE | 04/01 | 09/30 | 245 | 116 | 361 | 11/01/2022 |
| ALASKA | SITKA-MT. EDGE CUMBE | 10/01 | 03/31 | 199 | 116 | 315 | 11/01/2022 |
| ALASKA | SKAGWAY | 05/01 | 09/30 | 250 | 118 | 368 | 11/01/2022 |
| ALASKA | SKAGWAY | 10/01 | 04/30 | 160 | 118 | 278 | 11/01/2022 |

| State or territory | Locality | Season start | Season end | Lodging | M&IE | Total per diem | Effective date |
|--------------------------|---|--------------|------------|---------|------|----------------|----------------|
| ALASKA | SLANA | 01/01 | 12/31 | 193 | 121 | 314 | 11/01/2022 |
| ALASKA | SPARREVOHN LRRS | 01/01 | 12/31 | 193 | 121 | 314 | 11/01/2022 |
| ALASKA | SPRUCE CAPE | 03/01 | 09/30 | 223 | 109 | 332 | 11/01/2022 |
| ALASKA | SPRUCE CAPE | 10/01 | 02/28 | 121 | 109 | 230 | 11/01/2022 |
| ALASKA | ST. GEORGE | 01/01 | 12/31 | 193 | 121 | 314 | 11/01/2022 |
| ALASKA | TALKEETNA | 01/01 | 12/31 | 193 | 123 | 316 | 11/01/2022 |
| ALASKA | TANANA | 05/01 | 08/31 | 250 | 118 | 368 | 11/01/2022 |
| ALASKA | TANANA | 09/01 | 04/30 | 242 | 118 | 360 | 11/01/2022 |
| ALASKA | TATALINA LRRS | 01/01 | 12/31 | 193 | 121 | 314 | 11/01/2022 |
| ALASKA | TIN CITY LRRS | 01/01 | 12/31 | 193 | 121 | 314 | 11/01/2022 |
| ALASKA | TOK | 01/01 | 12/31 | 105 | 113 | 218 | 11/01/2022 |
| ALASKA | VALDEZ | 05/16 | 09/15 | 230 | 110 | 340 | 11/01/2022 |
| ALASKA | VALDEZ | 09/16 | 05/15 | 105 | 110 | 215 | 11/01/2022 |
| ALASKA | WAINWRIGHT | 01/01 | 12/31 | 295 | 77 | 372 | 11/01/2022 |
| ALASKA | WASILLA | 06/01 | 09/30 | 216 | 104 | 320 | 11/01/2022 |
| ALASKA | WASILLA | 10/01 | 05/31 | 108 | 104 | 212 | 11/01/2022 |
| ALASKA | WRANGELL | 05/01 | 09/30 | 250 | 118 | 368 | 11/01/2022 |
| ALASKA | WRANGELL | 10/01 | 04/30 | 160 | 118 | 278 | 11/01/2022 |
| ALASKA | YAKUTAT | 06/01 | 09/30 | 350 | 111 | 461 | 11/01/2022 |
| ALASKA | YAKUTAT | 10/01 | 05/31 | 150 | 111 | 261 | 11/01/2022 |
| AMERICAN SAMOA | AMERICAN SAMOA | 01/01 | 12/31 | 139 | 86 | 225 | 07/01/2019 |
| AMERICAN SAMOA | PAGO PAGO | 01/01 | 12/31 | 139 | 86 | 225 | 07/01/2019 |
| GUAM | GUAM (INCL ALL MIL INSTAL) | 01/01 | 12/31 | 159 | 96 | 255 | 04/01/2022 |
| GUAM | JOINT REGION MARIANAS (AN- DERSEN). | 01/01 | 12/31 | 159 | 96 | 255 | 04/01/2022 |
| GUAM | JOINT REGION MARIANAS (NAVAL BASE). | 01/01 | 12/31 | 159 | 96 | 255 | 04/01/2022 |
| GUAM | TAMUNING | 01/01 | 12/31 | 159 | 96 | 255 | 04/01/2022 |
| HAWAII | [OTHER] | 01/01 | 12/31 | 218 | 149 | 367 | 01/01/2021 |
| HAWAII | CAMP H M SMITH | 01/06 | 12/16 | 177 | 149 | 326 | 12/17/2021 |
| HAWAII | CAMP H M SMITH | 12/17 | 01/05 | 312 | 149 | 461 | 12/17/2021 |
| HAWAII | CNI NAVMAG PEARL HARBOR- HICKAM. | 01/06 | 12/16 | 177 | 149 | 326 | 12/17/2021 |
| HAWAII | CNI NAVMAG PEARL HARBOR- HICKAM. | 12/17 | 01/05 | 312 | 149 | 461 | 12/17/2021 |
| HAWAII | FT. DERUSSEY | 01/06 | 12/16 | 177 | 149 | 326 | 12/17/2021 |
| HAWAII | FT. DERUSSEY | 12/17 | 01/05 | 312 | 149 | 461 | 12/17/2021 |
| HAWAII | FT. SHAFTER | 01/06 | 12/16 | 177 | 149 | 326 | 12/17/2021 |
| HAWAII | FT. SHAFTER | 12/17 | 01/05 | 312 | 149 | 461 | 12/17/2021 |
| HAWAII | HICKAM AFB | 01/06 | 12/16 | 177 | 149 | 326 | 12/17/2021 |
| HAWAII | HICKAM AFB | 12/17 | 01/05 | 312 | 149 | 461 | 12/17/2021 |
| HAWAII | HONOLULU | 01/06 | 12/16 | 177 | 149 | 326 | 12/17/2021 |
| HAWAII | HONOLULU | 12/17 | 01/05 | 312 | 149 | 461 | 12/17/2021 |
| HAWAII | ISLE OF HAWAII: HILO | 01/01 | 12/31 | 199 | 120 | 319 | 01/01/2021 |
| HAWAII | ISLE OF HAWAII: LOCATIONS OTHER THAN HILO. | 01/01 | 12/31 | 218 | 156 | 374 | 01/01/2021 |
| HAWAII | ISLE OF KAUAI | 01/01 | 12/31 | 325 | 141 | 466 | 01/01/2021 |
| HAWAII | ISLE OF LANAI | 01/01 | 12/31 | 218 | 134 | 352 | 01/01/2021 |
| HAWAII | ISLE OF MAUI | 01/01 | 12/31 | 304 | 150 | 454 | 01/01/2021 |
| HAWAII | ISLE OF MOLOKAI | 01/01 | 12/31 | 218 | 106 | 324 | 01/01/2021 |
| HAWAII | ISLE OF OAHU | 01/06 | 12/16 | 177 | 149 | 326 | 12/17/2021 |
| HAWAII | ISLE OF OAHU | 12/17 | 01/05 | 312 | 149 | 461 | 12/17/2021 |
| HAWAII | JB PEARL HARBOR-HICKAM | 01/06 | 12/16 | 177 | 149 | 326 | 12/17/2021 |
| HAWAII | JB PEARL HARBOR-HICKAM | 12/17 | 01/05 | 312 | 149 | 461 | 12/17/2021 |
| HAWAII | KAPOLEI | 01/06 | 12/16 | 177 | 149 | 326 | 12/17/2021 |
| HAWAII | KAPOLEI | 12/17 | 01/05 | 312 | 149 | 461 | 12/17/2021 |
| HAWAII | KEKAHA PACIFIC MISSILE RANGE FAC. | 01/01 | 12/31 | 325 | 141 | 466 | 01/01/2021 |
| HAWAII | KILAUEA MILITARY CAMP | 01/01 | 12/31 | 199 | 120 | 319 | 01/01/2021 |
| HAWAII | LIHUE | 01/01 | 12/31 | 325 | 141 | 466 | 01/01/2021 |
| HAWAII | MCB HAWAII | 01/06 | 12/16 | 177 | 149 | 326 | 12/17/2021 |
| HAWAII | MCB HAWAII | 12/17 | 01/05 | 312 | 149 | 461 | 12/17/2021 |
| HAWAII | NCTAMS PAC WAHIAWA | 01/06 | 12/16 | 177 | 149 | 326 | 12/17/2021 |
| HAWAII | NCTAMS PAC WAHIAWA | 12/17 | 01/05 | 312 | 149 | 461 | 12/17/2021 |
| HAWAII | NOSC PEARL HARBOR | 01/06 | 12/16 | 177 | 149 | 326 | 12/17/2021 |
| HAWAII | NOSC PEARL HARBOR | 12/17 | 01/05 | 312 | 149 | 461 | 12/17/2021 |
| HAWAII | PEARL HARBOR | 01/06 | 12/16 | 177 | 149 | 326 | 12/17/2021 |
| HAWAII | PEARL HARBOR | 12/17 | 01/05 | 312 | 149 | 461 | 12/17/2021 |
| HAWAII | PMRF BARKING SANDS | 01/01 | 12/31 | 325 | 141 | 466 | 01/01/2021 |
| HAWAII | SCHOFIELD BARRACKS | 01/06 | 12/16 | 177 | 149 | 326 | 12/17/2021 |
| HAWAII | SCHOFIELD BARRACKS | 12/17 | 01/05 | 312 | 149 | 461 | 12/17/2021 |
| HAWAII | TRIPLER ARMY MEDICAL CEN- TER. | 01/06 | 12/16 | 177 | 149 | 326 | 12/17/2021 |
| HAWAII | TRIPLER ARMY MEDICAL CEN- TER. | 12/17 | 01/05 | 312 | 149 | 461 | 12/17/2021 |
| HAWAII | WHEELER ARMY AIRFIELD | 01/01 | 12/31 | 177 | 149 | 326 | 01/01/2021 |
| HAWAII | WHEELER ARMY AIRFIELD | 12/17 | 01/05 | 312 | 149 | 461 | 12/17/2021 |
| MIDWAY ISLANDS | MIDWAY ISLANDS | 01/01 | 12/31 | 125 | 81 | 206 | 01/01/2021 |
| NORTHERN MARIANA ISLANDS | ROTA | 01/01 | 12/31 | 130 | 114 | 244 | 04/01/2022 |
| NORTHERN MARIANA ISLANDS | SAIPAN | 01/01 | 12/31 | 161 | 113 | 274 | 04/01/2022 |
| NORTHERN MARIANA ISLANDS | TINIAN | 01/01 | 12/31 | 125 | 93 | 218 | 04/01/2022 |
| PUERTO RICO | [OTHER] | 01/01 | 12/31 | 159 | 100 | 259 | 05/01/2021 |
| PUERTO RICO | AGUADILLA | 01/01 | 12/31 | 149 | 90 | 239 | 05/01/2021 |

| State or territory | Locality | Season start | Season end | Lodging | M&IE | Total per diem | Effective date |
|-----------------------|--|--------------|------------|---------|------|----------------|----------------|
| PUERTO RICO | BAYAMON | 12/01 | 05/31 | 195 | 115 | 310 | 05/01/2021 |
| PUERTO RICO | BAYAMON | 06/01 | 11/30 | 167 | 115 | 282 | 05/01/2021 |
| PUERTO RICO | CAROLINA | 12/01 | 05/31 | 195 | 115 | 310 | 05/01/2021 |
| PUERTO RICO | CAROLINA | 06/01 | 11/30 | 167 | 115 | 282 | 05/01/2021 |
| PUERTO RICO | CEIBA | 01/01 | 12/31 | 159 | 110 | 269 | 05/01/2021 |
| PUERTO RICO | CULEBRA | 01/01 | 12/31 | 159 | 105 | 264 | 05/01/2021 |
| PUERTO RICO | FAJARDO [INCL ROOSEVELT RDS NAVSTAT]. | 01/01 | 12/31 | 159 | 110 | 269 | 05/01/2021 |
| PUERTO RICO | FT. BUCHANAN [INCL GSA SVC CTR, GUAYNABO]. | 12/01 | 05/31 | 195 | 115 | 310 | 05/01/2021 |
| PUERTO RICO | FT. BUCHANAN [INCL GSA SVC CTR, GUAYNABO]. | 06/01 | 11/30 | 167 | 115 | 282 | 05/01/2021 |
| PUERTO RICO | HUMACAO | 01/01 | 12/31 | 159 | 110 | 269 | 05/01/2021 |
| PUERTO RICO | LUIS MUNOZ MARIN IAP AGS | 12/01 | 05/31 | 195 | 115 | 310 | 05/01/2021 |
| PUERTO RICO | LUIS MUNOZ MARIN IAP AGS | 06/01 | 11/30 | 167 | 115 | 282 | 05/01/2021 |
| PUERTO RICO | LUQUILLO | 01/01 | 12/31 | 159 | 110 | 269 | 05/01/2021 |
| PUERTO RICO | MAYAGUEZ | 01/01 | 12/31 | 109 | 94 | 203 | 05/01/2021 |
| PUERTO RICO | PONCE | 01/01 | 12/31 | 149 | 130 | 279 | 05/01/2021 |
| PUERTO RICO | RIO GRANDE | 01/01 | 12/31 | 169 | 85 | 254 | 05/01/2021 |
| PUERTO RICO | SABANA SECA [INCL ALL MILITARY]. | 12/01 | 05/31 | 195 | 115 | 310 | 05/01/2021 |
| PUERTO RICO | SABANA SECA [INCL ALL MILITARY]. | 06/01 | 11/30 | 167 | 115 | 282 | 05/01/2021 |
| PUERTO RICO | SAN JUAN & NAV RES STA | 12/01 | 05/31 | 195 | 115 | 310 | 05/01/2021 |
| PUERTO RICO | SAN JUAN & NAV RES STA | 06/01 | 11/30 | 167 | 115 | 282 | 05/01/2021 |
| PUERTO RICO | VIEQUES | 01/01 | 12/31 | 159 | 94 | 253 | 05/01/2021 |
| VIRGIN ISLANDS (U.S.) | ST. CROIX | 12/15 | 04/14 | 299 | 120 | 419 | 04/01/2022 |
| VIRGIN ISLANDS (U.S.) | ST. CROIX | 04/15 | 12/14 | 247 | 120 | 367 | 04/01/2022 |
| VIRGIN ISLANDS (U.S.) | ST. JOHN | 12/04 | 04/30 | 230 | 123 | 353 | 04/01/2022 |
| VIRGIN ISLANDS (U.S.) | ST. JOHN | 05/01 | 12/03 | 170 | 123 | 293 | 04/01/2022 |
| VIRGIN ISLANDS (U.S.) | ST. THOMAS | 04/15 | 12/15 | 249 | 118 | 367 | 04/01/2022 |
| VIRGIN ISLANDS (U.S.) | ST. THOMAS | 12/16 | 04/14 | 339 | 118 | 457 | 04/01/2022 |
| WAKE ISLAND | WAKE ISLAND | 01/01 | 12/31 | 129 | 70 | 199 | 01/01/2021 |

*Where meals are included in the lodging rate, a traveler is only allowed a meal rate on the first and last day of travel.

[FR Doc. 2022-23338 Filed 10-26-22; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID: USN-2022-HQ-0021]

Submission for OMB Review; Comment Request

AGENCY: Department of the Navy, Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The DoD has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by November 28, 2022.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Angela Duncan, 571-372-7574, whs.mcalex.esd.mbx.dd-dod-information-collections@mail.mil.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Application for Commission in the U.S. Navy/U.S. Naval Reserve; NAVCRUIT Forms 1131/238 and 1130/104; OMB Control Number 0703-0029. *Type of Request:* Revision.

Application Processing and Summary Record (NAVCRUIT 1131/238)

Number of Respondents: 25,500.
Responses per Respondent: 1.
Annual Responses: 25,500.
Average Burden per Response: 60 minutes.
Annual Burden Hours: 25,500.

United States Navy Tattoo Screening Certificate (NAVCRUIT 1130/104)

Number of Respondents: 18,000.
Responses per Respondent: 1.
Annual Responses: 18,000.
Average Burden per Response: 30 minutes.
Annual Burden Hours: 9,000.

Total

Number of Respondents: 25,500.
Annual Responses: 43,500.
Annual Burden Hours: 34,500.
Needs and Uses: All persons interested in entering the U.S. Navy or U.S. Navy Reserve in a commissioned

status must provide various personal data in order for a selection board to determine their qualifications for naval service and for specific fields of endeavor that the applicant intends to pursue. The NAVCRUIT 1131/238 form, “Application Processing and Summary Record,” is used to collect information from any persons who are applying to the U.S. Navy. The NAVCRUIT 1130/104 form, “United States Navy Tattoo Screening Certificate” is used to collect information from the applicant in order to determine whether tattoos, body art or brands meets Navy accession requirements for content, location, size and cosmetic appearance. *Affected Public:* Individuals or households.

Frequency: On occasion.
Respondent's Obligation: Voluntary.
OMB Desk Officer: Ms. Jasmeet Sehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, Docket ID number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public

viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Ms. Angela Duncan.

Requests for copies of the information collection proposal should be sent to Ms. Duncan at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

Dated: October 24, 2022.

Kayyonne T. Marston,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2022-23439 Filed 10-26-22; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF EDUCATION

[Docket No.: ED-2022-SCC-0132]

Agency Information Collection Activities; Comment Request; School Pulse Panel 2023-24 Preliminary Field Activities

AGENCY: Institute of Educational Sciences (IES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a new information collection.

DATES: Interested persons are invited to submit comments on or before December 27, 2022.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED-2022-SCC-0132. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the [regulations.gov](http://www.regulations.gov) site is not available to the public for any reason, ED will temporarily accept comments at ICDocketMgr@ed.gov. Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the PRA Coordinator of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland

Ave. SW, LBJ, Room 6W208B, Washington, DC 20202-8240.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Carrie Clarady, 202-245-6347.

SUPPLEMENTARY INFORMATION: The Department, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. The Department is soliciting comments on the proposed information collection request (ICR) that is described below. The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: School Pulse Panel 2023-24 Preliminary Field Activities.

OMB Control Number: 1850-NEW.

Type of Review: A new information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 9,939.

Total Estimated Number of Annual Burden Hours: 2,661.

Abstract: The School Pulse Panel (SPP) is a data collection originally designed to collect voluntary responses from a nationally representative sample of public schools to better understand how schools, students, and educators are responding to the ongoing stressors of the coronavirus pandemic. It is conducted by the National Center for Education Statistics (NCES), part of the Institute of Education Sciences (IES), within the United States Department of Education, in cooperation with the U.S. Census Bureau. Due to the immediate need to collect information from schools during the pandemic to satisfy the

requirement of Executive Order 14000, an emergency clearance was issued to develop and field the first several monthly collections of the SPP in 2021, and a full review of the SPP data collection was completed in 2022 (OMB# 1850-0969). SPP's innovative design and timely dissemination of findings have been used and cited frequently among Department of Education senior leadership, the White House Domestic Policy Counsel, the USDA's Food and Nutrition Service, the Centers for Disease Control and Prevention, Congressional deliberations, and the media. The ongoing, growing interest by stakeholders has resulted in the request for dedicated funding to create an established NCES quick-turnaround data collection vehicle, with the goal of standing up a post-pandemic panel to begin with the 2023-24 school year.

One notable difference for the next SPP study will be the addition of a district-level survey. The purpose of the district component is two-fold: (1) to collect data on topics that schools cannot report about such as facilities, supply chain issues and finances; and (2) to reduce burden on schools by allowing district staff to report on district policies and school level data tracked at the district. The district component will enhance the breadth of data that can be collected in SPP. For the 23-24 school year, the survey may ask school and district staff about a range of topics, including but not limited to instructional mode offered; enrollment counts of subgroups of students for various subject interests; strategies to address learning recovery; safe and healthy school mitigation strategies; mental health services; use of technology; information on staffing, nutrition services, absenteeism, usage of federal funds, facilities, and overall principal and district staff experiences. Some new content will be rotated in and out monthly.

As in previous waves, for SPP 2023-24 roughly 5,000 (4,000 in an initial sample and 1,000 in a reserve sample) public elementary, middle, high, and combined-grade schools will be randomly selected to participate in a panel. It is expected these schools will come from roughly 3,000 districts with a reserve sample of 300 districts to replace district refusals. The goal is national representation from 1,000 responding schools and districts to report national estimates. School and district staff will be asked to provide requested data as frequently as monthly during the 23-24 school year. This approach provides the ability to collect detailed information on various topics

while also assessing changes over time for items that are repeated. Given the high demand for data collection, the content of the survey will change monthly.

This request is to conduct the SPP 2023–24 preliminary activities, including contacting and obtaining research approvals from public school districts with an established research approval process (“special contact districts”), notifying sampled schools and districts of their selection for the survey, and inviting them to complete short Screener Surveys to establish a point of contact at their school and at the district.

Dated: October 24, 2022.

Stephanie Valentine,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2022–23425 Filed 10–26–22; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2022–SCC–0105]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Study of the Impact of English Learner Reclassification Policies

AGENCY: Institute of Education Sciences (IES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a new collection.

DATES: Interested persons are invited to submit comments on or before November 28, 2022.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this information collection request (ICR) by selecting “Department of Education” under “Currently Under Review,” then check the “Only Show ICR for Public Comment” checkbox. *Reginfo.gov* provides two links to view documents related to this information collection request. Information collection forms and instructions may be found by clicking on the “View Information Collection (IC) List” link. Supporting statements and other supporting documentation may be found by clicking on the “View Supporting Statement and Other Documents” link.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Tracy Rimdzius, (202) 245–7283.

SUPPLEMENTARY INFORMATION: The Department, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public’s reporting burden. It also helps the public understand the Department’s information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed ICR that is described below. The Department is especially interested in public comments addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public record.

Title of Collection: Study of the Impact of English Learner Reclassification Policies.

OMB Control Number: 1850–NEW.

Type of Review: New collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 30.

Total Estimated Number of Annual Burden Hours: 817.

Abstract: The data collection described in this submission will assist policymakers in understanding the impact of reclassification policies that exit students from English learner (EL) status. Specifically, the study will examine (1) whether reclassification was implemented more consistently across districts within states after the start of the Every Student Succeeds Act (ESSA) and (2) whether reclassification at current thresholds helps, harms, or is neutral for former ELs’ instructional opportunities, experiences, achievement, and attainment. Data for the study will come from extant state longitudinal data systems and publicly available data on state policies.

Dated: October 24, 2022.

Juliana Pearson,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2022–23443 Filed 10–26–22; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Notice of Funding Opportunity for Consent-Based Siting Program

AGENCY: Office of Spent Fuel and Waste Disposition, Office of Nuclear Energy, Department of Energy.

ACTION: Funding opportunity announcement.

SUMMARY: On September 20, 2022, the Department of Energy (DOE or the Department) issued a \$16 million funding opportunity announcement (FOA) to support community engagement with DOE’s consent-based siting activities and foster the development of innovative community ideas and feedback related to the potential role that one or more federal consolidated interim storage facilities for commercial spent nuclear fuel may have in the community. To view the FOA, go to <https://www.grants.gov> and search for “DE–FOA–0002575.”

DATES: Questions about the FOA must be received by December 4, 2022. FOA applications must be received by 8 p.m., EST, December 19, 2022.

ADDRESSES: All applications must be emailed to the DOE Contracts Specialist at consent-based-siting-project@id.doe.gov. Applicants must obtain a Unique Entity ID (UEI) number. Applicants must first be registered with the (System for Award Management) SAM website: <https://www.sam.gov>. All SAM registrants will be assigned a UEI and can view the number on the SAM website. Applications shall be prepared in accordance with the detailed instructions in the FOA. To learn more about the FOA, including application requirements, please go to <https://www.grants.gov> and search for “DE–FOA–0002575.”

FOR FURTHER INFORMATION CONTACT: Dr. Tran Le, U.S. Department of Energy, Office of Nuclear Energy, NE–82, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (301) 903–3301. Email: consentbasedsiting@hq.doe.gov.

Questions about the FOA must be submitted by December 4, 2022, to the DOE Contracts Specialist at consent-based-siting-project@id.doe.gov. For

non-FOA related questions about DOE's consent-based siting activities, please send your inquiry via email to consentbasedsiting@hq.doe.gov or by phone at (301) 903-3301.

SUPPLEMENTARY INFORMATION: Issuance of this FOA is an important step toward building understanding between interested communities, organizations, and DOE about consent-based siting. While DOE is not soliciting volunteer sites to host consolidated interim storage facilities as part of this funding opportunity, the Department hopes to encourage engagement, open dialogue, and building capacity among interested stakeholders and communities about the consent-based siting process. In later phases, DOE will engage with communities that express interest in potentially hosting one or more facilities.

Who should apply?: This FOA invites proposals from communities and organizations located within the continental United States interested in learning more about consent-based siting. Eligible awardees include, but are not limited to: higher-education institutions (colleges, universities, and other institutions of higher learning); Tribal, State, and local governments (municipalities, towns, cities, and counties); Community foundations; and Non-governmental organizations (trade associations, 501(c)(3) organizations, and other public groups). Federally funded research and development centers are not eligible to apply for funding. More detailed information on eligibility is provided in the FOA.

Public Information Webinar: DOE hosted an informational webinar about this FOA on October 3, 2022, to discuss the scope and answer questions about the application process. The webinar was recorded and is available at <https://www.energy.gov/ne/consent-based-siting>.

Background

Management of the nation's spent nuclear fuel and high-level radioactive waste is the US DOE's responsibility. This includes finding sites to store and dispose of the Nation's spent nuclear fuel. DOE is committed to a consent-based approach to siting and an integrated waste management system that enables broad participation and centers equity and environmental justice. In the Consolidated Appropriations Act, 2021, and Consolidated Appropriations Act, 2022, Congress appropriated funds to the Department for Federal interim storage activities using a consent-based approach. Interim storage is an important component of an integrated

waste management system and will enable near-term consolidation and temporary storage of spent nuclear fuel until a disposal capability is identified. A Federal interim storage capability will enable removal of spent nuclear fuel from reactor sites, provide useful research opportunities, and build trust and confidence with stakeholders and the public by demonstrating a consent-based approach to facility siting.

In December 2021, DOE issued a request for information on "*Using a Consent-Based Siting Process to Identify Federal Interim Storage Facilities*" (86 FR 68244). The 225 submissions received by the DOE (available at <https://www.energy.gov/ne/consent-based-siting>) included comments from Tribal, State, and local governments; Non-governmental organizations; members of academia, industry; other stakeholders and individual commenters. This consent-based siting FOA is responsive to public feedback on the need to provide resources for interested communities to learn more about consent-based siting and spent nuclear fuel management. Specifically, the FOA seeks to advance mutual learning between stakeholders, communities, and DOE and to foster open discussions about consent-based siting, spent nuclear fuel management, and the role one or more federal consolidated interim storage facilities could have in interested communities. For more information on DOE's consent-based siting activities, please go to <https://www.energy.gov/ne/consent-based-siting>.

Confidential Business Information: Pursuant to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email, postal mail, or hand delivery two well-marked copies: one copy of the document marked "confidential" including all the information believed to be confidential, and one copy of the document marked "non-confidential" with the information believed to be confidential deleted. Submit these documents via email, if feasible. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

Signing Authority

This document of the Department of Energy was signed on October 21, 2022, by Dr. Kathryn Huff, Assistant Secretary for the Office of Nuclear Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative

purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on October 24, 2022.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2022-23382 Filed 10-26-22; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC23-2-000]

Commission Information Collection Activities (FERC-923); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the requirements and burden of the information collection FERC-923 (Communication of Operational Information between Natural Gas Pipelines and Electric Transmission Operators), described below.

DATES: Comments on the collection of information are due December 27, 2022.

ADDRESSES: You may submit your comments (identified by Docket No. IC23-2-000) by one of the following methods:

Electronic filing through <https://www.ferc.gov>, is preferred.

- *Electronic Filing:* Documents must be filed in acceptable native applications and print-to-PDF, but not in scanned or picture format.

- For those unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery:

- *Mail via U.S. Postal Service Only:* Addressed to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

○ *Hand (including courier) Delivery:* Addressed to: Federal Energy Regulatory Commission, Secretary of the Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: <https://www.ferc.gov>. For user assistance, contact FERC Online Support by email at ferconlinesupport@ferc.gov, or by phone at (866) 208-3676 (toll-free).

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at <https://www.ferc.gov>.

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at: DataClearance@FERC.gov, telephone at (202) 502-8663, and fax at: (202) 273-0873.

SUPPLEMENTARY INFORMATION:

Title: FERC-923, Communication of Operational Information between Natural Gas Pipelines and Electric Transmission Operators.

OMB Control No.: 1902-0265.

Type of Request: Three-year extension of the information collection requirements described below with no changes to the current reporting requirements.

Abstract: In 2013, the Commission revised its regulations to provide explicit authority to interstate natural gas pipelines and public utilities that own, operate, or control facilities used for the transmission of electric energy in interstate commerce to voluntarily share non-public, operational information with each other for the purpose of promoting reliable service and operational planning on either the pipeline's or public utility's system. This helped ensure the reliability of natural gas pipeline and public utility

transmission services by permitting transmission operators to share with each other the information that they deem necessary to promote the reliability and integrity of their systems. FERC removed actual or perceived prohibitions to the information sharing and communications between industry entities. The information shared is not submitted to FERC. Rather, the non-public information is shared voluntarily between industry entities. FERC does not prescribe the content, medium, format, or frequency for the information sharing and communications. Those decisions are made by the industry entities, depending on their needs and the situation.

Type of Respondent: Natural gas pipelines and public utilities.

*Estimate of Annual Burden:*¹ The Commission estimates the annual public reporting burden and cost ² for FERC-923 as:

FERC-923—COMMUNICATION OF OPERATIONAL INFORMATION BETWEEN NATURAL GAS PIPELINES AND ELECTRIC TRANSMISSION OPERATORS

| | Number of respondents (1) | Annual number of responses per respondent (2) | Total number of responses (1) * (2) = (3) | Average burden hrs. & cost (\$) per response (4) | Total annual burden hrs. & total annual cost (\$) (3) * (4) = (5) | Cost per respondent (\$) (5) ÷ (1) |
|---|------------------------------|--|--|---|--|---------------------------------------|
| Public Utility Transmission Operator, communications. | 1 155 | 12 | 1,860 | 0.5 hrs.; \$45.50 | 930 hrs.; \$84,630 | \$546 |
| Interstate Natural Gas Pipelines, communications. | 2 191 | 12 | 2,292 | 0.5 hrs.; \$45.50 | 1,146 hrs.; \$104,286 ... | 546 |
| Total ..... | ..... | ..... | 4,152 | ..... | 2,076 hrs.; \$188,916 ... | ..... |

¹ The estimate for the number of respondents is based on the North American Electric Reliability Corporation (NERC) Compliance Registry as of October 12, 2022, minus the Transmission Operators within ERCOT.

² The estimate is based on the number of respondents to the 2021 FERC Forms 2 and 2A (Major and Non-major Natural Gas Pipeline Annual Reports).

Comments: Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility

and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: October 21, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022-23413 Filed 10-26-22; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Technical Meeting

| | Project No. |
|--|-------------|
| Eagle Creek Hydro Power, LLC; Eagle Creek Water Resources, LLC; Eagle Creek Land Resources, LLC; | 10482-122 |
| Eagle Creek Hydro Power, LLC; Eagle Creek Water Resources, LLC; Eagle Creek Land Resources, LLC; | 10481-069 |

¹ Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a federal agency. See 5 CFR

1320 for additional information on the definition of information collection burden.

² Commission staff estimates that the industry's skill set (wages and benefits) for FERC-923 is

comparable to the Commission's skill set. The FERC 2022 average salary plus benefits for one FERC full-time equivalent (FTE) is \$188,992 year (or \$91 per hour [rounded]).

| | Project No. |
|--|-------------|
| Eagle Creek Hydro Power, LLC; Eagle Creek Water Resources, LLC; Eagle Creek Land Resources, LLC; | 9690-115 |

a. *Date and Time of Meeting:* November 8, 2022, at 2:00 p.m. Eastern Standard Time via Conference Call.

b. *FERC Contact:* Nicholas Ettema at nicholas.ettema@ferc.gov or (312) 596-4447.

c. *Purpose of Meeting:* On September 28, 2022, Commission staff issued the Environmental Assessment (EA) for the Mongaup River Projects consisting of: (1) the Swinging Bridge Hydroelectric Project No. 10482; (2) the Mongaup Falls Hydroelectric Project No. 10481; and (3) the Rio Hydroelectric Project No. 9690. The Mongaup River Projects are owned and operated by the co-licensees Eagle Creek Hydro Power, LLC, Eagle Creek Water Resources, LLC, and Eagle Creek Land Resources, LLC (collectively referred to as Eagle Creek). On October 18, 2022, the U.S. Fish and Wildlife Service (FWS) requested a meeting via email to discuss its concerns regarding the EA's determination that the Mongaup River Projects are not likely to adversely affect the federally listed endangered dwarf wedgemussel. Commission staff is meeting with FWS, Eagle Creek, and other interested participants via conference call, to discuss the determination for dwarf wedgemussel.

d. *Proposed Agenda:*

- (1) Introduction of participants;
- (2) Commission staff explains the purpose of the meeting;
- (3) Participants discuss the determination of not likely to adversely affect for dwarf wedgemussel including any new or relevant information related to this determination.
- (4) Participants discuss issue resolution and follow-up actions.

e. A summary of the meeting will be prepared and filed in the Commission's public file for the project.

f. All local, state, and federal agencies, Indian tribes, and other interested parties are invited to participate by phone. If interested, please contact Nicholas Ettema at nicholas.ettema@ferc.gov or (312) 596-4447, by November 7, 2022, to receive the conference call number and access code.

Dated: October 21, 2022.

Kimberly D. Bose,
Secretary.

[FR Doc. 2022-23417 Filed 10-26-22; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP23-50-000.
Applicants: Texas Eastern Transmission, LP.

Description: § 4(d) Rate Filing: Negotiated Rates—Piedmont 910473 eff 4-1-22 to be effective 4/1/2022.

Filed Date: 10/20/22.

Accession Number: 20221020-5085.

Comment Date: 5 p.m. ET 11/1/22.

Docket Numbers: RP23-51-000.
Applicants: Iroquois Gas Transmission System, L.P.

Description: § 4(d) Rate Filing: 10.21.22 Negotiated Rates—Equinor Natural Gas LLC R-7120-17 to be effective 11/1/2022.

Filed Date: 10/21/22.

Accession Number: 20221021-5014.

Comment Date: 5 p.m. ET 11/2/22.

Docket Numbers: RP23-52-000.
Applicants: Iroquois Gas Transmission System, L.P.

Description: § 4(d) Rate Filing: 10.21.22 Negotiated Rates—Equinor Natural Gas LLC R-7120-18 to be effective 11/1/2022.

Filed Date: 10/21/22.

Accession Number: 20221021-5020.

Comment Date: 5 p.m. ET 11/2/22.

Docket Numbers: RP23-53-000.
Applicants: Iroquois Gas Transmission System, L.P.

Description: § 4(d) Rate Filing: 10.21.22 Negotiated Rates—Shell Energy North America (US), L.P. R-2170-22 to be effective 11/1/2022.

Filed Date: 10/21/22.

Accession Number: 20221021-5023.

Comment Date: 5 p.m. ET 11/2/22.

Docket Numbers: RP23-54-000.
Applicants: Iroquois Gas Transmission System, L.P.

Description: § 4(d) Rate Filing: 10.21.22 Negotiated Rates—Shell Energy North America (US), L.P. R-2170-23 to be effective 11/1/2022.

Filed Date: 10/21/22.

Accession Number: 20221021-5024.

Comment Date: 5 p.m. ET 11/2/22.

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: October 21, 2022.

Kimberly D. Bose,
Secretary.

[FR Doc. 2022-23415 Filed 10-26-22; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG23-11-000.
Applicants: Resurgence Solar I, LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Resurgence Solar I, LLC.

Filed Date: 10/20/22.

Accession Number: 20221020-5188.

Comment Date: 5 p.m. ET 11/10/22.

Docket Numbers: EG23-12-000.
Applicants: Resurgence Solar II, LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Resurgence Solar II, LLC.

Filed Date: 10/20/22.

Accession Number: 20221020-5189.

Comment Date: 5 p.m. ET 11/10/22.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER20-681-007.
Applicants: Tri-State Generation and Transmission Association, Inc.

Description: Compliance filing: MBR Compliance Filing to be effective 3/7/2022.

Filed Date: 10/21/22.

Accession Number: 20221021-5143.

Comment Date: 5 p.m. ET 11/14/22.

Docket Numbers: ER22-680-004.

Applicants: Southern California Edison Company.

Description: Tariff Amendment: Second Amended WDAT Enhancements to be effective 12/21/2022.

Filed Date: 10/21/22.

Accession Number: 20221021-5069.

Comment Date: 5 p.m. ET 11/14/22.

Docket Numbers: ER23-151-000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to ISA No. 4290, Queue No. Y3-044/Y3-050/Y3-053 (amend) to be effective 10/21/2015.

Filed Date: 10/20/22.

Accession Number: 20221020-5157.

Comment Date: 5 p.m. ET 11/10/22.

Docket Numbers: ER23-152-000.

Applicants: Pacific Gas and Electric Company.

Description: § 205(d) Rate Filing: Amendment to Interim Black Start Agreement (RS 234) 2022 to be effective 12/20/2022.

Filed Date: 10/21/22.

Accession Number: 20221021-5000.

Comment Date: 5 p.m. ET 11/14/22.

Docket Numbers: ER23-153-000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original ISA, Service Agreement No. 6657; Queue No. AF1-050 to be effective 9/21/2022.

Filed Date: 10/21/22.

Accession Number: 20221021-5013.

Comment Date: 5 p.m. ET 11/14/22.

Docket Numbers: ER23-154-000.

Applicants: Carson Hybrid Energy Center LLC.

Description: Baseline eTariff Filing: Application for Market Based Rate Authority to be effective 1/1/2023.

Filed Date: 10/21/22.

Accession Number: 20221021-5016.

Comment Date: 5 p.m. ET 11/14/22.

Docket Numbers: ER23-155-000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 4028 Pixley Solar Energy & ITCCP Facilities Service Agr to be effective 12/20/2022.

Filed Date: 10/21/22.

Accession Number: 20221021-5041.

Comment Date: 5 p.m. ET 11/14/22.

Docket Numbers: ER23-156-000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original ISA, Service Agreement No.

6664; Queue No. AF1-083 to be effective 9/21/2022.

Filed Date: 10/21/22.

Accession Number: 20221021-5043.

Comment Date: 5 p.m. ET 11/14/22.

Docket Numbers: ER23-157-000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to ISA, Service Agreement No. 6198; Queue No. AE1-104 to be effective 9/9/2021.

Filed Date: 10/21/22.

Accession Number: 20221021-5046.

Comment Date: 5 p.m. ET 11/14/22.

Docket Numbers: ER23-158-000.

Applicants: Public Service Company of Colorado.

Description: § 205(d) Rate Filing: SCC_Attachment B and C to be effective 1/1/2023.

Filed Date: 10/21/22.

Accession Number: 20221021-5099.

Comment Date: 5 p.m. ET 11/14/22.

Docket Numbers: ER23-159-000.

Applicants: Public Service Company of Colorado.

Description: § 205(d) Rate Filing: SCC_Joint Op. Agreement to be effective 1/1/2023.

Filed Date: 10/21/22.

Accession Number: 20221021-5100.

Comment Date: 5 p.m. ET 11/14/22.

Docket Numbers: ER23-160-000.

Applicants: Arizona Public Service Company.

Description: § 205(d) Rate Filing: Rate Schedule Nos. 298 and 299, Navajo Agreements to be effective 12/21/2022.

Filed Date: 10/21/22.

Accession Number: 20221021-5132.

Comment Date: 5 p.m. ET 11/14/22.

Docket Numbers: ER23-161-000.

Applicants: Public Service Company of Colorado.

Description: § 205(d) Rate Filing: SCC_Cost-based Coord. Services to be effective 1/1/2023.

Filed Date: 10/21/22.

Accession Number: 20221021-5152.

Comment Date: 5 p.m. ET 11/14/22.

Docket Numbers: ER23-162-000.

Applicants: Public Service Company of Colorado.

Description: § 205(d) Rate Filing: Social Cost of Carbon_(2) to be effective 1/1/2023.

Filed Date: 10/21/22.

Accession Number: 20221021-5156.

Comment Date: 5 p.m. ET 11/14/22.

Take notice that the Commission received the following qualifying facility filings:

Docket Numbers: QF23-85-000.

Applicants: Generate Capital, PBC.

Description: Form 556 of Generate Capital, PBC.

Filed Date: 10/21/22.

Accession Number: 20221021-5083.

Comment Date: 5 p.m. ET 11/14/22.

Docket Numbers: QF23-86-000.

Applicants: Generate Capital, PBC.

Description: Form 556 of Generate Capital, PBC [B].

Filed Date: 10/21/22.

Accession Number: 20221021-5086.

Comment Date: 5 p.m. ET 11/14/22.

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: October 21, 2022.

Kimberly D. Bose,
Secretary.

[FR Doc. 2022-23416 Filed 10-26-22; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2634-092]

Great Lakes Hydro America, LLC; Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Request for a temporary amendment of reservoir elevation and minimum required flow releases.

b. *Project No.:* 2634-092.

c. *Dates Filed:* July 14 and September 22, 2022.

d. *Applicant:* Great Lakes Hydro America, LLC.

e. *Name of Project:* Storage Project.

f. *Location:* The project is located on the South and West branches of the Penobscot River and its tributaries in

Somerset and Piscataquis counties, Maine.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Kevin Bernier, Great Lakes Hydro America, LLC, 1024 Central Street, Millinocket ME, 04462, (207) 951–5006.

i. *FERC Contact:* Mr. Steven Sachs, (202) 502–8666, Steven.Sachs@ferc.gov.

j. Deadline for filing comments, motions to intervene, and protests is 30 days from the issuance of this notice by the Commission. The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/doc-sfiling/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. The first page of any filing should include docket number P–2634–092.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Request:* The applicant requests a temporary amendment of its normal water level management and flow release requirements at the Ragged Lake development of its Storage Project. Rather than maintaining as high a water level as possible through July 15 and gradually drawing down the reservoir until winter, the applicant is maintaining Ragged Lake at an elevation of approximately 1,115.5 feet U.S. Geological Survey datum or 19.5 feet below the full pond elevation at the dam

beginning on April 27, 2022.

Furthermore, instead of drawing on reservoir storage to provide for elevated required flow releases through the summer and early autumn, the applicant is maintaining run-of-river operation, in which outflow is equal to inflow. The applicant states the temporary amendment is necessary to alleviate dam safety concerns and expects to continue the modified operation until the winter of 2022–2023.

l. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://ferc.gov>) using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at FERCOnlineSupport@ferc.gov or call toll-free, (866) 208–3676 or TYY, (202) 502–8659.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Motions To Intervene, or Protests:* Anyone may submit comments, a motion to intervene, or a protest in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, motions to intervene, or protests must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* Any filing must (1) bear in all capital letters the title "COMMENTS", "MOTION TO INTERVENE", or "PROTEST" as applicable; (2) set forth in the heading the name of the applicant and the project number(s) of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person intervening or protesting; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this

proceeding, in accordance with 18 CFR 385.2010.

Dated: October 21, 2022.

Kimberly D. Bose,
Secretary.

[FR Doc. 2022–23412 Filed 10–26–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP22–461–000]

Transcontinental Gas Pipe Line Company, LLC; Notice of Availability of the Draft Environmental Impact Statement for the Proposed Southside Reliability Enhancement Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared a draft environmental impact statement (EIS) for the Southside Reliability Enhancement Project (Project), proposed by Transcontinental Gas Pipe Line Company, LLC (Transco) in the above-referenced docket. Transco requests authorization to construct and operate one new compressor station and modify two existing compressor stations and three existing meter stations in North Carolina and Virginia. The Project would provide an incremental 423,400 dekatherms per day (Dth/d) of year-round firm transportation capacity from Transco's Compressor Station 165 and the Pine Needle Storage Facility along the mainline pipeline system to delivery points in North Carolina.

The draft EIS assesses the potential environmental effects of the construction and operation of the Project in accordance with the requirements of the National Environmental Policy Act (NEPA). FERC staff concludes that approval of the proposed Project, with the mitigation measures recommended in the EIS, would result in some adverse environmental impacts; however, impacts would be reduced to less-than-significant levels. Regarding climate change impacts, the Project's construction and operation emissions would increase the atmospheric concentration of greenhouse gases (GHG), in combination with past, present, and future emissions from all other sources. Climate change impacts are not characterized in the EIS as significant or insignificant because the Commission is conducting a generic proceeding to determine whether and how the Commission will conduct significance determinations going

forward.¹ The EIS also concludes that no system or other alternative site would meet the Project objective while providing a significant environmental advantage over the Project as proposed.

The draft EIS addresses the potential environmental effects of the construction and operation of the following Project facilities:

- installation of a new compressor station (Compressor Station 168) which includes one new 33,000 horsepower electric motor-driven compressor unit, and installation of new mainline valves on South Virginia Lateral A-Line and B-Line at the new Compressor Station 168 in Mecklenburg County, Virginia;
- addition of one 16,000 horsepower electric motor-driven compressor unit at existing Compressor Station 166 in Pittsylvania County, Virginia;
- installation of piping modifications to allow for flow reversal at existing Compressor Station 155 in Davidson County, North Carolina;
- replacement of one meter run to increase delivery volumes at the existing Ahsokie Meter Station in Hertford County, North Carolina;
- installation of new facilities to increase delivery volumes at the existing Pleasant Hill Meter Station in Northampton County, North Carolina; and
- upgrade meter and controls and debottleneck piping at the existing Iredell Meter Station in Iredell County, North Carolina.

The Commission mailed a copy of the *Notice of Availability* of the draft EIS to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; potentially affected landowners and other interested individuals and groups; and newspapers and libraries in the project area. The draft EIS is only available in electronic format. It may be viewed and downloaded from the FERC's website (www.ferc.gov), on the natural gas environmental documents page (<https://www.ferc.gov/industries-data/natural-gas/environmental-environmental-documents>). In addition, the draft EIS may be accessed by using the eLibrary link on the FERC's website. Click on the eLibrary link (<https://elibrary.ferc.gov/eLibrary/search>) select "General Search" and enter the docket number in the "Docket Number" field (i.e. CP22-461-000). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at FercOnlineSupport@ferc.gov

or toll free at (866) 208-3676, or for TTY, contact (202) 502-8659.

The draft EIS is not a decision document. It presents Commission staff's independent analysis of the environmental issues for the Commission to consider when addressing the merits of all issues in this proceeding. Any person wishing to comment on the draft EIS may do so. Your comments should focus on draft EIS's disclosure and discussion of potential environmental effects, measures to avoid or lessen environmental impacts, and the completeness of the submitted alternatives, information and analyses. To ensure consideration of your comments on the proposal in the final EIS, it is important that the Commission receive your comments on or before 5 p.m. Eastern Time on December 12, 2022.

For your convenience, there are four methods you can use to submit your comments to the Commission. The Commission will provide equal consideration to all comments received, whether filed in written form or provided verbally. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208-3676 or FercOnlineSupport@ferc.gov. Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the eComment feature on the Commission's website (www.ferc.gov) under the link to FERC Online. This is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the eFiling feature on the Commission's website (www.ferc.gov) under the link to FERC Online. 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." If you are filing a comment on a particular project, please select "Comment on a Filing" as the filing type; or

(3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the project docket number (CP22-461-000) on your letter. 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.

(4) In lieu of sending written comments, the Commission invites you to attend the virtual public comment session its staff will conduct by telephone, scheduled as follows:

Date and Time

Wednesday November 16, 2022

Time: 6:00–8:00 p.m. Eastern Standard Time

Call in number: 888-957-9871

Participant passcode: 3983900

The primary goal of the comment session is to have you identify specific environmental issues and concerns with the draft EIS. Note that the comment sessions will start at 6:00 p.m. and will end once all participants wishing to comment have had the opportunity to do so, or at 8:00 p.m., whichever comes first. Individual oral comments will be taken one at a time with a court reporter present on the line.

There will be a brief introduction by Commission staff when the session opens, so please attempt to call in at the beginning of the session. All participants will be able to hear the comments provided by other participants; however, all lines will remain closed during the comments of others and then opened one at a time for providing comments. Once you call in, the operator will provide directions on how to indicate you would like to provide a comment. A time limit of 3 minutes may be implemented for each commentor.

Your oral comments will be recorded by the court reporter and become part of the public record for this proceeding. Transcripts of all comments received during the session will be publicly available on FERC's eLibrary system (see comment instructions on page 3 of this notice for instructions on using eLibrary).

It is important to note that the Commission provides equal consideration to all comments received, whether filed in written form or provided orally at a virtual comment session.

Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR part 385.214). Motions to intervene are more fully described at <https://www.ferc.gov/ferc-online/ferc-online/how-guides>. Only intervenors have the right to seek rehearing or judicial review of the Commission's decision. The Commission grants affected landowners

¹ Consideration of Greenhouse Gas Emissions in Natural Gas Infrastructure Project Reviews, 178 FERC ¶ 61,108 (2022); 178 FERC ¶ 61,197 (2022).

and others with environmental concerns intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which no other party can adequately represent. Simply filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered.

Questions?

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208-FERC, or on the FERC website (www.ferc.gov) using the eLibrary link. 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 that 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. Go to <https://www.ferc.gov/ferc-online/overview> to register for eSubscription.

Dated: October 21, 2022.

Kimberly D. Bose,
Secretary.

[FR Doc. 2022-23414 Filed 10-26-22; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OLEM-2018-0646, FRL-10377-01-OMS]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Safe Management of Recalled Airbags Rule (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Safe Management of Recalled Airbags Rule (EPA ICR Number 2589.05, OMB Control Number 2050-0221) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through November 30, 2022.

Public comments were previously requested via the **Federal Register** on March 23, 2022 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before November 28, 2022.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA-HQ-OLEM-2018-0646, to EPA, either online using www.regulations.gov (our preferred method), or by mail to: RCRA Docket (2822T), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Tracy Atagi, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202-566-0511; email address: Atagi.Tracy@epa.gov.

SUPPLEMENTARY INFORMATION:

Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at www.regulations.gov. Materials can also be viewed at the Reading Room located at the EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The Docket Center's hours of operations are 8:30 a.m.–4:30 p.m., Monday–Friday (except Federal Holidays). The telephone number for the Docket Center is 202-566-1744.

Abstract: The collection of information is necessary in order to

ensure that the hazardous waste airbag modules and airbag inflators exempted under this rule are safely disposed of and that defective airbag modules and airbag inflators are not reinserted into vehicles where they would pose an unreasonable risk of death or serious injury. Information collection activities include maintaining at the airbag handler for no less than three years records of (1) all off-site shipments and (2) confirmations of receipt of airbag waste.

Form Numbers: None.

Respondents/affected entities: Business or other for-profit.

Respondent's obligation to respond: required to obtain or retain a benefit (sections 2002, 3001, 3002, 3003, 3004, 3006, 3010, and 3017 of the Solid Waste Disposal Act).

Estimated number of respondents: 15,175.

Frequency of response: On occasion.

Total estimated burden: 4,250 hours per year. Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: \$13,322 (per year), which includes \$0 annualized capital or operation & maintenance costs.

Changes in the estimates: There is a slight decrease in the burden estimates for this ICR due to a decrease in the number of respondents.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2022-23371 Filed 10-26-22; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-8519-04-R1]

Notice of Availability of Draft NPDES Small Wastewater Treatment Facilities General Permits Modification

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Availability of Draft NPDES General Permits Modification MAG580000 and NHG580000.

SUMMARY: The Director of the Water Division, U.S. Environmental Protection Agency—Region 1 (EPA), is providing a Notice of Availability for the Draft National Pollutant Discharge Elimination System (NPDES) Small Wastewater Treatment Facility General Permit (Small WWTF GP) Modification for discharges to certain waters of the Commonwealth of Massachusetts and the State of New Hampshire. This Draft NPDES Small WWTF GP Modification ("Draft General Permit Modification")

establishes effluent limitations and requirements, effluent and ambient monitoring requirements, reporting requirements, and standard conditions for 21 additional eligible facilities currently covered by individual NPDES permits (see Attachment E of the Draft General Permit Modification for a list of WWTFs being added to the General Permit; 11 in Massachusetts, 10 in New Hampshire, and 2 Co-Permittees in New Hampshire). The Draft General Permit Modification is available on EPA Region 1's website at <https://www.epa.gov/npdes-permits/region-1-draft-small-wastewater-treatment-facilities-general-permit-modification>. The Statement of Basis for the Draft General Permit Modification sets forth principal facts and the significant factual, legal, methodological, and policy questions considered in the development of the Draft General Permit Modification and is also available at this website.

DATES: Public comments must be received by January 25, 2023.

ADDRESSES: Written comments on the Draft General Permit Modification may be mailed to U.S. EPA Region 1, Water Division, Attn: Michele Duspiva, 5 Post Office Square, Suite 100, Mail Code 06-4, Boston, Massachusetts 02109-3912, or sent via email to: Duspiva.Michele@epa.gov. If comments are submitted in hard copy form, please also email a copy to the EPA contact above.

FOR FURTHER INFORMATION CONTACT: The administrative record and additional information concerning the Draft General Permit Modification may be obtained from Michele Duspiva, U.S. EPA Region 1, Water Division, 5 Post Office Square, Suite 100, Mail Code 06-4, Boston, MA 02109-3912; telephone: 617-918-1682; email: Duspiva.Michele@epa.gov.

SUPPLEMENTARY INFORMATION:

Public Comment Information:

Interested persons may submit written comments on the Draft General Permit Modification to EPA Region 1 at the address listed above. In reaching a final decision on this Draft General Permit Modification, the Regional Administrator will respond to all significant comments and make responses available to the public on EPA Region 1's website. All comments must be postmarked or delivered by the close of the public comment period.

General Information: The Draft General Permit Modification includes effluent limitations and requirements for eligible facilities based on technology and/or water quality considerations of the unique discharges from these facilities. The effluent limits established in the Draft General Permit

Modification ensure that the surface water quality standards of the receiving water(s) will be attained and/or maintained.

Obtaining Authorization: To obtain coverage under the General Permit, facilities meeting the eligibility requirements outlined in Part I of this General Permit may submit a notice of intent (NOI) in accordance with Part V of this General Permit and 40 CFR 122.28(b)(2)(i) & (ii). The contents of the NOI shall include at a minimum, the legal name and address of the owner or operator, the facility name and address, type of facility or discharges, the receiving stream(s) and be signed by the operator in accordance with the signatory requirements of 40 CFR 122.22. Alternately, based on 40 CFR 122.28(b)(2)(vi), the Director may notify a discharger that it is covered by a general permit, even if the discharger has not submitted an NOI to be covered. EPA has determined that the facilities identified in Attachment E of the Draft General Permit Modification all meet the eligibility requirements for coverage under the Draft General Permit and may be authorized to discharge under the General Permit Modification by this type of notification.

Other Legal Requirements:
Endangered Species Act (ESA): In accordance with the ESA, EPA has updated the provisions and necessary actions and documentation related to potential impacts to endangered species from WWTFs being added for coverage under the Draft General Permit Modification. Concurrently with the public notice of the Draft General Permit Modification, EPA has initiated an informal consultation with the National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NOAA Fisheries) under ESA section 7, through the submission of a letter and biological assessment (BA) summarizing the results of EPA's assessment of the potential effects to endangered and threatened species and their critical habitats under NOAA Fisheries jurisdiction as a result of EPA's issuance of the Draft General Permit Modification. In this document, EPA has made a preliminary determination that the proposed issuance of the Draft General Permit Modification is not likely to adversely affect the shortnose sturgeon, Atlantic sturgeon, leatherback sea turtles, loggerhead sea turtles, Kemp's ridley sea turtles, green sea turtles, North Atlantic right whales, and fin whales. EPA has requested that NOAA Fisheries review this submittal and inform EPA whether it concurs with this preliminary finding.

In addition, EPA has initiated an informal consultation with the U.S. Fish and Wildlife Service (USFWS) under ESA section 7, through the submission of a letter summarizing the results of EPA's assessment of the potential effects to endangered and threatened species and their critical habitats under USFWS jurisdiction as a result of EPA's issuance of the Draft General Permit Modification. In this document, EPA has made a preliminary determination that the proposed issuance of the Draft General Permit Modification is not likely to adversely affect the northern long-eared bat. EPA has completed an informal consultation with USFWS regarding the threatened northern long-eared bat, as activities conducted as part of the Small WWTF GP Modification are consistent with activities analyzed in the USFWS January 5, 2016, Programmatic Biological Opinion (PBO).

Essential Fish Habitat (EFH): Under the 1996 Amendments (Pub. L. 104-267) to the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.* (1998)), EPA is required to consult with NOAA Fisheries if EPA's actions or proposed actions that it funds, permits or undertakes "may adversely impact any essential fish habitat." 16 U.S.C. 1855(b). This consultation will only include an analysis of the proposed additional facilities and will not include the facilities that are already covered based on the 2021 issuance of the General Permit. In the Statement of Basis accompanying the Draft General Permit Modification, EPA notes that the general permit action minimizes adverse effects to aquatic organisms, including those with designated EFH in the receiving waters. EFH species associated with the receiving waters of facilities covered by the Draft General Permit Modification may include Atlantic salmon as well as the life stages of a number of coastal EFH designated species, along with two habitat areas of particular concern. EPA has made the determination that additional mitigation is not warranted under Section 305(b)(2) of the Magnuson-Stevens Act and has provided this determination to NOAA Fisheries for their review.

National Historic Preservation Act (NHPA): Facilities which adversely affect properties listed or eligible for listing in the National Registry of Historic Places under the NHPA are not authorized to discharge under the Draft General Permit Modification. Based on the nature and location of the discharges, EPA has determined that all facilities eligible for authorization under the Draft General Permit do not have the potential to affect a property that is

either listed or eligible for listing on the National Register of Historic Places.

Coastal Zone Management Act (CZMA): The CZMA, 16 U.S.C. 1451 *et seq.*, and its implementing regulations (15 CFR part 930) require a determination that any federally licensed activity affecting the coastal zone with an approved Coastal Zone Management Program (CZMP) is consistent with the CZMA.

On June 7, 2021, the Massachusetts CZMP determined that the Small WWTF GP is consistent with its enforceable policies. Concurrent with the public notice EPA will request that the Executive Office of Environmental Affairs, MA CZM, Project Review Coordinator provide a consistency concurrence that the proposed Small WWTF GP Modification is consistent with the MA CZMP.

On June 7, 2021, the New Hampshire Coastal Program (NHCP) determined that the Small WWTF GP is consistent with its enforceable policies. On June 30, 2022, the NHCP determined that any additional facilities that qualify for coverage under the Small WWTF GP are also consistent with its enforceable policies. On June 30, 2022, EPA submitted a formal letter to NHCP describing this determination. Therefore, additional CZMA federal consistency review by the NHCP is not required.

Authority: This action is being taken under the Clean Water Act, 33 U.S.C. 1251 *et seq.*

David Cash,

Regional Administrator, EPA Region 1.

[FR Doc. 2022–23423 Filed 10–26–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OLEM–2018–0692, FRL–10376–01–OMS]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Generator Standards Applicable to Laboratories Owned by Eligible Academic Entities (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Generator Standards Applicable to Laboratories Owned by Eligible Academic Entities (EPA ICR Number 2317.04, OMB Control Number 2050–

0204) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through December 31, 2022. Public comments were previously requested via the **Federal Register** on May 2, 2022 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before November 28, 2022.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OLEM–2018–0692, to EPA, either online using www.regulations.gov (our preferred method), or by mail to: RCRA Docket (2822T), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Kristen Fitzgerald, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202–566–0512; email address: fitzgerald.kristen@epa.gov.

SUPPLEMENTARY INFORMATION:

Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at www.regulations.gov. Materials can also be viewed at the Reading Room located at the EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The Docket Center's hours of operations are 8:30

a.m.–4:30 p.m., Monday–Friday (except Federal Holidays). The telephone number for the Docket Center is 202–566–1744.

Abstract: Subpart K within 40 CFR part 262 provides a flexible and protective set of regulations that address the specific nature of hazardous waste generation and accumulation in laboratories owned by colleges and universities, including teaching hospitals and non-profit research institutes that are either owned by or formally affiliated with a college or university. In addition, eligible academic entities have the discretion to determine the most appropriate and effective method of compliance with these requirements—by allowing them the choice of either managing their hazardous wastes in accordance with the alternative regulations as set forth in Subpart K, or remaining subject to the existing generator regulations.

Form Numbers: None.

Respondents/affected entities:

Business and other for-profit, as well as State, Local, and Tribal governments.

Respondent's obligation to respond:

Required to obtain or retain a benefit (Sections 2002, 3001, 3002, 3004 of RCRA).

Estimated number of respondents: 246.

Frequency of response: On occasion.

Total estimated burden: 146,157 hours per year. Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: \$8,088,511 (per year), which includes \$255,192 in annualized capital or operation & maintenance costs.

Changes in the Estimates: There is a decrease of 11,815 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease is in the number of respondents.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2022–23348 Filed 10–26–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2017–0318; FRL–10370–01–OMS]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Request for Contractor Access to Toxic Substances Control Act Confidential Business Information (CBI) (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Request for Contractor Access to Toxic Substances Control Act Confidential Business Information (CBI) (EPA ICR Number 1250.12; OMB Control Number 2070-0075) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR which is currently approved through October 31, 2022. Public comments were previously requested via the **Federal Register** on January 24, 2022 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before November 28, 2022.

ADDRESSES: Submit your comments to EPA, referencing Docket ID No. EPA-HQ-OPPT-2017-0318, online using www.regulations.gov (our preferred method), by email to <https://www.epa.gov/dockets>, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460. EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

FOR FURTHER INFORMATION CONTACT: Katherine Sleasman, Regulatory Support Branch (7101M), Office of Chemical Safety and Pollution Prevention, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 566-

1204; email address: sleasman.katherine@epa.gov.

SUPPLEMENTARY INFORMATION:

Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at www.regulations.gov or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA's dockets, visit <https://www.epa.gov/dockets>.

Abstract: EPA procures contract support to facilitate the performance of certain duties. EPA may require contractors to handle TSCA CBI. Each contractor employee who will use TSCA CBI in the performance of his or her duties must be authorized for access to TSCA CBI through a multi-step process. The TSCA CBI Protection Manual provides Federal and contractor employees with guidelines and operating procedures for handling TSCA CBI while performing their official duties, as well as the procedures to obtain authorization for access to TSCA CBI.

Specifically, for purposes of this information collection, contractor personnel must submit to EPA the EPA form titled "TSCA CBI Access Request, Agreement, and Approval" (EPA Form 7740-6). The Agency uses EPA Form 7740-6 to collect information about contractor personnel so that the Agency can evaluate their suitability for access to TSCA CBI.

Form Numbers: 7740-6.

Respondents/affected entities:

Potentially affected entities may include but are not limited to the following: NAICS codes 514 (Information Services) and 561 (Administrative and Support Services).

Respondent's obligation to respond: Mandatory, 15 U.S.C. 2613.

Estimated number of respondents: 241 (total).

Frequency of response: On occasion.

Total estimated burden: 341 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: \$19,740 (per year), includes \$0 annualized capital or operation & maintenance costs.

Changes in the estimates: The estimated annual burden to contractors is unchanged at 341 hours compared with that identified in the ICR currently approved by OMB. Also, the costs to the industry respondents increased by \$435,

reflecting increases in labor and overhead costs over time.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2022-23374 Filed 10-26-22; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2020-0640; FRL-10380-01-OMS]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Engine Test Cells/Standards (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), NESHAP for Engine Test Cells/Standards (EPA ICR Number 2066.10, OMB Control Number 2060-0483), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through February 28, 2025. Public comments were previously requested, via the **Federal Register**, on February 8, 2021 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may neither conduct nor sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before November 28, 2022.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA-HQ-OAR-2020-0640, to EPA online using <https://www.regulations.gov/> (our preferred method), or by email to docket@epa.gov, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460. EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: Muntasir Ali, Sector Policies and Program Division (D243-05), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina, 27711; telephone number: (919) 541-0833; email address: ali.muntasir@epa.gov.

SUPPLEMENTARY INFORMATION:

Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at <https://www.regulations.gov>, or in person at the EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

Abstract: The National Emission Standards for Hazardous Air Pollutants (NESHAP) for Engine Test Cells/Standards (40 CFR part 63, subpart PPPPP) apply to any existing, new, or reconstructed engine test cells/stands located at major source facilities that are used for testing internal combustion engines. Owners and operators of engine test cells/stands are required to comply with reporting and record keeping requirements for the general provisions of 40 CFR part 63, subpart A, as well as the applicable specific standards in 40 CFR part 63 Subpart PPPPP. In general, all NESHAP standards require initial notifications, performance tests, and periodic reports by the owners/operators of the affected facilities. These notifications, reports, and records are essential in determining compliance with 40 CFR part 63, subpart PPPPP and must be maintained for at least 5 years from the date on which it was generated.

Form Numbers: 5900-523.

Respondents/affected entities: Engine test cells/stands.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart PPPPP).

Estimated number of respondents: 8 (total).

Frequency of response: Semiannually.

Total estimated burden: 830 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: \$101,000 (per year), which includes \$2,400 in annualized capital/startup and/or operation & maintenance costs.

Changes in the estimates: There is a decrease in burden from the most-recently approved ICR as currently identified in the OMB Inventory of Approved Burdens. The regulations were previously amended in a Risk and Technology Review (RTR) on June 3, 2020 at 85 FR 34326. The change in the burden and cost estimates in this ICR occurred because the revised standard has been in effect for 1.5 years and the requirements are different during initial compliance (new facilities) as compared to on-going compliance (existing facilities). The previous ICR (2066.09) reflected those burdens and costs associated with the initial activities for those facilities subject to the June 3, 2020 final rule. This ICR (2066.10) reflects the ongoing burden and costs for existing facilities. The final rule amendments eliminated the SSM exemption, removed the SSM plan and SSM recordkeeping requirements, and required electronic submittal of performance test results. This ICR adjusts the burden, following the June 3, 2020 final rule, to reflect the current number of entities anticipated to be subject to the rule, and assumes the one new source identified in the RTR has already complied with the initial notification and testing requirements, resulting in a decrease in the capital/startup costs. This ICR retains the assumption in the final rule ICR that two new sources will submit an initial notification over the next three years, but will not be subject to emission limits, performance testing, recordkeeping, and reporting requirements. No new sources that would be subject to the emission limits, performance testing, recordkeeping and reporting requirements are anticipated during the three-year period of this ICR.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2022-23375 Filed 10-26-22; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OMS-2022-0777; FRL-10373-01-OMS]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request, Ethnicity, Race, Gender and Disability Form

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Ethnicity, Race, Gender and Disability Form (EPA ICR Number 2717.01, OMB Control Number 2030-NEW) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a request for approval of a new collection. Public comments were previously requested via the **Federal Register** on March 2, 2022, and another notice was published on April 21, 2022 to extend the public comment period to allow for a 60-day comment period on supplemental documents that were added to the docket. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may not conduct, or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before November 28, 2022.

ADDRESSES: Submit your comments to EPA, referencing Docket ID No. EPA-HQ-OMS-2022-0277, online using www.regulations.gov (our preferred method), by email to Docket_OMS@epa.gov or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460. EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain.

Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: Gina Moore, Office of Resources and Business Operations, Federal Advisory Committee Management Division, Mail Code 1601M, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202-566-0462; email address: moore.gina@epa.gov.

SUPPLEMENTARY INFORMATION:

Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at www.regulations.gov or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA’s public docket, visit <http://www.epa.gov/dockets>.

Abstract: Agency officials developed this form to comply with Executive Order (14035): Diversity, Equity, Inclusion and Accessibility in the Federal Workforce, Section 5(e) that directs the U.S. Environmental Protection Agency to collect and analyze voluntarily self-reported demographic data regarding the membership of federal advisory committees to pursue opportunities to increase diversity, equity, inclusion, and accessibility. When creating the ethnicity, race and demographic items for the form, EPA followed the format of the Employee Viewpoint Survey administered by the U.S. Office of Personnel Management.

This information collection request will assist EPA when selecting members to EPA’s scientific and technical federal advisory committees to strengthen opportunities so that members and future nominees reflect the diversity of the American people in terms of gender, race, ethnicity, geography, and other characteristics.

Form Numbers: 5800-068.

Respondents/affected entities: Entities potentially affected by this action are approximately 200 candidates for membership on EPA’s federal advisory committees. In an effort to strive for federal advisory committees where future nominees reflect the diversity of America, all nominees are encouraged to complete and submit the form when applying for membership in accordance with Executive Order 14035 of June 25,

2021: *Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce.*

Respondent’s obligation to respond: Voluntary.

Estimated number of respondents: 200 (total).

Frequency of response: Annually.

Total estimated burden: 16.6 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: \$651 (per year). There are no annualized capital or operation & maintenance costs.

Changes in the estimates: There is no change in burden because this is a new information collection request.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2022-23370 Filed 10-26-22; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPPT-2015-0744; FRL-10371-01-OMS]

Information Collection Request Submitted to OMB for Review and Approval; Notification of Substantial Risk of Injury to Health and the Environment Under TSCA Section 8(e) (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted the following information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: Notification of Substantial Risk of Injury to Health and the Environment under TSCA Section 8(e) (EPA ICR Number 0794.17 and OMB Control Number 2070-0046). This is a proposed extension of the ICR which is currently approved through October 31, 2022. Public comments were previously requested via the **Federal Register** on February 8, 2022 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before November 28, 2022.

ADDRESSES: Submit your comments to EPA, referencing Docket ID No. EPA-HQ-OPPT-2015-0744, online using www.regulations.gov (our preferred method), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460. EPA’s policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Katherine Sleasman, Regulatory Support Branch (7101M), Office of Chemical Safety and Pollution Prevention, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 566-1204; email address: sleasman.katherine@epa.gov.

SUPPLEMENTARY INFORMATION:

Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the docket for this ICR. The docket can be viewed online at www.regulations.gov or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA’s dockets, visit <http://www.epa.gov/dockets>.

Abstract: Under TSCA section 8(e), any person who manufactures (defined by statute to include imports), processes, or distributes in commerce a chemical substance or mixture and who obtains information which reasonably supports the conclusion that such substance or mixture presents a substantial risk of injury to health or the environment is required to immediately inform EPA of such information unless they have actual knowledge that EPA has been adequately informed of such information.

EPA receives and screens TSCA section 8(e) submissions covering a large number of chemical substances and mixtures on a wide range of chemical toxicity/exposure information.

Although EPA's receipt of TSCA section 8(e) information does not necessarily trigger immediate regulatory action under TSCA or other authorities administered by EPA, all TSCA section 8(e) submissions receive screening level evaluations by EPA's Office of Pollution Prevention and Toxics (OPPT) to identify priorities for further Agency action and appropriate referrals to other programs.

In addition, EPA is offering an electronic reporting option for use both by those who are required to submit a notification of substantial risk under TSCA section 8(e) and by those who wish voluntarily to submit "For Your Information" (FYI) notices by registering and submitting information electronically using the Agency's Central Data Exchange (CDX).

Form Numbers: None.

Respondents/affected entities: Entities potentially affected are those that manufacture, process, import, or distribute in commerce chemical substances and mixtures. The following North American Industrial Classification System (NAICS) codes have been provided to assist in determining whether this action might apply to certain entities: Chemical manufacturing (NAICS code 325) and petroleum and coal product manufacturing (NAICS code 324).

Respondent's obligation to respond: Mandatory, 15 U.S.C. 2607(e).

Estimated number of respondents: 51 (total).

Frequency of response: On occasion.

Total estimated burden: 17,565 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: \$1,635,246 (per year), includes \$0 annualized capital or operation & maintenance costs.

Changes in the estimates: There is a decrease of 3,777 hours from the ICR currently approved by OMB (from 21,412 to 17,635 hours). This reflects an overall decrease in the number of 8(e) and FYI submissions, which decreased from 408 to 343 for 8(e) submissions and from 13 to 6 for FYI submissions respectively.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2022-23373 Filed 10-26-22; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2022-0044; FRL-10375-01-OMS]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Chemical Preparations Industry (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NESHAP for Chemical Preparations Industry (EPA ICR Number 2356.06, OMB Control Number 2060-0636) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through December 31, 2020. Public comments were previously requested, via the **Federal Register**, on April 8, 2022 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may neither conduct nor sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before November 28, 2022.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA-HQ-OAR-2022-0044, to EPA online using <https://www.regulations.gov/> (our preferred method), or by email, to docket@epa.gov, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460. EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information

collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

FOR FURTHER INFORMATION CONTACT: Muntasir Ali, Sector Policies and Program Division (D243-05), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541-0833; email address: ali.muntasir@epa.gov.

SUPPLEMENTARY INFORMATION:

Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at <https://www.regulations.gov>, or in person at the EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA's public docket, visit: <http://www.epa.gov/dockets>.

Abstract: The National Emission Standards for Hazardous Air Pollutants (NESHAP) for Chemical Preparations Industry (40 CFR part 63, subpart BBBBBBB) were proposed on August 5, 2009, and promulgated on December 30, 2009. These regulations apply to both existing and new chemical preparation facilities that conduct the mixing, milling, blending or extruding of industrial chemicals and that are area sources of hazardous air pollutants (HAPs). Area sources are classified as sources that emit less than 10 tons per year of a single HAP and less than 25 tons per year of any combination of HAPs. New facilities include those that commenced construction, modification or reconstruction after the date of proposal. This information is being collected to assure compliance with 40 CFR part 63, subpart BBBBBBB.

In general, all NESHAP standards require initial notifications, performance tests, and periodic reports by the owners/operators of the affected facilities. They are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance, and are required of all affected facilities subject to NESHAP.

Form Numbers: None.

Respondents/affected entities: Chemical preparation facilities that conduct the mixing, milling, blending or extruding of industrial chemicals.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart BBBBBB).

Estimated number of respondents: 3 (total).

Frequency of response: Initially, annually, and semiannually.

Total estimated burden: 176 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: \$21,100 (per year), which includes \$45 in annualized capital/startup and/or operation & maintenance costs.

Changes in the Estimates: The adjustment decrease in burden from the most-recently approved ICR is due to a decrease in the number of sources. This ICR reflects a substantial decrease in the number of respondents in the currently approved ICR, based on data collected from the chemical preparations industry as part of a 2020 section 114 information collection request. There were 26 affected sources estimated in the most-recently approved ICR, and this ICR renewal estimates there are three affected sources. The number of sources has decreased by 88 percent, which reflects an overall decline in the industry. There are no capital/startup costs in this ICR. The O&M costs decreased due to the decreased number of affected sources.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2022-23349 Filed 10-26-22; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2020-0641; FRL-10379-01-OMS]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Iron and Steel Foundries Area Sources (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NESHAP for Iron and Steel Foundries Area Sources (EPA ICR Number 2267.08, OMB Control Number 2060-0605), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through September 31, 2023. Public comments were previously

requested, via the **Federal Register**, on February 8, 2021 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may neither conduct nor sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before November 28, 2022.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA-HQ-OAR-2020-0641 to EPA online using <https://www.regulations.gov/> (our preferred method), or by email to docket.oeca@epa.gov, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Muntasir Ali, Sector Policies and Program Division (D243-05), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541-0833; email address: ali.muntasir@epa.gov.

SUPPLEMENTARY INFORMATION:

Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at <https://www.regulations.gov/> or in person at the EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA's public docket, visit: <http://www.epa.gov/dockets>.

Abstract: The National Emission Standards for Hazardous Air Pollutants (NESHAP) for Iron and Steel Foundries Area Sources (40 CFR part 63, subpart ZZZZZ) apply to both new and existing iron and/or steel foundries that are an area source of hazardous air pollutants (HAP) emissions. There are different requirements for foundries based on size. Existing foundries with an annual metal melt production greater than 20,000 tons and new foundries with an annual melt capacity of 10,000 tons are classified as large foundries. Existing foundries with an annual metal melt capacity of 10,000 tons or less are classified as small foundries. Research and development facilities are not covered by the rule. New facilities include those that commenced either construction, modification or reconstruction after the date of proposal. In general, all NESHAP standards require initial notifications, performance tests, and periodic reports by the owners/operators of the affected facilities. They are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance with 40 CFR part 63, subpart ZZZZZ.

Form Numbers: 5900-521.

Respondents/affected entities: Iron and steel foundries.

Respondent's obligation to respond: Mandatory (40 CFR 63, Subpart ZZZZZ).

Estimated number of respondents: 390 (total).

Frequency of response: Initially, occasionally, quarterly, semiannually, and annually.

Total estimated burden: 12,970 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: \$1,540,000 (per year), which includes \$0 in annualized capital/startup and/or operation & maintenance costs.

Changes in the estimates: There is an adjustment decrease in the total estimated burden as currently identified in the OMB Inventory of Approved Burdens. This decrease is not due to any program changes. There are no changes in the regulatory requirements and there is no significant industry growth since the most-recently approved ICR was developed. The previous ICR reflected those burdens and costs associated with certain one-time activities including reviewing record keeping systems, adjusting methods, and training employees as a result of the 2020 rule

revisions (85 FR 56080). This ICR, by and large, reflects the on-going burden and costs for existing facilities.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2022-23372 Filed 10-26-22; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-0740; FR ID 110405]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments shall be submitted on or before December 27, 2022. If you anticipate that you will be submitting comments but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email: PRA@fcc.gov and to Cathy.Williams@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418-2918.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060-0740.

Title: Section 95.2109, AMTS Notifications; 95.2195, LPRS Disclosures.

Form No.: Not applicable.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 26 respondents and 26 responses.

Estimated Time per Response: 1 hour.

Frequency of Response: On occasion reporting requirement, and third-party disclosure requirement.

Obligation To Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in 47 U.S.C. 154 and 303.

Total Annual Burden: 26 hours.

Annual Cost Burden: \$1,300.

Needs and Uses: Manufacturers of Low Power Radio Service (LPRS) used for auditory assistance, health care assistance, and law enforcement tracking purposes must include with each transmitting device the following statement: "This transmitter is authorized by rule under the Low Power Radio Service (47 CFR part 95) and must not cause harmful interference to TV reception or United States Navy SPASUR installations. You do not need an FCC license to operate this transmitter. This transmitter may only be used to provide: Auditory assistance to persons with disabilities, persons who require language translation, or persons in educational settings; health care services to the ill; law enforcement tracking services under agreement with a law enforcement agency; or automated maritime telecommunications system (AMTS) network control communications. Two-way voice communications and all other types of uses not mentioned above are expressly prohibited."

The reporting requirement contained in section 95.2109 states that Prior to operating a LPRS transmitter with an AMTS, the AMTS licensee must notify, in writing, each television station that may be affected by such operations, as defined in section 80.215(h). The notification provided with the station's license application is sufficient to satisfy this requirement if no new television stations would be affected.

The information collection requirement contained in section 95.2195 requires that manufacturers of LPRS transmitters used for auditory assistance, health care assistance, and law enforcement tracking purposes must include with each transmitting device the following statement:

This transmitter is authorized by rule under the Low Power Radio Service (47 CFR part 95) and must not cause harmful interference to TV reception or to the United States Air Force Space Surveillance System operating in the 216.88-217.08 MHz band. With the exception of automated maritime telecommunications system (AMTS) devices, you do not need an FCC license to operate this transmitter. This transmitter may only be used to provide: Auditory assistance to persons with disabilities, persons who require language translation, or persons in educational settings; health care services to the ill; law enforcement tracking services under agreement with a law enforcement agency; or AMTS network control communications. Two-way voice communications and all other types of uses not mentioned above are expressly prohibited.

Please note that sections 95.1015(a) and (b) were renumbered to sections 95.2195 and 95.2109 via FCC 17-57.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2022-23429 Filed 10-26-22; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

[FR ID 110818]

Open Commission Meeting Thursday, October 27, 2022

October 20, 2022.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, October 27, 2022, which is scheduled to commence at 10:30 a.m. in the Commission Meeting Room of the Federal Communications Commission, 45 L Street NE, Washington, DC. While attendance at the Open Meeting is available to the public, the FCC headquarters building is not open access, and all guests must check in with and be screened by FCC security at the main entrance on L Street. Attendees at the Open Meeting will not be required to have an appointment but must otherwise comply with protocols outlined at: www.fcc.gov/visit. Open Meetings are streamed live at:

www.fcc.gov/live and on the FCC’s YouTube channel.

| Item No. | Bureau | Subject |
|----------|--|---|
| 1 | Wireline Competition | <i>Title:</i> Uniendo a Puerto Rico Fund and the Connect USVI Fund (WC Docket No. 18–143); Connect America Fund (WC Docket No 10–90). <i>Summary:</i> The Commission will consider a Further Notice of Proposed Rulemaking that would ensure continued support for mobile carriers and extend the support phase down for incumbent fixed broadband providers in Puerto Rico and the U.S. Virgin Islands to enhance their networks’ reliability and resiliency in the face of hurricanes and other natural disasters. |
| 2 | Wireless Tele-Communications and Office of Engineering & Technology. | <i>Title:</i> Considering 12.7 GHz Band for Next-Generation Wireless Services (GN Docket No. 22–352). <i>Summary:</i> The Commission will consider a Notice of Inquiry to seek information on the current use of the 12.7–13.25 GHz band, ways to encourage more efficient and intensive use of the band, and whether the band is suitable for mobile broadband or other expanded use. The Commission will also consider an Order to extend the temporary freeze on applications in the 12.7 GHz band. |
| 3 | Wireline Competition | <i>Title:</i> Caller ID Authentication on Non-IP Networks (WC Docket No. 17–97). <i>Summary:</i> The Commission will consider a Notice of Inquiry launching a broad inquiry on caller ID authentication technology for non-Internet Protocol networks. |
| 4 | Public Safety & Homeland Security | <i>Title:</i> Improving the Security of the National Alert and Warning Systems (PS Docket No. 22–329); Amendment of Part 11 of the Commission’s Rules Regarding the Emergency Alert System (PS Docket No. 15–94); Wireless Emergency Alerts (PS Docket No. 15–91). <i>Summary:</i> The Commission will consider a Notice of Proposed Rulemaking to strengthen the operational readiness of the Emergency Alert System and Wireless Emergency Alerts, including by reducing the vulnerability of these systems to cyberattacks. |
| 5 | Media | <i>Title:</i> Restricted Adjudicatory Matter. <i>Summary:</i> The Commission will consider a restricted adjudicatory matter. |

* * * * *

The meeting will be webcast at www.fcc.gov/live. Open captioning will be provided as well as a text only version on the FCC website. Other reasonable accommodations for people with disabilities are available upon request. In your request, include a description of the accommodation you will need and a way we can contact you if we need more information. Last minute requests will be accepted but may be impossible to fill. Send an email to: fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202–418–0530.

Press Access—Members of the news media are welcome to attend the meeting and will be provided reserved seating on a first-come, first-served basis. Following the meeting, the Chairwoman may hold a news conference in which she will take questions from credentialed members of the press in attendance. Also, senior policy and legal staff will be made available to the press in attendance for questions related to the items on the meeting agenda. Commissioners may also choose to hold press conferences. Press may also direct questions to the Office of Media Relations (OMR): MediaRelations@fcc.gov. Questions about credentialing should be directed to OMR.

Additional information concerning this meeting may be obtained from the

Office of Media Relations, (202) 418–0500. Audio/Video coverage of the meeting will be broadcast live with open captioning over the internet from the FCC Live web page at www.fcc.gov/live.

Federal Communications Commission.
Marlene Dortch,
Secretary.
[FR Doc. 2022–23381 Filed 10–26–22; 8:45 am]
BILLING CODE 6712–01–P

FEDERAL MARITIME COMMISSION
[DOCKET NO. 22–28]

Notice of Filing of Complaint and Assignment; Way Interglobal Network, LLC Complainant v. Shenzhen Unifelix SCM Limited, Respondent

Notice is given that a complaint has been filed with the Federal Maritime Commission (Commission) by Way Interglobal Network, LLC hereinafter “Complainant,” against Shenzhen Unifelix SCM Limited, hereinafter “Respondent.” Complainant states that it is a limited liability company organized in the State of Indiana. Complainant identifies the Respondent as a non-vessel-operating common carrier based in China.

Complainant alleges that Respondent violated 46 U.S.C. 41102(c), 41102(d), 41103(a), 41104(a)(1), 41104(a)(4)(E),

and 41104(a)(10) in its practices, disclosure of financial information, assessment of charges, and the rates and terms of its service contract related to the movement of containers. The full text of the complaint can be found in the Commission’s Electronic Reading Room at <https://www2.fmc.gov/readingroom/proceeding/22-28/>.

This proceeding has been assigned to Office of Administrative Law Judges. The initial decision of the presiding officer in this proceeding shall be issued by October 21, 2023, and the final decision of the Commission shall be issued by May 6, 2024.

Served: October 21, 2022.
William Cody,
Secretary.
[FR Doc. 2022–23359 Filed 10–26–22; 8:45 am]
BILLING CODE 6730–02–P

FEDERAL MARITIME COMMISSION
Notice of Agreements Filed

The Commission hereby gives notice of filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments, relevant information, or documents regarding the agreements to the Secretary by email at Secretary@fmc.gov, or by mail, Federal Maritime Commission, 800 North Capitol Street, Washington, DC 20573. Comments will

be most helpful to the Commission if received within 12 days of the date this notice appears in the **Federal Register**, and the Commission requests that comments be submitted within 7 days on agreements that request expedited review. Copies of agreements are available through the Commission's website (www.fmc.gov) or by contacting the Office of Agreements at (202) 523-5793 or tradeanalysis@fmc.gov.

Agreement No.: 201377-001.

Agreement Name: CMA CGM/COSCO Brazil—Caribbean U.S. Gulf Vessel Sharing Agreement.

Parties: CMA CGM S.A.; COSCO SHIPPING Lines Co., Ltd.

Filing Party: Draughn Arbona, CMA CGM (America) LLC.

Synopsis: The amendment increases the size of the vessels operating under the agreement, and revises certain administrative terms. The parties have requested expedited review.

Proposed Effective Date: 12/2/2022.

Location: <https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/58503>.

Dated: October 21, 2022.

William Cody,
Secretary.

[FR Doc. 2022-23358 Filed 10-26-22; 8:45 am]

BILLING CODE 6730-02-P

express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551-0001, not later than November 28, 2022.

A. Federal Reserve Bank of Boston (Prabal Chakrabarti, Senior Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02210-2204. Comments can also be sent electronically to BOS.SRC.Applications.Comments@bos.frb.org:

1. *IFS 1820 Bancorp, MHC, Newburyport, Massachusetts*; to become a mutual bank holding company by acquiring Institution for Savings in Newburyport and its Vicinity ("Institution for Savings"), Newburyport, Massachusetts, upon the conversion of Institution for Savings from mutual to stock form.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2022-23441 Filed 10-26-22; 8:45 am]

BILLING CODE P

to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC-5610 (Annex J), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex J), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT:

Laura Basford, Attorney, Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580, (202) 326-2343.

SUPPLEMENTARY INFORMATION:

Title: Rule Concerning Disclosure of Written Consumer Product Warranty Terms and Conditions.

OMB Control Number: 3084-0111.

Type of Review: Extension of a currently approved collection.

Abstract: The Warranty Rule is one of three rules¹ that the FTC implemented pursuant to requirements of the Magnuson-Moss Warranty Act, 15 U.S.C. 2301 *et seq.* (Warranty Act or Act).² The Warranty Rule specifies the information that must appear in a written warranty on a consumer product³ costing more than \$15. The Rule tracks Section 102(a) of the Warranty Act,⁴ specifying information that must appear in the written warranty and, for certain disclosures, mandates the exact language that must be used.⁵ Neither the Warranty Rule nor the Act requires that a manufacturer or retailer warrant a consumer product in writing, but if they choose to do so, the warranty must comply with the Rule.

Estimated Annual Hours Burden: 216,752 hours.

Estimated Annual Labor Cost Burden: \$29,652,215.

As required by Section 3506(c)(2)(A) of the PRA, 44 U.S.C. 3506(c)(2)(A), the FTC is providing this opportunity for public comment before requesting that OMB extend the existing clearance for the information collection requirements contained in the Warranty Rule.

Burden Statement:

Total annual hours burden: 216,752 hours.

In its 2019 submission to OMB, the FTC estimated that the information

¹ The other two rules relate to the pre-sale availability of warranty terms and minimum standards for informal dispute settlement mechanisms that are incorporated into a written warranty.

² 40 FR 60168 (Dec. 31, 1975).

³ The definition of *consumer product* excludes products purchased solely for commercial or industrial use. 16 CFR 701.1(b).

⁴ 15 U.S.C. 2302(a).

⁵ 40 FR 60168, 60169-60170.

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at <https://www.federalreserve.gov/foia/request.htm>. Interested persons may

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Proposed Collection; Comment Request; Extension

AGENCY: Federal Trade Commission.

ACTION: Notice.

SUMMARY: The Federal Trade Commission (FTC or Commission) is seeking public comment on its proposal to extend for an additional three years the current Paperwork Reduction Act (PRA) clearance for information collection requirements contained in the FTC's Consumer Product Warranty Rule (Warranty Rule or Rule). The current clearance expires on February 28, 2023.

DATES: Comments must be received on or before December 27, 2022.

ADDRESSES: Interested parties may file a comment online or on paper by following the instructions in the Request for Comments part of the **SUPPLEMENTARY INFORMATION** section below. Write "Paperwork Reduction Act Comment: FTC File No. P072108" on your comment, and file your comment online at <https://www.regulations.gov> by following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment

collection burden of including the disclosures required by the Warranty Rule was 242,296 hours per year. Although the Rule's information collection requirements have not changed, the current estimate decreases the number of manufacturers subject to the Rule based on recent Census data.⁶ Further, because most warrantors likely would continue to disclose the information required by the Rule, even if there were no statute or rule requiring them to do so, staff's estimates likely overstate the PRA-related burden attributable to the Rule. Moreover, the Warranty Rule has been in effect since 1976, and warrantors have long since modified their warranties to include the information the Rule requires.

Based on conversations with various warrantors' representatives over the years, staff has concluded that eight hours per year is a reasonable estimate of warrantors' PRA-related burden attributable to the Warranty Rule. This estimate includes the number of hours warrantors may need to ensure new warranties and any changes to existing warranties comply with the Rule. Based on recent Census data, staff now estimates that there are 27,094 manufacturers covered by the Rule.⁷ This results in an annual burden estimate of approximately 216,752 hours (27,094 manufacturers x 8 hours of burden per year).

Total annual labor costs: \$29,652,215.

Labor costs are derived by applying appropriate hourly cost figures to the burden hours described above. The work required to comply with the Warranty Rule—ensuring that new warranties and changes to existing warranties comply with the Rule—requires a mix of legal analysis (50%), legal support (paralegals) (25%) and clerical help (25%). Staff estimates that half of the total burden hours (108,376 hours) requires legal analysis at an average hourly wage of \$250 for legal professionals,⁸ resulting in a labor cost

⁶The Number of Firms and Establishments, Employment, and Annual Payroll by State, Industry, and Enterprise Employment Size: 2019, release date: 2/11/2022, available at <http://www.census.gov/programs-surveys/susb/technical-documentation/methodology.html>.

⁷Because some manufacturers likely make products that are not priced above \$15 or not intended for household use—and thus would not be subject to the Rule—this figure is likely an overstatement.

⁸Staff has derived an hourly wage rate for legal professionals based upon industry knowledge. The hourly wage rates for legal support workers and for clerical support are based on mean hourly wages available at <https://www.bls.gov/news.release/ocwage.htm> ("Occupational Employment and Wages—May 2021," U.S. Department of Labor, released March 31, 2022, Table 1 ("National employment and wage data from the Occupational

of \$27,094,000. Assuming that 25% of the total burden hours requires legal support at the average hourly wage of \$28.46, and that the remaining 25% requires clerical work at an average hourly wage of \$18.75; the resulting labor cost is approximately \$2,558,215 (\$1,542,190 + \$1,016,025). Thus, the total annual labor cost is approximately \$29,652,215 (\$27,094,000 for legal professionals + \$1,542,190 for legal support + \$1,016,025 for clerical workers).

Total Capital and Start-Up Costs

The Rule imposes no appreciable current capital or start-up costs that businesses do not already spend in the normal course of business. To comply with the Warranty Rule, warrantors need only the ordinary office equipment to draft new warranties and to change the wording of existing warranties to include the required disclosures. Thus, compliance requires no capital equipment or special technology apart from what the manufacturer or seller would already be using as part of the normal course of business, such as computer or other word processing equipment, and photocopying equipment. Similarly, distribution of the warranty does not impose any special capital costs apart from the packaging and printing equipment already in use by the business. It is not possible to state with any precision what fraction of the cost of that equipment could be attributed to distributing the warranty.

Total Operation/Maintenance/Purchase of Services Costs

The only ongoing costs involved with compliance are those costs associated with maintenance and repair of computer word processing and photocopying equipment used to generate the warranty document that contains the required disclosures. These are costs that the seller or manufacturer already bears in the normal cost of business; it is unlikely that Warranty Rule compliance would impose significant incremental costs. Likewise, the cost of distributing warranty information involves such things as the purchase of supplies (such as paper), the maintenance of equipment, or the purchase of services to print, package, and distribute the warranty. These are costs that would be already built into the packaging and distribution of the product itself and which are already assumed as part of the normal course of business.

Employment Statistics survey by occupation, May 2021").

Request for Comments

Pursuant to Section 3506(c)(2)(A) of the PRA, the FTC invites comments on: (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) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of maintaining records and providing disclosures to consumers. All comments must be received on or before December 27, 2022.

You can file a comment online or on paper. For the FTC to consider your comment, we must receive it on or before December 27, 2022. Write "Paperwork Reduction Act Comment: FTC File No. P072108" on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including the <https://www.regulations.gov> website.

Due to the public health emergency in response to the COVID-19 outbreak and the agency's heightened security screening, postal mail addressed to the Commission will be subject to delay. We encourage you to submit your comments online through the <https://www.regulations.gov> website.

If you prefer to file your comment on paper, write "Paperwork Reduction Act Comment: FTC File No. P072108" on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC-5610 (Annex J), Washington, DC 20580; or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex J), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Because your comment will become publicly available at <https://www.regulations.gov>, you are solely responsible for making sure that your comment does not include any sensitive or confidential information. In particular, your comment should not include any sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other state identification number, or foreign

country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any “trade secret or any commercial or financial information which . . . is privileged or confidential” —as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled “Confidential,” and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted publicly at www.regulations.gov, we cannot redact or remove your comment unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding, as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before December 27, 2022. For information on the Commission’s privacy policy, including routine uses permitted by the Privacy Act, see <https://www.ftc.gov/site-information/privacy-policy>.

Josephine Liu,

Assistant General Counsel for Legal Counsel.

[FR Doc. 2022–23419 Filed 10–26–22; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Agency Information Collection Activities: Proposed Collection; Public Comment Request; of ACL’s Lifespan Respite Program Grantee Performance Measurement Reporting Tool

AGENCY: Administration for Community Living, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: The Administration for Community Living (ACL) is announcing an opportunity for the public to comment on the proposed collection of information listed above. Under the Paperwork Reduction Act of 1995 (PRA), Federal agencies are required to publish a notice in the **Federal Register** concerning each proposed collection of data or other information and to allow 60 days for public comment in response to the notice. This information collection (IC) solicits comments on the IC requirements, outlined in the Lifespan Respite Care Reauthorization Act of 2020, Section 2904, which requires Lifespan Respite Care Program grantees to report data, information, and metrics for the purpose of program evaluation. Such data, information, and metrics are to be used to identify “. . . effective programs and activities funded . . .” through ACL’s Lifespan Respite Care Program grants.

DATES: Comments on the collection of information must be submitted electronically by 11:59 p.m. (EST) or postmarked by December 27, 2022.

ADDRESSES: Submit electronic comments on the collection of information to: Emily Anozie, Email: emily.anozie@acl.hhs.gov, Phone: (202) 795–7347. Submit written comments on the collection of information to Administration for Community Living, 330 C Street SW, Washington, DC, 20201, Attention: Emily Anozie.

FOR FURTHER INFORMATION CONTACT:

Emily Anozie, Email emily.anozie@acl.hhs.gov, or Phone (202) 795–7347.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. “Collection of information” is defined in the PRA and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. The PRA requires Federal agencies to provide a 60-day notice in

the **Federal Register** concerning each proposed collection of information before submitting the collection to OMB for approval. To comply with this requirement, ACL is publishing a notice of the proposed collection of information set forth in this document. With respect to the following collection of information, ACL invites comments on our burden estimates or any other aspect of this collection of information, including:

(1) whether the proposed collection of information is necessary for the proper performance of ACL’s functions, including whether the information will have practical utility;

(2) the accuracy of ACL’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used to determine burden estimates;

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

(4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques when appropriate, and other forms of information technology; and

(5) this IC collects Caregiver and Care Recipient demographics. Demographic questions include information about age, gender identity, transgender, sexual orientation, geographic location, ethnicity, and race. Racial equity and sexual orientation and gender identity (SOGI) data elements are consistent with recommendations regulated under Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government and the Executive Order on Advancing Equality for Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex Individuals.

ACL’s Office of Supportive and Caregiver Services aims to improve Lifespan Respite Care Program grantee performance measurement and tracking through a new quantitative grantee reporting tool. The existing reporting template used by most ACL grantees funded from discretionary sources consists of four open-ended, narrative questions related to program implementation and outputs, making comparisons between different grant periods and grantees challenging. The proposed tool will allow ACL to meet the additional requirements stated in Section 2904 of the Lifespan Respite Care Reauthorization Act of 2020, by adding quantitative data elements to the existing reporting requirements in accordance with program statute. This tool will allow for more effective tracking of how federal funds are being

used, including aggregate data on people served and program development toward stated goals.

In this IC, the new quantitative grant reporting tool will be disseminated to all new Lifespan Respite Program grantees upon grant award. Specifically, the tool will collect information related to respite care services delivered, caregiver demographics, care recipient demographics, respite training, and lifespan respite program systems and providers. Ultimately, this reporting

will assist ACL’s Office of Supportive and Caregiver Services to assess the performance of the Lifespan Respite Program grantees in improving the delivery and quality of respite services for family caregivers of children and adults of all ages with special needs.

The proposed data collection tools may be found on the ACL website for review at: <https://www.acl.gov/about-acl/public-input>.

Estimated Program Burden: ACL estimates the burden of this collection of information as follows:

A maximum of 40 grantees are expected to respond to the grant reporting tool semiannually. The approximate burden for completion may be 6 hours per respondent for a total estimate of 480 hours. The estimated completion burden includes time to review the instructions, read the questions, compile information, and complete responses.

IC BURDEN CHART

| Respondent/data collection activity | Number of respondents | Responses per respondent | Hours per response | Annual burden hours |
|-------------------------------------|-----------------------|--------------------------|--------------------|---------------------|
| Grantee reporting tool | 40 | 2 | 6 | 480 |
| Total ..... | ..... | ..... | ..... | 480 |

Dated: October 21, 2022.
Alison Barkoff,
Acting Administrator and Assistant Secretary for Aging.
 [FR Doc. 2022–23363 Filed 10–26–22; 8:45 am]
BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Agency Information Collection Activities: Proposed Collection; Public Comment Request; of the Office of Healthcare Information and Counseling (OHIC) Profiles at ACL OMB #0985–New

AGENCY: Administration for Community Living, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: The Administration for Community Living (ACL) is announcing an opportunity for the public to comment on the proposed collection of information listed above. Under the Paperwork Reduction Act of 1995 (PRA), Federal agencies are required to publish a notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This is a new information collection request soliciting comments on the information collection requirements relating to the Office of Healthcare Information and Counseling (OHIC) Profiles project at ACL.

DATES: Comments on the collection of information must be submitted

electronically by 11:59 p.m. (EST) or postmarked by December 27, 2022.

ADDRESSES: Submit electronic comments on the collection of information to: Amanda Cash, Amanda.Cash@acl.hhs.gov, 202–795–7369. Submit written comments on the collection of information to Administration for Community Living, 330 C Street SW, Washington, DC 20201, Attention: Amanda Cash.

FOR FURTHER INFORMATION CONTACT: Amanda Cash, Amanda.Cash@acl.hhs.gov, 202–795–7369.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. “Collection of information” is defined in the PRA and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. The PRA requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, ACL is publishing a notice of the proposed collection of information set forth in this document. With respect to the following collection of information, ACL invites comments on our burden estimates or any other aspect of this collection of information, including:

(1) whether the proposed collection of information is necessary for the proper performance of ACL’s functions,

including whether the information will have practical utility;

(2) the accuracy of ACL’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used to determine burden estimates;

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

(4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques when appropriate, and other forms of information technology.

The Administration for Community Living (ACL) is currently engaged in an effort to streamline and standardize grantee profiles across three programs managed by the Office of Healthcare Information and Counseling (OHIC): the State Health Insurance Assistance Program (SHIP), Senior Medicare Patrol (SMP), and Medicare Improvements for Patients and Providers Act (MIPPA). Grantees in each program must adhere to a specific set of reporting requirements and associated reporting schedules outlined in their Program Reporting Guidelines. While reporting requirements are effective in ensuring grantees data, there is no consistency or uniformity in how individual grantees submit their data. For example, SHIP profiles currently exist; these profiles are accessible to the SHIP grantee network via the program’s technical assistance center, and they can be updated directly by grantee states. SMP and MIPPA profiles have yet to be developed. The goal of this data collection effort is to obtain consistent data elements for the three programs that will allow ACL to reimagine the

existing profiles into a comparable set of data elements across programs.

These data will allow RTI International, a contractor to ACL, to develop an updated set of grantee profiles that are accessible, visually appealing, and consistent across programs. Specifically, the purpose of this data collection effort is to update the SHIP grantee profiles, which were last updated in 2016, and develop similar profiles for SMP and MIPPA. These profiles will be internal to ACL and will only be shared with grantees.

A web-based questionnaire will be emailed to all 125 grant managers (representing 54 states and territories) electronically via Smartsheet. The collected data will be imported into a dataset and will be used to create program profiles accessible to ACL and grantees.

The proposed data collection tools may be found on the ACL website for review at: <https://www.acl.gov/about-acl/public-input>.

Estimated Program Burden

ACL estimates the burden of this collection of information as follows: A maximum of 125 grantees are expected to respond to the web-based data collection instrument. The approximate burden for pre-data collection preparation is 30 minutes per respondent and approximate burden for form completion is 20 minutes per respondent for a total annual estimate of 103.75 hours. The estimated completion burden includes time to review the instructions, read the questions and complete and responses.

IC BURDEN CHART

| Respondent/data collection activity | Number of respondents | Responses per respondent | Hours per response | Annual burden hours |
|---------------------------------------|-----------------------|--------------------------|--------------------|---------------------|
| Pre-data collection preparation | 125 | 1 | 0.5 | 62.5 |
| Web-based data collection | 125 | 1 | 0.33 | 41.25 |
| Total | 125 | 1 | 0.83 | 103.75 |

Dated: October 21, 2022.

Alison Barkoff,

Acting Administrator and Assistant Secretary for Aging.

[FR Doc. 2022-23364 Filed 10-26-22; 8:45 am]

BILLING CODE 4154-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2022-N-2588]

Quantitative Brain Amyloid Positron Emission Tomography Imaging in Patients With Alzheimer’s Disease; Public Workshop; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop; request for comments.

SUMMARY: The Food and Drug Administration (FDA, the Agency, or we) is announcing the following public workshop entitled “Quantitative Brain Amyloid PET Imaging in Patients with Alzheimer’s Disease.” The purpose of the public workshop is to evaluate the role of quantitative positron emission tomography (PET) measures of amyloid deposition in the brain in clinical trials and clinical use in patients with suspected or confirmed Alzheimer’s disease.

DATES: The public workshop will be held on November 17, 2022, from 8:30 a.m. to 5 p.m. Eastern Time. Submit either electronic or written comments

on this public workshop by December 19, 2022. See the **SUPPLEMENTARY INFORMATION** section for registration date and information.

ADDRESSES: The public workshop will be held at FDA White Oak Campus Great Room. Entrance for the public workshop participants (non-FDA employees) is through Building 1 where routine security check procedures will be performed. For parking and security information, please refer to <https://www.fda.gov/about-fda/visitor-information>.

You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before December 19, 2022. The <https://www.regulations.gov> electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of December 19, 2022. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your

comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else’s Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see “Written/Paper Submissions” and “Instructions”).

Written/Paper Submissions

Submit written/paper submissions as follows:

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

Instructions: All submissions received must include the Docket No. FDA-2022-N-2588 for “Quantitative Brain Amyloid PET Imaging in Patients with Alzheimer’s Disease.” Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed

in the docket and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

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

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

FOR FURTHER INFORMATION CONTACT: Kyong “Kaye” Kang, Center for Drug Evaluation and Research, Food and Drug Administration, 301–796–1970, Kyong.Kang@fda.hhs.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Alzheimer’s disease (AD) is a major public health concern worldwide and its accurate diagnosis and staging is critical for the optimal management of patients at risk for or afflicted with this devastating disorder. The accuracy of

clinical diagnosis of AD by dementia experts is modest when compared to postmortem diagnosis. Amyloid burden is one of the pathological hallmarks of the disease, and in patients presenting with cognitive and memory disturbances, quantitative imaging of brain amyloid offers the potential to enhance the assessment and management of patients with suspected or confirmed AD. This workshop aims to evaluate the role of quantitative PET measures of amyloid deposition in the brain in clinical trials and as well as in clinical use in patients with suspected or confirmed AD.

II. Topics for Discussion at the Public Workshop

The workshop will provide an overview of clinical and investigational uses of brain amyloid PET imaging, the regulatory history of marketed imaging drug products and devices for amyloid quantitation, clinical pharmacology of tracers, quantitation methodology, metrics and analytical validity, and use of quantitative amyloid in clinical trials with perspectives from industry, trade and professional organizations, academic investigators, and patient advocacy group.

III. Participating in the Public Workshop

Registration: To register for the public workshop, persons interested in attending this public workshop virtually or in-person must register online by November 16, 2022, 11:59 p.m. Eastern Time. Please provide complete contact information for each attendee, including name, title, affiliation, address, email, and telephone. No same-day registration will be available.

Registration is free and in-person participation is limited due to space availability constraints; therefore, FDA may limit the number of onsite participants from each organization. Registrants will receive confirmation when they have been accepted. If there are COVID–19 restrictions in place at the time of the event, this conference will move to an all-virtual event.

If you need special accommodations due to a disability, please contact Kyong “Kaye” Kang no later than November 16, 2022.

Streaming Webcast of the Public Workshop: This public workshop will also be webcast at https://fda.zoomgov.com/webinar/register/WN_ezA_Y94QMSaT0SHBdlS5g.

If you have never attended a Connect Pro event before, test your connection at https://collaboration.fda.gov/common/help/en/support/meeting_test.htm. To get a quick overview of the Connect Pro

program, visit https://www.adobe.com/go/connectpro_overview. FDA has verified the website addresses in this document, as of the date this document publishes in the **Federal Register**, but websites are subject to change over time.

Transcripts: Please be advised that as soon as a transcript of the public workshop is available, it will be accessible at <https://www.regulations.gov>. It may be viewed at the Dockets Management Staff (see **ADDRESSES**). A link to the transcript will also be available on the internet at <https://www.fda.gov/drugs/news-events-human-drugs/fda-cder-cdrh-snmml-and-mita-workshop-quantitative-brain-amyloid-pet-imaging-patients-alzheimers>.

Dated: October 21, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–23380 Filed 10–26–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2022–N–1959]

Joint Meeting of the Nonprescription Drugs Advisory Committee and the Obstetrics, Reproductive and Urologic Drugs Advisory Committee; Postponement of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; postponement of meeting.

SUMMARY: The Food and Drug Administration (FDA) is postponing the joint meeting of the Nonprescription Drugs Advisory Committee and the Obstetrics, Reproductive and Urologic Drugs Advisory Committee scheduled for November 18, 2022. Future meeting dates will be announced in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Moon Choi, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993–0002, 301–796–2894, NDAC@fda.hhs.gov, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). Please call the Information Line for up-to-date information on this meeting.

SUPPLEMENTARY INFORMATION: The joint meeting of the Nonprescription Drugs Advisory Committee and the Obstetrics, Reproductive and Urologic Drugs

Advisory Committee was originally announced in the **Federal Register** of September 13, 2022 (87 FR 56071). The meeting has been postponed to allow time for FDA to review new information. Future meeting dates will be announced in the **Federal Register**.

Dated: October 21, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022-23379 Filed 10-26-22; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2022-N-2375]

Authorization of Emergency Use of an In Vitro Diagnostic Device for Detection of Monkeypox Virus; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the issuance of an Emergency Use Authorization (EUA) (the Authorization) under the Federal Food, Drug, and Cosmetic Act (FD&C Act) in response to an outbreak of monkeypox. FDA has issued an Authorization for an in vitro diagnostic device as requested by Abbott Molecular, Inc. The Authorization contains, among other things, conditions on the emergency use of the authorized product. The Authorization follows the August 9, 2022, determination by the Secretary of Health and Human Services (HHS) that there is a public health emergency, or a significant potential for a public health emergency, that affects, or has a significant potential to affect, national security or the health and security of U.S. citizens living abroad, and that involves monkeypox virus. On the basis of such determination, the Secretary of HHS declared, on September 7, 2022, that circumstances exist justifying the authorization of emergency use of in vitro diagnostics for detection and/or diagnosis of infection with the monkeypox virus, including in vitro diagnostics that detect and/or diagnose infection with non-variola *Orthopoxvirus*, pursuant to the FD&C Act, subject to terms of any authorization issued under that section. The Authorization, which includes an explanation of the reasons for issuance, is reprinted in this document.

DATES: The Authorization is applicable as of October 7, 2022.

ADDRESSES: Submit written requests for a single copy of the EUA to the Office of Counterterrorism and Emerging Threats, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 1, Rm. 4338, Silver Spring, MD 20993-0002. Send one self-addressed adhesive label to assist that office in processing your request or include a Fax number to which the Authorization may be sent. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the Authorization.

FOR FURTHER INFORMATION CONTACT: Jennifer Ross, Office of Counterterrorism and Emerging Threats, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 1, Rm. 4332, Silver Spring, MD 20993-0002, 301-796-8510 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

Section 564 of the FD&C Act (21 U.S.C. 360bbb-3) allows FDA to strengthen public health protections against biological, chemical, nuclear, and radiological agents. Among other things, section 564 of the FD&C Act allows FDA to authorize the use of an unapproved medical product or an unapproved use of an approved medical product in certain situations. With this EUA authority, FDA can help ensure that medical countermeasures may be used in emergencies to diagnose, treat, or prevent serious or life-threatening diseases or conditions caused by biological, chemical, nuclear, or radiological agents when there are no adequate, approved, and available alternatives (among other criteria).

Section 564(b)(1) of the FD&C Act provides that, before an EUA may be issued, the Secretary of HHS must declare that circumstances exist justifying the authorization based on one of the following grounds: (1) a determination by the Secretary of Homeland Security that there is a domestic emergency, or a significant potential for a domestic emergency, involving a heightened risk of attack with a biological, chemical, radiological, or nuclear agent or agents; (2) a determination by the Secretary of Defense that there is a military emergency, or a significant potential for a military emergency, involving a heightened risk to U.S. military forces, including personnel operating under the authority of title 10 or title 50, U.S. Code, of attack with (A) a biological, chemical, radiological, or nuclear agent or agents or (B) an agent or agents that may cause, or are otherwise associated

with, an imminently life-threatening and specific risk to U.S. military forces;¹ (3) a determination by the Secretary of HHS that there is a public health emergency, or a significant potential for a public health emergency, that affects, or has a significant potential to affect, national security or the health and security of U.S. citizens living abroad, and that involves a biological, chemical, radiological, or nuclear agent or agents, or a disease or condition that may be attributable to such agent or agents; or (4) the identification of a material threat by the Secretary of Homeland Security pursuant to section 319F-2 of the Public Health Service (PHS) Act (42 U.S.C. 247d-6b) sufficient to affect national security or the health and security of U.S. citizens living abroad.

Once the Secretary of HHS has declared that circumstances exist justifying an authorization under section 564 of the FD&C Act, FDA may authorize the emergency use of a drug, device, or biological product if the Agency concludes that the statutory criteria are satisfied. Under section 564(h)(1) of the FD&C Act, FDA is required to publish in the **Federal Register** a notice of each authorization, and each termination or revocation of an authorization, and an explanation of the reasons for the action. Under section 564(h)(1) of the FD&C Act, revisions to an authorization shall be made available on the internet website of FDA. Section 564 of the FD&C Act permits FDA to authorize the introduction into interstate commerce of a drug, device, or biological product intended for use in an actual or potential emergency when the Secretary of HHS has declared that circumstances exist justifying the authorization of emergency use. Products appropriate for emergency use may include products and uses that are not approved, cleared, or licensed under sections 505, 510(k), 512, or 515 of the FD&C Act (21 U.S.C. 355, 360(k), 360b, or 360e) or section 351 of the PHS Act (42 U.S.C. 262), or conditionally approved under section 571 of the FD&C Act (21 U.S.C. 360ccc).

II. Criteria for EUA Authorization

FDA may issue an EUA only if, after consultation with the HHS Assistant Secretary for Preparedness and Response, the Director of the National Institutes of Health, and the Director of the Centers for Disease Control and

¹ In the case of a determination by the Secretary of Defense, the Secretary of HHS shall determine within 45 calendar days of such determination, whether to make a declaration under section 564(b)(1) of the FD&C Act, and, if appropriate, shall promptly make such a declaration.

Prevention (to the extent feasible and appropriate given the applicable circumstances), FDA² concludes: (1) that an agent referred to in a declaration of emergency or threat can cause a serious or life-threatening disease or condition; (2) that, based on the totality of scientific evidence available to FDA, including data from adequate and well-controlled clinical trials, if available, it is reasonable to believe that (A) the product may be effective in diagnosing, treating, or preventing (i) such disease or condition or (ii) a serious or life-threatening disease or condition caused by a product authorized under section 564, approved or cleared under the FD&C Act, or licensed under section 351 of the PHS Act, for diagnosing, treating, or preventing such a disease or condition caused by such an agent and (B) the known and potential benefits of the product, when used to diagnose, prevent, or treat such disease or condition, outweigh the known and potential risks of the product, taking into consideration the material threat posed by the agent or agents identified in a declaration under section 564(b)(1)(D) of the FD&C Act, if applicable; (3) that there is no adequate, approved, and available alternative to

² The Secretary of HHS has delegated the authority to issue an EUA under section 564 of the FD&C Act to the Commissioner of Food and Drugs.

the product for diagnosing, preventing, or treating such disease or condition; (4) in the case of a determination described in section 564(b)(1)(B)(ii) of the FD&C Act, that the request for emergency use is made by the Secretary of Defense; and (5) that such other criteria as may be prescribed by regulation are satisfied.

No other criteria for issuance have been prescribed by regulation under section 564(c)(4) of the FD&C Act.

III. The Authorization

The Authorization follows the August 9, 2022, determination by the Secretary of HHS that there is a public health emergency, or a significant potential for a public health emergency, that affects, or has a significant potential to affect, national security or the health and security of U.S. citizens living abroad, and that involves monkeypox virus. Notice of the Secretary's determination was provided in the **Federal Register** on August 15, 2022 (87 FR 50090). On the basis of such determination, the Secretary of HHS declared, on September 7, 2022, that circumstances exist justifying the authorization of emergency use of in vitro diagnostics for detection and/or diagnosis of infection with the monkeypox virus, including in vitro diagnostics that detect and/or diagnose infection with non-variola *Orthopoxvirus*, pursuant to section 564 of the FD&C Act, subject to the terms of

any authorization issued under that section. Notice of the Secretary's declaration was provided in the **Federal Register** on September 13, 2022 (87 FR 56074). On October 7, 2022, having concluded that the criteria for issuance of the Authorization under section 564(c) of the FD&C Act are met, FDA issued an EUA to Abbott Molecular, Inc. for the Alinity m MPXV, subject to the terms of the Authorization. The Authorization, which is included below in its entirety after section IV of this document (not including the authorized versions of the fact sheets and other written materials), provides an explanation of the reasons for issuance, as required by section 564(h)(1) of the FD&C Act. Any subsequent revision to the Authorization can be found on FDA's web page at: <https://www.fda.gov/emergency-preparedness-and-response/mcm-legal-regulatory-and-policy-framework/emergency-use-authorization>.

IV. Electronic Access

An electronic version of this document and the full text of the Authorization is available on the internet at: <https://www.fda.gov/emergency-preparedness-and-response/mcm-legal-regulatory-and-policy-framework/emergency-use-authorization>.

BILLING CODE 4164-01-P



October 7, 2022

Gina Sammarco
Manager Regulatory Affairs
Abbott Molecular, Inc.
1300 E Touhy Ave
Des Plaines, IL 60018

Device: Alinity m MPXV
EUA Number: EUA220434
Company: Abbott Molecular, Inc.
Indication: This test is authorized for the qualitative detection of DNA from monkeypox virus (clade I/II)¹ in human lesion swab specimens (i.e., swabs of acute pustular or vesicular rash) in viral transport media (VTM) from individuals suspected of monkeypox virus infection by their healthcare provider.
Emergency use of this test is limited to authorized laboratories.
Authorized Laboratories: Laboratories certified under the Clinical Laboratory Improvement Amendments of 1988 (CLIA), 42 U.S.C. §263a, that meet the requirements to perform moderate or high complexity tests.

Dear Ms. Sammarco:

This letter is in response to your² request that the Food and Drug Administration (FDA) issue an Emergency Use Authorization (EUA) for emergency use of your product,³ pursuant to Section 564 of the Federal Food, Drug, and Cosmetic Act (the Act) (21 U.S.C. §360bbb-3).

On August 9, 2022, pursuant to Section 564(b)(1)(C) of the Act, the Secretary of the Department of Health and Human Services (HHS) determined that there is a public health emergency, or a significant potential for a public health emergency, that affects or has a significant potential to affect national security or the health and security of United States

¹ On August 12, 2022, following a meeting convened by the World Health Organization (WHO) monkeypox virus variants were renamed to align with current best practices under the International Classification of Diseases and the WHO Family of International Health Related Classifications (WHO-FIC). This letter will refer to the former Congo Basin (Central African) clade as clade one (I) and the former West African clade as clade two (II). Refer to: <https://www.who.int/news/item/12-08-2022-monkeypox--experts-give-virus-variants-new-names>.

² For ease of reference, this letter will use the term "you" and related terms to refer to Abbott Molecular, Inc.

³ For ease of reference, this letter will use the term "your product" to refer to the Alinity m MPXV test used for the indication identified above.

Page 2 – Gina Sammarco, Abbott Molecular, Inc.

citizens living abroad that involves monkeypox virus.⁴ Pursuant to Section 564 of the Act, and on the basis of such determination, the Secretary of HHS then declared on September 7, 2022 that circumstances exist justifying the authorization of emergency use of in vitro diagnostics for detection and/or diagnosis of infection with the monkeypox virus, including in vitro diagnostics that detect and/or diagnose infection with non-variola *Orthopoxvirus*, subject to the terms of any authorization issued under Section 564(a) of the Act.⁵

FDA considered the totality of scientific information available in authorizing the emergency use of your product for the indication above. A summary of the performance information FDA relied upon is contained in the “Alinity m MPXV AMP Kit” Package Insert. There is an FDA-cleared test for the qualitative detection of non-variola *Orthopoxvirus*, that includes monkeypox virus, but this is not an adequate and available alternative to your product.⁶

Having concluded that the criteria for issuance of this authorization under Section 564(c) of the Act are met, I am authorizing the emergency use of your product, described in the Scope of Authorization of this letter (Section II), subject to the terms of this authorization.

I. Criteria for Issuance of Authorization

I have concluded that the emergency use of your product meets the criteria for issuance of an authorization under Section 564(c) of the Act, because I have concluded that:

1. The monkeypox virus can cause a serious or life-threatening disease or condition, to humans infected by this virus;
2. Based on the totality of scientific evidence available to FDA, it is reasonable to believe that your product may be effective in diagnosing infection with the monkeypox virus, and that the known and potential benefits of your product when used for diagnosing monkeypox virus, outweigh the known and potential risks of your product; and
3. There is no adequate, approved, and available alternative to the emergency use of your product.⁷

II. Scope of Authorization

I have concluded, pursuant to Section 564(d)(1) of the Act, that the scope of this authorization is limited to the indication above.

⁴ 87 FR 50090 (August 15, 2022)

⁵ 87 FR 56074 (September 13, 2022)

⁶ To date, the FDA-cleared CDC Non-variola *Orthopoxvirus* Real-time PCR Primer and Probe Set (Product Code: PBK; DEN070001, K181205, K221658, K221834, K222558) is the only test available in the United States with FDA clearance for the detection of non-variola *Orthopoxvirus* DNA, including vaccinia, cowpox, monkeypox and ectromelia viruses at varying concentrations. Available information indicates that timely detection of monkeypox cases in the United States requires wide availability of diagnostic testing to control the spread of this contagious infection and there is currently a need for additional diagnostic testing for monkeypox virus in the United States.

⁷ No other criteria of issuance have been prescribed by regulation under Section 564(c)(4) of the Act.

Page 3 – Gina Sammarco, Abbott Molecular, Inc.

Authorized Product Details

Your product is a real-time PCR test intended for the qualitative detection of DNA from monkeypox virus (clade I/II) in human lesion swab specimens (i.e., swabs of acute pustular or vesicular rash) in viral transport media (VTM) from individuals suspected of monkeypox infection by their healthcare provider. Testing is limited to laboratories certified under the Clinical Laboratory Improvement Amendments of 1988 (CLIA), 42 U.S.C. §263a, that meet the requirements to perform moderate or high complexity tests.

Results are for the identification of monkeypox virus (clade I/II) DNA which is generally detectable in human pustular or vesicular lesion specimens during the acute phase of infection. Positive results are indicative of the presence of monkeypox virus (clade I/II) DNA; clinical correlation with patient history and other diagnostic information is necessary to determine patient infection status. Positive results do not rule out bacterial infection or co-infection with other viruses. The agent detected may not be the definite cause of disease. Negative results obtained with this device do not preclude monkeypox virus (clade I/II) infection and should not be used as the sole basis for treatment or other patient management decisions. Negative results must be combined with clinical observations, patient history, and epidemiological information.

The Alinity m MPXV assay is to be used with the Alinity m System, or other authorized instruments (as may be requested under Condition P. below) which performs sample preparation, PCR assembly, amplification, detection, and result calculation and reporting. All steps of the Alinity m MPXV assay procedure are executed automatically by the Alinity m System, or other authorized instruments. The Alinity m MPXV includes the materials (or other authorized materials as may be requested under Condition P. below) described in the Package Insert.

Your product requires use of the Alinity m MPXV CTRL Kit which is available from you with the “Alinity m MPXV CTRL Kit” Package Insert, or other authorized control materials (as may be requested under Condition P. below) that are described in the Package Inserts described below. Your product also requires the use of additional authorized materials and authorized ancillary reagents that are not included with your product and are described in the Package Inserts described below.

The labeling entitled “Alinity m MPXV AMP Kit” Package Insert, “Alinity m MPXV CTRL Kit” Package Insert, “Alinity MPXV Application Specification File” Package Insert, (available at <https://www.fda.gov/medical-devices/emergency-use-authorizations-medical-devices/monkeypox-emergency-use-authorizations-medical-devices>), and the following fact sheets pertaining to the emergency use, are required to be made available as set forth in the Conditions of Authorization (Section IV), and are collectively referred to as “authorized labeling”:

- Fact Sheet for Healthcare Providers: Abbott Molecular, Inc. – Alinity m MPXV
- Fact Sheet for Patients: Abbott Molecular, Inc. – Alinity m MPXV

The above described product, when accompanied by the authorized labeling provided as set forth in the Conditions of Authorization (Section IV), is authorized to be distributed to and used by

Page 4 – Gina Sammarco, Abbott Molecular, Inc.

authorized laboratories under this EUA, despite the fact that it does not meet certain requirements otherwise required by applicable federal law.

I have concluded, pursuant to Section 564(d)(2) of the Act, that it is reasonable to believe that the known and potential benefits of your product, when used consistent with the Scope of Authorization of this letter (Section II), outweigh the known and potential risks of your product.

I have concluded, pursuant to Section 564(d)(3) of the Act, based on the totality of scientific evidence available to FDA, that it is reasonable to believe that your product may be effective in diagnosing infection with the monkeypox virus, when used consistent with the Scope of Authorization of this letter (Section II), pursuant to Section 564(c)(2)(A) of the Act.

FDA has reviewed the scientific information available to FDA, including the information supporting the conclusions described in Section I above, and concludes that your product (as described in the Scope of Authorization of this letter (Section II)) meets the criteria set forth in Section 564(c) of the Act concerning safety and potential effectiveness.

The emergency use of your product under this EUA must be consistent with, and may not exceed, the terms of this letter, including the Scope of Authorization (Section II) and the Conditions of Authorization (Section IV). Subject to the terms of this EUA and under the circumstances set forth in the Secretary of HHS's determination under Section 564(b)(1)(C) of the Act described above and the Secretary of HHS's corresponding declaration under Section 564(b)(1) of the Act, your product is authorized for the indication above.

III. Waiver of Certain Requirements

I am waiving the following requirements for your product during the duration of this EUA:

- Current good manufacturing practice requirements, including the quality system requirements under 21 CFR Part 820 with respect to the design, manufacture, packaging, labeling, storage, and distribution of your product, but excluding Subpart H (Acceptance Activities, 21 CFR 820.80 and 21 CFR 820.86), Subpart I (Nonconforming Product, 21 CFR 820.90), Subpart O (Statistical Techniques, 21 CFR 820.250) and Subpart M (Complaint Files, 21 CFR 820.198).

IV. Conditions of Authorization

Pursuant to Section 564(e) of the Act, I am establishing the following conditions on this authorization:

Abbott Molecular, Inc. (You) and Authorized Distributor(s)⁸

- A. Your product must comply with the following labeling requirements pursuant to FDA regulations: the intended use statement (21 CFR 809.10(a)(2), (b)(2)); adequate directions

⁸ "Authorized Distributor(s)" are identified by you, Abbott Molecular Inc., in your EUA submission as an entity allowed to distribute your product.

Page 5 – Gina Sammarco, Abbott Molecular, Inc.

for use (21 U.S.C. 352(f)), (21 CFR 809.10(b)(5), (7), and (8)); appropriate limitations on the use of the device including information required under 21 CFR 809.10(a)(4); and any available information regarding performance of the device, including requirements under 21 CFR 809.10(b)(12).

- B. Your product must comply with the following quality system requirements pursuant to FDA regulations: 21 CFR 820 Subpart H (Acceptance Activities, 21 CFR 820.80 and 21 CFR 820.86), Subpart I (Nonconforming Product, 21 CFR 820.90), Subpart O (Statistical Techniques, 21 CFR 820.250), and Subpart M (Complaint Files, 21 CFR 820.198).
- C. You and authorized distributor(s) must make your product available with the authorized labeling to authorized laboratories.
- D. You and authorized distributor(s) must make available on your website(s) the authorized labeling.
- E. You and authorized distributor(s) must include a physical copy of the “Alinity m MPXV AMP Kit” Package Inserts in each shipped product to authorized laboratories and must make the “Alinity MPXV Application Specification File” Package Insert electronically available.
- F. You and authorized distributor(s) must inform authorized laboratories and relevant public health authorities of this EUA, including the terms and conditions herein, and any updates made to your product and authorized labeling.
- G. Through a process of inventory control, you and authorized distributor(s) must maintain records of the authorized laboratories to which your product is distributed and the number of your product distributed.
- H. You and authorized distributor(s) must collect information on the performance of your product. You must report any significant deviations from the established performance characteristics of your product of which you become aware to the Division of Microbiology (DMD)/Office of Health Technology 7 (OHT7): Office of In Vitro Diagnostics /Office of Product Evaluation and Quality (OPEQ)/Center for Devices and Radiological Health (CDRH) (via email: CDRH-EUA-Reporting@fda.hhs.gov).
- I. You and authorized distributor(s) are authorized to make available additional information relating to the emergency use of your product that is consistent with, and does not exceed, the terms of this letter of authorization.
- J. You and authorized distributor(s) must make available the control material, Alinity m MPXV CTRL Kit with the “Alinity m MPXV CTRL Kit” Package Insert, or other authorized control materials (as may be requested under Condition P. below), at the same time as your product.

Abbott Molecular, Inc. (You)

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- K. You must register and list consistent with 21 CFR Part 807 within one month of this letter.
- L. You must notify FDA of any authorized distributor(s) of your product, including the name, address, and phone number of any authorized distributor(s).
- M. You must have a signed agreement with each authorized distributor that distribution of the authorized product must be consistent with this Letter of Authorization.
- N. If requested by FDA, you must submit associated documents and records related to your quality system for FDA review within 48 hours of the request.
- O. You must provide authorized distributor(s) with a copy of this EUA and communicate to authorized distributor(s) any subsequent amendments that might be made to this EUA and its authorized accompanying materials (e.g., Fact Sheets).
- P. You may request modifications to this EUA for your product, including to the Scope of Authorization (Section II in this letter) or to the authorized labeling, including requests to make available additional authorized labeling specific to an authorized distributor. Such additional labeling may use another name for the product but otherwise must be consistent with the authorized labeling, and not exceed the terms of authorization of this letter. Any request for modification to this EUA should be submitted to DMD/OHT7/OPEQ/CDRH and require appropriate authorization from FDA.
- Q. You must have lot release procedures and the lot release procedures, including the study design and statistical power, must ensure that the tests released for distribution have the clinical and analytical performance claimed in the authorized labeling.
- R. If requested by FDA, you must submit lot release procedures to FDA, including sampling protocols, testing protocols, and acceptance criteria, that you use to release lots of your product for distribution in the U.S. If such lot release procedures are requested by FDA, you must provide it within 48 hours of the request.
- S. You must evaluate the analytical limit of detection and assess traceability of your product with any FDA-recommended reference material(s) if requested by FDA.⁹ After submission to and concurrence with the data by FDA, you must update your labeling to reflect the additional testing. Such labeling updates will be made in consultation with, and require concurrence of, DMD/OHT7/OPEQ/CDRH.
- T. You must have a process in place to track adverse and report to FDA pursuant to 21 CFR Part 803.

⁹ Traceability refers to tracing analytical sensitivity/reactivity back to an FDA-recommended reference material. FDA may request, for example, that you perform this study in the event that we receive reports of adverse events concerning your product.

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- U. You must evaluate the impact of monkeypox viral mutations on your product's performance. Such evaluations must occur on an ongoing basis and must include any additional data analysis that is requested by FDA in response to any performance concerns you or FDA identify during routine evaluation. Additionally, if requested by FDA, you must submit records of these evaluations for FDA review within 48 hours of the request. If your evaluation identifies viral mutations that affect the stated expected performance of your device, you must notify FDA immediately (via email: CDRH-EUA-Reporting@fda.hhs.gov).
- V. If requested by FDA, you must update your labeling within 7 calendar days to include any additional labeling risk mitigations identified by FDA regarding the impact of viral mutations on test performance. Such updates will be made in consultation with, and require concurrence of, DMD/OHT7-OIR/OPEQ/CDRH.
- W. You must further evaluate the clinical performance of your product using natural clinical lesion swab specimens in VTM in an FDA agreed upon post authorization clinical evaluation study within 6 months of the date of this letter (unless otherwise agreed to with DMD/OHT7/OPEQ/CDRH). After submission to and concurrence with the data by FDA, you must update the authorized labeling to reflect the additional testing. Such labeling updates will be made in consultation with, and require concurrence of, DMD/OHT7/OPEQ/CDRH.
- X. You must complete FDA agreed upon post authorization specimen stability studies within 3 months of the date of this letter (unless otherwise agreed to with DMD/OHT7/OPEQ/CDRH). After submission of the study data, and review and concurrence with the data by FDA, you must update your product labeling to reflect the additional testing. Such labeling updates must be made in consultation with, and require concurrence of, DMD/OHT7/OPEQ/CDRH.
- Y. You must submit to DMD/OHT7-OIR/OPEQ/CDRH within 3 months of the date of this letter your plan and anticipated timeline to establish and maintain a quality system that is appropriate for your product's design and manufacture, and that meets the requirements of either the 2016 edition of ISO 13485 or 21 CFR Part 820.

Authorized Laboratories

- Z. Authorized laboratories that receive your product must notify the relevant public health authorities of their intent to run your product prior to initiating testing.
- AA. Authorized laboratories using your product must have a process in place for reporting test results to healthcare providers and relevant public health authorities, as appropriate.
- BB. Authorized laboratories using your product must include with test result reports, all authorized Fact Sheets. Under exigent circumstances, other appropriate methods for disseminating these Fact Sheets may be used, which may include mass media.
- CC. Authorized laboratories using your product must use your product as outlined in the

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authorized labeling. Deviations from the authorized procedures, including the authorized instruments, authorized extraction methods, authorized clinical specimen types, authorized control materials, authorized other ancillary reagents and authorized materials required to use your product are not permitted.

DD. Authorized laboratories must have a process in place to track adverse events and report to you (via email: email: molecularsupport@abbott.com; 1-800-553-7042) and to FDA pursuant to 21 CFR Part 803.

EE. All laboratory personnel using your product must be appropriately trained in real-time PCR techniques and use appropriate laboratory and personal protective equipment when handling your product and use your product in accordance with the authorized labeling.

Abbott Molecular, Inc. (You), Authorized Distributor(s) and Authorized Laboratories

FF. You, authorized distributor(s), and authorized laboratories must collect information on the performance of your product and must report any significant deviations from the established performance characteristics of your product of which they become aware to DMD/OHT7/OPEQ/CDRH (via email: CDRH-EUA-Reporting@fda.hhs.gov) In addition, authorized distributor(s) and authorized laboratories report to you (via email: email: molecularsupport@abbott.com; 1-800-553-7042).

GG. You, authorized distributor(s), and authorized laboratories using your product must ensure that any records associated with this EUA, are maintained until otherwise notified by FDA. Such records must be made available to FDA for inspection upon request.

Conditions Related to Printed Materials, Advertising and Promotion

HH. All descriptive printed matter, advertising and promotional materials relating to the use of your product shall be consistent with the authorized labeling, as well as the terms set forth in this EUA and meet the requirements set forth in section 502(a), (q)(1), and (r) of the Act, as applicable, and FDA implementing regulations.

II. No descriptive printed matter, advertising or promotional materials relating to the use of your product may represent or suggest that this test is safe or effective for the detection of monkeypox virus or other non-variola orthopoxviruses.

JJ. All descriptive printed matter, advertising and promotional materials relating to the use of your product shall clearly and conspicuously state that:

- This product has not been FDA cleared or approved, but has been authorized for emergency use by FDA under an EUA for use by the authorized laboratories;
- This product has been authorized only for the detection of nucleic acid from monkeypox virus, not for any other viruses or pathogens; and

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- The emergency use of this product is only authorized for the duration of the declaration that circumstances exist justifying the authorization of emergency use of in vitro diagnostics for detection and/or diagnosis of infection with the monkeypox virus, including in vitro diagnostics that detect and/or diagnose infection with non-variola *Orthopoxvirus*, under Section 564(b)(1) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 360bbb-3(b)(1), unless the declaration is terminated or authorization is revoked sooner.

The emergency use of your product as described in this letter of authorization must comply with the conditions and all other terms of this authorization.

V. Duration of Authorization

This EUA will be effective until the declaration that circumstances exist justifying the authorization of the emergency use of in vitro diagnostics for detection and/or diagnosis of infection with the monkeypox virus, including in vitro diagnostics that detect and/or diagnose infection with non-variola *Orthopoxvirus*, is terminated under Section 564(b)(2) of the Act or the EUA is revoked under Section 564(g) of the Act.

Sincerely,

/s/

Namandjé N. Bumpus, Ph.D.
Chief Scientist
Food and Drug Administration

Enclosure

Dated: October 19, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–23391 Filed 10–26–22; 8:45 am]

BILLING CODE 4164–01–C

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–D–0085]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Substances Generally Recognized as Safe: Best Practices for Convening a Generally Recognized as Safe Panel

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget

(OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments (including recommendations) on the collection of information by November 28, 2022.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be submitted to <https://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection by selecting “Currently under Review—Open for Public Comments” or by using the search function. The title of this information collection is “Substances Generally Recognized as Safe: Best Practices for Convening a GRAS Panel.” Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Rachel Showalter, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 240–994–7399, PRAStaff@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA

has submitted the following proposed collection of information to OMB for review and clearance.

I. Background

Best Practices for Convening a Generally Recognized as Safe Panel

OMB Control Number 0910–NEW

This information collection supports FDA’s implementation of Agency guidance. In 2017, FDA developed and published for comment a draft guidance entitled “Best Practices for Convening a Generally Recognized as Safe Panel,” (<https://www.fda.gov/media/109006/download>) which, once finalized, would assist persons who choose to convene a panel of experts in support of a conclusion that the use of a substance in food is generally recognized as safe (GRAS).

The Federal Food, Drug, and Cosmetic Act (FD&C Act) requires that all food additives (as defined by section 201(s) (21 U.S.C. 321(s)) be approved by FDA for their intended use in food before they are marketed. Section 409 of the FD&C Act (21 U.S.C. 348) establishes a premarket approval requirement for “food additives.” Section 201(s) of the

FD&C Act provides an exclusion to the definition of “food additive,” and thus from the premarket approval requirement, for uses of substances that are generally GRAS by qualified experts.

The GRAS provision of section 201(s) of the FD&C Act is implemented in 21 CFR part 170 for human food and 21 CFR part 570 for animal food. The regulations provide the criteria for when the use of a substance in food for humans or animals is GRAS. Part 170, subpart E and part 570, subpart E provide the procedure under which a person (also referred to as the “proponent” of a GRAS conclusion) may notify FDA about a conclusion that a substance is GRAS under the conditions of its intended use in human and/or animal food. This includes a standard format for the submission of a GRAS notice. The information submitted to us in a GRAS notice is necessary to allow us to administer efficiently the FD&C Act’s various provisions that apply to the use of substances added to food; specifically, whether a substance is GRAS under the conditions of its intended use or whether it is a food additive subject to premarket review and approval by FDA. To support a GRAS conclusion, a proponent may convene a panel of qualified experts to provide evidence that generally available safety data and information about the intended use of the substance in food are generally accepted among experts, which is one of the criteria for eligibility for GRAS status (81 FR 54959 at 54975; August 17, 2016).

From 2008 to 2010, the Government Accountability Office (GAO) conducted a study related to ingredients used in human food on the basis of the GRAS provision in section 201(s) of the FD&C Act. In 2010, GAO issued a report (the GAO report¹) that included recommendations for FDA. Of relevance here, the GAO report recommended that FDA develop a strategy to minimize the potential for conflicts of interest among GRAS panel members, including issuing guidance for companies on conflict of interest, and we requested comment on issuing such a guidance in our reopening notice (75 FR 81536 at 81542; December 28, 2010). In the GRAS final rule, we stated our intent to issue such guidance (see Response 125, 81 FR 54959 at 55026). This guidance recommends an assessment for conflict

of interest and the appearance of conflict of interest as part of the best practices for convening a GRAS panel and would address the final outstanding GAO recommendation for FDA from the 2010 report.

The guidance document recommends specific content elements pertaining to recordkeeping and third-party disclosure. The guidance explains a recordkeeping recommendation for proponents to develop a one-time, written GRAS panel policy record describing how it will convene a panel. The proponent creates the written policy to fit its needs. The guidance document discusses a third-party disclosure recommendation for prospective panel members to provide vetting information to proponents, to ascertain expertise and reduce risk of bias. The guidance document also explains a recordkeeping recommendation for proponents to document the application of the GRAS panel policy to each GRAS panel member as part of the vetting process. Respondents do not submit to FDA the recordkeeping or third-party disclosure information.

The guidance will assist respondents convening a GRAS panel. The information collection recommendations (establishment of a written GRAS panel policy, solicitation of information from prospective GRAS panel members about potential conflicts of interest and other sources of bias, and documentation of the application of the GRAS panel policy to each GRAS panel member) would help the respondent to identify GRAS panel members who have appropriate and balanced expertise and reduce the risk that bias (or the appearance of bias) will affect the credibility of the GRAS panel’s output.

Description of Respondents: Respondents to this collection of information are persons (“proponents”) who are responsible for a conclusion that a substance may be used in food on the basis of the GRAS provision of the FD&C Act when such persons convene a GRAS panel to independently evaluate whether the available scientific data, information, and methods establish that the substance is safe under the conditions of its intended use in human food or animal food. Respondents would also include members and prospective members of GRAS panels. We estimate that there are 1,260 such respondents as discussed more fully below. The term “GRAS panel” is defined as a panel of individuals convened for the purpose of evaluating whether the available scientific data, information, and methods establish that

a substance is safe under the conditions of its intended use in food.

In the **Federal Register** of November 16, 2017 (82 FR 53433), we published a draft guidance requesting public comment on the proposed collection of information. We received 13 comments with almost half being responsive to PRA topics. All comments were considered even if they were not fully captured by our paraphrasing in this document. Most comments communicated general support for the information collection. Comments articulated that the guidance would promote uniformity of practices for industry and mitigate potential conflicts and biases. One comment expressed that the recommendations for preparing a GRAS panel policy are not unusual or burdensome to proponents, although another comment believed that establishment and implementation of a written GRAS panel policy would be burdensome. However, the comment recognized that the proponent drafts the written policy, which allows the proponent to tailor the policy to itself and make the policy broad enough to cover the wide range of issues it may encounter. The comment further stated that many in industry already employ policies and procedures recommended in the guidance. Another comment believed that the time estimates to perform the information collections are reasonable. No other comments were received disputing the need for the information, the accuracy of our burden estimate, or ways to minimize burden. Although we are preparing to finalize the guidance document to clarify discussions around evaluating and managing conflicts of interest and appearance issues, to emphasize that a GRAS panel is not necessary, and providing additional background information regarding the value of a GRAS panel in providing evidence to support the “general acceptance” aspect of the criteria for eligibility for GRAS status through scientific procedures, none of the revisions pertain to the information collection recommendations discussed in our 60-day notice.

Since the publication of the 60-day notice, we have further considered the burden estimate and adjusted it based on updated information available to us from FDA’s GRAS Notices Inventory and the Independent GRAS Conclusion Inventory Database (Refs. 1, 2, and 3).

The records recommended in the guidance to be maintained by a proponent include a one-time information collection burden pertaining to a written GRAS panel policy to govern the assembly and

¹ United States Government Accountability Office (2010). “Report to Congressional Requestors on Food Safety: FDA Should Strengthen Its Oversight of Food Ingredients Determined to Be Generally Recognized as Safe (GRAS).” Report No. GAO-10-246. Available at <https://www.gao.gov/assets/gao-10-246.pdf>.

conduct of a GRAS panel. The records recommended in the guidance also include annual information collection burdens pertaining to documenting the application of the written GRAS panel policy to each member of a GRAS panel convened in a given year and collecting information from prospective members

of the GRAS panel to conduct the vetting process as detailed in the written GRAS panel policy. Finally, the guidance recommends that a GRAS panel provides a written report of its findings; however, we consider a written GRAS panel report as customary business practice that is already being

created by GRAS panels and, thus, we do not estimate an annual information collection burden for the creation of a GRAS panel report.

We estimate the burden of this collection of information as follows:

Burden Estimate for Written GRAS Panel Policy Recommendation

TABLE 1—ESTIMATED ONE-TIME RECORDKEEPING BURDEN ¹

| Activity | Number of recordkeepers | Number of records per recordkeeper | Total annual records | Average burden per recordkeeping (in hours) | Total hours |
|--|-------------------------|------------------------------------|----------------------|---|-------------|
| Establishing written GRAS panel policy | 696 | 1 | 696 | 40 | 27,840 |

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

For the purpose of this analysis, we make the conservative assumption that all proponents who document a GRAS conclusion will create a written GRAS panel policy that would apply to GRAS panels convened in the first year that the final guidance would be in effect, as well as to GRAS panels convened in subsequent years. We also assume that these proponents will create a written GRAS panel policy regardless of whether they report the panel’s documented GRAS conclusion to FDA in the form of a GRAS notice. Therefore, for the purpose of this analysis we: (1) calculated the number of proponents who have submitted at least one GRAS notice to FDA and (2) estimated the number of proponents who have documented at least one GRAS conclusion without reporting that documented GRAS conclusion to FDA in the form of a GRAS notice.

Using the data in our inventories of GRAS notices submitted for substances intended for use in human food (Ref. 1) and animal food (Ref. 2) during the time period of April 17, 1997, through October 2, 2020, we calculate that 466 proponents submitted at least one GRAS notice for a substance intended for use in human food, and 20 proponents submitted at least one GRAS notice for a substance intended for use in animal food. For the purpose of this analysis, we make the conservative assumption that there will be no overlap between proponents who submit GRAS notices for substances intended for use in human food and proponents who submit GRAS notices for substances intended for use in animal food. Therefore, the total number of proponents who have submitted at least one GRAS notice to FDA is 486 (466 human food proponents + 20 animal food proponents).

We have very little information about the number of proponents who have documented a GRAS conclusion without reporting that GRAS conclusion

to FDA in the form of a GRAS notice. To estimate the number of such proponents, we used a publicly available database entitled “Independent GRAS (Generally Recognized As Safe) Conclusion Inventory Database” (Ref. 3), which is a compilation of the results of a consulting company’s search of publicly available information in industry trade journals about documented GRAS conclusions for substances intended for use in human food. The oldest entry is for the year 1995. We received the first GRAS notice for substances intended for use in human food in 1998 and, thus, the database covers the entire timeframe during which FDA has been receiving GRAS notices for substances intended for use in human food. As of October 2, 2020, that database recorded that there had been a total of 213 documented GRAS conclusions, with 41 of those documented GRAS conclusions reported to FDA as a GRAS notice and 172 of those documented GRAS conclusions not reported to FDA as a GRAS notice. In contrast, as of October 2, 2020, FDA’s inventory of GRAS notices shows that the number of GRAS conclusions reported to FDA during this timeframe was 937, not 41 (Ref. 1). We assume that the reduced number of documented GRAS conclusions that the database recorded as being reported to FDA is due to the mechanism by which the database searches for documented GRAS conclusions (*i.e.*, publications in industry trade journals). For example, there could be less incentive for a business that reports its documented GRAS conclusion to FDA to publicize that GRAS conclusion through industry trade journals, because the business can publicize FDA’s response to the GRAS notice in other ways.

The database attributes the 172 documented GRAS conclusions not reported to FDA to 146 different proponents. However, 62 of these

proponents have also submitted a GRAS notice to FDA and, thus, we calculate that the database attributes documented GRAS conclusions to 84 proponents who have not submitted a GRAS notice to FDA (146 proponents listed in the database—62 proponents whom we already counted because they submitted a GRAS notice to FDA). We also make the conservative assumption that the number of proponents who have documented GRAS conclusions without reporting them to FDA since FDA began receiving GRAS notices is twice as high as recorded in the database—*i.e.*, 168 proponents (84 proponents listed in the database × 2).

The publicly available database does not record documented GRAS conclusions for substances intended for use in animal food. In the burden estimate for the approved information collection “Substances Generally Recognized as Safe: Notification Procedure” (OMB control number 0910–0342), we estimated that 100 GRAS notices would be submitted to FDA for substances intended for use in human food and that 25 GRAS notices will be submitted to FDA for substances intended for use in animal food (86 FR 64943; November 19, 2021). For the purpose of our current analysis, we use that 25 percent ratio to estimate that the number of proponents who have documented GRAS conclusions for substances intended for use in animal food without reporting those GRAS conclusions to FDA is 25 percent of the number of proponents who documented GRAS conclusions for substances intended for use in human food without reporting those GRAS conclusions to FDA—*i.e.*, 42 proponents (168 estimated proponents who have documented GRAS conclusions without reporting those GRAS conclusions to FDA × 0.25). We estimate that the total number of proponents who documented GRAS conclusions without reporting those

GRAS conclusions to FDA is 210 proponents (168 estimated proponents who have documented GRAS conclusions for substances intended for use in human food + 42 estimated proponents who have documented GRAS conclusions for substances intended for use in animal food).

To estimate the total number of proponents, we are adding 210 estimated proponents who have not reported their documented GRAS conclusions to FDA to the 486 proponents who have already submitted

at least one GRAS notice to FDA for a total of 696 proponents who will document a GRAS conclusion (210 non-reporting proponents + 486 reporting proponents). As already stated, for the purpose of this analysis we make the conservative assumption that all of these proponents who document GRAS conclusions (*i.e.*, 696 proponents) will create a written GRAS panel policy. We estimate that it will take 40 hours to create a written GRAS panel policy, including 8 hours to review relevant, publicly available policies that address

conflict of interest and 32 hours to tailor a GRAS panel policy specific to the proponent, using relevant information from such existing policies as appropriate to the needs of the proponent. As shown in table 1, the total one-time burden to create a written GRAS panel policy is 40 hours per proponent × 696 proponents = 27,840 hours.

Burden Estimate for Records Documenting the Application of the GRAS Panel Policy to GRAS Panel Members

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN ¹

| Activity | Number of recordkeepers | Number of records per recordkeeper | Total annual records | Average burden per recordkeeping (in hours) | Total hours |
|--|-------------------------|------------------------------------|----------------------|---|-------------|
| Application of written GRAS panel policy to GRAS panel members | 94 | 6 | 564 | 16 | 9,024 |

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

Based on the number of annual GRAS notices submitted to FDA in recent years, we previously estimated that 100 GRAS notices will be submitted to FDA for substances intended for use in human food and that 25 GRAS notices will be submitted to FDA for substances intended for use in animal food (OMB control number 0910–0342; 86 FR 64943), for a total number of 125 GRAS notices submitted to FDA each year. We count each GRAS notice as a single GRAS conclusion, and, for the purpose of our analysis, we assume that a different proponent submits each of these GRAS notices. Therefore, we estimate that the total number of documented GRAS conclusions submitted to FDA on an annual basis is 125 GRAS conclusions and that these GRAS conclusions are submitted by 125 proponents.

We have not previously estimated the annual number of documented GRAS conclusions that are not reported to FDA as a GRAS notice. To estimate such GRAS conclusions, we used the same database (Ref. 3) that we used to estimate the total number of proponents who document GRAS conclusions without reporting the GRAS conclusions to FDA in the form of a GRAS notice. As already stated, the oldest recorded entry in the database is for the year 1995. However, with the exception of that single entry for 1995, the remaining entries are for the years 2001 and beyond. Therefore, we use 20 years (*i.e.*, from 2001 through 2020) as the number of years covering those documented GRAS conclusions that are not reported to FDA. For the purpose of calculating the annual number of documented GRAS conclusions that are for

substances intended for use in human food and are not reported to FDA, we estimate that there are 171 such GRAS conclusions (172 documented, unreported GRAS conclusions for substances intended for use in human food minus 1 GRAS conclusion reported before 2001). We calculate that, on average, the annual number of documented, unreported GRAS conclusions for substances intended for use in human food and recorded in the database is 9 (171 documented, unreported GRAS conclusions/20 years = 8.55 documented, unreported GRAS conclusions per year recorded in the database, rounded up to 9). As with our analysis of the total number of proponents, we conservatively assume that the annual number of documented, unreported GRAS conclusions for substances intended for use in human food could be twice as high as the annual number of documented, unreported GRAS conclusions recorded in the database—*i.e.*, 18 documented, unreported GRAS conclusions for substances intended for use in human food each year (9 documented, unreported GRAS conclusions recorded in the database on an annual basis × 2). As with documented GRAS conclusions that are reported to FDA, we assume that a different proponent is responsible for each documented GRAS conclusion not reported to FDA and, thus, on an annual basis there are 18 proponents who do not report their documented GRAS conclusions for substances intended for use in human food to FDA. We previously estimated that 100 GRAS notices will be submitted to FDA for substances intended for use in human food and that 25 GRAS notices will be

submitted to FDA for substances intended for use in animal food (OMB control number 0910–0342; 84 FR 29216). Using that ratio, we conservatively assume that the annual number of documented, unreported GRAS conclusions for substances intended for use in animal food is 25 percent of the annual number of documented, unreported GRAS conclusions for substances intended for use in human food—*i.e.*, 5 documented, unreported GRAS conclusions for substances intended for use in animal food on an annual basis (18 documented, unreported GRAS conclusions for substances intended for use in human food × 0.25 = 4.5, rounded up to 5). We also calculate that there are a total of 23 documented, unreported GRAS conclusions each year (18 documented, unreported GRAS conclusions for substances intended for use in human food + 5 documented, unreported GRAS conclusions for substances intended for use in animal food). We therefore calculate that there are 148 proponents who document a GRAS conclusion on an annual basis (125 proponents who submit their documented GRAS conclusions to FDA in a GRAS notice + 23 proponents who do not submit their documented GRAS conclusions to FDA in a GRAS notice).

We have information about the percentage of proponents who convene a GRAS panel for a documented GRAS conclusion and also submit a GRAS notice to FDA. During the time period April 17, 1997, through October 2, 2020, on average, 57 percent of proponents who submitted a GRAS notice for a substance intended for use in human food, and 55 percent of proponents who

submitted a GRAS notice for a substance intended for use in animal food, convened a GRAS panel. We therefore estimate that, on an annual basis, 57 proponents will convene a GRAS panel and submit a GRAS notice to FDA for substances intended for use in human food (57 percent × 100 proponents), and 14 proponents will convene a GRAS panel and submit a GRAS notice to FDA for substances intended for use in animal food (55 percent × 25 proponents). We calculate that the total number of proponents who will convene a GRAS panel and submit a GRAS notice to FDA is 71 proponents (57 human food proponents + 14 animal food proponents). We also assume that all proponents will document the application of a written GRAS panel policy to each member of the GRAS panel.

We have very little information about the percentage of proponents who convene a GRAS panel for a

documented GRAS conclusion but do not report their documented GRAS conclusions to FDA in a GRAS notice. For the purpose of this analysis, we make the conservative assumption that all 23 proponents who annually document GRAS conclusions without reporting them to FDA will convene a GRAS panel. Taking into account the estimated number of proponents who convene a GRAS panel and submit a GRAS notice to FDA, and the estimated number of proponents who convene a GRAS panel but do not submit a GRAS notice to FDA, we calculate that the total number of proponents who will convene a GRAS panel and document the application of the written GRAS panel policy to each member of a GRAS panel on an annual basis is 94 proponents (71 proponents who submit GRAS notices to FDA + 23 proponents who do not submit GRAS notices).

Based on the recommendations in the guidance, we assume that all GRAS

panels will include at least 3 panel members and that some GRAS panels will include as many as 6 panel members. We assume that a GRAS panel will include 5 panel members on average. We also assume that the proponent will reject at least one individual with applicable expertise due to a conflict of interest and, thus, that 94 proponents will document the application of the written GRAS panel policy to 6 individual GRAS panel members, for a total of 564 documentations of the application of the written GRAS panel policy (94 proponents × 6 panel members). As shown in table 2, we estimate that it will take the proponent 16 hours to document the application of the written GRAS policy to each panel member, for a total of 9,024 hours (564 documentations × 16 hours).

Burden Estimate for Disclosures by GRAS Panel Members to Proponents of GRAS Conclusions

TABLE 3—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN ¹

| Activity | Number of respondents | Number of disclosures per respondent | Total annual disclosures | Average burden per disclosure (in hours) | Total hours |
|--|-----------------------|--------------------------------------|--------------------------|--|-------------|
| GRAS panel members provide information to the proponents of GRAS conclusions | 564 | 1 | 564 | 4 | 2,256 |

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

As shown in table 3, we assume that all 564 individuals who are being considered as members of a GRAS panel will each need 4 hours to provide information related to the panel selection and vetting process to the proponent, as detailed in the written GRAS panel policy, for a total of 2,256 hours (564 individuals × 4 hours).

FDA plans to consolidate this collection with OMB control number 0910-0342, “Substances Generally Recognized as Safe: Notification Procedure” which contains the regulatory procedures under which a person may notify FDA about a conclusion that a substance is GRAS under the conditions of its intended use in human and/or animal food and includes a standard format for the submission of a GRAS notice. The revision will add 39,120 burden hours and 1,260 respondents.

This guidance also refers to previously approved FDA collections of information. The collections of information in 21 CFR parts 170 and 570 have been approved under OMB control number 0910-0342.

II. References

The following references are on display with the Dockets Management

Staff (see **ADDRESSES**) and are available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday; they are also available electronically at <https://www.regulations.gov>. FDA has verified the website addresses, as of the date this document publishes in the **Federal Register**, but websites are subject to change over time.

1. FDA (2020). GRAS Notices. Available at <https://www.accessdata.fda.gov/scripts/fdcc/?set=GRASNotices>.
2. FDA (2020). Current Animal Food GRAS Notices Inventory. Available at <https://www.fda.gov/animal-veterinary/generally-recognized-safe-gras-notification-program/current-animal-food-gras-notices-inventory>.
3. AIBMR Life Sciences, Inc. (2020). Independent GRAS (Generally Recognized As Safe) Conclusion Inventory Database. Available at <http://aibmr.com/natural-products-industry-compliance-consultation/gras-generally-recognized-as-safe-safety-studies/>.

Dated: October 20, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022-23378 Filed 10-26-22; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2022-N-2480]

Rare Disease Endpoint Advancement Pilot Meeting Program

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The seventh iteration of the Prescription Drug User Fee Amendments (PDUFA VII) included as part of the FDA User Fee Reauthorization Act of 2022 highlights the goal of advancing and facilitating the development and timely approval of drugs and biological products for rare diseases, including rare diseases in children. The Food and Drug Administration (FDA or Agency) is announcing the Rare Disease Endpoint Advancement Pilot Meeting Program (RDEA Pilot Program) established under the seventh iteration of PDUFA that affords sponsors who are admitted into the RDEA Pilot Program additional engagement opportunities with the Agency to discuss efficacy endpoint development in rare disease drug and

biological product development programs. Meetings under the program will be conducted by FDA's Center for Drug Evaluation and Research (CDER) or Center for Biologics Evaluation and Research (CBER) during fiscal years (FYs) 2023 to 2027. For each sponsor whose RDEA program proposal (RDEA proposal or proposal) is admitted into the program, up to four meetings that will provide an opportunity for medical product developers to discuss rare disease endpoint development will be held between the sponsor and CDER or CBER. To promote innovation and evolving science, novel endpoints developed through the RDEA Pilot Program may be presented by FDA (*e.g.*, in a guidance or public workshop or on a public-facing website) as case studies, including novel endpoints for drugs that have not yet been approved or biological products that have not yet been licensed by FDA for a given indication.

DATES: The RDEA Pilot Program will proceed from October 1, 2022, through September 30, 2027. Sponsors may submit RDEA program proposals beginning July 1, 2023, through June 30, 2027. Submit either electronic or written comments about this program by December 27, 2022.

ADDRESSES: You may submit comments about the RDEA Pilot Program as follows. Please note that late, untimely filed comments will not be considered. The <https://www.regulations.gov> electronic filing system will accept comments until 11:59 p.m. Eastern Time December 27, 2022. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your

comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked, and identified as confidential, if submitted as detailed in "Instructions."

Instructions: All submissions received must include the Docket No. FDA-2022-N-2480 for "Rare Disease Endpoint Advancement Pilot Program." Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240-402-7500.

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

of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov>

and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240-402-7500.

FOR FURTHER INFORMATION CONTACT: Mary Jo Salerno, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993-0002, 240-402-0420, RDEA.Meetings@fda.hhs.gov, with the subject line "RDEA Pilot Meeting Program for CDER" or Julienne Vaillancourt, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7252, Silver Spring, MD 20993-0002, 301-796-1827, RDEA.Meetings@fda.hhs.gov, with the subject line "RDEA Pilot Meeting Program for CBER." Additional information is available on the RDEA Pilot Program web page: <https://www.fda.gov/drugs/development-resources/rare-disease-endpoint-advancement-pilot-program>.

SUPPLEMENTARY INFORMATION:

I. Background

In connection with the seventh iteration of PDUFA, FDA committed to conduct a pilot program to advance rare disease drug development programs by providing a mechanism for sponsors to collaborate with FDA throughout the efficacy endpoint development process (see "PDUFA Reauthorization Performance Goals and Procedures Fiscal Years 2023 Through 2027," section I.K.4.a, <https://www.fda.gov/media/151712/download>).

FDA is announcing this pilot program to satisfy the above-mentioned commitment. The goals of the early meeting discussions granted under this program are to provide advice on how a proposed novel endpoint can be used in a specific rare disease drug development program and to promote innovation by allowing FDA to publicly present the proposed novel endpoints (or natural history studies in which the proposed endpoint is intended to be studied) considered through the program, including novel endpoints for drugs or biological products that have

not yet been approved or licensed by FDA for a given indication. FDA has committed to accepting a limited number of qualified proposals for admission into the RDEA Pilot Program that increases after the first year of PDUFA VII. For FY 2023, sponsors may submit RDEA proposals beginning in the fourth quarter, and FDA will accept a maximum of one proposal. For FYs 2024 through 2027, FDA will accept up to one RDEA proposal per quarter with a maximum of three proposals per year.

Complete RDEA proposals may be submitted throughout the quarter on a rolling basis; however, only those received by the quarterly closing date, which will be the last day of each quarter of the fiscal year (*i.e.*, December 31, March 31, June 30, September 30), will be considered for selection in the following quarter. Within 60 days after the quarterly closing date, FDA will review the RDEA proposals, select a proposal to proceed to disclosure discussions, and notify sponsors of their proposal status. When FDA and the sponsor agree on the information that FDA may share publicly, FDA will notify the sponsor of admission into the program.

Sponsors admitted to the RDEA Pilot Program may participate in up to four focused meetings with relevant FDA staff to discuss endpoint development. FDA's advice provided during and between RDEA meetings does not constitute a regulatory decision and is considered nonbinding. Being admitted into the RDEA Pilot Program and completing four RDEA meetings does not guarantee approval for a regulatory submission that includes efficacy endpoints discussed during RDEA meetings. Likewise, being denied admission into the RDEA Pilot Program does not mean that the proposed novel endpoint is unacceptable for regulatory decision making.

After completion of four RDEA meetings, the sponsor can request additional input on their novel endpoint from FDA, as needed, through other formal meeting mechanisms, such as Type B, Type C, Type C Surrogate Endpoint, or Type D meetings. Sponsors that do not participate in the RDEA Pilot Program will have an opportunity to interact with the Agency through traditional channels.

The listed eligibility and selection factors outlined in this notice reflect the current thinking at the time of publication. Information about the process for applying to and participating in the RDEA pilot meeting program will be communicated on the following web page: <https://www.fda.gov/drugs/>

development-resources/rare-disease-endpoint-advancement-pilot-program.

II. General, Eligibility, and Disclosure Information for the RDEA Pilot Program

A. General Information

The RDEA Pilot Program will be jointly administered by the following Centers:

- *CDER*: CDER's Rare Diseases Team, in the Office of New Drugs, Division of Rare Diseases and Medical Genetics, which is the point of contact for RDEA Pilot Program communications for CDER products.

- *CBER*: CBER's Rare Disease Liaison, in the Office of the Director, Policy Staff, which is the point of contact for RDEA Pilot Program communications for CBER products.

B. Eligibility and Selection Information

To be eligible for the RDEA Pilot Program:

- The associated development program should be active and address a rare disease, with an active investigational new drug application (IND) or pre-IND for the rare disease.

- Sponsors that do not yet have an active development program but have, or are initiating, a natural history study where the proposed endpoint is intended to be studied are also eligible to apply.

- FDA may also consider accepting a proposal for a development program for a common disease that includes innovative or novel endpoint elements, including the specific endpoint and/or the methodology being developed if there is sufficient justification that the proposal could be applicable to a rare disease.

- The proposed endpoint is a novel efficacy endpoint intended to establish substantial evidence of effectiveness for a rare disease treatment. An endpoint is considered novel if it has never been used to support drug approval or if it has been substantially modified from previous use to support drug approval.

Preference will be given to proposals:

- That have the potential to impact drug development more broadly, such as one that uses a novel approach to develop an efficacy endpoint or an endpoint that could potentially be relevant to other diseases.

- That collectively reflect a range of different types of endpoints.

- That have novel approaches for collecting additional clinical data in the premarket stage to advance validation of the endpoint for a surrogate endpoint proposal. If the sponsor is proposing to develop a surrogate endpoint as part of

a rare disease application, participation in a prior Type C Surrogate Endpoint meeting is encouraged.

C. Disclosure

To promote innovation in this area, novel efficacy endpoints developed through the RDEA Pilot Program may be presented by FDA (*e.g.*, in a guidance, at public workshops and conferences, or on FDA's website) as case studies, including while the drug studied in the trial has not yet been approved by FDA. Accordingly, before FDA grants the initial meeting under the program, FDA and the sponsor must agree on the information that FDA may include in these public case studies. The specific information to be disclosed will depend on the content of each novel efficacy endpoint and associated natural history study if applicable. FDA intends to focus on information that is beneficial to advancing efficacy endpoint development for drugs that treat rare diseases and those elements relevant to understanding the novel efficacy endpoint and its potential use in a clinical trial intended to support regulatory approval.

Sponsors wishing to participate in the program should identify aspects of the proposed novel endpoint and associated natural history, if applicable, that they consider nondisclosable and provide a rationale for withholding the information. Participation in the program, including any agreement on information disclosure, will be voluntary and at the discretion of the sponsor. Sponsors that do not wish to make such disclosures may seek regulatory input through other existing channels.

IV. Paperwork Reduction Act of 1995

While this notice contains no collection of information, it does refer to previously approved FDA collections of information. Therefore, clearance by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521) is not required for this notice. The previously approved collections of information are subject to review by OMB under the PRA. The collections of information in 21 CFR part 312 for INDs and clinical trials have been approved under OMB control number 0910–0014. The collections of information in 21 CFR part 601 for biologic new drug applications (NDAs) have been approved under OMB control number 0910–0338. The collections of information in 21 CFR part 314 for the submission of NDAs and for requesting meetings with FDA about drug development programs have been

approved under OMB control number 0910-0001. The collections of information relating to rare disease drug and biological product development programs have been approved under OMB control number 0910-0765.

Dated: October 21, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022-23383 Filed 10-26-22; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA 2016-D-2565]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; 510(k) Third-Party Review Program

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments (including recommendations) on the collection of information by November 28, 2022.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be submitted to [https://](https://www.reginfo.gov/public/do/PRAMain)

www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under Review—Open for Public Comments” or by using the search function. The OMB control number for this information collection is 0910-0375. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Rachel Showalter, Office of Operations, Food and Drug Administration, Three White Flint North, 10A-12M, 11601 Landsdown St., North Bethesda, MD 20852, 240-994-7399, PRAStaff@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

510(k) Third-Party Review Program

OMB Control Number 0910-0375—Extension

Section 523 of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 360m), directs FDA to accredit persons in the private sector to review certain premarket notifications (510(k)s; see 21 U.S.C. 360(k)). Participation in the 510(k) third-party (3P510k) review program by accredited persons is entirely voluntary. A third party wishing to participate will submit a request for accreditation to FDA. Accredited third-party reviewers have the ability to review a manufacturer’s 510(k) submission for selected devices. After reviewing a submission, the reviewer will forward a copy of the 510(k) submission, along with the reviewer’s documented review and

recommendation, to FDA. Third-party reviewers should maintain records of their 510(k) reviews and a copy of the 510(k) for a reasonable period of time, usually 3 years.

Respondents to this information collection are businesses or government, and can be for-profit or not-for-profit organizations.

The guidance “510(k) Third-Party Review Program, Guidance for Industry, Food and Drug Administration Staff and Third Party Review Organizations” (March 2020) (<https://www.fda.gov/regulatory-information/search-fda-guidance-documents/510k-third-party-review-program>) is intended to provide a comprehensive look into FDA’s current thinking regarding the 3P510k review program. This guidance document also reflects section 523 of the FD&C Act, which directs FDA to issue guidance on the factors that will be used in determining whether a class I or class II device type, or subset of such device types, is eligible for review by an accredited person. The 3P510k review program is intended to allow review of devices by third-party 510k review organizations (3PROs) to provide manufacturers of these devices an alternative review process that allows FDA to best utilize our resources on higher risk devices.

In the **Federal Register** of June 24, 2022 (87 FR 37863), FDA published a 60-day notice requesting public comment on the proposed collection of information. Although four comments were received, they were not responsive to the four collection of information topics solicited.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN ¹

| Activity; guidance document section | Number of respondents | Number of responses per respondent | Total annual responses | Average burden per response | Total hours ² |
|--|-----------------------|------------------------------------|------------------------|-----------------------------|--------------------------|
| Requests for accreditation (initial); Section VI | 1 | 1 | 1 | 24 | 24 |
| Requests for accreditation (re-recognition); Section VI | 3 | 1 | 3 | 24 | 72 |
| 510(k) reviews conducted by accredited third parties; Section VI | 9 | 14 | 126 | 40 | 5,040 |
| Complaints; Section VII | 1 | 1 | 1 | 0.25 (15 minutes) | 1 |
| Total | | | | | 5,137 |

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

² Totals have been rounded.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN ¹

| Activity; guidance document section | Number of recordkeepers | Number of records per recordkeeper | Total annual records | Average burden per recordkeeping | Total hours |
|--|-------------------------|------------------------------------|----------------------|----------------------------------|-------------|
| 510(k) reviews; Section VII | 9 | 14 | 126 | 10 | 1,260 |
| Records regarding qualifications to receive FDA recognition as a 3PRO; Section VII | 9 | 1 | 9 | 1 | 9 |
| Recordkeeping system regarding complaints; Section VII | 9 | 1 | 9 | 2 | 18 |

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN ¹—Continued

| Activity; guidance document section | Number of recordkeepers | Number of records per recordkeeper | Total annual records | Average burden per recordkeeping | Total hours |
|-------------------------------------|-------------------------|------------------------------------|----------------------|----------------------------------|-------------|
| Total | | | | | 1,287 |

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

Estimated Annual Recordkeeping Burden

510(k) reviews: The 3PROs should retain copies of all 510(k) reviews and associated correspondence. Based on FDA’s recent experience with this program, we estimate the number of 510(k)s submitted for 3P510k review to be 126 annually; approximately 14 annual reviews for each of the 9 3PROs. We estimate the average burden per recordkeeping to be 10 hours.

Records regarding qualifications to receive FDA recognition as a 3PRO: Under section 704(f) of the FD&C Act (21 U.S.C. 374(f)), a 3PRO must maintain records that support their initial and continuing qualifications to receive FDA recognition, including documentation of the training and qualifications of the 3PRO and its personnel; the procedures used by the 3P510k review organization for handling confidential information; the compensation arrangements made by the 3PRO; and the procedures used by the 3PRO to identify and avoid conflicts of interest. Additionally, the guidance states that 3PROs should retain information on the identity and qualifications of all personnel who contributed to the technical review of each 510(k) submission and other relevant records. Because most of the burden of compiling the records is expressed in the reporting burden for requests for accreditation, we estimate the maintenance of such records to be 1 hour per recordkeeping annually.

Recordkeeping system regarding complaints: Section 523(b)(3)(F)(iv) of the FD&C Act requires 3PROs to agree in writing that they will promptly respond and attempt to resolve complaints regarding their activities. The guidance recommends that 3PROs establish a recordkeeping system for tracking the submission of those complaints and how those complaints were resolved, or attempted to be resolved. Based on our experience with the program and the recommendations in the guidance, we estimate the average burden per recordkeeping to be 2 hours annually.

Based on our experience with the program since our last request for OMB approval, we have adjusted our burden estimate, which has resulted in a

decrease to the currently approved burden.

Dated: October 21, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–23377 Filed 10–26–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request: Information Collection Request Title: Evaluation of the Maternal and Child Health Bureau Pediatric Mental Health Care Access Program and the Screening and Treatment for Maternal Depression and Related Behavioral Disorders Program

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with of the Paperwork Reduction Act of 1995, HRSA has submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period. OMB may act on HRSA’s ICR only after the 30 day comment period for this Notice has closed.

DATES: Comments on this ICR should be received no later than November 28, 2022.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests

submitted to OMB for review, email Samantha Miller, the acting HRSA Information Collection Clearance Officer at paperwork@hrsa.gov or call (301) 443–9094.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information collection request title for reference.

Information Collection Request Title: Evaluation of the Maternal and Child Health Bureau Pediatric Mental Health Care Access Program and the Screening and Treatment for Maternal Depression and Related Behavioral Disorders Program, OMB No. 0906–xxxx–New.

Abstract: This notice describes information collection requests for two of HRSA’s Maternal and Child Health programs: the Pediatric Mental Health Care Access (PMHCA) program and the Screening and Treatment for Maternal Depression and Related Behavioral Disorders (MDRBD) program. Both of these programs aim to increase identification of behavioral health conditions by providing support for screening of specified populations (e.g., children, adolescents, young adults, and pregnant and postpartum women, especially those living in rural, isolated, and/or underserved areas); providing clinical behavioral health consultation, care coordination support (i.e., communication/collaboration, accessing resources, referral services), and training to health professionals (HP); ¹ and increasing access to clinical interventions, including by telehealth. HP education and training will support the knowledge and skills acquisition needed to accomplish this goal.

The information will be collected with recipients of awards that were issued in 2018 (PMHCA and MDRBD), 2019 (PMHCA), and 2021 (PMHCA). The 2018, 2019, and 2021 PMHCA programs are authorized by 42 U.S.C § 254c–19 (§ 330M of the Public Health Service Act), using Section 2712 of the American Rescue Plan Act of 2021 (P.L. 117–2) for 2021 awardees. The 2018 MDRBD program is authorized by 42 U.S.C. 247b–13a (§ 317L–1 of the Public

¹ HPs may include pediatricians, family physicians, physician assistants, advanced practice nurses/nurse practitioners, licensed practical nurses, registered nurses, counselors, social workers, medical assistants, patient care navigators.

Health Service Act). To evaluate progress made toward the programs' goals, this data collection will use eight instruments: the HP Survey, Practice-Level Survey, Program Implementation Survey, Program Implementation Semi-Structured Interview (SSI), Champion SSI, Champion Focus Group Discussion (FGD), Community Resources SSI, and Care Coordinator SSI.

A 60-day Notice published in the **Federal Register**, Vol. 87, No. 127, FR pp. 39841–42 (July 5, 2022). There was one public comment.

Need and Proposed Use of the Information: HRSA needs this information to evaluate the PMHCA and MDRBD programs and guide future policy decisions regarding increasing HPs' capacity to address patients' behavioral health and access to behavioral health services. Specifically, data collected for the evaluation will be used to study the efforts of awardee programs to achieve key awardee outcomes (e.g., increase in access to behavioral health services; health professionals trained; available community-based resources, including counselors or family service providers) and to measure whether and to what extent awardee programs are associated with changes in these outcomes. The evaluation will also examine changes over time, within a state, political

subdivision of a state, Indian tribe, or tribal organization, and/or across the PMHCA and MDRBD programs, with regard to (1) enrolled health professionals/practices related to screening, referral, and care coordination support for behavioral health conditions; (2) provision of behavioral health services for mental illness and substance use in primary care settings; (3) use of consultative services; and (4) provision of access to behavioral health services for mental illness and substance use.

Likely Respondents: Likely respondents include:

- *HP Surveys (2021 PMHCA only):* Pediatricians, family physicians, physician assistants, advanced practice nurses/nurse practitioners, licensed practical nurses, registered nurses, counselors, social workers, medical assistants, patient care navigators.
- *Practice-Level Surveys (2021 PMHCA only):* Practice managers (e.g., office managers, office leadership, nurse champions).
- *Program Implementation Survey and SSI (2021 PMHCA only):* 2021 PMHCA cooperative agreement-funded project directors/principal investigators.
- *Champion SSI or FGD (all awardees):* PMHCA and MDRBD program champions, who may include

HPs, community and social service specialists, and others.

- *Community Resources SSI (all awardees):* PMHCA and MDRBD program-level community resource partner representatives, who may include counselors, social workers, other community and social service specialists, other HPs/support workers (e.g., patient care navigators, medical assistants), and practice/organization managers.
- *Care Coordinator SSI (all awardees):* PMHCA and MDRBD program-level care coordinators.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

| Form name | Number of respondents | Number of responses per respondent ² | Total responses | Average burden per response (in hours) | Total burden hours |
|---|-----------------------|---|-----------------|--|--------------------|
| 2021 PMHCA HP Survey | 8,029 | 3 | 24,087 | .25 | 6,021.75 |
| 2021 PMHCA Practice-Level Survey | 2,950 | 3 | 8,850 | .25 | 2,212.50 |
| 2021 PMHCA Program Implementation Survey | 24 | 3 | 72 | .33 | 23.76 |
| 2021 PMHCA Program Implementation SSI | 24 | 1 | 24 | 1.00 | 24.00 |
| 2021 PMHCA Champion SSI | 48 | 1 | 48 | .50 | 24.00 |
| 2021 PMHCA Champion FGD | 24 | 1 | 24 | 1.00 | 24.00 |
| 2021 PMHCA Community Resources SSI ³ | 50 | 1 | 50 | .50 | 25.00 |
| 2021 PMHCA Care Coordinator SSI | 24 | 2 | 48 | .50 | 24.00 |
| 2018/2019 PMHCA and 2018 MDRBD Champion SSI | 56 | 1 | 56 | .50 | 28.00 |
| 2018/2019 PMHCA and 2018 MDRBD Champion FGD | 28 | 1 | 28 | 1.00 | 28.00 |
| 2018/2019 PMHCA and 2018 MDRBD Community Resources SSI ³ | 50 | 1 | 50 | .50 | 25.00 |
| 2018/2019 PMHCA and 2018 MDRBD Care Coordinator SSI | 28 | 1 | 28 | .50 | 14.00 |

² The HP, practice-level, and program implementation surveys will be administered with enrolled/participating HPs, office managers/ leadership of enrolled/participating practices, and project directors/principal investigators of the 2021 PMHCA cooperative agreement-funded programs three times during the project period (2023, 2024, and 2025) for a total of up to three responses per respondent. The 2021 PMHCA Program Implementation SSIs and the Champion SSIs and FGDs will be administered to 2021 PMHCA cooperative agreement-funded project directors/principal investigators and program champions once at the end of the data collection period. The 2021 PMHCA Care Coordinator SSI will be

administered twice, once at the beginning of the data collection period and once at the end. The number of responses per respondent varies for the Care Coordinator SSI between the 2018 and 2019 PMHCA and 2018 MDRBD cooperative agreement-funded programs and the 2021 PMHCA cooperative agreement-funded program because the 2018 and 2019 cooperative agreement programs will end in 2023 whereas the 2021 PMHCA cooperative agreement-funded programs will end in 2026.

³ The Community Resources SSI will be a case study with (1) up to five awardees who have identified up to five formal (i.e., there is a formal agreement, Memorandum of Understanding, Memorandum of Agreement, or letter of support)

community partnerships and (2) up to five awardees who have identified up to five informal (i.e., there is no formal agreement, Memorandum of Understanding, Memorandum of Agreement, or letter of support) community partnerships. There will be up to 25 respondents for each group (i.e., formal, informal) for a total N=50. The Community Resource SSIs will be administered for the 2018 and 2019 PMHCA and 2018 MDRBD cooperative agreement-funded programs at the end of the data collection period in spring 2023 and for 2021 PMHCA cooperative agreement-funded program at the end of the data collection period in fall 2025.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS—Continued

| Form name | Number of respondents | Number of responses per respondent ² | Total responses | Average burden per response (in hours) | Total burden hours |
|-------------|-----------------------|---|-----------------|--|--------------------|
| Total | 11,335 | ..... | 33,365 | ..... | 8,474.01 |

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2022-23394 Filed 10-26-22; 8:45 am]

BILLING CODE 4165-15-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG-2022-0341; OMB Control Number 1625-0104]

Collection of Information Under Review by Office of Management and Budget

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625-0104, Barges Carrying Bulk Hazardous Materials; without change.

Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: You may submit comments to the Coast Guard and OIRA on or before November 28, 2022.

ADDRESSES: Comments to the Coast Guard should be submitted using the Federal eRulemaking Portal at <https://www.regulations.gov>. Search for docket

number [USCG-2022-0341]. Written comments and recommendations to OIRA for the proposed information collection should be sent within 30 days of publication of this notice to <https://www.reginfo.gov/public/do/PRAMain>.

Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

A copy of the ICR is available through the docket on the internet at <https://www.regulations.gov>. Additionally, copies are available from: Commandant (CG-6P), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, Stop 7710, Washington, DC 20593-7710.

FOR FURTHER INFORMATION CONTACT: A.L. Craig, Office of Privacy Management, telephone 202-475-3528, or fax 202-372-8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. 3501 *et seq.*, chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) the practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. These

comments will help OIRA determine whether to approve the ICR referred to in this Notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, [USCG-2022-0341], and must be received by November 28, 2022.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at <https://www.regulations.gov>. If your material cannot be submitted using <https://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at <https://www.regulations.gov> and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. All comments to the Coast Guard will be posted without change to <https://www.regulations.gov> and will include any personal information you have provided. For more about privacy and submissions to the Coast Guard in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020). For more about privacy and submissions to OIRA in response to this document, see the <https://www.reginfo.gov>, comment-submission web page. OIRA posts its decisions on ICRs online at <https://www.reginfo.gov/public/do/PRAMain> after the comment period for each ICR. An OMB Notice of Action on each ICR will become available via a hyperlink in the OMB Control Number: 1625-0104.

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day notice (87 FR 44415, July 26, 2022) required by 44 U.S.C. 3506(c)(2). That notice elicited no comments.

Accordingly, no changes have been made to the Collection.

Information Collection Request

Title: Barges Carrying Bulk Hazardous Materials.

OMB Control Number: 1625–0104.

Summary: This information is needed to ensure the safe shipment of bulk hazardous liquids in barges. The requirements are necessary to ensure that barges meet safety standards and to ensure that barge's crewmembers have the information necessary to operate barges safely.

Need: 46 U.S.C. 3703 authorizes the Coast Guard to prescribe rules related to the carriage of liquid bulk dangerous cargoes. 46 CFR 151 prescribes rules for barges carrying bulk liquid hazardous materials.

Forms: N/A.

Respondents: Owners and operators of tank barges.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has increased from 24,752 hours a year to 27,262 hours, due to an increase in the estimated annual number of respondents.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. *et seq.*, chapter 35, as amended.

Dated: October 20, 2022.

Kathleen Claffie,

Chief, Office of Privacy Management, U.S. Coast Guard.

[FR Doc. 2022–23388 Filed 10–26–22; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2022–0343; OMB Control Number 1625–0126]

Collection of Information Under Review by Office of Management and Budget

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0126, Requirements for Vessels that Perform Certain Aquaculture Support Operations; without change. Our ICR describes the

information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: You may submit comments to the Coast Guard and OIRA on or before November 28, 2022.

ADDRESSES: Comments to the Coast Guard should be submitted using the Federal eRulemaking Portal at <https://www.regulations.gov>. Search for docket number [USCG–2022–0343]. Written comments and recommendations to OIRA for the proposed information collection should be sent within 30 days of publication of this notice to <https://www.reginfo.gov/public/do/PRAMain>.

Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

A copy of the ICR is available through the docket on the internet at <https://www.regulations.gov>. Additionally, copies are available from: Commandant (CG–6P), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, Stop 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: A.L. Craig, Office of Privacy Management, telephone 202–475–3528, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. 3501 *et seq.*, chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) the practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents,

including the use of automated collection techniques or other forms of information technology. These comments will help OIRA determine whether to approve the ICR referred to in this Notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, [USCG–2022–0343], and must be received by November 28, 2022.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at <https://www.regulations.gov>. If your material cannot be submitted using <https://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION**

CONTACT section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at <https://www.regulations.gov> and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. All comments to the Coast Guard will be posted without change to <https://www.regulations.gov> and will include any personal information you have provided. For more about privacy and submissions to the Coast Guard in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020). For more about privacy and submissions to OIRA in response to this document, see the <https://www.reginfo.gov>, comment-submission web page. OIRA posts its decisions on ICRs online at <https://www.reginfo.gov/public/do/PRAMain> after the comment period for each ICR. An OMB Notice of Action on each ICR will become available via a hyperlink in the OMB Control Number: 1625–0126.

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day notice (87 FR 44413, July 26, 2022) required by 44 U.S.C. 3506(c)(2). That notice elicited no comments. Accordingly, no changes have been made to the Collection.

Information Collection Request

Title: Requirements for Vessels that Perform Certain Aquaculture Support Operations.

OMB Control Number: 1625–0126.

Summary: This information is required to ensure that a vessel engaged in certain aquaculture operations has applied for and received a waiver in accordance with 46 U.S.C. 12102(d)(1). A vessel owner or operator must notify Coast Guard and provide a copy of the waiver.

Need: The Coast Guard regulations are prescribed 46 CFR part 106. The Coast Guard uses the information in this collection to ensure compliance with the requirements.

Forms: None.

Respondents: Owners and operators of aquaculture operations.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has increased from 2 hours to 3 hours a year, due to an increase in the estimated annual number of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. *et seq.*, chapter 35, as amended.

Dated: October 20, 2022.

Kathleen Claffie,

Chief, Office of Privacy Management, U.S. Coast Guard.

[FR Doc. 2022-23392 Filed 10-26-22; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG-2022-0342; OMB Control Number 1625-0105]

Collection of Information Under Review by Office of Management and Budget

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625-0105, Regulated Navigation Area; Reporting Requirements for Barges Loaded with Certain Dangerous Cargoes, Inland Rivers, Eighth Coast Guard District and the Illinois Waterway, Ninth Coast Guard District; without change. Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: You may submit comments to the Coast Guard and OIRA on or before November 28, 2022.

ADDRESSES: Comments to the Coast Guard should be submitted using the Federal eRulemaking Portal at <https://www.regulations.gov>. Search for docket number [USCG-2022-0342]. Written comments and recommendations to OIRA for the proposed information collection should be sent within 30 days of publication of this notice to <https://www.reginfo.gov/public/do/PRAMain>.

Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

A copy of the ICR is available through the docket on the internet at <https://www.regulations.gov>. Additionally, copies are available from: Commandant (CG-6P), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, Stop 7710, Washington, DC 20593-7710.

FOR FURTHER INFORMATION CONTACT: A.L. Craig, Office of Privacy Management, telephone 202-475-3528, or fax 202-372-8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. 3501 *et seq.*, chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection’s purpose, the Collection’s likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) the practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. These comments will help OIRA determine

whether to approve the ICR referred to in this Notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, [USCG-2022-0342], and must be received by November 28, 2022.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at <https://www.regulations.gov>. If your material cannot be submitted using <https://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at <https://www.regulations.gov> and can be viewed by following that website’s instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. All comments to the Coast Guard will be posted without change to <https://www.regulations.gov> and will include any personal information you have provided. For more about privacy and submissions to the Coast Guard in response to this document, see DHS’s eRulemaking System of Records notice (85 FR 14226, March 11, 2020). For more about privacy and submissions to OIRA in response to this document, see the <https://www.reginfo.gov>, comment-submission web page. OIRA posts its decisions on ICRs online at <https://www.reginfo.gov/public/do/PRAMain> after the comment period for each ICR. An OMB Notice of Action on each ICR will become available via a hyperlink in the OMB Control Number: 1625-0105.

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day notice (87 FR 44414, July 26, 2022) required by 44 U.S.C. 3506(c)(2). That notice elicited no comments. Accordingly, no changes have been made to the Collection.

Information Collection Request

Title: Regulated Navigation Area; Reporting Requirements for Barges Loaded with Certain Dangerous Cargoes, Inland Rivers, Eighth Coast Guard District and the Illinois Waterway, Ninth Coast Guard District.

OMB Control Number: 1625-0105.

Summary: The Coast Guard requires position and intended movement reporting, and fleeting operations reporting, from barges carrying certain dangerous cargoes (CDCs) in the inland rivers within the Eighth and Ninth Coast Guard Districts. The reporting requirements are found in 33 CFR 165.830 and 165.921.

Need: This information is used to ensure port safety and security and to ensure the uninterrupted flow of commerce.

Forms: N/A.

Respondents: Owners, agents, masters, towing vessel operators, or persons in charge of barges loaded with CDCs or having CDC residue operating on the inland rivers located within the Eighth and Ninth Coast Guard Districts.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden remains 4 hours a year.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. *et seq.*, chapter 35, as amended.

Dated: October 20, 2022.

Kathleen Claffie,

Chief, Office of Privacy Management, U.S. Coast Guard.

[FR Doc. 2022-23390 Filed 10-26-22; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651-0054]

Exportation of Used Self-Propelled Vehicles

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 30-Day notice and request for comments; extension 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 28, 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. 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. 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 39107) on June 30, 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: Exportation of Used Self-Propelled Vehicles.

OMB Number: 1651-0054.

Form Number: N/A.

Current Actions: CBP proposes to extend the expiration date of this information collection with a change to the collection and a decrease in burden.

Type of Review: Extension (with change).

Affected Public: Individuals and Businesses.

Abstract: U.S. Customs and Border Protection (CBP) regulations require a person attempting to export a used self-propelled vehicle to furnish documentation to CBP at the port of export. Exportation of a vehicle is permitted only upon compliance with these requirements. The required documentation includes, but is not limited to, a Certificate of Title or a Salvage Title, the Vehicle Identification Number (VIN), a Manufacturer's Statement of Origin, etc. CBP will accept originals or certified copies of the Certificate of Title. The purpose of this information is to help ensure that stolen vehicles or vehicles associated with other criminal activity are not exported.

Collection of this information is authorized by 19 U.S.C. 1627a, which provides CBP with authority to impose export reporting requirements on all used self-propelled vehicles. It is also authorized by Title IV, Section 401 of the Anti-Car Theft Act of 1992, 19 U.S.C. 1646c, which requires all persons exporting a used self-propelled vehicle to provide to CBP, at least 72 hours prior to export, the VIN and proof of ownership of each automobile. This information collection is provided for by 19 CFR part 192. Further guidance regarding these requirements is provided at: <https://www.cbp.gov/trade/basic-import-export/export-docs/motor-vehicle>.

New Change: Respondents are now able to submit supporting documentation through the Document Image System (DIS).

Type of Information Collection: Exportation of Self-Propelled Vehicles.

Estimated Number of Respondents: 750,000.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 750,000.

Estimated Time per Response: 5 minutes.

Estimated Total Annual Burden Hours: 62,500.

Dated: October 24, 2022.

Seth D. Renkema,

*Branch Chief, Economic Impact Analysis
Branch, U.S. Customs and Border Protection.*

[FR Doc. 2022-23409 Filed 10-26-22; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651-0014]

Declaration for Free Entry of Unaccompanied Articles (CBP Form 3299)

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 30-Day notice and request for comments; extension 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 28, 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. 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. 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 37882) on June 24, 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: Declaration for Free Entry of Unaccompanied Articles.

OMB Number: 1651-0014.

Form Number: CBP Form 3299.

Current Actions: This submission is being made to extend the expiration date with no changes to the burden hours or to the information being collected.

Type of Review: Extension (without change).

Affected Public: Businesses and individuals.

Abstract: 19 U.S.C. 1498 provides that when personal and household effects enter the United States but do not accompany the owner or importer on his/her arrival in the country, a declaration is made on CBP Form 3299, Declaration for Free Entry of Unaccompanied Articles. The information on this form is needed to support a claim for duty-free entry for these effects. This form is provided for

by 19 CFR 148.6, 148.52, 148.53 and 148.77. CBP Form 3299 is accessible at: https://www.cbp.gov/document/forms/form-3299-declaration-free-entry-unaccompanied-articles?language_content_entity=en.

Type of Information Collection: Form 3299.

Estimated Number of Respondents: 150,000.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 150,000.

Estimated Time per Response: 45 minutes.

Estimated Total Annual Burden Hours: 112,500.

Dated: October 24, 2022.

Seth D. Renkema,

*Branch Chief, Economic Impact Analysis
Branch, U.S. Customs and Border Protection.*

[FR Doc. 2022-23406 Filed 10-26-22; 8:45 am]

BILLING CODE 9111-14-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651-0052]

User Fees (CBP Form 339A, 339C and 339V)

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 30-Day notice and request for comments; extension 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 28, 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. 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. 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 39105) on June 30, 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: User Fees.

OMB Number: 1651-0052.

Form Number: CBP Form 339A, 339C and 339V.

Current Actions: This submission is being made to extend the expiration

date with a change to the annual burden hours previously reported. There is no change to the information collected.

Type of Review: Extension (with change).

Affected Public: Carriers.

Abstract: The Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) (Pub. L. 99-272, 100 Stat. 82; 19 U.S.C. 58c), as amended, authorizes the collection of user fees by U.S. Customs and Border Protection (CBP). The collection of these fees requires submission of information from the party remitting the fees to CBP. This collection of information is provided for by 19 CFR 24.22. In certain cases, this information is submitted on one of three forms including the CBP Form 339A for payment upon arrival or prepayment of the annual user fee for a private aircraft (19 CFR 24.22(e)(1) and (2)), CBP Form 339C for prepayment of the annual user fee for a commercial vehicle (19 CFR 24.22(c)(3)), and CBP Form 339V for payment upon arrival or prepayment of the annual user fee for a private vessel (19 CFR 24.22(e)(1) and (2)). All forms can be accessed at: https://www.cbp.gov/newsroom/publications/forms?title_1=339.

The information on these forms may also be filed electronically at: <https://dtops.cbp.dhs.gov/>.

Similarly, as authorized by the COBRA, as amended, CBP collects fees from each carrier or operator using an express consignment carrier facility (ECCF) or a centralized hub facility as provided in 19 CFR 24.23(b)(4). The payment must be made to CBP on a quarterly basis and must cover the individual fees for all subject transactions that occurred during a calendar quarter. 19 CFR 24.23(b)(4)(i). The information set forth in 19 CFR 24.23(b)(4)(iii)(B) must be included with the quarterly payment (ECCF Quarterly Report). In cases of overpayments, carriers or operators using an ECCF or a centralized hub facility may send a request to CBP for a refund in accordance with 19 CFR 24.23(b)(4)(iii)(C). This request must specify the grounds for the refund.

In addition, CBP requires a prospective ECCF to include a list of all carriers or operators intending to use the facility, as well as other information requested in the application for approval of the ECCF in accordance with 19 CFR 128.11(b)(2). ECCFs are also required to provide to CBP at the beginning of each calendar quarter, a list of all carriers or operators currently using the facility and notify CBP whenever a new carrier or operator begins to use the facility or whenever a carrier or operator ceases to use the

facility in accordance with 19 CFR 128.11(b)(7)(iv).

Type of Information Collection: Form 339A.

Estimated Number of Respondents: 35,000.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 35,000.

Estimated Time per Response: 16 minutes.

Estimated Total Annual Burden Hours: 9,333.

Type of Information Collection: Form 339C Vehicles.

Estimated Number of Respondents: 80,000.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 80,000.

Estimated Time per Response: 20 minutes.

Estimated Total Annual Burden Hours: 26,667.

Type of Information Collection: Form 339V.

Estimated Number of Respondents: 16,000.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 16,000.

Estimated Time per Response: 16 minutes.

Estimated Total Annual Burden Hours: 4,267.

Type of Information Collection: ECCF Quarterly Report.

Estimated Number of Respondents: 18.

Estimated Number of Annual Responses per Respondent: 4.

Estimated Number of Total Annual Responses: 72.

Estimated Time per Response: 2 hours.

Estimated Total Annual Burden Hours: 144.

Type of Information Collection: ECCF Application and List of Couriers.

Estimated Number of Respondents: 3.

Estimated Number of Annual Responses per Respondent: 4.

Estimated Number of Total Annual Responses: 12.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 6.

Type of Information Collection: ECCF Refund Request.

Estimated Number of Respondents: 0.

Estimated Number of Annual Responses per Respondent: 0.

Estimated Number of Total Annual Responses: 0.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 0.

Dated: October 24, 2022.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2022-23405 Filed 10-26-22; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651-0061]

Application To Establish a Centralized Examination Station

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 30-Day notice and request for comments; extension 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 28, 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. 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. 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 36867) on June 21, 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: Application to Establish a Centralized Examination Station.

OMB Number: 1651-0061.

Form Number: N/A.

Current Actions: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to the information collected.

Type of Review: Extension (without change).

Affected Public: Businesses.

Abstract: A Centralized Examination Station (CES) is a privately operated facility where merchandise is made available to CBP officers for physical examination. If a port director decides that a CES is needed, he or she solicits applications to operate a CES. The information contained in the application is used to determine the suitability of the applicant's facility; the

fairness of fee structure; and the knowledge of cargo handling operations and of CBP procedures and regulations. The names of all principals or corporate officers and all employees who will come in contact with uncleared cargo are also to be provided so that CBP may perform background investigations. The CES application is provided for by 19 CFR 118.11 and is authorized by 19 U.S.C. 1499, Tariff Act of 1930.

CBP port directors solicit these applications by using port information bulletins, local newspapers, and/or the internet. This collection of information applies to the importing and trade community, which is familiar with import procedures and with the CBP regulations.

Type of Information Collection: Application for CES.

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: October 24, 2022.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2022-23411 Filed 10-26-22; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651-0108]

Canadian Border Boat Landing Permit (CBP Form I-68)

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 30-Day notice and request for comments; extension 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 28, 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. 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. 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 34282) on June 6, 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: Canadian Border Boat Landing Permit.

OMB Number: 1651-0108.

Form Number: CBP Form I-68.

Current Actions: This submission is being made to extend the expiration date with a decrease to the burden hours. There is no change to the information collected.

Type of Review: Extension (with change).

Affected Public: Individuals or Households.

Abstract: The Canadian Border Boat Landing Permit, U.S. Customs and Border Protection (CBP) Form I-68, generally allows select individuals entering the United States along the northern border by small¹ pleasure boats to report their arrival and make entry without having to travel to a designated port of entry for an inspection by a CBP officer. The information collected on CBP Form I-68 allows eligible individuals to be inspected in person only once during the boating season, rather than each time they make an entry. United States citizens, Lawful Permanent Residents of the United States, Canadian citizens, and Landed Residents of Canada who are nationals of the Visa Waiver Program countries listed in 8 CFR 217.2(a) are eligible to apply for the permit.

CBP has developed a smart phone application known as ROAM that will in certain circumstances allow travelers participating in the I-68 program to report their arrival in the United States through the ROAM application, instead of by telephone. The ROAM app, implementing the I-68 program, will allow CBP officers to remotely conduct traveler interviews with a phone’s video chat capability, and replace other technologies used for remote inspections that are obsolete or inefficient.

This information collection is provided for by 8 CFR 235.1(g) and Section 235 of Immigration and Nationality Act. CBP Form I-68 is accessible at: https://www.cbp.gov/newsroom/publications/forms?title_1=I-68.

Type of Information Collection: I-68 Paper Version.

¹ Weighing less than five net tons.

Estimated Number of Respondents: 30.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 30.

Estimated Time per Response: 10 minutes.

Estimated Total Annual Burden Hours: 5 hours.

Type of Information Collection: I-68 Roam App.

Estimated Number of Respondents: 20,000.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 20,000.

Estimated Time per Response: 5 minutes.

Estimated Total Annual Burden Hours: 1,666 hours.

Dated: October 24, 2022.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2022-23410 Filed 10-26-22; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

[Docket No. TSA-2011-0008]

Aviation Security Advisory Committee (ASAC) Public Meeting

AGENCY: Transportation Security Administration, DHS.

ACTION: Committee Management; Notice of Federal Advisory Committee Meeting.

SUMMARY: The Transportation Security Administration (TSA) will hold a public meeting of the Aviation Security Advisory Committee (ASAC) on December 1, 2022. Members of the ASAC will meet in person at the TSA Headquarters. A link to virtually participate in the meeting will be available to members of the public as discussed below under **SUPPLEMENTARY INFORMATION/Public Participation**. An agenda for the meeting can also be found under **SUPPLEMENTARY INFORMATION**.

DATES: The Committee will meet on Thursday, December 1, 2022, from 10:00 a.m. to 1:00 p.m. Eastern Standard Time. This meeting may end early if all business is completed. Requests to attend the meeting and to address the Committee must be received by November 14, 2022.

ADDRESSES: The in-person meeting for ASAC members will be held at the TSA

Headquarters, located at 6595 Springfield Center Drive, Springfield, Virginia 20598. Members of the public will be able to participate virtually via WebEx. See the Public Participation information below for instructions on how to register to attend the meeting. Attendance information will be provided upon registration.

FOR FURTHER INFORMATION CONTACT: Tamika McCree Elhilali, Aviation Security Advisory Committee, Designated Federal Officer, U.S. Department of Homeland Security, Transportation Security Administration, 6595 Springfield Center Drive, (TSA–28), Springfield, Virginia 20598, ASAC@tsa.dhs.gov, 571–227–2632.

SUPPLEMENTARY INFORMATION:

I. Background

TSA is providing notice of this meeting in accordance with the Aviation Security Stakeholder Participation Act of 2014, Public Law 113–238 (128 Stat. 2842; Dec. 18, 2021), as codified at 49 U.S.C. 44946. The ASAC provides advice and industry perspective to the Administrator of TSA on aviation security matters, including the development, refinement, and implementation of policies, programs, rulemaking, and security directives pertaining to aviation security. While the ASAC is exempt from the Federal Advisory Committee Act (5 U.S.C. app.), see 49 U.S.C. 44946(f), paragraph 44946(c)(4)(B) requires that TSA hold at least one public meeting each year.

II. Meeting Agenda

The Committee will meet to discuss items listed in the agenda below:

- Legislative Update
- Administrator's Intent 3.0
- Cybersecurity Update
- Subcommittee and Work Group briefings on calendar year (CY) 2022 activities, key issues, and areas of focus for CY 2023:
 - Air Cargo
 - Airlines
 - Airports
 - General Aviation
 - Insider Threat
 - International Aviation
 - Security Technology
- Public Comments
- Closing Comments and Adjournment

III. Public Participation

The meeting will be open to the public via WebEx. Members of the public who wish to participate must register via email by submitting their name, contact number, and affiliation to ASAC@tsa.dhs.gov by November 14, 2022. Attendance may be limited due to

WebEx meeting constraints. Attendees will be admitted on a first-to-register basis. Attendance information will be provided upon registration.

Members of the public wishing to present oral or written statements must make advance arrangements by November 14, 2022. The statements must specifically address issues pertaining to the items listed in the Meeting Agenda section; requests must be submitted via email to: ASAC@tsa.dhs.gov. The public comment period will begin at approximately 12:00 p.m. and will end at 1:00 p.m. Speakers are required to limit their comments to three minutes.

The ASAC and TSA are committed to providing equal access to this virtual meeting for all participants. If you need alternative formats or services because of a disability, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section before November 14, 2022.

Dated: October 21, 2022.

Eddie D. Mayenschein,

Assistant Administrator, Policy, Plans, and Engagement.

[FR Doc. 2022–23361 Filed 10–26–22; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[L1990000.PO0000.LLHQ320.23X; OMB Control No. 1004–0114]

Agency Information Collection Activities; Recordation of Location Notices and Mining Claims; Payment of Fees

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Bureau of Land Management (BLM) proposes to renew an information collection.

DATES: Interested persons are invited to submit comments on or before December 27, 2022.

ADDRESSES: Send your written comments on this information collection request (ICR) by mail to Darrin King, Information Collection Clearance Officer, U.S. Department of the Interior, Bureau of Land Management, Attention PRA Office, 440 W 200 S #500, Salt Lake City, UT 84101; or by email to BLM_HQ_PRA_Comments@blm.gov. Please reference Office of Management and Budget

(OMB) Control Number 1004–0114 in the subject line of your comments. Please note that the electronic submission of comments is recommended.

FOR FURTHER INFORMATION CONTACT: To request additional information about this Information Collection Request (ICR), contact Sabry Hanna by email at shanna@blm.gov, or by telephone at (571) 458–6644. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States. You may also view the ICR at <http://www.reginfo.gov/public/do/PRAMain>.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*) and 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 the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- (2) The accuracy of 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 the agency might 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, *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: The information that is collected under this control number enables the BLM to maintain records of mining claims and sites on Federal lands and enables the BLM to determine which mining claims and sites claimants wish to continue to hold such claims and sites. The BLM collects information under this control number in accordance with The General Mining Law, as amended, the Stock Raising Homestead Act and other statutes. This OMB Control Number is currently scheduled to expire on April 30, 2023. The BLM plans to request that OMB renew this OMB Control Number for an additional three years.

Title of Collection: Recordation of Location Notices and Mining Claims; Payment of Fees (43 CFR 3832–3838).

OMB Control Number: 1004–0114.

Form Numbers: 3830–2, Maintenance Fee Waiver Certification; 3830–3, Notice of Intent to Locate a Lode or Placer Mining Claim(s) and/or a Tunnel Site(s) on Lands Patented under the Stock Raising Homestead Act of 1916, As Amended by the Act of April 16, 1993; and 3830–4, Affidavit of Annual Assessment Work.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Mining claimants.

Total Estimated Number of Annual Respondents: 191,492.

Total Estimated Number of Annual Responses: 191,492.

Estimated Completion Time per Response: Varies from 30 to 60 minutes per response.

Total Estimated Number of Annual Hours: 91,680.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion, except Form 3830–2 (which may be filed annually) and annual FLPMA documents (are to be filed annually when required).

Total Estimated Annual Nonhour Burden Cost: \$3,079,095.

An agency may not conduct or sponsor and, notwithstanding any other provision of law, 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.*).

Darrin A. King,

Information Collection Clearance Officer.

[FR Doc. 2022–23449 Filed 10–26–22; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNV952000; L14400000.BJ0000; 6100.241A; LXSSF2210000; TAS:234.MO #4500167422]

Filing of Plats of Survey; Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The purpose of this notice is to inform the public and interested State and local government officials of the filing of Plats of Survey in Nevada.

DATES: Filing is applicable at 10 a.m. on the dates indicated below.

FOR FURTHER INFORMATION CONTACT:

Michael O. Harmening, Chief Cadastral Surveyor for Nevada, Bureau of Land Management, Nevada State Office, 1340 Financial Blvd., Reno, NV 89502–7147, phone: 775–861–6490. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION:

1. The Plat of Survey of the following described land was officially filed at the Bureau of Land Management (BLM) Nevada State Office, Reno, Nevada, on August 2, 2022.

The plat, in 12 sheets, representing the dependent resurvey of the south, east and west boundaries, the subdivisional lines and portions of certain mineral surveys, Township 25 South, Range 58 East, Mount Diablo Meridian, Nevada, under Group No. 891, was accepted July 27, 2022. This survey was executed to meet certain administrative needs of the Bureau of Land Management.

2. The Plat of Survey of the following described lands was officially filed at the Bureau of Land Management (BLM) Nevada State Office, Reno, Nevada, on August 02, 2022.

The plat, in 14 sheets, representing the dependent resurvey of the Sixth Standard Parallel South, through Range 58 East, and a portion of Range 57 East; portions of the east boundary, the west and north boundaries, a portion of the subdivisional lines and portions of certain mineral surveys, Township 24 South, Range 58 East, Mount Diablo Meridian, Nevada, under Group No. 887, was accepted July 27, 2022. This survey was executed to meet certain administrative needs of the Bureau of Land Management.

3. The Plat of Survey of the following described land was officially filed at the Bureau of Land Management (BLM) Nevada State Office, Reno, Nevada, on August 04, 2022.

The plat, in one sheet, representing the dependent resurvey of a portion of the subdivisional lines, and the subdivision of section 31, Township 24 South, Range 59 East, Mount Diablo Meridian, Nevada, under Group No. 954, was accepted August 3, 2022. This survey was executed to meet certain administrative needs of the Bureau of Land Management.

4. The Plat of Survey of the following described lands was officially filed at the Bureau of Land Management (BLM) Nevada State Office, Reno, Nevada, on August 04, 2022.

The plat, in one sheet, representing the dependent resurvey of the Sixth Standard Parallel South, through portions of Ranges 58 and 59 East, and a portion of the subdivisional lines, and the subdivision of section 6, Township 25 South, Range 59 East, Mount Diablo Meridian, Nevada, under Group No. 954, was accepted August 3, 2022. This survey was executed to meet certain administrative needs of the Bureau of Land Management.

5. The Plat of Survey of the following described lands was officially filed at the Bureau of Land Management (BLM) Nevada State Office, Reno, Nevada, on August 08, 2022.

The plat, in one sheet, representing the dependent resurvey of a portion of the south boundary, a portion of the subdivision-of-section lines of section 34 and portions of a metes-and-bounds survey of a portion of the northerly right-of-way of Lake Mead Parkway (drive), and metes-and-bounds surveys of a portion of the easterly and westerly lines of Bureau of Land Management Right-of-Way Reservation N–73903, Township 21 South, Range 63 East, Mount Diablo Meridian, Nevada, under

Group No. 962, was accepted August 5, 2022. This survey was executed to meet certain administrative needs of the Bureau of Land Management.

6. The Plat of Survey of the following described lands was officially filed at the Bureau of Land Management (BLM) Nevada State Office, Reno, Nevada, on August 25, 2022.

The plat, in one sheet, representing the dependent resurvey of a portion of the subdivisional lines, and the subdivision of section 36, Township 24 North, Range 23 East, Mount Diablo Meridian, Nevada, under Group No. 991, was accepted August 9, 2022. This survey was executed to meet certain administrative needs of the Bureau of Land Management and the Bureau of Indian Affairs.

7. The Plat of Survey of the following described lands was officially filed at the Bureau of Land Management (BLM) Nevada State Office, Reno, Nevada, on August 25, 2022.

The plat, in one sheet, representing the dependent resurvey of a portion of the south boundary of Township 24 North, Range 23 East, a portion of the east boundary and portions of the subdivisional lines, Township 23 North, Range 23 East, Mount Diablo Meridian, Nevada, under Group No. 991, was accepted August 9, 2022. This survey was executed to meet certain administrative needs of the Bureau of Land Management and the Bureau of Indian Affairs.

8. The Supplemental Plat of Survey of the following described lands was officially filed at the Bureau of Land Management (BLM) Nevada State Office, Reno, Nevada, on August 25, 2022.

This supplemental plat, in one sheet, showing additional lotting in the NE1/4NE1/4 of section 27, Township 24 North, Range 23 East, Mount Diablo Meridian, Nevada, under Group No. 1001, was accepted August 22, 2022. This survey was executed to meet certain administrative needs of the Bureau of Land Management and the Bureau of Indian Affairs.

9. The Plat of Survey of the following described lands was officially filed at the Bureau of Land Management (BLM) Nevada State Office, Reno, Nevada, on September 12, 2022.

The plat, in one sheet, representing the dependent resurvey of a portion of the Pyramid Lake Indian Reservation boundary, a portion of the south boundary of Township 22 North, Range 24 East, a portion of the subdivisional lines, and portion of the subdivision-of-section lines of sections 23 and 26, Township 21 North, Range 24 East, Mount Diablo Meridian, Nevada, under Group No. 995, was accepted September

7, 2022. This survey was executed to meet certain administrative needs of the Bureau of Land Management and the Bureau of Indian Affairs.

The surveys, listed above, are now the basic record for describing the lands for all authorized purposes. These records have been placed in the open files in the BLM Nevada State Office and are available to the public as a matter of information.

(Authority: 43 U.S.C. chapter 3.)

Dated: October 21, 2022.

Michael Harmening,
Chief Cadastral Surveyor for Nevada.

[FR Doc. 2022-23424 Filed 10-26-22; 8:45 am]

BILLING CODE 4310-HC-P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS-WASO-NAGPRA-NPS0034766;
PPWOCRADNO-PCU00RP14.R50000]

Notice of Inventory Completion: Arkansas Archeological Survey, Fayetteville, AR

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Arkansas Archeological Survey (ARAS) has completed an inventory of human remains and has determined that there is no cultural affiliation between the human remains and any Indian Tribe. The human remains were removed from locations in Arkansas and Oklahoma.

DATES: Disposition of the human remains in this notice may occur on or after November 28, 2022.

ADDRESSES: Sarah Shepard, Arkansas Archeological Survey, 2475 N Hatch Avenue, Fayetteville, AR 72704, telephone (479) 575-6552, email nagpra@uark.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the ARAS. The National Park Service is not responsible for the determinations in this notice. Additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records held by the ARAS.

Description

At an unknown time, human remains representing, at minimum, two individuals were removed from "Criney

Hills, OK." In 2021, these human remains were transferred to the Arkansas Archeological Survey by the Arkansas Tech Museum. No known individuals were identified. No associated funerary objects are present.

At an unknown time, human remains representing, at minimum, one individual were removed from "near Current River on Bigger Farm." In 2021, these human remains were transferred to the Arkansas Archeological Survey by the Arkansas Tech Museum. No known individual was identified. No associated funerary objects are present.

At an unknown time, human remains representing, at minimum, one individual were removed from "near Atkins Mound." In 2021, these human remains were transferred to the Arkansas Archeological Survey by the Arkansas Tech Museum. No known individual was identified. No associated funerary objects are present.

At an unknown time, human remains representing, at minimum, 61 individuals were removed from unknown locations in Arkansas. In 2021, these human remains were transferred to the Arkansas Archeological Survey by the Arkansas Tech Museum. No known individuals were identified. No associated funerary objects are present.

Aboriginal Land

The human remains in this notice were removed from known geographic locations. These locations are the aboriginal lands of one or more Indian Tribes. The following information was used to identify the aboriginal land: final judgments of the Indian Claims Commission.

Determinations

Pursuant to NAGPRA and its implementing regulations, and after consultation with the appropriate Indian Tribes, the ARAS has determined that:

- The human remains described in this notice represent the physical remains of 65 individuals of Native American ancestry.
- No relationship of shared group identity can be reasonably traced between the human remains and associated funerary objects and any Indian Tribe.
- The human remains and associated funerary objects described in this notice were removed from the aboriginal land of the Caddo Nation of Oklahoma; Quapaw Nation (*previously* listed as The Quapaw Tribe of Indians); The Osage Nation (*previously* listed as Osage Tribe); and the Tunica-Biloxi Indian Tribe.

Requests for Disposition

Written requests for disposition of the human remains in this notice must be sent to the Responsible Official identified in **ADDRESSES**. Requests for disposition may be submitted by:

1. Any one or more of the Indian Tribes identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization, or who shows that the requestor is an aboriginal land Indian Tribe.

Disposition of the human remains and associated funerary objects described in this notice to a requestor may occur on or after November 28, 2022. If competing requests for disposition are received, the ARAS must determine the most appropriate requestor prior to disposition. Requests for joint disposition of the human remains are considered a single request and not competing requests. The ARAS is responsible for sending a copy of this notice to the Indian Tribes identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.9 and § 10.11.

Dated: October 19, 2022.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2022-23401 Filed 10-26-22; 8:45 am]

BILLING CODE 4312-52-P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (22-087)]

NASA Advisory Council; Science Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, as amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the Science Committee of the NASA Advisory Council (NAC). This Committee reports to the NAC. The meeting will be held for the purpose of soliciting, from the scientific community and other persons, scientific and technical information relevant to program planning.

DATES: Tuesday, November 15, 2022, 9 a.m.–5:30 p.m.; and Wednesday,

November 16, 2022, 8 a.m.–12:00 p.m., eastern time.

ADDRESSES: Due to current COVID-19 issues affecting NASA Headquarters occupancy, public attendance will be virtual only. See dial-in and Webex information below under **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Ms. KarShelia Kinard, Science Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358-2355 or karshelia.kinard@nasa.gov.

SUPPLEMENTARY INFORMATION: As noted above, this meeting is virtual and will take place telephonically and via Webex. Any interested person must use a touch-tone phone to participate in this meeting. The Webex connectivity information for each day is provided below. For audio, when you join the Webex event, you may use your computer or provide your phone number to receive a call back, otherwise, call the U.S. toll conference number listed for each day.

On Tuesday, November 15, the event address for attendees is: <https://nasaevents.webex.com/nasaevents/j.php?MTID=m54bdafa76805b2e5d5e3f01d334732e7>.

The event number is 2763 566 7602 and the event password is DxmwrYSE485 (39697973 from phones). If needed, the U.S. toll conference number is 1-415-527-5035 or 1-312-500-3163 and access code is 276 356 67602.

On Wednesday, November 16, the event address for attendees is: <https://nasaevents.webex.com/nasaevents/j.php?MTID=m7244f4b986b257e638e5ccfa3d17b4bb>. The event number is 2760 399 6806 and the event password is y6yH4TkZva7 (96944859 from phones). If needed, the U.S. toll conference number is 1-415-527-5035 or 1-312-500-3163 and access code is 276 039 96806.

The agenda for the meeting includes the following topics:

—Science Mission Directorate (SMD) Missions, Programs and Activities

It is imperative that the meeting be held on these dates due to the scheduling priorities of the key participants.

Carol Hamilton,

Acting Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2022-23426 Filed 10-26-22; 8:45 am]

BILLING CODE 7510-13-P

NATIONAL SCIENCE FOUNDATION

Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permit applications received.

SUMMARY: The National Science Foundation (NSF) is required to publish a notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act in the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application by November 28, 2022. This application may be inspected by interested parties at the Permit Office, address below.

ADDRESSES: Comments should be addressed to Permit Office, Office of Polar Programs, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, Virginia 22314.

FOR FURTHER INFORMATION CONTACT: Andrew Titmus, ACA Permit Officer, at the above address, 703-292-4479, or ACApermits@nsf.gov.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95-541, 45 CFR 670), as amended by the Antarctic Science, Tourism and Conservation Act of 1996, has developed regulations for the establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas.

Application Details

Permit Application: 2023-018

1. Applicant

William Muntean, U.S. Department of State, Bureau of Oceans and International Environmental and Scientific Affairs, Office of Ocean and Polar Affairs, 2201 C Street NW, Washington, DC 20520.

Activity for Which Permit Is Requested

Enter Antarctic Specially Protected Areas (ASPAs). The U.S. Department of State proposes to lead an interagency team of inspectors into ASPAs to ensure

compliance with the provisions and values of the Antarctic Treaty and the Protocol on Environmental Protection to the Antarctic Treaty. The applicant would review the appropriateness and effective of current management provisions for protecting and preserving Antarctica.

Location

ASPAs 125—Fildes Peninsula, King George Island; ASPA 128—Western Shore of Admiralty Bay, King George Island; ASPA 140—Parts of Deception Island, South Shetland Islands; ASPA 143—Marine Plain, Mule Peninsula, Vestfold Hills, Princess Elizabeth Land; ASPA 150—Ardley Island, Maxwell Bay, King George Island; ASPA 167—Hawker Island, Princess Elizabeth Land; ASPA 169—Amanda Bay, Ingrid Christensen Coast, Princess Elizabeth Land; ASPA 174—Stornes, Larsemann Hills, Princess Elizabeth Land.

Dates of Permitted Activities

November 1, 2022–March 31, 2023.

Erika N. Davis,

Program Specialist, Office of Polar Programs.

[FR Doc. 2022–23395 Filed 10–26–22; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 11006421; NRC–2022–0176]

Perma-Fix Northwest Richland, Inc.

AGENCY: Nuclear Regulatory Commission.

ACTION: Export license application; opportunity to provide comments, request a hearing, and petition for leave to intervene.

SUMMARY: On September 20, 2022, the U.S. Nuclear Regulatory Commission (NRC) received an application for an export license (XW030) from Perma-Fix Northwest Richland, Inc. (PFNW) seeking approval for a license to export of low-level radioactive waste to Nuklearna Elektra Krsko d.o.o. in Slovenia. The NRC is providing notice of the opportunity to comment, request a hearing, and petition to intervene on PFWN's application.

DATES: Submit comments by November 28, 2022. A request for a hearing or a petition for leave to intervene must be filed by November 28, 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–2022–0176. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: Stacy.Schumann@nrc.gov. For technical questions contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- **Email comments to:** Hearing.Docket@nrc.gov. If you do not receive an automatic email reply confirming receipt, then contact us at 301–415–1677.

- **Fax comments to:** Secretary, U.S. Nuclear Regulatory Commission at 301–415–1101.

- **Mail comments to:** Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications 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:

Joanne Savoy, Office of International Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–287–9092, email: Joanne.Savoy@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to NRC–2022–0176 or Docket No. 11006456 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by the following methods:

- **Federal Rulemaking Website:** Go to <https://www.regulations.gov> and search for Docket ID NRC–2022–0176.

- **NRC's Public Website:** Go to <https://www.nrc.gov> and search for XW030, Docket No. 11006456, or Docket ID NRC–2022–0176.

- **NRC's Agencywide Documents Access and Management System (ADAMS):** You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select “Begin Web-based ADAMS Search.” For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to PDR.Resource@nrc.gov. The export license application from PFWN is

available in ADAMS under Accession No. ML22263A017.

- **NRC's PDR:** You may examine and purchase copies of public documents, by appointment, at the NRC's PDR, Room P1 B35, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1–800–397–4209 or 301–415–4737, between 8:00 a.m. and 4:00 p.m. Eastern Time (ET), Monday through Friday, except Federal holidays.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (<https://www.regulations.gov>). Please include NRC–2022–0176 or Docket No. 11006456 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.

I. Discussion

On September 20, 2022, the NRC received an application from PFWN requesting a specific license to export Slovenian-origin radioactive waste from PFWN processing facilities to Slovenia. The application seeks authorization to export no greater than 50,000 kilograms and 0.157 terabecquerels (TBq) of low-level radioactive waste in the form of residual ash and residual metal or non-combustible material. The applicant requests an expiration date of March 1, 2028.

In accordance with section 110.70 paragraph (b) of title 10 of the *Code of Federal Regulations* (10 CFR) the NRC is providing notice of the receipt of the application; providing the opportunity to submit written comments concerning the application; and providing the opportunity to request a hearing or

petition for leave to intervene, for a period of 30 days after publication of this notice in the **Federal Register**.

A hearing request or petition for leave to intervene must include the information specified in 10 CFR 110.82(b). Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner in accordance with 10 CFR 110.89(a), either by delivery, by mail, or filed with the NRC electronically in accordance with the NRC’s E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562; August 3, 2012). Detailed guidance on making electronic

submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC website at <https://www.nrc.gov/site-help/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, or by telephone at 301-415-1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access

the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

The information concerning this application for an export license follows.

NRC EXPORT LICENSE APPLICATION

Application Information

| | |
|---------------------------|--|
| Name of Applicant | Perma-Fix Northwest Richland, Inc. (PFNW). |
| Date of Application | September 12, 2022. |
| Date Received | September 20, 2022. |
| Application No. | XW030. |
| Docket No. | 11006456. |
| ADAMS Accession No. | ML22263A017. |

Description of Material

| | |
|------------------------------|---|
| Material Type | Radioactive waste consisting of residual ash and residual metal or non-combustible material that cannot be recycled. |
| Total Quantity | Authorization to export a total maximum quantity of waste will not exceed 50,000 kilograms. The maximum quantity returned to the originating Slovenia Power Plant will not exceed 0.157 terabecquerels. Radionuclides potentially present in the waste may include Co-60, Cs-137, Am-241, Cm-242, Cm-244, Pu-238, Pu-239, Mn-54, Co-58, Nb-95, Ag-110m, Sn-113, Cs-134, and Sb-125. |
| End Use | Storage or disposal by the original generator in Slovenia. |
| Country of Destination | Slovenia. |

Dated: October 24, 2022.

For the Nuclear Regulatory Commission.

Peter J. Habighorst,
Acting Deputy Director, Office of International Programs.

[FR Doc. 2022-23386 Filed 10-26-22; 8:45 am]

BILLING CODE 7590-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-96121; File No. SR-EMERALD-2022-19]

Self-Regulatory Organizations; MIAX Emerald, LLC; Notice of Withdrawal of Proposed Rule Change To Amend the MIAX Emerald Fee Schedule To Increase Certain Connectivity Fees and Adopt a Tiered-Pricing Structure for Additional Limited Service MIAX Emerald Express Interface Ports

October 21, 2022.

On May 2, 2022, MIAX Emerald, LLC (“MIAX Emerald” or “Exchange”) filed

with the Securities and Exchange Commission (“Commission”), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),¹ and Rule 19b-4 thereunder,² a proposed rule change to amend the Exchange’s Fee Schedule to increase certain connectivity fees and adopt a tiered-pricing structure for additional limited service express interface ports.

The proposed rule change was immediately effective upon filing with the Commission pursuant to section 19(b)(3)(A) of the Act.³ The proposed rule change was published for comment in the **Federal Register** and, pursuant to section 19(b)(3)(C) of the Act,⁴ the

Commission: (1) temporarily suspended the proposed rule change; and (2) instituted proceedings under section 19(b)(2)(B) of the Act⁵ to determine whether to approve or disapprove the proposed rule change.⁶ On October 19, 2022, the Exchange withdrew the proposed rule change (SR-EMERALD-2022-19).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁷

J. Matthew DeLesDernier,
Deputy Secretary.

[FR Doc. 2022-23355 Filed 10-26-22; 8:45 am]

BILLING CODE 8011-01-P

¹ 17 CFR 200.30-3(a)(12).

² 15 U.S.C. 78s(b)(1).

³ 17 CFR 240.19b-4.

⁴ The Exchange initially filed the proposed pricing changes on September 30, 2022 as SR-MRX-2022-17. On October 12, 2022, the instant filing replaced SR-MRX-2022-17.

organization.” 15 U.S.C. 78s(b)(3)(A)(ii).

⁴ 15 U.S.C. 78s(b)(3)(C).

⁵ 15 U.S.C. 78s(b)(2)(B).

⁶ See Securities Exchange Act Release No. 94889 (May 11, 2022), 87 FR 29928 (May 17, 2022).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-96120; File No. SR-MRX-2022-21]

Self-Regulatory Organizations; Nasdaq MRX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Options 7 in Connection With a Technology Migration

October 21, 2022.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),¹ and Rule 19b-4 thereunder,² notice is hereby given that on October 12, 2022, Nasdaq MRX, LLC (“MRX” or “Exchange”) filed with the Securities and Exchange Commission (“SEC” or “Commission”) the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend MRX’s Pricing Schedule at Options 7.³

The text of the proposed rule change is available on the Exchange’s website at <https://listingcenter.nasdaq.com/rulebook/mrx/rules>, at the principal office of the Exchange, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

MRX proposes to amend its Pricing Schedule at Options 7. Specifically, MRX proposes to: (1) add the defined term “Exposed Order” within Options 7, section 1(c); and (2) amend Options 7, section 6 to offer certain free ports in connection with an upcoming technology migration. Each change is described below.

Options 7, Section 1

The Exchange proposes to define an Exposed Order for purposes of pricing within Options 7. The Exchange introduced the concept of an “exposure” in a recent rule change amending MRX’s routing rules.⁴ In that rule change, the Exchange noted that for purposes of MRX’s Options 5, section 4 routing rule, “exposure” or “exposing” an order means a notification sent to Members with the price, size, and side of interest that is available for execution.⁵ The order exposure will apply to both routed orders and non-routed or “DNR Orders.” The order exposure process permits the Exchange to apply a Route Timer⁶ prior to the initial and subsequent routing of an order and allows routing of the order after exposure occurs (during open trading) every time an order becomes marketable against the ABBO.⁷

⁴ See Securities Exchange Act Release No. 94897 (May 12, 2022), 87 FR 30294 (May 18, 2022) (SR-ISE-2022-11) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Routing Functionality in Connection With a Technology Migration). MRX’s Options 5 rules are incorporated by reference to Nasdaq ISE, LLC Options 5 rules. This rule change was done in connection with a technology migration. SR-ISE-2022-11 will become operative for MRX prior to December 23, 2022. The Exchange proposes to announce the exact date when it will commence a limited symbol migration in an Options Trader Alert.

⁵ See MRX Options 5, section 4(a) which is effective but not yet operative. See also Securities Exchange Act Release No. 94897 (May 12, 2022), 87 FR 30294 (May 18, 2022) (SR-ISE-2022-11) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Routing Functionality in Connection With a Technology Migration).

⁶ For purposes of Options 5, section 4, a Route Timer shall not exceed one second and shall begin at the time orders are accepted into the System, and the System will consider whether an order can be routed at the conclusion of each Route Timer.

⁷ See MRX Options 5, section 4 which is effective but not yet operative. See also Securities Exchange

At this time, the Exchange proposes to amend Options 7, section 1(c) to provide, An “Exposed Order” is an order that is broadcast via an order exposure alert as described within Options 5, section 4 (Order Routing). Unless otherwise noted in Options 7, section 3 pricing, Exposed Orders will be assessed the applicable “Taker” Fee and any order or quote that executes against an Exposed Order during a Route Timer will be paid/assessed the applicable “Maker” Rebate/Fee.

As proposed, the defined term would apply a Taker Fee, where applicable, to an executed Exposed Order. If an order or quote allocates against the Exposed Order during the Route Timer described within Options 5, section 4, the Exchange would pay/assess the applicable Maker Rebate and/or Maker Fee. The Exchange believes that its proposal should provide increased opportunities for participation in executions on the Exchange, facilitating the ability of the Exchange to bring together participants and encourage more robust competition for orders.

Options 7, Section 6

In connection with a technology migration,⁸ Members may request new FIX Ports,⁹ SQF Ports,¹⁰ SQF Purge

Act Release No. 94897 (May 12, 2022), 87 FR 30294 (May 18, 2022) (SR-ISE-2022-11) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Routing Functionality in Connection With a Technology Migration).

⁸ MRX is migrating its technology to an enhanced Nasdaq, Inc. functionality which results in higher performance, scalability, and more robust architecture. The technology migration would commence in November 2022.

⁹ “Financial Information eXchange” or “FIX” is an interface that allows Members and their Sponsored Customers to connect, send, and receive messages related to orders and auction orders to the Exchange. Features include the following: (1) execution messages; (2) order messages; (3) risk protection triggers and cancel notifications; and (4) post trade allocation messages. See Supplementary Material .03(a) to Options 3, section 7.

¹⁰ “Specialized Quote Feed” or “SQF” is an interface that allows Market Makers to connect, send, and receive messages related to quotes, Immediate-or-Cancel Orders, and auction responses to the Exchange. Features include the following: (1) options symbol directory messages (e.g., underlying and complex instruments); (2) system event messages (e.g., start of trading hours messages and start of opening); (3) trading action messages (e.g., halts and resumes); (4) execution messages; (5) quote messages; (6) Immediate-or-Cancel Order messages; (7) risk protection triggers and purge notifications; (8) opening imbalance messages; (9) auction notifications; and (10) auction responses. The SQF Purge Interface only receives and notifies of purge requests from the Market Maker. Market Makers may only enter interest into SQF in their assigned options series. See Supplementary Material .03(c) to Options 3, section 7.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ The Exchange initially filed the proposed pricing changes on September 30, 2022 as SR-MRX-2022-17. On October 12, 2022, the instant filing replaced SR-MRX-2022-17.

Ports,¹¹ OTTO Ports,¹² CTI Ports,¹³ and FIX DROP Ports,¹⁴ at no additional cost, from November 1, 2022 through December 30, 2022 (“Transition Period”) which are duplicative of the type and quantity of their legacy ports. These second set of new ports would allow Members time to test ports to the new environment as well as provide continuous connection to the Exchange’s match engine during the Transition Period.¹⁵ During the Transition Period, Members will be required to utilize their new ports on the new MRX platform for symbols that have migrated to the new platform, while continuing to leverage legacy ports for symbols that have not yet migrated to the new platform.¹⁶ For example, an MRX Member with 3 legacy SQF Ports, 1 legacy SQF Purge Port, 1 legacy FIX DROP Port, 1 legacy OTTO Port, and 1 legacy CTI Port on November 1, 2022 could request the equivalent quantity and type of new ports (3 SQF Ports, 1 SQF Purge Port, 1 FIX DROP Port, 1 OTTO Port, and 1 CTI Port) for the new MRX environment during the Transition Period at no

¹¹ SQF Purge is a specific port for the SQF interface that only receives and notifies of purge requests from the Market Maker. Dedicated SQF Purge Ports enable Market Makers to seamlessly manage their ability to remove their quotes in a swift manner.

¹² “Ouch to Trade Options” or “OTTO” is an interface that allows Members and their Sponsored Customers to connect, send, and receive messages related to orders, auction orders, and auction responses to the Exchange. Features include the following: (1) options symbol directory messages (e.g., underlying and complex instruments); (2) system event messages (e.g., start of trading hours messages and start of opening); (3) trading action messages (e.g., halts and resumes); (4) execution messages; (5) order messages; (6) risk protection triggers and cancel notifications; (7) auction notifications; (8) auction responses; and (9) post trade allocation messages. See Supplementary Material .03(b) to Options 3, section 7.

¹³ Clearing Trade Interface (“CTI”) is a real-time cleared trade update message that is sent to a Member after an execution has occurred and contains trade details specific to that Member. The information includes, among other things, the following: (i) The Clearing Member Trade Agreement (“CMTA”) or The Options Clearing Corporation (“OCC”) number; (ii) badge or mnemonic; (iii) account number; (iv) information which identifies the transaction type (e.g., auction type) for billing purposes; and (v) market participant capacity. See Option 3, section 23(b)(1).

¹⁴ FIX DROP is a real-time order and execution update message that is sent to a Member after an order been received/modified or an execution has occurred and contains trade details specific to that Member. The information includes, among other things, the following: (i) executions; (ii) cancellations; (iii) modifications to an existing order; and (iv) busts or post-trade corrections. See Options 3, section 23(b)(3).

¹⁵ Members would contact Market Operations to acquire new duplicative ports.

¹⁶ Options Trader Alert #2022–34 describes the symbol migration schedule which will begin in November 2022.

additional cost. During the Transition Period, the MRX Member would be assessed only for legacy ports and would not be assessed for the new ports, which are duplicative of the legacy ports.

A Member may acquire additional legacy ports during the Transition Period and would be assessed the charges indicated in the current Pricing Schedule at Options 7, section 6, respectively, for those additional legacy ports.

The technology migration does not require a Member to acquire any additional legacy ports or any specific number of new ports, rather the technology migration requires a new port to connect to the new MRX environment. As is the case today, a Member may decide the number of ports they desire to subscribe to on the new technology platform.¹⁷

Of note, only MRX Members may utilize ports on MRX and only one port is necessary to submit orders to MRX. Similarly, a Market Maker quoting on MRX only requires 1 SQF Port.¹⁸ A Member may also obtain any number of order and execution ports, such as a SQF Purge Ports, FIX DROP Ports and CTI Ports and any number of market data ports.¹⁹ Members are able to elect the quantity and type of ports they purchase based on that Member’s business model.²⁰

This proposal is not intended to impose any additional fees on any MRX Member. Rather, this proposal is intended to permit an MRX Member to utilize the new environment with the same type and quantity of legacy ports, at no additional cost, during the Transition Period.

MRX will sunset legacy FIX Ports, SQF Ports, SQF Purge Ports, OTTO Ports, CTI Ports and FIX DROP Ports on December 30, 2022. After December 30, 2022, each Member would only be able to utilize the new ports for the new environment. Starting in January 2023, the port fees in Options 7, section 6 would apply to any substituted ports that a Member continues to subscribe to after the Transition Period.

¹⁷ The technology migration is 1:1 and therefore would not require a Member to acquire an additional quantity of new ports, nor would it reduce the total number of ports needed to connect to the match engine.

¹⁸ SQF Ports are utilized solely by Market Makers who are the only Members permitted to quote on MRX.

¹⁹ MRX does not assess fees for the market data ports within Options 7, section 6(iii). Members may acquire any number of market data ports at no cost.

²⁰ For example, a Member may desire to utilize multiple FIX or OTTO Ports for accounting purposes, to measure performance, for regulatory reasons or other determinations that are specific to that Member.

2. Statutory Basis

The Exchange believes that its proposal is consistent with section 6(b) of the Act,²¹ in general, and furthers the objectives of sections 6(b)(4) and 6(b)(5) of the Act,²² in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The proposed changes to the Pricing Schedule are reasonable in several respects. As a threshold matter, the Exchange is subject to significant competitive forces in the market for order flow, which constrains its pricing determinations. The fact that the market for order flow is competitive has long been recognized by the courts. In *NetCoalition v. Securities and Exchange Commission*, the D.C. Circuit stated, “[n]o one disputes that competition for order flow is ‘fierce.’ . . . As the SEC explained, ‘[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution’; [and] ‘no exchange can afford to take its market share percentages for granted’ because ‘no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers’”²³

The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention to determine prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, the Commission highlighted the importance of market forces in determining prices and SRO revenues, and also recognized that current regulation of the market system “has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.”²⁴

Congress directed the Commission to “rely on ‘competition, whenever possible, in meeting its regulatory responsibilities for overseeing the SROs

²¹ See 15 U.S.C. 78f(b).

²² See 15 U.S.C. 78f(b)(4) and (5).

²³ See *NetCoalition*, 615 F.3d at 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

²⁴ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (“Regulation NMS Adopting Release”).

and the national market system.’”²⁵ As a result, the Commission has historically relied on competitive forces to determine whether a fee proposal is equitable, fair, reasonable, and not unreasonably or unfairly discriminatory. “If competitive forces are operative, the self-interest of the exchanges themselves will work powerfully to constrain unreasonable or unfair behavior.”²⁶ Accordingly, “the existence of significant competition provides a substantial basis for finding that the terms of an exchange’s fee proposal are equitable, fair, reasonable, and not unreasonably or unfairly discriminatory.”²⁷

Options 7, Section 1

The Exchange’s proposal to define an Exposed Order for purposes of pricing within Options 7, section 1(c) is reasonable because it will provide Members information as to the manner in which pricing will be applied to both the Exposed Order as well as an order or quote that allocates against the Exposed Order.²⁸ As proposed, the applicable Taker Fee would apply to an executed Exposed Order and the applicable Maker Rebate and/or Maker Fee would apply to an order or quote that allocated against the Exposed Order during the Route Timer. The Exchange believes the proposed pricing should provide increased opportunities for participation in executions on the Exchange, facilitating the ability of the Exchange to bring together participants and encourage more robust competition for orders. Order exposure has the potential to result in more efficient executions for participants as responses to exposed orders could result in faster executions. Order exposure assures that such exposed orders will only receive executions at a price at least as good as the price disseminated by the best away market at the time the order was received.

The Exchange’s proposal to define an Exposed Order for purposes of pricing within Options 7, section 1(c) is equitable and not unfairly discriminatory as the proposed pricing for Exposed Orders would be uniformly applied to all orders subject to the Exchange’s Route Timer, as described in Options 5, section 4.

²⁵ See *NetCoalition*, 615 F.3d at 534–35; see also H.R. Rep. No. 94–229 at 92 (1975) (“[I]t is the intent of the conferees that the national market system evolve through the interplay of competitive forces as unnecessary regulatory restrictions are removed.”).

²⁶ See Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74,770 (December 9, 2008) (SR–NYSEArca–2006–21).

²⁷ *Id.*

²⁸ See Option 5, section 4.

Options 7, Section 6

The proposed amendments to Options 7, section 6 to permit Members to acquire a second set of FIX Ports, SQF Ports, SQF Purge Ports, OTTO Ports, CTI Ports and FIX DROP Ports, at no cost, as part of the technology migration are reasonable because they will permit MRX Members to migrate to the new platform without a pricing impact. Specifically, the proposal is intended to permit MRX Members to migrate their legacy FIX Ports, SQF Ports, SQF Purge Ports, OTTO Ports, CTI Ports and FIX DROP Ports to new ports at no additional cost during the Transition Period. This proposal will allow Members to test their ports and maintain continuous connection to the Exchange’s match engine during the Transition Period.

The proposed amendments to Options 7, section 6 to permit Members to acquire a second set of FIX Ports, SQF Ports, SQF Purge Ports, OTTO Ports, CTI Ports and FIX DROP Ports, at no cost, as part of the technology migration are equitable and not unfairly discriminatory because no Member would have a pricing impact as a result of this proposal, provided the Member did not obtain additional new ports to connect to the MRX environment beyond the quantity and type the Member had on November 1, 2022 or additional legacy ports. No Member would be assessed a fee for the new second set of ports, provided they acquired a new second set of ports commensurate with the type and quantity of ports they subscribed to as of November 1, 2022. A Member obtaining additional legacy ports, beyond the current type and quantity of ports they have as of November 1, 2022, would be assessed the fees noted in Options 7, section 6 as applicable. MRX will sunset legacy FIX Ports, SQF Ports, SQF Purge Ports, OTTO Ports, CTI Ports and FIX DROP Ports on December 30, 2022, so no Member would have a second type or quantity of a particular port as of December 30, 2022. Starting in January 2023, the port fees in Options 7, section 6 would apply to any substituted ports that a Member continues to subscribe to after the Transition Period.

The technology migration does not require a Member to acquire any additional quantity of new ports, nor would it reduce the total number of ports needed to connect to the match engine. Rather the technology migration requires a new port to replace any legacy port provided the Member desired to maintain the same number of ports on the new MRX technology platform. Of note, only MRX Members

may utilize ports on MRX and only one port is necessary to submit orders to MRX. Similarly, a Market Maker quoting on MRX only requires 1 SQF Port.²⁹ A Member may also obtain any number of order and execution ports, such as a SQF Purge Ports, FIX DROP Ports and CTI Ports and any number of market data ports.³⁰ Members are able to elect the quantity and type of ports they purchase based on that Member’s business model.³¹

B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

The Exchange believes its proposal remains competitive with other options markets, and will offer market participants with another choice of venue to transact options. The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited.

Intramarket Competition

Options 7, Section 1

The Exchange’s proposal to define an Exposed Order for purposes of pricing within Options 7, section 1(c) does not impose an undue burden on competition because the proposed pricing for Exposed Orders would be uniformly applied to all orders subject to the Exchange’s Route Timer, as described in Options 4, section 5.

Options 7, Section 6

The proposed amendments to Options 7, section 6 to permit Members to acquire a second set of FIX Ports, SQF Ports, SQF Purge Ports, OTTO Ports, CTI

²⁹ SQF Ports are utilized solely by Market Makers who are the only Members permitted to quote on MRX.

³⁰ MRX does not assess fees for the market data ports within Options 7, section 6(iii). Members may acquire any number of market data ports at no cost.

³¹ For example, a Member may desire to utilize multiple FIX or OTTO Ports for accounting purposes, to measure performance, for regulatory reasons or other determinations that are specific to that Member.

Ports and FIX DROP Ports, at no cost, as part of the technology migration do not impose an undue burden on competition because no Member would have a pricing impact as a result of this proposal, provided the Member did not obtain additional new ports to connect to the MRX environment beyond the quantity and type the Member had on November 1, 2022 or additional legacy ports. No Member would be assessed a fee for the new second set of ports, provided they acquired a new second set of ports commiserate with the type and quantity of ports they subscribed to as of November 1, 2022. A Member obtaining additional legacy ports, beyond the current type and quantity of ports they have as of November 1, 2022, would be assessed the fees noted in Options 7, section 6 as applicable. MRX will sunset legacy FIX Ports, SQF Ports, SQF Purge Ports, OTTO Ports, CTI Ports and FIX DROP Ports on December 30, 2022, so no Member would have a second type or quantity of a particular port as of December 30, 2022. Starting in January 2023, the port fees in Options 7, section 6 would apply to any substituted ports that a Member continues to subscribe to after the Transition Period.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A)(ii) of the Act.³² At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act.

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-MRX-2022-21 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to File Number SR-MRX-2022-21. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-MRX-2022-21 and should be submitted on or before November 17, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³³

J. Matthew DeLesDernier,
Deputy Secretary.

[FR Doc. 2022-23354 Filed 10-26-22; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-96122; File No. SR-MIAX-2022-20]

Self-Regulatory Organizations; Miami International Securities Exchange, LLC; Notice of Withdrawal of Proposed Rule Change To Amend the MIAX Fee Schedule To Increase Certain Connectivity Fees and Adopt a Tiered-Pricing Structure for Additional Limited Service MIAX Express Interface Ports

October 21, 2022.

On May 2, 2022, Miami International Securities Exchange, LLC ("MIAX" or "Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² a proposed rule change to amend the Exchange's Fee Schedule to increase certain connectivity fees and adopt a tiered-pricing structure for additional limited service express interface ports.

The proposed rule change was immediately effective upon filing with the Commission pursuant to section 19(b)(3)(A) of the Act.³ The proposed rule change was published for comment in the **Federal Register** and, pursuant to section 19(b)(3)(C) of the Act,⁴ the Commission: (1) temporarily suspended the proposed rule change; and (2) instituted proceedings under section 19(b)(2)(B) of the Act⁵ to determine whether to approve or disapprove the proposed rule change.⁶ On October 19, 2022, the Exchange withdrew the proposed rule change (SR-MIAX-2022-20).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁷

J. Matthew DeLesDernier,
Deputy Secretary.

[FR Doc. 2022-23356 Filed 10-26-22; 8:45 am]

BILLING CODE 8011-01-P

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 15 U.S.C. 78s(b)(3)(A). A proposed rule change may take effect upon filing with the Commission if it is designated by the exchange as "establishing or changing a due, fee, or other charge imposed by the self-regulatory organization on any person, whether or not the person is a member of the self-regulatory organization." 15 U.S.C. 78s(b)(3)(A)(ii).

⁴ 15 U.S.C. 78s(b)(3)(C).

⁵ 15 U.S.C. 78s(b)(2)(B).

⁶ See Securities Exchange Act Release No. 94890 (May 11, 2022), 87 FR 29945 (May 17, 2022).

⁷ 17 CFR 200.30-3(a)(12).

³² 15 U.S.C. 78s(b)(3)(A)(ii).

³³ 17 CFR 200.30-3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-96124; File Nos. SR-MIAX-2022-19, SR-EMERALD-2022-18]

Self-Regulatory Organizations; Miami International Securities Exchange, LLC and MIAX Emerald, LLC; Notice of Withdrawal of Proposed Rule Changes To Establish Fees for the Exchanges' cToM Market Data Products

October 21, 2022.

On April 29, 2022, Miami International Securities Exchange, LLC ("MIAX") and MIAX Emerald, LLC ("MIAX Emerald") (collectively, the "Exchanges") each filed with the Securities and Exchange Commission ("Commission"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² a proposed rule change to establish fees for, respectively, the MIAX Complex Top of Market ("cToM") and the MIAX Emerald cToM market data products.

The proposed rule changes were immediately effective upon filing with the Commission pursuant to section 19(b)(3)(A) of the Act.³ The proposed rule changes were published for comment in the *Federal Register* and, pursuant to section 19(b)(3)(C) of the Act,⁴ the Commission: (1) temporarily suspended the proposed rule changes; and (2) instituted proceedings under section 19(b)(2)(B) of the Act⁵ to determine whether to approve or disapprove the proposed rule changes.⁶ On October 19, 2022, the Exchanges withdrew the proposed rule changes (SR-MIAX-2022-19, SR-EMERALD-2022-18).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁷

J. Matthew DeLesDernier,
Deputy Secretary.

[FR Doc. 2022-23352 Filed 10-26-22; 8:45 am]

BILLING CODE 8011-01-P

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 15 U.S.C. 78s(b)(3)(A). A proposed rule change may take effect upon filing with the Commission if it is designated by the exchange as "establishing or changing a due, fee, or other charge imposed by the self-regulatory organization on any person, whether or not the person is a member of the self-regulatory organization." 15 U.S.C. 78s(b)(3)(A)(ii).

⁴ 15 U.S.C. 78s(b)(3)(C).

⁵ 15 U.S.C. 78s(b)(2)(B).

⁶ See Securities Exchange Act Release Nos. 94893 (May 11, 2022), 87 FR 29914 (May 17, 2022) (SR-MIAX-2022-19); and 94892 (May 11, 2022), 87 FR 29963 (May 17, 2022) (SR-EMERALD-2022-18).

⁷ 17 CFR 200.30-3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-96125; File No. SR-BX-2022-019]

Self-Regulatory Organizations; Nasdaq BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Exchange's Transaction Fees and Credits at Equity 7, Section 118(e)

October 21, 2022.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on October 11, 2022, Nasdaq BX, Inc. ("BX" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange's transaction fees and credits at Equity 7, section 118(e).

The text of the proposed rule change is available on the Exchange's website at <https://listingcenter.nasdaq.com/rulebook/bx/rules>, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange operates on the "taker-maker" model, whereby it generally pays credits to members that take

liquidity and charges fees to members that provide liquidity.³ Currently, the Exchange has a schedule, at Equity 7, section 118(e), which consists of several different credits and fees for Retail Orders⁴ and Retail Price Improvement Orders⁵ under Rule 4780 (Retail Price Improvement Program).

The purpose of the proposed rule change is to amend the Exchange's schedule of fees and credits, at Equity 7, section 118(e). Specifically, the Exchange proposes to (1) amend the qualifying criteria for an existing fee for RPI Orders that provide liquidity; and (2) eliminate an existing credit for Retail Orders that access liquidity.

Currently, the Exchange charges a \$0.0018 per share executed fee for RPI Orders entered by a member that (i) quotes RPI Orders in at least 2,500 symbols on average per day and (ii) provides liquidity through RPI Orders equal to or exceeding an average daily volume of 2,500,000 shares. The Exchange charges a fee of \$0.0025 per share executed for all other RPI Orders that provide liquidity. The Exchange proposes to amend the \$0.0018 fee by decreasing the number of quoted symbols needed to qualify for the fee from 2,500 to 1,200 on average per day. The Exchange hopes that the less strict qualifying criteria will encourage member organizations to increase liquidity providing activity on RPI Orders on the Exchange. If the proposal is effective in achieving this purpose, then the quality of the Exchange's market will improve, particularly with respect to RPI and retail orders to the benefit of all participants, especially those who submit RPI and Retail Orders.

Currently, the Exchange provides certain credits for Retail Orders that provide liquidity. The Exchange

³ The Exchange initially filed the proposed pricing changes on October 3, 2022 (SR-BX-2022-018). The instant filing replaces SR-BX-2022-018, which was withdrawn on October 11, 2022.

⁴ Retail Orders shall mean an order type with a Non-Display Order Attribute submitted to the Exchange by a Retail Member Organization (as defined in Rule 4780). A Retail Order must be an agency Order, or riskless principal Order that satisfies the criteria of FINRA Rule 5320.03. The Retail Order must reflect trading interest of a natural person with no change made to the terms of the underlying order of the natural person with respect to price (except in the case of a market order that is changed to a marketable limit order) or side of market and that does not originate from a trading algorithm or any other computerized methodology. See Rule 4702(b)(6).

⁵ Retail Price Improving ("RPI") Orders shall mean an Order Type with a Non-Display Order Attribute that is held on the Exchange Book in order to provide liquidity at a price at least \$0.001 better than the NBBO through a special execution process described in Rule 4780. A Retail Price Improving Order may be entered in price increments of \$0.001. RPI Orders collectively may be referred to as "RPI Interest." See Rule 4702(b)(5).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

proposes to eliminate its credit of \$0.0010 per share executed for Retail Orders with an accepted price greater than or equal to \$10,000 that access liquidity provided by a Retail Price Improvement Order by reducing the credit from \$0.0010 to \$0.0000. The proposed \$0.0000 credit per share executed (for Retail Orders with an accepted price greater than or equal to \$10,000 that access liquidity provided by a Retail Price Improvement Order) reflects that such qualifying Orders would receive no credits, including from elsewhere in the fee schedule. The Exchange has limited resources at its disposal to devote to incentives and it periodically reassesses the allocation of those resources when they prove to be ineffective.

2. Statutory Basis

The Exchange believes that its proposal is consistent with section 6(b) of the Act,⁶ in general, and furthers the objectives of sections 6(b)(4) and 6(b)(5) of the Act,⁷ in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange's proposed changes to its schedule of fees and credits are reasonable in several respects. As a threshold matter, the Exchange is subject to significant competitive forces in the market for equity securities transaction services that constrain its pricing determinations in that market. The fact that this market is competitive has long been recognized by the courts. In *NetCoalition v. Securities and Exchange Commission*, the D.C. Circuit stated as follows: "[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . ."⁸

The Commission and the courts have repeatedly expressed their preference for competition over regulatory

intervention in determining prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system "has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies."⁹

Numerous indicia demonstrate the competitive nature of this market. For example, clear substitutes to the Exchange exist in the market for equity security transaction services. The Exchange is only one of several equity venues to which market participants may direct their order flow. Competing equity exchanges offer similar tiered pricing structures to that of the Exchange, including schedules of rebates and fees that apply based upon members achieving certain volume thresholds.

Within this environment, market participants can freely and often do shift their order flow among the Exchange and competing venues in response to changes in their respective pricing schedules. As such, the proposal represents a reasonable attempt by the Exchange to increase its liquidity and market share relative to its competitors.

The Exchange believes it is reasonable and equitable to amend the \$0.0018 per share executed fee for RPI Orders by lowering the number of symbols in which a member must quote in RPI Orders on average during the day to qualify for it. As discussed above, the Exchange's goal is to increase liquidity adding activity in RPI Orders on its platform. It is reasonable and equitable to address this need by easing the qualification requirements as an incentive for members to increase their liquidity activity in RPI Orders on the Exchange. If the proposal is effective in achieving this purpose, then the quality of the Exchange's market will improve, particularly with respect to RPI and Retail orders to the benefit of all participants, especially those who submit RPI and Retail Orders.

In addition, the Exchange believes it is reasonable and equitable to eliminate the credit of \$0.0010 per share executed for Retail Orders with an accepted price greater than or equal to \$10,000 that access liquidity provided by a Retail Price Improvement Order because the incentive was not effective in achieving

its intended effect. The Exchange has limited resources at its disposal to devote to incentives and it periodically reassesses the allocation of those resources when they prove to be ineffective.

The Exchange believes that the proposal is not unfairly discriminatory. As an initial matter, the Exchange believes that nothing about its volume-based tiered pricing model is inherently unfair; instead, it is a rational pricing model that is well-established and ubiquitous in today's economy among firms in various industries—from co-branded credit cards to grocery stores to cellular telephone data plans—that use it to reward the loyalty of their best customers that provide high levels of business activity and incent other customers to increase the extent of their business activity. It is also a pricing model that the Exchange and its competitors have long employed with the assent of the Commission. It is fair because it incentivizes customer activity that increases liquidity, enhances price discovery, and improves the overall quality of the equity markets.

The Exchange intends for its proposal to improve market quality for all members that submit RPI and Retail Orders on the Exchange and by extension attract more liquidity to the market, improving market wide quality and price discovery. Although net adders of liquidity for RPI Orders will benefit most from the proposal, this result is fair insofar as increased liquidity adding activity in RPI Orders will help to improve market quality and the attractiveness of the Exchange to all existing and prospective retail participants.

Any participant that is dissatisfied with the proposal is free to shift their order flow to competing venues that provide more generous pricing or less stringent qualifying criteria.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Intramarket Competition

The Exchange does not believe that its proposal will place any category of Exchange participant at a competitive disadvantage. As noted above, all member organizations of the Exchange will benefit from any increase in market activity that the proposal effectuates. Member organizations may modify their businesses so that they can meet the required thresholds and pay lower

⁶ 15 U.S.C. 78f(b).

⁷ 15 U.S.C. 78f(b)(4) and (5).

⁸ *NetCoalition v. SEC*, 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

⁹ Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) ("Regulation NMS Adopting Release").

charges. Moreover, members are free to trade on other venues to the extent they believe that the fees assessed, and credits provided, are not attractive. As one can observe by looking at any market share chart, price competition between exchanges is fierce, with liquidity and market share moving freely between exchanges in reaction to fee and credit changes.

Intermarket Competition

The Exchange believes that its proposed modifications to its schedule of fees and credits will not impose a burden on competition because the Exchange's execution services are completely voluntary and subject to extensive competition both from the other live exchanges and from off-exchange venues, which include alternative trading systems that trade national market system stock. The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited.

The proposed changes are reflective of this competition because, as a threshold issue, the Exchange is a relatively small market so its ability to burden intermarket competition is limited. In this regard, even the largest U.S. equities exchange by volume only has 17–18% market share, which in most markets could hardly be categorized as having enough market power to burden competition. Moreover, as noted above, price competition between exchanges is fierce, with liquidity and market share moving freely between exchanges in reaction to fee and credit changes. This is in addition to free flow of order flow to and among off-exchange venues which comprises more than 40% of industry volume in recent months.

In sum, the Exchange intends for the proposed changes to its fees and credits, in the aggregate, to increase member incentives to engage in the addition of liquidity on the Exchange. If the

changes proposed herein are unattractive to market participants, it is likely that the Exchange will lose market share as a result. Accordingly, the Exchange does not believe that the proposed changes will impair the ability of members or competing order execution venues to maintain their competitive standing in the financial markets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A)(ii) of the Act.¹⁰

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR–BX–2022–019 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090. All submissions should refer to File Number SR–BX–2022–019. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will

¹⁰ 15 U.S.C. 78s(b)(3)(A)(ii).

post all comments on the Commission's internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BX–2022–019, and should be submitted on or before November 17, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹¹

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2022–23353 Filed 10–26–22; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–96123; File No. SR–PEARL–2022–18]

Self-Regulatory Organizations; MIAX PEARL, LLC; Notice of Withdrawal of Proposed Rule Change To Amend the MIAX Pearl Options Fee Schedule To Increase Certain Connectivity Fees and Increase the Monthly Fees for MIAX Express Network Full Service Ports

October 21, 2022.

On May 2, 2022, MIAX PEARL, LLC (“MIAX Pearl” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),¹ and Rule 19b–4 thereunder,² a proposed rule

¹¹ 17 CFR 200.30–3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

change to amend the MIAX Pearl Options Fee Schedule to increase certain connectivity fees and increase the monthly fees for the MIAX Express Network Full Service (“MEO”) Ports. The proposed rule change was immediately effective upon filing with the Commission pursuant to section 19(b)(3)(A) of the Act.³ The proposed rule change was published for comment in the **Federal Register** and, pursuant to section 19(b)(3)(C) of the Act,⁴ the Commission: (1) temporarily suspended the proposed rule change; and (2) instituted proceedings under section 19(b)(2)(B) of the Act⁵ to determine whether to approve or disapprove the proposed rule change.⁶ On October 19, 2022, the Exchange withdrew the proposed rule change (SR-PEARL-2022-18).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁷

J. Matthew DeLesDernier,
Deputy Secretary.

[FR Doc. 2022-23351 Filed 10-26-22; 8:45 am]

BILLING CODE 8011-01-P

SOCIAL SECURITY ADMINISTRATION

[Docket No: SSA-2022-0052]

Agency Information Collection Activities: Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104-13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes revisions of OMB-approved information collections.

SSA is soliciting comments on the accuracy of the agency’s burden estimate; the need for the information; its practical utility; ways to enhance its

quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, email, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses or fax numbers.

(OMB) Office of Management and Budget, Attn: Desk Officer for SSA
Comments: <https://www.reginfo.gov/public/do/PRAMain>. Submit your comments online referencing Docket ID Number [SSA-2022-0052].

(SSA) Social Security Administration, OLCA, Attn: Reports Clearance Director, 3100 West High Rise, 6401 Security Blvd., Baltimore, MD 21235, Fax: 410-966-2830, Email address: *OR.Reports.Clearance@ssa.gov*

Or you may submit your comments online through <https://www.reginfo.gov/public/do/PRAMain>, referencing Docket ID Number [SSA-2022-0052].

SSA submitted the information collections below to OMB for clearance. Your comments regarding these information collections would be most useful if OMB and SSA receive them 30 days from the date of this publication. To be sure we consider your comments, we must receive them no later than November 28, 2022. Individuals can obtain copies of these OMB clearance packages by writing to *OR.Reports.Clearance@ssa.gov*.

1. *Waiver of Your Right to Personal Appearance before a Judge—20 CFR 20 CFR 404.948(b)(1)(i), 404.956, 416.1448(b)(1)(i), and 416.1456—0960-0284.* Applicants for Social Security, Old Age, Survivors, and Disability Insurance (OASDI) benefits and Supplemental Security Income (SSI) payments have the statutory right to appear in person (or through a representative) and present evidence about their claims at a hearing before a

judge. Per SSA regulations, if a claimant is dissatisfied with a determination or decision listed in 20 CFR 404.930 or 416.1430, the claimant may request a hearing before a judge, and has a right to appear at a hearing before a judge. At a hearing, claimants have the right to present evidence; have witnesses testify on their behalf; and present their case to the judge. A hearing may provide the judge with additional information to make a more informed decision.

However, in some cases, claimants may choose to waive their right to appear before a judge for various reasons, including if they feel the evidence of record stands on its own, or if they are unable to attend a hearing due to extenuating circumstances. When a claimant chooses to waive the right to appear at a hearing and allows the judge to decide the case based on the written evidence of record alone, we ask the claimant to submit this request to us in writing so we can document it in their record. While SSA will accept a written request, we also allow claimants to use Form HA-4608 to serve as a written waiver for the claimant’s right to a personal appearance before a judge. The claimant may complete the paper version of the HA-4608 and submit it back to SSA using the pre-paid envelope SSA sends with it, or the claimant may choose to complete the HA-4608 through the submittable PDF on SSA’s website. The judge uses the information we collect on Form HA-4608 to continue processing the case and makes the completed form a part of the documentary evidence of record by placing it in the official record of the proceedings as an exhibit. Respondents are applicants or claimants for OASDI and SSI, or their representatives, who request to waive their right to appear before a judge.

Type of Request: Revision of an approved-OMB information collection.

| Modality of completion | Number of respondents | Frequency of response | Average burden per response (minutes) | Estimated total annual burden (hours) | Average theoretical hourly cost amount (dollars)* | Total annual opportunity cost (dollars)** |
|------------------------|-----------------------|-----------------------|---------------------------------------|---------------------------------------|---|---|
| HA-4608 | 12,000 | 1 | 5 | 1,000 | \$11.70* | \$11,700** |

* We based this figure on the average DI payments based on SSA’s current FY 2022 data (<https://www.ssa.gov/legislation/2022factsheet.pdf>).
** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

2. *Plan to Achieve Self-Support (PASS)—20 CFR 416.110(e), 416.1180-*

416.1182, 416.1225-416.1227—0960-0559. The SSI program encourages

recipients to return to work. One of the program objectives is to provide

³ 15 U.S.C. 78s(b)(3)(A). A proposed rule change may take effect upon filing with the Commission if it is designated by the exchange as “establishing or changing a due, fee, or other charge imposed by the

self-regulatory organization on any person, whether or not the person is a member of the self-regulatory organization.” 15 U.S.C. 78s(b)(3)(A)(ii).

⁴ 15 U.S.C. 78s(b)(3)(C).

⁵ 15 U.S.C. 78s(b)(2)(B).

⁶ See Securities Exchange Act Release No. 94888 (May 11, 2022), 87 FR 29892 (May 17, 2022).

⁷ 17 CFR 200.30-3(a)(12).

incentives and opportunities that help recipients do so. The Plan to Achieve Self-Support (PASS) provision allows individuals to develop a plan to enter (or re-enter) the workforce and become self-supporting. In turn, SSA does not count the income or resources (such as business equipment, education, or

specialized training) recipients use to fund a PASS when determining an individual's SSI eligibility or payment amount. An SSI recipient who wants to take advantage of the PASS provision completes Form SSA-545. SSA uses the information from the SSA-545 to evaluate the recipient's PASS, and to

determine eligibility under the provisions of the SSI program. The respondents are SSI recipients who want to develop a return-to-work plan.

Type of Request: Revision of an OMB-approved information collection.

| Modality of completion | Number of respondents | Frequency of response | Average burden per response (minutes) | Estimated total annual burden (hours) | Average theoretical hourly cost amount (dollars)* | Average wait time in field office (minutes)** | Total annual opportunity cost (dollars)*** |
|------------------------|-----------------------|-----------------------|---------------------------------------|---------------------------------------|---|---|--|
| SSA-545 | 7,000 | 1 | 120 | 14,000 | \$11.70* | 24** | \$196,560*** |

* We based this figure on the average DI payments based on SSA's current FY 2022 data (<https://www.ssa.gov/legislation/2022factsheet.pdf>).
 ** We based this figure on the average the FY 2022 wait time for field offices, based on SSA's current management information data.
 *** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

3. Letter to Custodian of Birth Records—20 CFR 404.704, and 422.103–422.110—0960–0693. When individuals need help in obtaining evidence of their age in connection with Social Security number (SSN) card applications and claims for benefits, SSA prepares the SSA-L706, Letter to Custodian of Birth Records. SSA uses Form SSA-L706 to verify the proof of age when an SSN applicant submits a birth record to the Social Security Number Application Process (SSNAP) system that SSA deems questionable. In most of the cases, we verify birth records (*i.e.*, birth certificates) with the custodian of the record or issuing entity before

processing the SSN card application via an online query such as the Electronic Verification of Vital Events (EVVE) or SSA-approved online access to State vital records. However, when the applicant submits alternative evidence to request an original SSN card or to correct a date of birth (DOB) that SSA cannot verify via an online query (*i.e.*, the custodian/issuing entity of the birth record is a hospital or health care provider), we use the SSA-L706 to verify proof of age for enumeration purposes. The SSNAP system pre-fills a PDF version of the SSA-L706 using information from the SSN application to ensure accuracy and save time. SSA

uses the letter to verify with the custodian or issuing entity, when necessary, the authenticity of the record the SSN applicant or claimant submitted. SSA mails the SSA-L706 to the respondents to complete and mail or fax back the completed form back to us. The respondents are SSN applicants who sign the request; State and local bureaus or agencies of vital statistics, and religious entities who submit the information regarding evidence of age for the SSN applicant.

Type of Request: Revision of an OMB-approved information collection.

| Modality of completion | Number of respondents | Frequency of response | Average burden per response (minutes) | Estimated total annual burden (hours) | Average theoretical hourly cost amount (dollars)* | Total annual opportunity cost (dollars)** |
|---|-----------------------|-----------------------|---------------------------------------|---------------------------------------|---|---|
| SSA-L706—(SSNAP) | 573 | 1 | 10 | 96 | *\$24.57 | **\$2,359 |
| SSA-L706—(Respondents Signature Only) | 573 | 1 | 1 | 10 | *28.01 | **280 |
| Totals | 1,146 | | | 106 | | **2,639 |

* We based these figures on the average U.S. worker's hourly wages, as reported by Bureau of Labor Statistics data (https://www.bls.gov/oes/current/oes_nat.htm), and by averaging both the average U.S. worker's hourly wage with the average Information and Record Clerks hourly wage, as reported by Bureau of Labor Statistics data (<https://www.bls.gov/oes/current/oes434199.htm>).
 ** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

4. Request for Accommodation in Communication Method—0960–0777. SSA allows disabled or impaired Social Security applicants, beneficiaries, recipients, and representative payees to choose one of seven alternative methods of communication they want SSA to use when we send them benefit notices and other related communications. The seven alternative methods we offer are: (1) standard print notice by first-class mail; (2) standard print mail with a follow-up telephone call; (3) certified mail; (4) Braille; (5) Microsoft Word file on data CD; (6) large print (18-point font); or (7) audio CD. Respondents who

want to receive notices from SSA through a communication method other than the seven methods listed above must explain their request to us. Those respondents use our iAccommodate Intranet or mySNO internet screens, or the paper Form SSA-9000-F6 to: (1) describe the type of accommodation they want from SSA; (2) disclose their condition necessitating the need for a different type of accommodation; and (3) explain why none of the seven methods described above are sufficient for their needs. SSA uses our internet and Intranet screens or Form SSA-9000-F6 to determine, based on

applicable law and regulation, whether to grant the respondents' requests for an accommodation based on their impairment or disability. SSA collects this information electronically through either an in-person telephone interview during which the SSA employee keys in the information on our iAccommodate Intranet screens, or through the mySNO internet screens which respondents may complete for themselves using the application available through their mySSA accounts. The respondents are disabled or impaired Social Security or SSI applicants, beneficiaries, recipients, and representative payees who ask SSA

to send notices and other communications in an alternative

method besides the seven modalities we currently offer.

Type of Request: Revision of an OMB-approved information collection.

| Modality of completion | Number of respondents | Frequency of response | Average burden per response (minutes) | Estimated total annual burden (hours) | Average theoretical hourly cost amount (dollars)* | Average teleservice center wait time (minutes)** | Total annual opportunity cost (dollars)*** |
|-----------------------------|-----------------------|-----------------------|---------------------------------------|---------------------------------------|---|--|--|
| SSA-9000/iAccommodate | 5,000 | 1 | 20 | 1,667 | * \$11.70 | ** 19 | *** \$38,025 |
| mySNO | 8,414 | 1 | 20 | 2,805 | * 11.70 | ..... | *** 32,819 |
| Totals | 13,414 | ..... | ..... | 4,472 | ..... | ..... | ***70,844 |

* We based this figure on the average DI payments based on SSA's current FY 2022 data (<https://www.ssa.gov/legislation/2022factsheet.pdf>).
 ** We based this figure on the average FY 2022 wait times for teleservice centers, based on SSA's current management information data.
 *** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. There is no actual charge to respondents to complete the application.

Dated: October 24, 2022.
Naomi Sipple,
Reports Clearance Officer, Social Security Administration.
 [FR Doc. 2022-23444 Filed 10-26-22; 8:45 am]
BILLING CODE 4191-02-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2022-0148]

Commercial Driver's License: Application for Exemption; National School Transportation Association

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.
ACTION: Notice of final disposition; grant of application for exemption.

SUMMARY: FMCSA announces its decision to grant the exemption requested by the National School Transportation Association (NSTA) for commercial driver's license (CDL) applicants seeking a school bus endorsement, from the engine compartment portion of the pre-trip vehicle inspection skills testing requirement, known as the "under-the-hood" testing requirement. Drivers issued a CDL pursuant to the requested exemption would be restricted to the intrastate operation of school buses only. FMCSA also grants an exemption from the requirement that states administer this portion of the pre-trip vehicle inspection test in accordance with an FMCSA pre-approved examiner information manual. FMCSA analyzed the application and public comments and determined that granting the exemption is likely to achieve a level of safety equivalent to or greater than the level of safety that would be obtained in the absence of the exemption.

DATES: The exemption is effective from November 27, 2022 through November 27, 2024.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Clemente, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: 202-366-2722. Email: richard.clemente@dot.gov. If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366-9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

Viewing Comments and Documents

To view comments, go to www.regulations.gov, insert the docket number "FMCSA-2022-0148" in the keyword box, and click "Search." Next, sort the results by "Posted (Newer-Older)," choose the first notice listed, and click "View Related Comments."

To view documents mentioned in this notice as being available in the docket, go to www.regulations.gov, insert the docket number "FMCSA-2022-0148" in the keyword box, click "Search," and chose the document to review.

If you do not have access to the internet, you may view the docket by visiting Dockets Operations in Room W12-140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366-9317 or (202) 366-9826 before visiting Dockets Operations.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from certain Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also

provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption, and the regulatory provision from which the exemption is granted. The notice must also specify the effective period (up to 5 years) and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

III. Background

Current Regulatory Requirements

FMCSA's CDL regulations in 49 CFR part 383.113(a)(1)(i) require that applicants for a CDL possess basic pre-trip vehicle inspection skills for the vehicle class that the driver operates or expects to operate. For all test vehicles, applicants must be able to identify each safety-related part on the vehicle and explain what needs to be inspected to ensure a safe operating condition of each part, including the engine compartment.

FMCSA initially issued a three month "under-the-hood" waiver on January 3, 2022, in response to the unique circumstances resulting from the school bus driver shortage and which was exacerbated by the COVID-19 pandemic. FMCSA issued two subsequent waivers, on March 28, 2022, and June 30, 2022.

Applicant's Request

The NSTA applied for an exemption for CDL applicants from the engine compartment component of the pre-trip vehicle skills testing requirement,

known as the “under-the-hood” testing component, in 49 CFR 383.113(a)(1)(i). The requested exemption would apply to CDL applicants seeking the school bus (S) and passenger (P) endorsements and the intrastate only (K) restriction. Drivers issued a CDL pursuant to the requested exemption would be restricted to the intrastate operation of school buses only. NSTA is a membership organization for school bus contract-operators engaged primarily in transporting students to and from school and school-related activities. NSTA believes the “under-the-hood” testing requirement is a “barrier to entry for new school bus drivers, contributing to the nationwide driver shortage.” NSTA requested the exemption for a five-year period.

IV. Method To Ensure an Equivalent or Greater Level of Safety

The applicant believes that an exemption from the “under-the-hood” testing requirement will not have any effect on the safety level of school bus operations because school bus drivers must remain on the bus with students at all times. NSTA states that trained mechanics therefore complete roadside diagnostics and repairs of mechanical issues should a school bus break down. NSTA added in its comments to the docket that a driver is able to identify a fluid leak in a pre-trip inspection without opening the engine compartment and could then notify a maintenance technician. NSTA also noted in its comments to the docket that the safest mode of home-to-school transportation for students is the school bus.

V. Public Comments

On August 11, 2022, FMCSA published the application for exemption (87 FR 49646). The Agency received 57 comments. School bus companies and industry associations, NSTA, the Pennsylvania Department of Education, the Augusta School District, and 20 other individuals supported the exemption. NSTA commented that “according to the last waiver decision from FMCSA on June 30, 2022, it has been determined by FMCSA that by waiving the ‘under the hood’ portion of the CDL exam, the level of safety is equivalent to the level of safety without the waiver.” Commenters who supported the exemption noted that school bus drivers must remain with the children and, therefore, may never leave the bus and check the engine while en route. They noted that most school districts have mechanics, not drivers, perform engine compartment inspections. Commenters also stated

that the exemption will attract new drivers, such as young mothers and grandparents, to their industry, and alleviate school bus driver shortages and CDL testing delays. In addition, commenters said the industry is transitioning to electric buses and the “under-the-hood” component is an antiquated requirement, which adds on average an additional 3–4 days of training time. The Wisconsin School Bus Association and the Augusta School District stated they have found the waivers useful to recruit and retain school bus drivers.

Eight commenters opposed the exemption, including the National Association for Pupil Transportation (NAPT), the National Association of State Directors of Pupil Transportation Services (NASDPTS), the Minnesota Department of Public Safety (DPS), the Iowa Department of Transportation (DOT), Bloomington Public Schools, AWM Associates, Inc., and two individuals. The NAPT supported the issuance of temporary regulatory relief, but they now conclude “the prudent course is to err on the side of safety and security.” NAPT noted that an added consideration for safety is the transition of school bus fleets to electric propulsion and possible new safety issues to monitor, as well as potential security threats to school buses, for which engine compartment inspections are a common sense part of security due diligence. The NASDPTS commented that school bus drivers must be able to check under the hood of the vehicle to find issues before the bus goes out, such as worn or frayed belts or low fluid levels. NASDPTS added that many districts rely upon school bus drivers to perform the pre-trip inspections and in rural areas, many drivers take the buses home each night and must perform the inspections themselves. The NASDPTS further commented that there is a shortage of maintenance personnel facing the school bus industry.

The Minnesota DPS commented that the point of the pre-trip inspection is to identify critical safety issues prior to leaving, not to repair mechanical issues while en route, and the driver must make sure the vehicle is safe to operate prior to a trip. The Minnesota DPS questioned why the engine compartment component of the skills test would be critical for all CDL drivers except school bus drivers and stated that all CDL holders should be held to the same standard. The Minnesota DPS also stated that it is burdensome and confusing to program software for a temporary change, as well as to train law enforcement to understand and recognize the restriction. Minnesota

DPS also noted that many drivers in rural areas in the state take the bus home at night and must be able to ensure the vehicle is safe to operate prior to its daily operation.

The Iowa DOT stated that it was one of the few states to adopt the waiver and has found it overly burdensome and confusing to implement, which has created unanticipated delays. The Iowa DOT added that drivers who receive the restricted CDL must return to the state licensing agency to complete the engine compartment component of the test if they wish to operate any other CMV, which may exacerbate driver shortage issues in other industries and increase CDL skills test wait times. Bloomington Public Schools stated that its mechanics are too busy to check fluids on a daily basis and noted that lowering the standards to obtain a CDL will lower the standard of drivers on the road.

VI. FMCSA Safety Analysis and Decision

FMCSA has evaluated NSTA’s application and the public comments and grants the exemption request for a two-year period, rather than the five-year period requested by NSTA. The two-year period will allow states time to implement the American Association of Motor Vehicle Administration (AAMVA) recommendations for modernizing the CDL skills testing procedures, which may eliminate the need for the exemption by providing an option for a less burdensome engine compartment component of the test.

Due to the limited scope of the “under-the-hood” waiver, the existing regulatory requirements that remain in place, and the terms, conditions, and restrictions of the waivers, FMCSA determined that previous “under-the-hood” waivers were likely to achieve a level of safety that is equivalent to the level of safety that would be obtained absent the waiver. The exemption would similarly achieve an equivalent level of safety. The exemption does not apply to the remaining elements of the pre-trip vehicle inspection components of the skills test, as set forth in 49 CFR 383.113(a)(1)(ii–ix). Accordingly, drivers obtaining CDLs under this exemption will have demonstrated their ability to safely operate the special features of a school bus. In response to NASDPTS’s concern about the physical abilities of school bus drivers, the exemption does not change the physical qualification requirements for drivers in 49 CFR part 391, subpart E.

Further, because school buses are typically operated for relatively short distances, mechanics or other qualified personnel can readily provide roadside

assistance in the event of an engine malfunction. The exemption does not change FMCSA's vehicle maintenance requirements in 49 CFR part 396, including that every motor carrier must systematically inspect, repair, and maintain all vehicles (§ 396.3) and that unsafe operations of a motor vehicle are forbidden (§ 396.7). Any state or local school bus inspection maintenance standards would continue to apply under this exemption. In response to concerns from the Minnesota DPS and Iowa DOT, FMCSA notes that use of the exemption is optional for states. A state may elect to continue to require all CDL applicants to meet the requirements of 49 CFR 383.113(a)(1)(i).

As a part of the exemption, the State Driver Licensing Agency (SDLA) must, upon request by FMCSA, provide the Agency with the names and CDL numbers of the drivers who were issued a CDL pursuant to the terms of the exemption.

For the above reasons, NSTA's exemption application is granted.

VII. Terms and Conditions of the Exemption

This exemption covers states for the period beginning at 12:00 a.m. (ET) on *November 27, 2022 and continuing through 11:59 p.m. on November 27, 2022*. Under this exemption, a state may, but is not required to, waive the engine compartment portion of the pre-trip vehicle inspection skills test, set forth in 49 CFR 383.113(a)(1)(i), only for CDL applicants seeking the S and P endorsements, subject to the (K) restriction limiting their operation to intrastate commerce. States issuing CDLs pursuant to this exemption are not subject to the requirement in 49 CFR 383.133(c)(1) that this portion of the pre-trip vehicle inspection test be administered in accordance with an FMCSA pre-approved examiner information manual.

FMCSA intends to continue to closely monitor the safety impacts of the relief granted under this exemption. As necessary, FMCSA may take action to modify the exemption, including scaling back the regulatory relief provided, or to terminate the exemption sooner, if conditions warrant.

States issuing CDLs pursuant to this exemption must abide by the following terms and conditions:

1. The CDL credential must conform to the requirements of Part 383, subpart J.

2. When issuing a K-restricted CDL with the S and P endorsements pursuant to this exemption, states must continue to comply with the applicable provisions set forth in 49 CFR 383.73.

3. When issuing a K-restricted CDL with the S and P endorsements pursuant to this exemption, states must place a school bus only restriction on the CDL in accordance with 49 CFR 383.153(a)(10)(ix).

4. States must conduct the remaining pre-trip vehicle inspection components of the skills test for drivers subject to this exemption, as set forth in 49 CFR 383.113(a)(1)(ii–ix).

5. Upon request from FMCSA, the SDLA must provide the names and CDL numbers of drivers who issued a CDL pursuant to the terms of this exemption, as authorized by 49 CFR 383.73(h) and 384.225(e)(2).

6. This exemption applies only to the intrastate operation of school buses used to transport students from home to school, from school to home, or to and from school-sponsored events, as defined in 49 CFR 383.5.¹

7. FMCSA reserves the right to revoke this exemption for drivers' involvement in accidents, the failure of states or drivers to comply with the terms of this exemption, or as circumstances otherwise warrant.

Robin Hutcheson,
Administrator.

[FR Doc. 2022-23346 Filed 10-26-22; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-2007-28952]

Petition for Extension of Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that on July 29, 2022, Union Pacific Railroad Company (UP) petitioned the Federal Railroad Administration (FRA) for an extension of a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR parts 215 (Railroad Freight Car Safety Standards) and 232 (Brake System Safety Standards for Freight and Other Non-passenger Trains and Equipment; End of Train Devices). The relevant FRA Docket Number is FRA-2007-28952.

Specifically, UP requests a waiver extension from 49 CFR 232.205, *Class 1 brake test—initial terminal inspection*,

¹ 49 CFR 383.5 defines “school bus” as “a CMV used to transport pre-primary, primary, or secondary school students from home to school, from school to home, or to and from school-sponsored events. School bus does not include operations of a for-hire motor carrier.”

and certain provisions of part 215 related to the inspection of trains entering the United States from Mexico at Eagle Pass, Texas. UP seeks to continue to move trains received in interchange with Ferrocarriles Nacionales de Mexico (FXE) approximately 4.8 miles north of Eagle Pass, Texas, to the facility at Clarks Park, Texas, before an initial terminal air brake test is performed. UP stated in its 2007 petition¹ that the relief would “expedite train movements and avoid blockages of crossings in Eagle Pass.” UP asserts that it has “been operating under the requirements set forth in the waiver for the past fourteen years and no adverse effect on the safety of operations has occurred.”

A copy of the petition, as well as any written communications concerning the petition, is available for review online at www.regulations.gov.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted at <http://www.regulations.gov>. Follow the online instructions for submitting comments.

Communications are requested by December 27, 2022. Comments received after that date will be considered if practicable. FRA reserves the right to extend the existing relief subject to subsequent consideration of any comments submitted to the docket.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), the U.S. Department of Transportation (DOT) solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at

¹ <https://www.regulations.gov/document/FRA-2007-28952-0001>.

<https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/privacy-notice> for the privacy notice of [regulations.gov](https://www.regulations.gov).

Issued in Washington, DC.

Carolyn Hayward-Williams,

Director, Office of Railroad Systems and Technology.

[FR Doc. 2022-23422 Filed 10-26-22; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-2001-8697]

Petition for Extension of Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that on July 29, 2022, Union Pacific Railroad Company (UP) petitioned the Federal Railroad Administration (FRA) for an extension of a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR parts 215 (Railroad Freight Car Safety Standards) and 232 (Brake System Safety Standards for Freight and Other Non-passenger Trains and Equipment; End of Train Devices). The relevant FRA Docket Number is FRA-2001-8697.

Specifically, UP requests a waiver extension from 49 CFR 232.205, *Class 1 brake test—initial terminal inspection*, and certain provisions of part 215 related to the inspection of trains entering the United States from Mexico at Nogales, Arizona. UP seeks to continue to move trains received in interchange with Ferrocarriles Nacionales de Mexico approximately 8 miles north of Nogales, Arizona, to the siding at Rio, Arizona, before an initial terminal air brake test is performed. UP stated in its initial 2001 petition¹ that the relief prevents “blockages of key street crossings within the City of Nogales for considerable lengths of time.” In its 2022 petition, UP asserts that it has “been operating under the requirements set forth in the waiver for the past twenty-one years and no adverse effect on the safety of operations has occurred.”

A copy of the petition, as well as any written communications concerning the petition, is available for review online at www.regulations.gov.

Interested parties are invited to participate in these proceedings by submitting written views, data, or

¹ <https://www.regulations.gov/document/FRA-2001-8697-0001>.

comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted at <http://www.regulations.gov>. Follow the online instructions for submitting comments.

Communications are requested by December 27, 2022. Comments received after that date will be considered if practicable. FRA reserves the right to extend the existing relief subject to subsequent consideration of any comments submitted to the docket.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), the U.S. Department of Transportation (DOT) solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/privacy-notice> for the privacy notice of [regulations.gov](https://www.regulations.gov).

Issued in Washington, DC.

Carolyn Hayward-Williams,

Director, Office of Railroad Systems and Technology.

[FR Doc. 2022-23420 Filed 10-26-22; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-2007-28339]

Petition for Extension of Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that on August 1, 2022, Union Pacific Railroad Company (UP) petitioned the Federal Railroad Administration (FRA) for an extension of a waiver of compliance from certain provisions of

the Federal railroad safety regulations contained at 49 CFR parts 215 (Railroad Freight Car Safety Standards) and 232 (Brake System Safety Standards for Freight and Other Non-passenger Trains and Equipment; End of Train Devices). The relevant FRA Docket Number is FRA-2007-28339.

Specifically, UP requests a waiver extension from 49 CFR 232.205, *Class 1 brake test—initial terminal inspection*, and certain provisions of part 215 related to the inspection of trains entering the United States from Mexico at Laredo, Texas. UP seeks to continue to move trains received in interchange with Kansas City Southern de Mexico approximately 11.6 miles to the yard at Port Laredo, Texas, before an initial terminal air brake test is performed. UP asserts that it has “been operating under the requirements set forth in the waiver for the past fourteen years and no adverse effect on the safety of operations has occurred.”

A copy of the petition, as well as any written communications concerning the petition, is available for review online at www.regulations.gov.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted at <http://www.regulations.gov>. Follow the online instructions for submitting comments.

Communications are requested by December 27, 2022. Comments received after that date will be considered if practicable. FRA reserves the right to extend the existing relief subject to subsequent consideration of any comments submitted to the docket.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), the U.S. Department of Transportation (DOT) solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to

www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/privacy-notice> for the privacy notice of www.regulations.gov.

Issued in Washington, DC.

Carolyn Hayward-Williams,
Director, Office of Railroad Systems and
Technology.

[FR Doc. 2022-23421 Filed 10-26-22; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Submission for OMB Review; OCC Supplier Registration Form

AGENCY: Office of the Comptroller of the
Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites comment on the renewal of an information collection, as required by the Paperwork Reduction Act of 1995 (PRA). In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and respondents are not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning the renewal of its information collection titled, “OCC Supplier Registration Form.” The OCC is also giving notice that it has sent the collection to OMB for review.

DATES: Comments must be submitted on or before November 28, 2022.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email:* prainfo@occ.treas.gov.
- *Mail:* Chief Counsel’s Office,

Attention: Comment Processing, 1557-0316, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E-218, Washington, DC 20219.

- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E-218, Washington, DC 20219.

- *Fax:* (571) 293-4835.

Instructions: You must include “OCC” as the agency name and “1557-0316” in your comment. In general, the OCC will publish comments on

www.reginfo.gov without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Written comments and recommendations for the proposed information collection should also be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. You can find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

On June 1, 2022, the OCC published a 60-day notice for this information collection, 87 FR 33304. You may review comments and other related materials that pertain to this information collection following the close of the 30-day comment period for this notice by the method set forth in the next bullet.

- **Viewing Comments Electronically:** Go to www.reginfo.gov. Hover over the “Information Collection Review” tab and click on “Information Collection Review” from the drop-down menu. From the “Currently under Review” drop-down menu, select “Department of Treasury” and then click “submit.” This information collection can be located by searching by OMB control number “1557-0316” or “OCC Supplier Registration Form.” Upon finding the appropriate information collection, click on the related “ICR Reference Number.” On the next screen, select “View Supporting Statement and Other Documents” and then click on the link to any comment listed at the bottom of the screen.

- For assistance in navigating www.reginfo.gov, please contact the Regulatory Information Service Center at (202) 482-7340.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, OCC Clearance Officer, (202) 649-5490, Chief Counsel’s Office, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E-218, Washington, DC 20219. If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501-3520), Federal agencies must obtain approval from the OMB for each collection of information

that they conduct or sponsor. “Collection of information” is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. The OCC asks that OMB extend its approval of the collection in this notice.

Title: OCC Supplier Registration Form.

OMB Control No.: 1557-0316.

Frequency of Response: On occasion.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 100.

Estimated Total Annual Burden Hours: 17 hours.

Abstract: Section 342 of the Dodd-Frank Wall Street Reform and Consumer Protection Act requires the OCC to develop and implement standards and procedures to ensure, to the maximum extent possible, the fair inclusion and utilization of minorities, women, and minority-owned and women-owned businesses in all business and activities of the agency at all levels, including procurement, insurance, and all types of contracts¹ and to develop standards for coordinating technical assistance to such businesses.²

In order to comply with the Congressional mandate to develop standards for the fair inclusion and utilization of minority- and women-owned businesses and to provide effective technical assistance to these businesses, the OCC developed an ongoing system to collect up-to-date contact information and capabilities statements from potential suppliers. This information allows the OCC to update and enhance its internal database of interested minority- and women-owned businesses. This information also allows the OCC to measure the effectiveness of its technical assistance and outreach efforts and to target areas where additional outreach efforts are necessary.

On June 1, 2022, the OCC published a 60-day notice for this information collection, 87 FR 33304. No comments were received. Comments continue to be invited on:

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

(b) The accuracy of the OCC’s estimate of the burden of the collection of information;

¹ 12 U.S.C. 5452(c)(1).

² 12 U.S.C. 5452(b)(2)(B).

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

(d) Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology, and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Patrick T. Tierney,

Assistant Director, Bank Advisory, Office of the Comptroller of the Currency.

[FR Doc. 2022-23368 Filed 10-26-22; 8:45 am]

BILLING CODE 4810-33-P

DEPARTMENT OF VETERANS AFFAIRS

Funding Opportunity Under Supportive Services for Veteran Families Program

AGENCY: Department of Veterans Affairs.

ACTION: Notice of funding availability.

SUMMARY: The Department of Veterans Affairs (VA) is announcing the availability of funds for supportive services grants under the Supportive Services for Veteran Families (SSVF) Program. This Notice of Funding Availability (NOFA) contains information concerning the SSVF Program; the renewal and new applicant supportive services grant application processes; and the amount of funding available. Awards made for supportive services grants will fund operations beginning October 1, 2023. Grant awards may be renewed for up to 3 years pending the availability of funds and grantee performance.

DATES: Applications for supportive services grants under the SSVF Program must be received by the SSVF Program Office by 4:00 p.m. Eastern Time on February 10, 2023. In the interest of fairness to all competing applicants, this deadline is firm as to date and hour, and VA will treat as ineligible for consideration any application that is received after the deadline. Applicants should take this practice into account and make early submissions of their materials to avoid any risk of loss of eligibility brought about by unanticipated delays, computer service outages or other submission-related problems.

ADDRESSES:

Copy of the Application Package: Copies of the application can be downloaded from the SSVF website at www.va.gov/homeless/ssvf. Questions

may be referred to the SSVF Program Office via email at SSVF@va.gov. For detailed SSVF Program information and requirements, see part 62 of Title 38, Code of Federal Regulations (38 CFR part 62).

Submission of Application Package: Applicants must submit applications electronically following instructions found at www.va.gov/homeless/ssvf. Applications may not be mailed, hand-carried or sent by facsimile (FAX). Applications must be received in the SSVF Program Office by 4:00 p.m. Eastern Time on the application deadline date. Applications must arrive as a complete package. Materials arriving separately will not be included in the application package for consideration and may result in the application being rejected. See Section II.B. and II.C. of this NOFA for maximum allowable grant amounts.

Technical Assistance: Information regarding how to obtain technical assistance with the preparation of a renewal supportive services grant application is available on the SSVF Program website at www.va.gov/HOMELESS/SSVF.

FOR FURTHER INFORMATION CONTACT: Mr. John Kuhn, National Director, Supportive Services for Veteran Families, by email at SSVF@va.gov.

SUPPLEMENTARY INFORMATION:

Funding Opportunity Title: Supportive Services for Veteran Families Program.

Announcement Type: Initial.

Funding Opportunity Number: VA-SSVF-103121.

Catalog of Federal Domestic Assistance Number: 64.033, VA Supportive Services for Veteran Families Program.

I. Funding Opportunity Description

A. Purpose: The SSVF Program's purpose is to provide supportive services grants to private non-profit organizations and consumer cooperatives who will coordinate or provide supportive services to very low-income Veteran families who (i) are residing in permanent housing and at risk of becoming homeless, (ii) are homeless and scheduled to become residents of permanent housing within a specified time period or (iii) after exiting permanent housing within a specified time period, are seeking other housing that is responsive to such very low-income Veteran family's needs and preferences. SSVF delivers services using a housing-first approach that emphasizes permanent housing placement as the primary objective. Housing First is an evidence-based,

cost-effective approach to ending homelessness for the most vulnerable and chronically homeless individuals (see <https://www.va.gov/homeless/nchav/models/housing-first.asp>).

SSVF prioritizes the delivery of rapid re-housing services to homeless Veteran households. Rapid re-housing is an intervention designed to help individuals and families quickly exit homelessness, return to housing in the community and avoid homelessness again in the near term. The core components of a rapid re-housing program are housing identification, move-in and rent financial assistance and rapid re-housing case management and services. These core components represent the minimum that a program must be provided to households to be considered a rapid re-housing program. For more information about SSVF's core components, including the role Housing First plays in rapid re-housing interventions see <https://www.va.gov/homeless/ssvf/ssvf-coreconcepts>.

B. Funding Priorities: The principal goal of this NOFA is to seek entities that have the greatest capacity to end homelessness among Veterans or sustain gains made in ending homelessness among Veterans. Priority will be given to grantees who can demonstrate adoption of evidence-based practices in their application (for more information about evidence-based practices go to, <https://www.va.gov/homeless/ssvf/ssvf-coreconcepts>). Under Priority 1, VA will provide funding to those existing grantees with 3-year accreditation from the Commission on Accreditation of Rehabilitation Facilities (CARF) in Employment and Community Services: Rapid Rehousing and Homeless Prevention standards, a 4-year accreditation in Housing Stabilization and Community Living Services from the Council on Accreditation's (COA) or a 3-year accreditation in The Joint Commission's (JC) Behavioral Health Care: Housing Support Services Standards. Priority 2 includes existing grantees not included in Priority 1 but who have annual awards and are seeking to renew their grants. Existing grantees are SSVF grantees that have a Memorandum of Agreement (MOA) for operations through September 30, 2023. Priority 3 and Priority 4 applications will be accepted from new applicants as described herein at Section II.B.

C. Definitions: Part 62 of title 38, Code of Federal Regulations (38 CFR part 62), contains definitions of terms used in the SSVF Program. In addition to the definitions and requirements described in 38 CFR part 62, this NOFA provides additional resources to secure permanent housing. These resources

may be provided by the SSVF grantee under 38 CFR 62.34 to assist Veterans in remaining in or obtaining permanent housing. Grantees will be allowed to provide up to the equivalent of 2 months' rent to landlords under 38 CFR 62.34(g) as a resource for any lease of not less than 1 year when necessary to assist a Veteran in remaining in or obtaining permanent housing. An example of when such a resource could be used is when a landlord incentive is required to facilitate leasing of rental units to tenants with significant housing barriers. Landlords are less likely to lease to certain groups due to the risk of non-payment of rent or concerns about damage or disruption to their buildings. Tenants with significant housing barriers might include Veterans with poor credit histories and criminal justice involvement that might otherwise disqualify them from obtaining a lease. Veterans with histories of sex offenses are generally considered high-risk tenants by landlords.

Veterans are sometimes reluctant to move into apartments that do not offer any of the comforts typically associated with living independently. The General Housing Stability Assistance, provided under 38 CFR 62.34(e), while offering some funds for bedding and basic kitchen supplies, leaves significant needs unaddressed. Therefore, grantees also will be allowed to provide up to \$1,000 to Veteran families for miscellaneous move-in expenses, under 38 CFR 62.34(g), to encourage them to obtain permanent housing with a lease of not less than 1 year. These funds are to be provided to assist Veterans through accounts established at local merchants, such as grocery stores and retailers, in the enrolled Veteran's name. These items could include, but are not limited to, food, furniture, household items, electronics (including televisions) or other items typically associated with independent living in permanent housing. Furthermore, internet or cable bills can now be considered as utilities as the definition for financial assistance as utility payments under 38 CFR 62.34(b) is expected with this NOFA to include these charges. Access to the internet is an essential component of the modern economy, comparable to utilities. Veterans without such access are put at a disadvantage in finding and applying for work opportunities, purchasing needed consumer goods at the lowest possible cost and communicating through email and other forms of social media.

In addition to the definitions and requirements described in 38 CFR part 62, this NOFA provides further

clarification in this paragraph on the use of *Emergency Housing Assistance* (EHA). EHA may be provided by the SSVF grantee under 38 CFR 62.34(f) to offer transition in place when a permanent housing voucher, such as is offered through the Department of Housing and Urban Development's (HUD) Section 8 program, is available from any source, but access to the permanent housing voucher is pending completion of the housing inspection and administrative processes necessary for leasing. In such circumstances, the EHA payment cannot exceed what would otherwise be paid when the voucher is used. EHA also may be used as part of Rapid Resolution, also known as a diversion or problem-solving service, that helps Veteran households avoid entry into homelessness through placements with family or friends. EHA also may be used as an outreach tool to engage and offer housing to unsheltered homeless Veterans with significant housing needs who refuse to access traditional emergency shelter services in the community.

D. *Approach*: Respondents to this NOFA should base their proposals and applications on the current requirements of part 62. Grantees will be expected to leverage supportive services grant funds to enhance the housing stability of very low-income Veteran families who are occupying permanent housing. In doing so, grantees are required to establish relationships with local community resources. Therefore, agencies must work through coordinated partnerships built either through formal agreements or the informal working relationships commonly found among successful social service providers.

Through this NOFA, grantees can pay fees related to securing a lease of at least 1 year. In addition, as noted previously herein, Veterans are sometimes reluctant to move into apartments that do not offer any of the comforts typically associated with living independently. Pursuant to this NOFA, grantees would be able to use funds for miscellaneous expenses associated with moving into a new home. Moreover, nationally, the median average rental unit increased in price by 18%, far exceeding increases in wages or income for those dependent on Veteran benefits, social security or other entitlements. Furthermore, service-connected Veterans with high levels of disability may have incomes that exceed the current SSVF income threshold of 50% of the area median income. These Veterans, some of the most vulnerable served by the VA, can be left ineligible for critically needed SSVF services. As

a result, VA is invoking the provision in 38 U.S.C. 2044(f)(6)(C) and 38 CFR 62.2, allowing VA to establish an income ceiling higher or lower than 50% of the median income for an area if VA determines that such variations are necessary because the area has unusually high or low construction costs, fair market rents (as determined under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f)) or family incomes. Area median income (AMI) is one-factor SSVF uses to establish eligibility. A higher income ceiling, as reflected by the AMI, will allow grantees to serve Veterans who have endured significant increases in their housing cost burden placing them at greater risk for homelessness. For purposes of this NOFA, grantees will be able to serve Veterans in the communities who have up to 80% of the AMI. HUD-VA Supportive Housing (HUD-VASH) eligibility also has an income limit of 80% of medium income. Aligning SSVF and HUD-VASH eligibility will allow SSVF grantees' housing navigators to assist Veterans eligible for HUD-VASH as necessary with identifying and obtaining permanent housing. Aligning SSVF and HUD-VASH eligibility will also improve the coordination of care and simplify and standardize eligibility determinations.

Applicants are strongly encouraged to provide letters of support from the Continuums of Care (CoC) in the location where they plan to deliver services, reflecting the applicant's engagement in the CoC's efforts to coordinate services. A CoC is a community plan to organize and deliver housing and services to meet the needs of people who are homeless as they move to stable housing and maximize self-sufficiency. The CoC includes action steps to end homelessness and prevent a return to homelessness. CoC locations and contact information can be found at <https://www.hudexchange.info/grantees/contacts/?params=%7B%22limit%22%3A20%2C%22sort%22%3A%22%22%2C%22order%22%3A%22%22%2C%22years%22%3A%5B%5D%2C%22searchTerm%22%3A%22%22%2C%22grantees%22%3A%5B%5D%2C%22state%22%3A%22%22%2C%22programs%22%3A%5B3%5D%2C%22coc%22%3Atrue%7D##granteeSearch>.

The CoC's letter of support should note if the applicant is providing assistance to the CoC in building local capacity to build Coordinated Entry Systems (CES) and the value and form of that assistance, whether support is

direct funding or staffing. CES requires that providers operating within the CoC's geographic area must also work together to ensure the CoC's coordinated entry process allows for coordinated screening, assessment and referrals (HUD Notice: CPD-17-01). The CoC's letter of support also must describe the applicant's participation in the CoC's community planning efforts. Failure for a Priority 1 or Priority 2 applicant to provide a letter of support from the CoC as described will limit the maximum award to 90% of the award made in the previous fiscal year (FY) as described herein at II.C.7. Failure for a Priority 3 applicant to provide a letter of support from the CoC as described will disqualify the applicant from funding consideration unless the applicant can demonstrate that the CoC is unable to provide such a letter for this application. In addition, any applicant proposing to serve an Indian Tribal area is strongly encouraged to provide a letter of support from the relevant Indian Tribal Government. Priority 4 applicants are not required to submit a CoC letter of support.

The aim of the provision of supportive services is to assist very low-income Veteran families residing in permanent housing to remain stably housed and to rapidly transition those not currently in permanent housing to stable housing. SSVF emphasizes the placement of homeless Veteran families who are described in 38 CFR 62.11(b)-(c) as follows:

(b)(1) Is lacking a fixed, regular and adequate nighttime residence, meaning:

(i) That the Veteran family's primary nighttime residence is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned bus or train station, airport or camping ground,

(ii) That the Veteran family is living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing and hotels and motels paid for by charitable organizations or by Federal, State or local government programs for low-income individuals) or

(iii) That the Veteran family is exiting an institution where the Veteran family resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution,

(b)(2) Are at risk to remain in the situation described herein at paragraph (b)(1) of this section but for the grantee's assistance and

(b)(3) Scheduled to become a resident of permanent housing within 90 days pending the location or development of housing suitable for permanent housing or

(c) Has met any of the conditions described herein at paragraph (b)(1) of this section after exiting permanent housing within the previous 90 days to seek other housing that is responsive to the very low-income Veteran family's needs and preferences.

Assistance in obtaining or retaining permanent housing is a fundamental goal of the SSVF Program. Case management supporting permanent housing should include tenant counseling, mediation with landlords and outreach to landlords.

E. *Authority*: Funding available under this NOFA is authorized by 38 U.S.C. 2044. VA implements the SSVF Program through regulations in 38 CFR part 62. Funds made available under this NOFA are subject to the requirements of these regulations.

F. *Requirements for the Use of Supportive Services Grant Funds*: The applicant's request for funding must be consistent with the limitations and uses of supportive services grant funds set forth in 38 CFR part 62 and this NOFA. In accordance with 38 CFR part 62 and this NOFA, the following requirements apply to supportive services grants awarded under this NOFA:

1. Grantees may use a maximum of 10% of supportive services grant funds for administrative costs identified in 38 CFR 62.70(e).

2. Grantees must enroll a minimum of 60% of Veteran households who are literally homeless and qualify under 38 CFR 62.11(b). (*Note*: Grantees may request a waiver to decrease this minimum, as discussed herein at section V.B.3.a.)

3. Grantees are required to have available temporary financial assistance resources that can be paid directly to a third party on behalf of a participant and may be used for childcare, emergency housing assistance, transportation, rental assistance, utility-fee payment assistance, security deposits, utility deposits, moving costs and general housing stability assistance (which includes emergency supplies) and as otherwise stated in 38 CFR 62.33 and 38 CFR 62.34.

4. Grantees are able to provide up to \$1,000 supplemental assistance to every Veteran household who obtains a lease of not less than 1 year to cover miscellaneous move-in expenses.

5. Grantees are able to pay landlords up to an amount equal to 2 months' rent for fees related to securing a lease of at least 1 year. This incentive may be

provided at lease-up or split up into multiple payments during the course of the lease (for example one month payment at lease-up and one month payment at six months after lease-up).

G. *Guidance for the Use of Supportive Services Grant Funds*: Grantees are expected to demonstrate adoption of evidence-based practices most likely to prevent and lead to reductions in homelessness. As part of their application, the applying organization's Executive Director must certify on behalf of the agency that they will actively participate in community planning efforts and operate the program in a manner consistent with core concepts found at <https://www.va.gov/homeless/ssvf/ssvf-coreconcepts>. Housing is not contingent on compliance with mandated therapies or services; instead, participants must comply with a standard lease agreement and be provided with the services and supports that are necessary to help them do so successfully.

Grantees must develop plans that will ensure that Veteran participants have the level of income and economic stability needed to remain in permanent housing after the conclusion of the SSVF intervention. Both employment and benefits assistance from VA and non-VA sources represent a significantly underutilized source of income stability for homeless Veterans. Income is not a pre-condition for housing. Case management should include income maximization strategies to ensure households have access to benefits, employment and financial counseling. The complexity of program rules and the stigma some associate with entitlement programs contribute to their lack of use. For this reason, grantees are encouraged to consider strategies that can lead to prompt and successful access to employment and benefits that are essential to retaining housing. Consistent with 38 CFR 62.30-62.34, grantees are expected to offer the following supportive services: counseling participants about housing; assisting participants in understanding leases; securing utilities; making moving arrangements; providing representative payee services concerning rent and utilities when needed; using health care navigation services to help participants access health and mental health care; providing legal services; and providing mediation and outreach to property owners related to locating or retaining housing. Grantees also may assist participants by providing rental assistance; security or utility deposits; moving costs; emergency housing; or general housing stability assistance; or using other Federal resources, such as

the HUD Emergency Solutions Grants Program (ESG) or supportive services grant funds subject to the limitations described in this NOFA and 38 CFR 62.34.

1. As SSVF is a short-term crisis intervention, grantees must develop plans that will produce sufficient income or supports to sustain Veteran participants in permanent housing after the conclusion of the initial SSVF intervention. Grantees must ensure the availability of employment and vocational services either through the direct provision of these services or their availability through formal or informal service agreements.

Agreements with Homeless Veteran Reintegration Programs (HVRP) funded by the U.S. Department of Labor are strongly encouraged. Applicants who also administer HVRP grants in the same area served by their SSVF grant will be given a 5-point bonus to their Section A application score. For participants unable to work due to disability, income must be established through available benefits programs.

2. Per 38 CFR 62.33, grantees must assist participants in obtaining public benefits. Grantees must screen all participants for eligibility for a broad range of entitlements such as the U.S. Department of Health and Human Services' (HHS) Temporary Assistance for Needy Families, Social Security, the U.S. Department of Agriculture's Supplemental Nutrition Assistance Program, the HHS Low-Income Home Energy Assistance Program, the Earned Income Tax Credit and local General Assistance programs. Grantees are expected to access the Substance Abuse and Mental Health Services Administration's Supplemental Security Income/Social Security Disability Insurance Outreach, Access, and Recovery (SOAR) program directly by training staff and providing the service or subcontracting services to an organization to provide SOAR services. In addition, where available, grantees should access information technology tools to support case managers in their efforts to link participants to benefits.

3. In accordance with 38 CFR 62.33(g), grantees must directly provide, either by in-house counsel or through contract services, legal services relevant to issues that interfere with the participants' ability to obtain or retain permanent housing or supportive services. (Note: Information regarding legal services provided may be protected from being released to the grantee or VA under attorney-client privilege, although the grantee must provide sufficient information to demonstrate the frequency and type of

service delivered.) Support for legal services can include paying for court filing fees to assist a participant with issues that interfere with the participant's ability to obtain or retain permanent housing or supportive services, including issues that affect the participant's employability and financial security. Grantees (in addition to employees and members of grantees) may represent participants before VA with respect to a claim for VA benefits, but only if they are recognized for that purpose pursuant to 38 U.S.C. Chapter 59. Further, the individual providing such representation must be accredited pursuant to 38 U.S.C. Chapter 59.

4. Access to mental health and addiction services is required by SSVF; however, grantees cannot fund these services directly through the SSVF grant. Applicants must demonstrate their ability to promote rapid access to and engagement with mental health and addiction services for the Veteran and family members. Grantees are required to hire staff who will provide health care navigation services that aid participants in accessing these health and mental health care services.

5. When serving participants who are residing in permanent housing, the defining question to ask is: "Would this individual or family be homeless but for this assistance?" The grantee must use a VA-approved screening tool with criteria that target those most at risk of homelessness. To qualify for SSVF services, a participant who is served under 38 CFR 62.11(a) (homeless prevention) must not have sufficient resources or support networks (*e.g.*, family, friends, faith-based or other social networks) immediately available to prevent them from becoming homeless. To further qualify for services under 38 CFR 62.11(a), the grantee must document that the participant meets at least one of the following conditions:

(a) Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for homelessness prevention assistance,

(b) Is living in the home of another because of economic hardship,

(c) Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days after the date of application for assistance,

(d) Lives in a hotel or motel, and the cost of the hotel or motel stay is not paid by charitable organizations or by Federal, State or local government programs for low-income individuals,

(e) Is exiting a publicly funded institution or system of care (such as a health care facility, a mental health

facility or correctional institution) without a stable housing plan or

(f) Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the recipient's approved screening tool.

6. SSVF grantees are required to participate in local planning efforts designed to end Veteran homelessness. Grantees may use grant funds to support SSVF involvement in such community planning by sub-contracting with CoCs, when such funding is essential, to create or sustain the development of these data driven plans.

7. When other funds from community resources are not readily available to assist program participants, grantees may choose to use supportive services grants, to the extent described in this NOFA and in 38 CFR 62.33 and 62.34, to provide temporary financial assistance. Such assistance may, subject to the limitations in this NOFA and 38 CFR part 62, be paid directly to a third party on behalf of a participant for childcare; transportation; family emergency housing assistance; rental assistance; utility-fee payment assistance; security or utility deposits; moving costs; and general housing stability assistance as necessary.

8. SSVF requires grantees to offer Rapid Resolution (also known as diversion or problem solving) services. These services engage Veterans immediately before or after they become homeless and assist them to avoid continued homelessness. These efforts can reduce the trauma and expense associated with extended periods of homelessness, and the strain on the crisis response and affordable housing resources in the community. Through Rapid Resolution, the grantee and the Veteran explore safe, alternative housing options immediately before or quickly after they become homeless. Rapid Resolution can identify an immediate safe place to stay within the Veteran's network of family, friends or other social networks. All Veterans requesting SSVF services should have a Rapid Resolution screening and if not appropriate for Rapid Resolution grantees should then assess the Veteran for other SSVF services. More information about Rapid Resolution can be found at www.va.gov/homeless/ssvf.

II. Award Information

A. *Overview:* This NOFA announces the availability of funds for supportive services grants under the SSVF Program and pertains to proposals for renewal of existing supportive services grant programs.

B. Funding: The funding priorities for this NOFA are as follows.

1. *Priority 1.* Under Priority 1, VA will provide funding to those existing grantees with 3-year CARF accreditations in Employment and Community Services: Rapid Rehousing and Homeless Prevention standards, 4-year COA accreditations in Housing Stabilization and Community Living Services or 3-year JC accreditations in Behavioral Health Care: Housing Support Services Standards. Proof of accreditation must be submitted with the application no later than the application due date. Grantees previously awarded a 3-year grant that is not scheduled to end by September 30, 2023, cannot apply under this NOFA but are required to submit a letter of intent (LOI) by the NOFA deadline indicating their intention of continuing SSVF services in FY 2024. All grantees submitting a LOI must include a letter of support from the CoC (see Section II.C.7.) and a proposed budget for FY 2024. Priority 1 grantees submitting a LOI also must submit proof of continued accreditation. Based on the results of audit findings or performance concerns, VA may change grantees previously awarded funds as Priority 1 grantees into Priority 2 grantees at renewal. The reprioritized grantees would then be required to submit a renewal application for the FY 2025 grant year.

2. *Priority 2.* Priority 2 includes other existing grantees seeking to renew their annual grant awards. Both Priority 1 and Priority 2 applicants must apply using the renewal application. To be eligible for renewal of a supportive services grant, the Priority 1 and Priority 2 applicants' program must be substantially the same as the program of the grantees' current grant award. Renewal applications can request funding that is equal to or less than their current annualized award. If sufficient funding is available, VA may provide an increase of up to 75% from the previous year's award. Any funding increase, if provided, will be based on previous grant funding utilization and enrollment. Funding increases are intended to be combined into a single award that supports all SSVF initiatives including shallow subsidies, support for expanded legal services, Health Care Navigators and the new initiatives contained within this NOFA.

3. *Priority 3.* Under Priority 3, VA will accept applications for new funding for any area of the country. Priority 3 applicants must apply using the application materials designated for new applicants. Eligible entities can submit only one application nationally under Priority 3. Any applicant

applying for funding under Priority 1 or Priority 2 is ineligible to apply for funding under Priority 3. Funding for any Priority 3 applicant is limited to a maximum of \$4 million per application and must not exceed an average cost of \$9,000 per Veteran household served.

4. *Priority 4.* VA is exploring development of a new shelter-like level of care within its homeless services continuum called Safe Haven Shelter Services (SHSS). SHSS provides vulnerable unsheltered homeless Veterans with low barrier to entry safe haven shelter services, with access to health care, case management, peer support, meal services, a clean environment and temporary housing assistance in a designated area on VA Medical Center (VAMC) campuses. One such program currently is operational at the Greater Los Angeles (GLA) VAMC and is called a Care Treatment and Rehabilitative Services (CTRS). Veterans temporarily housed in the CTRS need assistance to secure permanent housing. SSVF seeks to fund a grant of \$3 million to exclusively support the CTRS located at the GLA VAMC. The CTRS initiative is consistent with the SHSS model as it offers vulnerable unsheltered homeless Veterans with low barrier to entry services, with access to health care, case management, peer support, meal services, a clean environment and temporary housing assistance in a designated area on VAMC campuses. CTRS participants are provided a private tiny shelter and access to VA medical and behavioral health care services, three daily meals, clean water, soap, bathrooms, showers and weekly laundry services during their program participation. The GLA VAMC site currently has 141 tiny shelters for Veterans, including Americans with disabilities accessible accommodations for those with impaired mobility.

Veterans eligible for SSVF services also may be eligible for CTRS temporary housing as CTRS admissions must be homeless and eligible for Veterans Health Administration health care. It is expected that the applicant awarded the grant to support CTRS will develop service plans that lead to permanent housing consistent with the goals and objectives of SSVF. Any eligible entity is eligible to apply as a new applicant under Priority 4, even if also applying for funds as Priority 1, Priority 2, or Priority 3 applicants, using the new application form.

C. Allocation of Funds: Funding will be awarded under this NOFA to existing grantees for a 1-year (Priority 2 and Priority 3) or a 3-year period (Priority 1) beginning October 1, 2023. The following requirements apply to

supportive services grants awarded under this NOFA:

1. In response to this NOFA, only existing grantees can apply as Priority 1 or Priority 2 applicants. New applicants can apply under Priority 3. Any eligible entity can apply as a Priority 4 applicant. Priority 4 funding can only be applied to a grant supporting the CTRS at the GLA VAMC.

2. Priority 1 and Priority 2 renewal grant requests cannot exceed the current award.

3. Priority 1 and Priority 2 applicants may request an amount less than their current award (this will not be considered a substantial change to the program).

4. If a grantee failed to use all of awarded funds in FY 2021 or had unspent funds returned to VA in FY 2022, VA may elect to limit the renewal award to the amount of funds used in the previous fiscal year or in the current fiscal less the money swept.

5. If, during the course of the grant year, VA determines that grantee spending is not meeting the following minimum percentage milestones, VA may elect to recoup projected unused funds and reprogram such funds to provide supportive services in areas with higher need. Should VA elect to recoup unspent funds, reductions in available grant funds would take place the first business day following the end of the quarter. VA may elect to recoup funds under the following circumstances:

(a) By the end of the first quarter (December 31, 2023) of the grantee's supportive services annualized grant award period, the grantee's cumulative requests for supportive services grant funds are less than an amount equal to 15% of total supportive services grant award. (During this same period, the grantee's cumulative requests for supportive services grant funds may not exceed 35% of the total supportive services grant award.)

(b) By the end of the second quarter (March 31, 2024) of the grantee's supportive services annualized grant award period, the grantee's cumulative requests for supportive services grant funds are less than an amount equal to 40% of total supportive services grant award. (During this same period, the grantee's cumulative requests for supportive services grant funds may not exceed 60% of the total supportive services grant award.)

(c) By the end of the third quarter (June 30, 2024) of the grantee's supportive services annualized grant award period, the grantee's cumulative requests for supportive services grant funds are less than an amount equal to

65% of total supportive services grant award. (During this same period, the grantee's cumulative requests for supportive services grant funds may not exceed 80% of the total supportive services grant award).

6. Applicants should fill out separate applications for each supportive services funding request.

7. Priority 1 and Priority 2 applicants who fail to provide a letter of support from at least one of the CoCs they plan to serve will be eligible for renewal funding at a level no greater than 90% of their previous award. Priority 3 applicants must provide a letter of support from the CoC they are requesting funding to serve to be considered for an award. Applicants are responsible for determining who in each serviced CoC is authorized to provide such letters of support. Multi-year grantees (Priority 1) that are only required to submit a LOI in response to this NOFA must also submit a letter of support from at least one of CoC's they plan to serve. The letter of support should include the following information described herein at 7a and b of this section. Applicants may seek an exception to this requirement if they submit a letter from the CoC stating that by policy they cannot provide a letter of support. Priority 4 applicants do not need to provide a CoC letter of support.

To meet this requirement and allow the applicant to be eligible for full funding, letters must include:

(a) A detailed description of the applicant's participation in the CoC's Coordinated Entry process or planning activities and overall community planning efforts (for example, confirmation of applicant's active participation in planning coordinated entry; commitment to participating in coordinated entry; hours spent on CoC-sponsored committee or workgroup assignments; and names of said committees or workgroups).

(b) The applicant's contribution to the CoC's coordinated entry process capacity building efforts, detailing the specific nature of this contribution (for example, the hours of staff time and/or the amount of funding provided), if such SSVF capacity has been requested by the CoC or otherwise has shown to be of value to the CoC.

8. Should additional funding become available over the course of the grant term from funds recouped under the Award Information section of this Notice, from funds that are voluntarily returned by grantees, from funds that become available due to a grant termination or from other funds still available for grant awards, VA may elect to offer these funds to grantees in areas

where demand has exceeded available SSVF resources. Additional funds will be provided first to the highest scoring grantee in the selected area who is in compliance with their grant agreement and has the capacity to use the additional funds.

D. Supportive Services Grant Award Period: Priority 2, Priority 3 and Priority 4 grants are made for a 1-year period, although some grantees may be eligible to apply as Priority 1 and could be selected for a 3-year award, if they meet the criteria described herein at section VI.C.6. All grants are eligible to be renewed subject to the availability of funding.

III. Eligibility Information

A. Eligible Applicants: For Priority 1 and Priority 2, only eligible entities who are existing grantees with grants scheduled to end by September 30, 2023, can apply in response to this NOFA. For Priority 3, eligible entities may apply for up to one new award nationally. Priority 3 applicants also cannot apply for awards under Priority 1 or Priority 2. The maximum request under Priority 3 is \$4 million and applicants cannot propose a budget that exceeds a cost of \$9,000 per Veteran household served. Priority 4 applicants can request up to \$3 million to serve the CTRS at the GLA VAMC.

B. Cost Sharing or Matching: None.

IV. Application and Submission Information

A. Obtaining an Application Package: Applications are located at www.va.gov/homeless/ssvf. Any questions regarding this process may be referred to the SSVF Program Office via email at SSVF@va.gov. For detailed SSVF Program information and requirements, see 38 CFR part 62.

B. Content and Form of Application: Applicants must submit applications electronically following instructions found at www.va.gov/homeless/ssvf.

C. Submission Dates and Times: Applications for supportive services grants under the SSVF Program must be received by the SSVF Program Office by 4:00 p.m. Eastern Time on February 10, 2023. Awards made for supportive services grants will fund operations beginning October 1, 2023. Applications must arrive as a complete package. Materials arriving separately will not be included in the application package for consideration and may result in the application being rejected. In addition, in the interest of fairness to all competing applicants, this deadline is firm as to date and hour, and VA will treat as ineligible for consideration any application that is received after the

deadline. Applicants should take this practice into account and make early submission of their materials to avoid any risk of loss of eligibility brought about by unanticipated delays, computer service outages, or other delivery-related problems.

D. Funding Restrictions: Funding will be awarded for existing supportive services grants under this NOFA depending on funding availability. Priority 1 and Priority 2 applicants should fill out separate applications for each supportive services funding request. Priority 1 and Priority 2 applicants must use applications designated for renewal applicants. Priority 3 and Priority 4 applicants must submit an application designated for new applicants. Funding will be awarded under this NOFA to existing grantees and new applicants beginning October 1, 2023.

1. Funding used for staff education and training cannot exceed 1% of the overall program grant award. This limitation does not include the cost to attend VA mandated training. All training costs must be directly related to the provision of services to homeless Veterans and their families.

2. Expenses related to maintaining accreditation are allowable. Grantees are allowed to include expenses for seeking initial accreditation only once in a 5-year period. The expenses to renew full accreditation are allowed and are based on the schedule of the accrediting agency: for example, every 3 years for CARF and every 4 years for COA. Expenses related to the renewal of less than full accreditation are not allowed.

E. Other Submission Requirements:

1. Existing applicants applying for Priority 1 or Priority 2 grants may apply only as renewal applicants using the application designed for renewal grants.

2. New applicants applying for Priority 3 or Priority 4 grants may apply only as new applicants using the application designed for new grants.

3. At the discretion of VA, multiple grant proposals submitted by the same lead agency may be combined into a single grant award if the proposals provide services to contiguous areas.

4. Additional supportive services grant application requirements are specified in the application package. Submission of an incorrect or incomplete application package will result in the application being rejected during threshold review. The application packages must contain all required forms and certifications. Selections will be made based on criteria described in 38 CFR part 62 and this NOFA. Applicants and grantees will be notified of any additional

information needed to confirm or clarify information provided in the application and the deadline by which to submit such information. Applicants must submit applications electronically. Applications may not be mailed, hand carried or faxed.

V. Application Review Information

A. Criteria:

1. VA will only score applicants that meet the threshold requirements described in 38 CFR 62.21.

2. VA will use the criteria described in 38 CFR 62.24 to score grantees applying for renewal (Priority 1 and Priority 2) of a supportive services grant.

3. VA will use the criteria described in 38 CFR 62.22 to score grantees applying for a new supportive services grant (Priority 3 and Priority 4).

B. *Review and Selection Process:* VA will review all supportive services renewal grant applications in response to this NOFA according to the following steps:

1. Score all applications that meet the threshold requirements described in 38 CFR 62.21.

2. Rank those applications that score at least 75 cumulative points and receive at least 1 point under each of the categories identified for renewal applicants in 38 CFR 62.24. The applications will be ranked in order from highest to lowest scores in accordance with 38 CFR 62.25 for renewal applicants.

3. VA will use the ranked scores of applications as the primary basis for selection. However, VA also will use the following considerations in 38 CFR 62.23(d) to select applicants for funding:

(a) Give preference to applications that provide or coordinate the provision of supportive services for very low-income Veteran families transitioning from homelessness to permanent housing. Consistent with this preference applicants are required to enroll no less than 60% of participants who are homeless as defined in 38 CFR 62.11(b) and (c). Rural areas and tribal areas are exempt from this requirement in areas defined as rural (<https://www.hudexchange.info/programs/rhed/#:-:text=HUD%20defines%20rural%20in%20three,in%20a%20Metropolitan%20Statistical%20Area>). Other areas may seek waivers to this 60% requirement when grantees can demonstrate significant local progress towards eliminating homelessness in the target service area. Waiver requests must include data from authoritative sources such as point-in-time counts and by-name-lists indicating that a community has made substantial enough progress on reducing

homelessness that it can shift additional resources to prevention. Waiver requests must include an endorsement by the impacted CoC explicitly stating that a shift in resources from rapid re-housing to prevention will not result in an increase in homelessness. Grantees who are exempt or receive waivers to this 60% requirement must still enroll no less than 40% of all participants who are homeless as defined in 38 CFR 62.11 (b) and (c).

(b) To the extent practicable, ensure that supportive services grants are equitably distributed across geographic regions, including rural communities and tribal lands. This equitable distribution criteria will be used to ensure that SSVF resources are provided to those communities with the highest need as identified by VA's assessment of expected demand and available resources to meet that demand.

4. Subject to the considerations noted previously herein at paragraph B.3, VA will fund the highest-ranked applicants for which funding is available.

VI. Award Administration Information

A. *Award Notices:* Although subject to change, the SSVF Program Office expects to announce grant recipients for all applicants in the fourth quarter of FY 2023 with grants beginning October 1, 2023. Prior to executing a funding agreement, VA will contact the applicants, make known the amount of proposed funding and verify that the applicant is still seeking the funding. Once VA verifies that the applicant is still seeking funding, VA will execute an agreement and make payments to the grant recipient in accordance with 38 CFR part 62 and this NOFA.

B. *Administrative and National Policy Requirements:* As SSVF grants cannot be used to fund treatment for mental health or substance use disorders, applicants must provide evidence that they can provide access to such services to all program participants through formal and informal agreements with community providers.

C. *Reporting:* VA places great emphasis on the responsibility and accountability of grantees. As described in 38 CFR 62.63 and 62.71, VA has procedures in place to monitor supportive services provided to participants and outcomes associated with the supportive services provided under the SSVF Program. Applicants should be aware of the following:

1. Upon execution of a supportive services grant agreement with VA, grantees will have a VA regional coordinator assigned by the SSVF Program Office who will provide

oversight and monitor supportive services provided to participants.

2. Grantees will be required to enter data into a Homeless Management Information System (HMIS) web-based software application. This data will consist of information on the participants served and types of supportive services provided by grantees. Grantees must treat the data for activities funded by the SSVF Program separate from that of activities funded by other programs. Grantees will be required to work with their HMIS Administrators to export client-level data for activities funded by the SSVF Program to VA on at least a monthly basis. The completeness and quality of grantee uploads into HMIS will be factored into the evaluation of their grant performance.

3. VA will complete annual monitoring evaluations of each grantee. Monitoring will also include the submittal of quarterly and annual financial and performance reports by the grantee. The grantee will be expected to demonstrate adherence to the grantee's proposed program as described in the grantee's application. All grantees are subject to audits conducted by VA or its representative.

4. Grantees will be assessed based on their ability to meet critical performance measures. In addition to meeting program requirements defined by the regulations and applicable NOFA(s), grantees will be assessed on their ability to place participants into housing and the housing retention rates of participants served. Higher placement for homeless participants and higher housing retention rates for at-risk participants are expected for very low-income Veteran families when compared to extremely low-income Veteran families with incomes below 30% of the area median income.

5. Grantees' performance will be assessed based on their consumer satisfaction scores. These scores include the participation rates and satisfaction results of the standardized survey offered to all participant households.

6. Organizations receiving renewal awards that have had ongoing SSVF program operation for at least 1 year (as measured from the start of initial SSVF services until February 10, 2023) may be eligible for a 3-year award. Grantees meeting outcome goals defined by VA and in substantial compliance with their grant agreements (defined by meeting targets and having no outstanding corrective action plans) and who, in addition, receive 3-year accreditation from CARF in Employment and Community Services: Rapid Rehousing and Homeless Prevention standards, a 4-

year accreditation from COA in Supported Community Living Services, or a 3-year accreditation in The Joint Commission's Behavioral Health Care: Housing Support Services Standards are eligible for a 3-year grant renewal subject to funding availability. (*Note:* Multi-year awards are contingent on funding availability.) If awarded a multiple year renewal, grantees may be eligible for funding increases as defined in NOFAs that correspond to years two and three of their renewal funding. At its discretion, VA may reduce 3-year awards to 1-year awards based on performance concerns or audit results.

VII. Other Information

A. *VA Goals and Objectives for Funds Awarded Under this NOFA:* In accordance with 38 CFR 62.24(c), VA will evaluate an applicant's compliance with VA goals and requirements for the SSVF Program. VA goals and requirements include the provision of supportive services designed to enhance the housing stability and independent living skills of very low-income Veteran families occupying permanent housing across geographic regions and program administration in accordance with all applicable laws, regulations, and guidelines. For purposes of this NOFA, VA goals and requirements also include the provision of supportive services designed to rapidly re-house or prevent homelessness among people in the following target populations who also meet all requirements for being part of a very low-income Veteran family occupying permanent housing:

1. Veteran families earning less than 30% of area median income as most recently published by HUD for programs under section 8 of the U.S. Housing Act of 1937 (42 U.S.C. 1437f) (<http://www.huduser.org>).

2. Veterans with at least one dependent family member.

3. Veterans returning from Operation Enduring Freedom, Operation Iraqi Freedom or Operation New Dawn.

4. Veteran families located in a community, as defined by HUD's CoC, or a county not currently served by a SSVF grantee.

5. Veteran families located in a community, as defined by HUD's CoC, where the current level of SSVF services is not sufficient to meet demand of Category 2 and 3 (currently homeless) Veteran families.

6. Veteran families located in a rural area.

7. Veteran families located on Indian Tribal Property.

B. *Payments of Supportive Services Grant Funds:* Grantees will receive payments electronically through the HHS Payment Management System. Grantees will have the ability to request payments as frequently as they choose subject to the following limitations:

1. During the first quarter of the grantee's supportive services annualized grant award period, the grantee's cumulative requests for supportive services grant funds may not exceed 35% of the total supportive services grant award without written approval by VA.

2. By the end of the second quarter of the grantee's supportive services annualized grant award period, the grantee's cumulative requests for supportive services grant funds may not exceed 60% of the total supportive services grant award without written approval by VA.

3. By the end of the third quarter of the grantee's supportive services annualized grant award period, the grantee's cumulative requests for supportive services grant funds may not exceed 80% of the total supportive services grant award without written approval by VA.

4. By the end of the fourth quarter of the grantee's supportive services annualized grant award period, the grantee's cumulative requests for supportive services grant funds may not exceed 100% of the total supportive services grant award.

Signing Authority

Denis McDonough, Secretary of Veterans Affairs, approved this document on October 21, 2022, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

Jeffrey M. Martin,

Assistant Director, Office of Regulation Policy & Management, Office of General Counsel, Department of Veterans Affairs.

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Part II

Nuclear Regulatory Commission

10 CFR Part 50

American Society of Mechanical Engineers 2019–2020 Code Editions; Final Rule

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

[NRC–2018–0290]

RIN 3150–AK22

American Society of Mechanical Engineers 2019–2020 Code Editions

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is amending its regulations to incorporate by reference the 2019 Edition of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, Section III, Division 1, and Section XI, Division 1, and the 2020 Edition of the American Society of Mechanical Engineers Operation and Maintenance of Nuclear Power Plants, Division 1: OM Code: Section IST, for nuclear power plants. The NRC is also incorporating by reference the American Society of Mechanical Engineers OM Code Case OMN–28, “Alternative Valve Position Verification Approach to Satisfy ISTC–3700 for Valves Not Susceptible to Stem-Disk Separation”; the 2011 Addenda to ASME NQA–1–2008, “Quality Assurance Requirements for Nuclear Facility Applications” (ASME NQA–1b–2011); and the 2012 and 2015 Editions of ASME NQA–1, “Quality Assurance Requirements for Nuclear Facility Applications.” This action is in accordance with the NRC’s policy to periodically update the regulations to incorporate by reference new editions of the American Society of Mechanical Engineers Codes and is intended to maintain the safety of nuclear power plants and to make NRC activities more effective and efficient.

DATES: This final rule is effective on November 28, 2022. The incorporation by reference of certain publications listed in the regulation is approved by the Director of the Federal Register as of November 28, 2022.

ADDRESSES: Please refer to Docket ID NRC–2018–0290 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–2018–0290. Address questions about NRC dockets to Dawn Forder; telephone: 301–415–3407; email: Dawn.Forder@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, at 301–415–4737, or by email to PDR.Resource@nrc.gov. For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the “Availability of Documents” section.

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SUPPLEMENTARY INFORMATION:

Executive Summary

A. Need for the Regulatory Action

The NRC is amending its regulations to incorporate by reference the 2019 Edition of the American Society of Mechanical Engineers (ASME) *Boiler and Pressure Vessel Code* (BPV Code) and the 2020 Edition of the ASME *Operation and Maintenance of Nuclear Power Plants*, Division 1: OM Code: Section IST (OM Code), for nuclear power plants. The NRC is also

incorporating by reference the ASME OM Code Case OMN–28, “Alternative Valve Position Verification Approach to Satisfy ISTC–3700 for Valves Not Susceptible to Stem-Disk Separation;” the 2011 Addenda to ASME NQA–1–2008, “Quality Assurance Requirements for Nuclear Facility Applications” (ASME NQA–1b–2011); and the 2012 and 2015 Editions of ASME NQA–1, “Quality Assurance Requirements for Nuclear Facility Applications.”

ASME periodically revises and updates its codes for nuclear power plants by issuing new editions; this final rule is in accordance with the NRC’s practice to incorporate those new editions into the NRC’s regulations. This rule maintains the safety of nuclear power plants, makes NRC activities more effective and efficient, and allows nuclear power plant licensees and applicants to take advantage of the latest ASME Codes. ASME is a voluntary consensus standards organization, and ASME Codes are voluntary consensus standards. The NRC’s use of the ASME Codes is consistent with applicable requirements of the National Technology Transfer and Advancement Act (NTTAA). See also Section XIV of this document, “Voluntary Consensus Standards.”

B. Major Provisions

Major provisions of this final rule include the incorporation by reference with conditions of the following ASME Codes and Code Case into NRC regulations and delineation of NRC requirements for the use of these Codes:

- The 2019 Edition of the BPV Code
- The 2020 Edition of the OM Code
- OM Code Case OMN–28, “Alternative Valve Position Verification Approach to Satisfy ISTC–3700 for Valves Not Susceptible to Stem-Disk Separation”
- The 2011 Addenda to ASME NQA–1–2008, “Quality Assurance Requirements for Nuclear Facility Applications,” (ASME NQA–1b–2011) and the 2012 and 2015 Editions of ASME NQA–1.

C. Costs and Benefits

The NRC prepared a regulatory analysis to determine the expected costs and benefits of this final rule. The regulatory analysis identifies costs and benefits in both a quantitative fashion as well as in a qualitative fashion.

Based on the analysis, the NRC concludes that this final rule results in a net quantitative averted cost to the industry and the NRC. This final rule, relative to the regulatory baseline, would result in a net averted cost for industry of \$10.2 million based on a 7 percent net present value (NPV) and

\$11.0 million based on a 3 percent NPV. The estimated incremental industry averted cost per reactor unit ranges from \$112,087 based on a 7 percent NPV to \$120,879 based on a 3 percent NPV. The rulemaking alternative benefits the NRC by averting costs for reviewing and approving requests to use alternatives to the Codes on a plant-specific basis under § 50.55a(z) of title 10 of the *Code of Federal Regulations* (10 CFR). The NRC net benefit ranges from \$0.91 million based on a 7 percent NPV to \$0.99 million based on a 3 percent NPV.

Qualitative factors that were considered include regulatory stability and predictability, regulatory efficiency, and consistency with the provisions of the NTTAA. The regulatory analysis includes a discussion of the costs and benefits that were considered qualitatively. If the results of the regulatory analysis were based solely on quantified costs and benefits, the regulatory analysis would show that the rulemaking is justified because the total quantified benefits of the regulatory action exceed the costs of the action. When the qualitative benefits (including the safety benefit and improvement in knowledge) are considered together with the quantified benefits, the benefits outweigh the identified quantitative and qualitative impacts.

The NRC has had a decades-long practice of approving and/or mandating the use of certain parts of editions and addenda of these ASME Codes in § 50.55a. Continuing this practice in this final rule ensures regulatory stability and predictability. This practice also provides consistency across the industry and provides assurance to the industry and the public that the NRC will continue to support the use of the most updated and technically sound techniques developed by ASME to provide adequate protection to the public. In this regard, the ASME Codes are voluntary consensus standards developed by technical committees composed of mechanical engineers and others who represent the broad and varied interests of their industries, from manufacturers and installers to insurers, inspectors, distributors, regulatory agencies, and end users. The standards have undergone extensive external review before being considered to be incorporated by reference by the NRC. Finally, the NRC's use of the ASME Codes is consistent with the NTTAA, which directs Federal agencies to adopt voluntary consensus standards instead of developing "government-unique" (*i.e.*, Federal agency-developed) standards, unless inconsistent with applicable law or otherwise impractical.

For more information, please see the regulatory analysis (Accession No. ML21267A092 in the NRC's Agencywide Documents Access and Management System (ADAMS)).

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I. Background

The American Society of Mechanical Engineers (ASME) develops and publishes the ASME BPV Code, which contains requirements for the design, construction, and inservice inspection (ISI) of nuclear power plant components, and the ASME Operation and Maintenance of Nuclear Power Plants, Division 1: OM Code: Section IST (OM Code),¹ which contains requirements for inservice testing (IST) of nuclear power plant components. Until 2012, ASME issued new editions of the ASME BPV Code every 3 years and addenda to the editions annually, except in years when a new edition was issued. Similarly, ASME periodically published new editions and addenda of the ASME OM Code. Starting in 2012, the ASME decided to issue editions of its BPV and OM Codes (without addenda) every 2 years, with the BPV Code to be issued on the odd years (*e.g.*, 2013, 2015, etc.) and the OM Code to be issued on the even years² (*e.g.*, 2012, 2014, etc.). The new editions typically revise provisions of the ASME Codes to broaden their applicability, add specific elements to current provisions, delete

¹ The editions and addenda of the ASME Code for *Operation and Maintenance of Nuclear Power Plants* have had different titles from 2005 to 2017 and are referred to collectively in this rule as the "OM Code."

² The 2014 Edition of the ASME OM Code was delayed and was designated the 2015 Edition. Similarly, the 2016 Edition of the OM Code was delayed and was designated the 2017 Edition.

specific provisions, and/or clarify them to narrow the applicability of the provision. New editions of the ASME Codes do not significantly change code philosophy or approach.

The NRC's practice is to establish requirements for the design, construction, operation, ISI (examination), and IST of nuclear power plants by approving the use of editions and addenda of the ASME BPV and OM Codes (ASME Codes) in § 50.55a of title 10 of the *Code of Federal Regulations* (10 CFR). The NRC approves or mandates the use of certain parts of editions and addenda of these ASME Codes in § 50.55a through the rulemaking process of "incorporation by reference." Upon incorporation by reference of the ASME Codes into § 50.55a, the provisions of the ASME Codes are legally binding NRC requirements as delineated in § 50.55a, and subject to the conditions on certain specific ASME Codes' provisions that are set forth in § 50.55a. The editions and addenda of the ASME BPV and OM Codes were last incorporated by reference into the NRC's regulations in a final rule dated May 4, 2020 (85 FR 26540) and amended June 3, 2020 (85 FR 34087).

The ASME Codes are consensus standards developed by participants, including the NRC and licensees of nuclear power plants, who have broad and varied interests. The ASME's adoption of new editions of, and addenda to, the ASME Codes does not mean that there is unanimity on every provision in the ASME Codes. There may be disagreement among the technical experts, including the NRC's representatives on the ASME Code committees and subcommittees, regarding the acceptability or desirability of a particular code provision included in an ASME-approved Code edition or addenda. If the NRC believes that there is a significant technical or regulatory concern with a provision in an ASME-approved Code edition or addenda being considered for incorporation by reference, then the NRC conditions the use of that provision when it incorporates by reference that ASME Code edition or addenda into its regulations. In some instances, the condition increases the level of safety afforded by the ASME Code provision, or addresses a regulatory issue not considered by ASME. In other instances, where research data or experience has shown that certain code provisions are unnecessarily conservative, the condition may provide that the code provision need not be complied with in some or all respects. The NRC's

conditions are included in § 50.55a, typically in paragraph (b) of that section. NRC rulemakings adopting (incorporating by reference) a voluntary consensus standard identify and justify each part of the standard that is not adopted. For this final rule, the provisions of the 2019 Edition of Section III, Division 1; and the 2019 Edition of Section XI, Division 1, of the ASME BPV Code; and the 2020 Edition of the ASME OM Code that the NRC is not adopting, or is only partially adopting, are identified in the Discussion, Regulatory Analysis, and Backfitting and Issue Finality sections of this document. The provisions of those specific editions and the Code Case that are the subject of this final rule that the NRC finds to be conditionally acceptable, together with the applicable conditions, are also identified in the Discussion, Regulatory Analysis, and Backfitting and Issue Finality sections of this document.

The ASME Codes are voluntary consensus standards, and the NRC's incorporation by reference of these Codes is consistent with applicable requirements of the NTTAA. Additional discussion on the NRC's compliance with the NTTAA is set forth in Section XIV of this document, "Voluntary Consensus Standards."

II. Discussion

The NRC regulations incorporate by reference ASME Codes for nuclear power plants. This final rule is the latest in a series of rulemakings to amend the NRC's regulations to incorporate by reference revised and updated ASME Codes for nuclear power plants. This final rule is intended to maintain the safety of nuclear power plants and make NRC activities more effective and efficient.

The NRC follows a three-step process to determine acceptability of new provisions in new editions to the Codes and the need for conditions on the uses of these Codes. This process was employed in the review of the Codes that are the subjects of this rule. First, the NRC staff actively participates with other ASME committee members with full involvement in discussions and technical debates in the development of new and revised Codes. This includes a technical justification of each new or revised Code provision. Second, the NRC's committee representatives discuss the Codes and technical justifications with other cognizant NRC staff to ensure an adequate technical review. Third, the NRC position on each Code is reviewed and approved by NRC management as part of this rule amending § 50.55a to incorporate by

reference new editions of the ASME Codes and conditions on their use. This regulatory process, when considered together with the ASME's own process for developing and approving the ASME Codes, assures that the NRC approves for use only those new and revised Code edition and addenda, with conditions as necessary, that provide reasonable assurance of adequate protection to the public health and safety, and that do not have significant adverse impacts on the environment.

The NRC is amending its regulations to incorporate by reference:

- The 2019 Edition to the ASME BPV Code, Section III, Division 1 and Section XI, Division 1, with conditions on their use.
- The 2020 Edition to Division 1 of the ASME OM Code, with conditions on its use.
- ASME OM Code Case OMN-28, "Alternative Valve Position Verification Approach to Satisfy ISTC-3700 for Valves Not Susceptible to Stem-Disk Separation," without conditions.
- ASME Standard NQA-1, "Quality Assurance Requirements for Nuclear Facility Applications," including several editions and addenda to NQA-1. More specifically, the NRC is incorporating by reference the 2011 Addenda to ASME NQA-1b-2008, "Quality Assurance Requirements for Nuclear Facility Applications" (ASME NQA-1b-2011), and the 2012 and 2015 Editions of ASME NQA-1, with conditions on their use.

The current regulations in § 50.55a(a)(1)(i) incorporate by reference ASME BPV Code, Section III, 1963 Edition through the 1970 Winter Addenda; and the 1971 Edition (Division 1) through the 2017 Edition (Division 1), subject to the conditions identified in current § 50.55a(b)(1)(i) through (xii). This final rule revises § 50.55a(a)(1)(i) to incorporate by reference the 2019 Edition (Division 1) of the ASME BPV Code, Section III.

The current regulations in § 50.55a(a)(1)(ii) incorporate by reference ASME BPV Code, Section XI, 1970 Edition through the 1973 Winter Addenda; and the 1974 Edition (Division 1) through the 2017 Edition (Division 1), subject to the conditions identified in the current § 50.55a(b)(2)(i) through (xlii). This final rule revises § 50.55a(a)(1)(ii) to incorporate by reference the 2019 Edition (Division 1) of the ASME BPV Code, Section XI. It also removes the incorporation by reference of older editions and addenda of Section XI prior to 2001 Edition that are no longer in use, and adds, removes, or revises some of the conditions as explained in the rule.

The current regulations in § 50.55a(a)(1)(iv) incorporate by reference ASME OM Code, 1995 Edition through the 2006 Addenda, and the 2009 Edition (Division 1) through the 2017 Edition (Division 1), subject to the conditions currently identified in § 50.55a(b)(3)(i) through (xi). This final rule revises § 50.55a(a)(1)(iv) to incorporate by reference the 2020 Edition of Division 1 of the ASME OM Code. As explained in Section II.C of this document, this final rule also revises § 50.55a(a)(1)(iv) to remove the incorporation by reference of the 2011 Addenda of the ASME OM Code as well as the 2015 Edition of the ASME OM Code. This final rule also revises § 50.55a(a)(1)(iii) to add the incorporation by reference of the ASME OM Code Case OMN-28, which is referenced in paragraph (b)(3)(xi).

The current regulations in § 50.55a(a)(1)(v) incorporate by reference ASME NQA-1, 1983 Edition through the 2009 Addenda, subject to conditions identified in § 50.55a(b)(1)(iv) and (b)(2)(x). This final rule revises § 50.55a(a)(1)(v) to incorporate by reference the 2011 Addenda to ASME NQA-1-2008 (ASME NQA-1b-2011) and the 2012 and 2015 Editions of ASME NQA-1.

In the introductory discussion of its Codes, ASME specifies that errata to those Codes may be posted on the ASME website under the Committee Pages to provide corrections to incorrectly published items, or to correct typographical or grammatical errors in those Codes. Users of the ASME BPV Code and ASME OM Code should be aware of errata when implementing the specific provisions of those Codes. Applicants and licensees should monitor errata to determine when they might need to submit a request for an alternative under § 50.55a(z) to implement provisions specified in an errata to their ASME code of record.

The NRC reviewed changes to the Codes in the editions identified in this final rule, and published a proposed rule in the **Federal Register** setting forth the NRC's proposal to incorporate by reference the ASME Codes, together with proposed conditions on their use (86 FR 16087; March 26, 2021). The NRC also corrected minor editorial and administrative errors, including spacing and typos. After consideration of the public comments received on the proposed rule (public comments are discussed in Section IV of this document, "NRC Responses to Public Comments"), the NRC concludes, in accordance with the process for review of changes to the Codes, that these

editions of the Codes are technically adequate, consistent with current NRC regulations, and approved for use with the specified conditions set forth in this final rule. Each of the NRC conditions and the reasons for each condition are discussed in the following sections of this document. The discussions are organized under the applicable ASME Code and Section.

A. ASME BPV Code, Section III

Section 50.55a(a)(1)(i)(E) Rules for Construction of Nuclear Facility Components—Division 1

The NRC is revising § 50.55a(a)(1)(i)(E) to incorporate by reference the 2019 Edition of the ASME BPV Code, Section III, including Subsection NCA and Division 1 Subsections NB through NG and Appendices. As stated in § 50.55a(a)(1)(i), the Nonmandatory Appendices are excluded and not incorporated by reference. The Mandatory Appendices are incorporated by reference because they include information necessary for Division 1. However, the Mandatory Appendices also include material that pertains to other Divisions that have not been reviewed and approved by the NRC. Although this information is included in the sections and appendices being incorporated by reference, the NRC notes that the use of Divisions other than Division 1 has not been approved, nor are they required by NRC regulations and, therefore, such information is not relevant to current applicants and licensees. The NRC is not taking a position on the non-Division 1 information in the appendices and is including it in the incorporation by reference only for convenience. Therefore, this final rule revises the introductory text to § 50.55a(a)(1)(i)(E) to reference the 2019 Edition of the ASME BPV Code, Section III, including Subsection NCA and Division 1 Subsections NB through NG and Appendices.

Section 50.55a(b)(1) Conditions on ASME BPV Code Section III

The NRC is revising the definition of Section III in § 50.55a(b)(1) to include the latest edition of the ASME BPV Code, Section III incorporated by reference in paragraph (a)(1)(i).

Section 50.55a(b)(1)(ii) Section III Condition: Weld Leg Dimensions

The NRC is revising § 50.55a(b)(1)(ii) to extend the applicability of the condition through the latest edition of the ASME BPV Code, Section III incorporated by reference in paragraph

(a)(1)(i). The 2019 Edition of Section III was not modified in a way that would make it possible for the NRC to remove this condition. Therefore, the NRC is revising this condition to apply to the latest edition incorporated by reference.

Section 50.55a(b)(1)(iv) Section III Condition: Quality Assurance

The NRC is revising this condition to allow the use of the editions of NQA–1 that are both incorporated by reference in paragraph (a)(1)(v) of § 50.55a and specified in either NCA–4000 or NCA–7000 of the 1989 or later edition of Section III that is incorporated by reference in § 50.55a. This will allow applicants and licensees to use the 2011 Addenda to ASME NQA–1–2008, “Quality Assurance Requirements for Nuclear Facility Applications” (ASME NQA–1b–2011), and the 2012 and 2015 Edition of NQA–1 when using the 2019 or later Edition of Section III, that is incorporated by reference in § 50.55a.

Section 50.55a(b)(1)(vii) Section III Condition: Capacity Certification and Demonstration of Function of Incompressible-Fluid Pressure-Relief Valves

The NRC is revising § 50.55a(b)(1)(vii) to extend the applicability of the condition through the latest edition of the ASME BPV Code, Section III incorporated by reference in paragraph (a)(1)(i). The 2019 Edition of Section III was not modified in a way that would make it possible for the NRC to remove this condition. Therefore, the NRC is revising this condition to apply to the latest edition incorporated by reference.

Section 50.55a(b)(1)(x) Section III Condition: Visual Examination of Bolts, Studs, and Nuts

The NRC is revising § 50.55a(b)(1)(x) to extend the applicability of the condition through the latest edition of the ASME BPV Code, Section III incorporated by reference in paragraph (a)(1)(i). The 2019 Edition of Section III was not modified in a way that would make it possible for the NRC to remove this condition. Therefore, the NRC is revising this condition to apply to the latest edition incorporated by reference.

Section 50.55a(b)(1)(xiii) Section III Condition: Preservice Inspection of Steam Generator Tubes

The NRC is adding a new condition § 50.55a(b)(1)(xiii) to condition the provisions of NB 5283 in the 2019 Edition of Section III, which exempted steam generator tubing from preservice examinations. The condition is in two provisions as follows:

Section 50.55a(b)(1)(xiii)(A) Section III Condition: Preservice Inspection of Steam Generator Tubes, First Provision

The NRC is adding a condition to require that a full-length preservice examination of 100 percent of the steam generator tubing in each newly installed steam generator be performed prior to plant startup. Preservice examinations provide a baseline for future required inservice examinations and provide assurance of its structural integrity and ability to perform its intended function. The 2019 Edition does not require these preservice examinations to be performed. Therefore, the NRC is adding § 50.55a(b)(1)(xiii)(A) to condition the provisions of NB–5283 in the 2019 Edition of Section III to require that preservice examination of steam generator tubing shall be performed, in order to ensure that the steam generator tubing which is part of the reactor coolant pressure boundary has an adequate baseline examination for future inservice examinations and ensures the tubing’s structural integrity to perform its intended function.

Section 50.55a(b)(1)(xiii)(B) Section III Condition: Preservice Inspection of Steam Generator Tubes, Second Provision

The provisions of NB–5360 in the 2019 Edition of Section III removed the requirements for eddy current preservice examination of installed steam generator tubing and the criteria for evaluating flaws found during the preservice examination. A preservice examination is important because it ensures that the steam generator tubes, which are part of the reactor coolant pressure boundary, are acceptable for initial operation. In addition, preservice examination provides the baseline condition of the tubes, which is essential in assessing the nature of indications found in the tubes during subsequent inservice examinations. These inspections must be performed with the objective of finding and characterizing the types of preservice flaws that may be present in the tubes and flaws that may occur during operation. Therefore, the NRC is adding § 50.55a(b)(1)(xiii)(B) to condition the provisions of NB–5360 in the 2019 Edition of Section III, to require that flaws revealed during preservice examination of steam generator tubing shall be evaluated using the criteria in the design specifications.

B. ASME BPV Code, Section XI

Section 50.55a(a)(1)(ii) ASME Boiler and Pressure Vessel Code, Section XI

The NRC is removing and reserving § 50.55a(a)(1)(ii)(A), removing § 50.55a(a)(1)(ii)(B)(5) through (7), and removing and reserving § 50.55a(a)(1)(ii)(C)(1) through (32) and (a)(1)(ii)(C)(37) through (40) because these sections incorporate by reference older editions and addenda of Section XI prior to 2001 Edition, which are no longer in use. As a result of removing those older editions that are no longer in use, the NRC is amending regulations in § 50.55a(b)(2)(viii), (ix), (xii), (xiv), and (xv), (b)(2)(xviii)(A), (b)(2)(xix), and (b)(2)(xx)(A) to remove references to these older editions and addenda.

The NRC is amending the regulations in § 50.55a(a)(1)(ii)(C) to incorporate by reference the 2019 Edition (Division 1) of the ASME BPV Code, Section XI. The current regulations in § 50.55a(a)(1)(ii)(C) incorporate by reference ASME BPV Code, Section XI, the 1977 Edition (Division 1) through the 2017 Edition (Division 1), subject to the conditions identified in current § 50.55a(b)(2)(i) through (xlii). The amendment revises the introductory text to § 50.55a(a)(1)(ii)(C) to reference the 2019 Edition (Division 1) of the ASME BPV Code, Section XI.

Section 50.55a(b)(2) Conditions on ASME BPV Code Section XI

The NRC is revising the definition of Section XI in § 50.55a(b)(2) to include the latest edition of the ASME BPV Code, Section XI incorporated by reference in paragraph (a)(1)(ii).

Section 50.55a(b)(2)(viii) Section XI Condition: Concrete Containment Examinations

As stated above, the NRC is amending the regulations in § 50.55a(b)(2)(viii) to remove references to Section XI editions and addenda prior to the 2001 Edition. With the removal of these earlier editions the NRC also is deleting paragraphs (b)(2)(viii)(A) through (D) as these conditions apply to these earlier editions.

Section 50.55a(b)(2)(ix) Section XI Condition: Metal Containment Examinations

As stated above, the NRC is amending the regulations in § 50.55a(b)(2)(ix) to remove references to Section XI editions and addenda prior to the 2001 Edition that are no longer in use. With the removal of these earlier editions the NRC also is deleting paragraphs (b)(2)(ix)(C) through (E) as these

conditions apply to these earlier editions.

Section 50.55a(b)(2)(x) Section XI Condition: Quality Assurance

The NRC is revising this condition to extend it to the versions of NQA-1 referenced in the 2019 Edition of the ASME BPV Code, Section XI, Table IWA 1600-1, "Referenced Standards and Specifications," which this final rule incorporates by reference.

The NRC is revising this condition to allow the use of the editions of NQA-1 that are both incorporated by reference in paragraph (a)(1)(v) of § 50.55a and specified in Table IWA 1600-1 of the 1989 or later Editions of Section XI. In the 2019 Edition of ASME BPV Code, Section XI, Table IWA 1600-1 was updated to specify that licensees use the 1994 Edition or 2008 Edition through 2015 Editions of NQA-1 when using the 2019 Edition of Section XI. These revisions will allow licensees to use the 2011 Addenda to ASME NQA-1-2008 or the 2012 or 2015 Edition of NQA-1 when using the 2019 or later Edition of Section XI that is incorporated by reference in § 50.55a.

The NRC also is revising this condition to remove the reference to IWA-1400 because it does not reference editions of NQA-1. The removal of reference to IWA-1400 clarifies the text of the condition because Table IWA 1600-1 specifies the editions of NQA-1 to be used while IWA-1400 simply refers to using NQA-1 generally, without specifying any particular edition.

Section 50.55a(b)(2)(xviii)(D) Section XI Condition: NDE Personnel Certification: Fourth Provision

The NRC is amending the condition found in § 50.55a(b)(2)(xviii) to address the removal of ASME BPV Code, Section XI, 2011 Addenda from § 50.55a(a)(1)(ii).

In addition, research performed at the Pacific Northwest National Laboratory (PNNL) has shown that laboratory practice can be effective in developing the skill to find flaws, and on-the-job training is effective at developing the ability to perform examinations in a nuclear reactor environment. Based on the research described in Technical Letter Report PNNL-29761, the 250 experience hours for a Level I certification can be reduced to 175 hours, with 125 experience hours and 50 hours of laboratory practice, and the experience hours for Level II Certification can be reduced to 720 hours, with 400 experience hours and 320 hours of laboratory practice, without significantly reducing the

capabilities of the examiners to navigate in a nuclear reactor environment. The NRC is therefore adding an option to § 50.55a(b)(2)(xviii) to allow these requirements as an alternative to Appendix VII, Table VII-4110-1 and Appendix VIII, Subarticle VIII-2200 in the 2010 Edition.

Section 50.55a(b)(2)(xx)(C) Section XI Condition: System Leakage Tests: Third Provision

The NRC is amending the regulations in § 50.55a(b)(2)(xx)(C) to extend the applicability of the condition through the latest edition of the ASME BPV Code, Section XI incorporated by reference in paragraph (a)(1)(ii) of this section. The NRC also is amending § 50.55a(b)(2)(xx)(C) to reflect that IWB-5210(c) was deleted from the 2019 Edition because it contained verbiage that was redundant to the language in IWA-5213(b)(2) and IWB-5221(d).

Section 50.55a(b)(2)(xxi)(B) Section XI Condition: Table IWB-2500-1 Examination Requirements: Table IWB-2500-1 Examination

The NRC is amending the regulations in § 50.55a(b)(2)(xxi)(B) to extend the applicability of the condition through the latest edition of the ASME BPV Code, Section XI incorporated by reference in paragraph (a)(1)(ii) of this section.

Section 50.55a(b)(2)(xxv)(B) Section XI Condition: Mitigation of Defects by Modification: Second Provision

The NRC is amending the regulations in § 50.55a(b)(2)(xxv)(B) to extend the applicability of the condition through the latest edition of the ASME BPV Code, Section XI incorporated by reference in paragraph (a)(1)(ii) of this section. The NRC also is amending the conditions found in § 50.55a(b)(2)(xxv)(B) by revising requirements associated with (1) conducting wall thickness examinations at alternative locations; and (2) follow-on examination requirements for external corrosion of buried piping.

Paragraph (b)(2)(xxv)(B)(2) currently requires the licensee to establish a loss of material rate by conducting wall thickness examinations at the location of the defect. The condition also establishes the timing of the examinations (*i.e.*, two prior consecutive or nonconsecutive refueling outage cycles in the 10-year period prior to installation of the modification). The NRC is providing an alternative by allowing loss of material rates to be measured at an alternative location with similar corrosion conditions, similar flow characteristics, and the same

piping configuration (e.g., straight run of pipe, elbow, tee). The NRC had already accepted these characteristics as those necessary to establish equivalency for internal corrosion on buried piping configurations. The NRC recognizes that many licensees are conducting periodic wall thickness examinations of piping systems as part of aging management plans. Allowing an alternative equivalent location to be used to obtain loss of material rates provides flexibility and reduces unnecessary burden. In addition, the NRC is deleting the timing of the examination requirements because the 2-times multiplier required by the condition provides a conservative bias for measured loss of material rates.

Paragraph (b)(2)(xxv)(B)(3) currently requires the licensee to conduct wall thickness examinations on a refueling outage interval until projected flaw growth rates have been validated. After validation of the flaw growth rate, the modification would be examined at half its expected life or, if the modification has an expected life greater than 19 years, once per interval. The NRC is deleting the refueling outage interval examinations and only requiring the examination to occur at half the modification's expected life or, if the modification has an expected life greater than 19 years, once per interval. The NRC has concluded that a 2-times multiplier for known loss of material rates or a 4-times multiplier for estimated loss of material rates provides sufficient conservatism to allow a follow-up examination to occur at half the modification's expected life or, if the modification has an expected life greater than 19 years, once per interval.

The changes in paragraph (b)(2)(xxv)(B)(3)(i) are editorial. The NRC is deleting the term "through wall" from the clarification of extent of degradation differences. The NRC recognizes that it would be unlikely that through wall leakage would be occurring in two locations (i.e., modification location, different examination location). The term "percent wall loss plus or minus 25 percent" is sufficient to capture "through wall," if it should occur at the different examination location.

Paragraph (b)(2)(xxv)(B)(3)(ii) currently requires licensees to examine a buried pipe modification location where loss of material has occurred due to external corrosion at half its expected life or 10 years, whichever is sooner. The NRC is revising this condition to include a provision that would allow an extension of the required inspection to any time in the first full 10-year inspection interval after installation if the modification is recoated prior to

backfill following modification. This could mean that the modification might not be inspected until as much as 19 years after installation. The NRC and industry recognize that effective coatings can isolate the base material from the environment and prevent further degradation. If coating holidays (e.g., voids in coating) were to go undetected, only localized loss of material would occur versus widespread general corrosion. The NRC has reached this conclusion for two reasons: (1) effective coatings ensure isolation of the modification site from the environment such that only the areas with coating holidays would be affected by the environment; and (2) because pitting corrosion that might occur due to holidays would not affect the intended function of the piping (i.e., to deliver flow), extension of the examination timing will not challenge the intended function of the piping system.

Section 50.55a(b)(2)(xxvi), Section XI Condition: Pressure Testing of Class 1, 2, and 3 Mechanical Joints

The NRC is amending § 50.55a(b)(2)(xxvi) to remove references to Section XI pressure test and VT-2 examination. The NRC is relaxing the requirement to perform an ASME Section XI pressure test in accordance with IWA-5211(a) and VT-2 examination of mechanical joints disassembled and reassembled during the course of repair/replacement activities. This condition was established in the final rule dated October 1, 2004 (69 FR 58804) to supplement the test provisions in IWA-4540 of the 2001 Edition and the 2002 and 2003 Addenda of Section XI of the ASME BPV Code to require that Class 1, 2, and 3 mechanical joints be pressure tested in accordance with IWA-4540(c) of the 1998 Edition of Section XI. Over the years and in several rulemakings, commenters have stated this condition was not required because licensee post-maintenance test programs in accordance with appendix B to 10 CFR part 50, "Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants," specify requirements for leak testing mechanical connections following reassembly.

The final rule issued on May 4, 2020 (85 FR 26540), revised this condition to clarify examiner and pressure test code requirements. But this change caused confusion, because the industry interpreted the rule to mean that some exemptions from pressure testing allowed by the code were no longer allowable and that certain pressure testings would now be required, whereas they were not required prior to

this change. Following the publication of the final rule, the NRC held a public meeting on June 4, 2020, to discuss this condition. The industry asked the NRC to reevaluate the interpretation and the need for the condition. The NRC performed a qualitative risk analysis to judge the safety significance of performing the Section XI pressure test and VT-2 examinations. The NRC looked at several risk scenarios and leveraged the principles of risk-informed decision-making with technical work completed through closure of Generic Safety Issue 29 (GSI-29): Bolting Degradation of Failure in Nuclear Power Plants and current operational experience; the NRC concluded that the risk of failure of mechanical joints in the absence of pressure testing and VT-2 examination after repair/replacement activities is very low. The NRC found that the risk analyses suggest that the absence of the pressure test after repair/replacement activities imposes a minimal safety concern when taking into account the additional measures conducted by the industry to ensure leak tightness. The NRC concluded that failure of a mechanical joint in the absence of a pressure test and VT-2 exam is unlikely, and the corresponding condition for Section XI pressure testing after repair/replacement activities is not needed for safety. The NRC presented the results of this risk analysis at a public meeting held June 25, 2020.

In performing the risk determination, the NRC considered several principles of risk-informed decision-making. While not relying fully on these concepts, the NRC determined that the following additional measures help reduce the uncertainty associated with the qualitative risk assessment discussed above. With respect to performance monitoring, the NRC considered (1) leak tests conducted as part of the licensee quality assurance programs; (2) walkdowns of accessible areas by Operations staff, including inspecting for leaks as part of plant rounds; (3) containment monitoring for identified and unidentified leakage; and (4) pressure testing of the reactor coolant loop performed after each refueling outage. With respect to defense-in-depth, the NRC considered that many systems, including the emergency core cooling system, are in place to maintain core cooling if a primary system has a flange failure, and that many Code systems have redundant trains. With respect to safety margins, the NRC considered that leak-before-break analysis of nuclear power plant primary systems have illustrated that significant

safety margins exist for leaking joints, and the results of studies conducted during closure of GSI-29 showed that a joint will leak with a sufficient rate to be detected and mitigated by the licensees before joint rupture occurs.

The NRC initially proposed requiring that licensees define a leak test to be applied, but received comments that licensees are already performing such tests to the standards of their quality assurance programs under appendix B to 10 CFR part 50 and that requiring licensees to create an additional program for such tests is duplicative and unnecessary. The NRC agrees with these comments. Therefore, the NRC is amending § 50.55a(b)(2)(xxvi) to require mechanical joints in Class 1, 2, and 3 piping and components greater than NPS-1 that are disassembled and reassembled during the performance of a Section XI repair/replacement activity must be verified to be leak tight, and the verification must be performed to the standards of the licensee's appendix B program. To be clear, this condition requires licensees to verify that these mechanical joints are leak tight even under circumstances a licensee's program under appendix B to 10 CFR part 50 would not require such verification. However, licensees need not define a new leak test or personnel qualifications; instead, licensees will apply the quality standards of their appendix B programs.

Because the condition no longer requires an ASME Code pressure test, the ASME Code NDE examiner qualification requirements would no longer apply. Therefore, in this final rule the NRC also is removing the requirement for the NDE examiners to meet the requirements of the licensee's current ISI code of record. In contrast to the proposed rule, which indicated licensees would need to establish qualifications for personnel performing the licensee-defined leak test, the final rule relies on the qualification requirements of appendix B to part 50 to ensure that tests are conducted by qualified personnel.

Requiring verification of leak tightness ensures the leak tests are completed, and the NRC agrees that requirements of the licensee's program under appendix B to part 50 are sufficient to ensure the tests are conducted to an appropriate standard for nuclear applications. This requirement is consistent with recommendations of the ASME Post Construction Committee (PCC), which develops and maintains standards addressing common issues and technologies related to post construction activities. The PCC works with other

consensus committees on the development of separate, product-specific, codes and standards that address issues encountered after initial construction for equipment and piping covered by Pressure Technology Codes and Standards. The PCC-developed standards generally follow "Recognized and Generally Accepted Good Engineering Practice." The PCC has developed PCC-1, "Guidelines for Pressure Boundary Bolted Flange Joint Assembly," for maintaining flanged joints, which has been referenced in American Petroleum Institute and National Board of Boiler and Pressure Vessel Inspectors Inspection Code standards. PCC-1 requires an owner defined leak test, which is generally accepted as a good engineering practice.

The NRC will continue to monitor operating experience related to mechanical joints to determine if this condition merits modification in the future.

Section 50.55a(b)(2)(xxix), Section XI Condition: Nonmandatory Appendix R

The NRC is amending § 50.55a(b)(2)(xxix) to allow the use of Supplement 2 of Nonmandatory Appendix R of Section XI in the 2017 and 2019 Editions without submittal of an alternative in accordance with § 50.55a(z). Currently § 50.55a(b)(2)(xxix) requires licensees who desire to implement a Risk-Informed Inservice Inspection (RI-ISI) program in accordance with Appendix R to obtain prior authorization of an alternative in accordance with § 50.55a(z). The NRC has reviewed the latest revisions to Appendix R and have found that Supplement 2 of Appendix R in the 2017 and 2019 Editions of ASME Section XI would ensure that future RI-ISI programs continue to comply with RG 1.178, "An Approach for Plant-Specific Risk-Informed Decision making for Inservice Inspection of Piping"; RG 1.200, "An Approach for Determining the Technical Adequacy of Probabilistic Risk Assessment Results for Risk-Informed Activities"; and NRC Standard Review Plan Chapter 3.9.8, "Review of Risk-Informed Inservice Inspection of Piping." Therefore, the NRC is amending § 50.55a(b)(2)(xxix) to allow RI-ISI programs in accordance with Supplement 2 of Appendix R in ASME Section XI editions 2017 and later to be used without submittal of an alternative in accordance with § 50.55a(z). The submittal of an alternative is still required for RI-ISI programs in accordance with Supplement 1 of Appendix R or to use Supplement 2 of Section XI editions prior to 2017.

Section 50.55a(b)(2)(xxxii) Section XI Condition: Summary Report Submittal

The NRC is amending the condition in § 50.55a(b)(2)(xxxii) to relax the timeframe for submittal of Summary Reports (pre-2015 Edition) or Owner Activity Reports (2015 Edition and later) for inservice examinations and repair replacement activities. Through the 2017 Edition of ASME BPV Code, Section XI, owners were required to prepare Summary Reports or Owner Activity Reports of preservice examination, inservice examinations and repair replacement activities within 90 calendar days of the completion of each refueling outage. In the 2019 Edition of Section XI this timeframe was extended to 120 days. The NRC has no objections to allowing licensees up to 120 days to submit the reports and sees no reason to require earlier submittal for users of previous editions. Therefore, the NRC is relaxing the requirement for all licensees. Licensees using Section XI, Editions and Addenda prior to the 2010 Edition may utilize Code Case N-778, "Alternative Requirements for Preparation and Submittal of Inservice Inspection Plans, Schedules, and Preservice and Inservice Inspection Summary Reports, Section XI, Division 1," to obtain the 120 day submittal relaxation.

Section 50.55a(b)(2)(xxxvi) Section XI Condition: Fracture Toughness of Irradiated Materials

The NRC is amending the regulations in § 50.55a(b)(2)(xxxvi) to extend the applicability of the condition through the latest edition of the ASME BPV Code, Section XI incorporated by reference in paragraph (a)(1)(ii) of this section.

Section 50.55a(b)(2)(xxxix) Section XI Condition: Defect Removal

The NRC is amending the regulations in § 50.55a(b)(2)(xxxix) to extend the applicability of the condition through the latest edition of the ASME BPV Code, Section XI incorporated by reference in paragraph (a)(1)(ii) of this section.

Section 50.55a(b)(2)(xl) Section XI Condition: Prohibitions on Use of IWB-3510.4(b)

The NRC is removing the existing condition § 50.55a(b)(2)(xl) and its proposed modification as a result of public comments, which provided information demonstrating that the condition is not necessary (see "NRC Responses to Public Comments: Final Rule: American Society of Mechanical Engineers 2019-2020 Code Editions," as provided in the "Availability of

Documents” section of this document) on the proposed modification to the condition. Removal of this condition and its proposed modification will extend the applicability of the ASME BPV Code, Section XI procedures to certain ferritic steels with specified minimum yield strength greater than 50 kilopound per square inch (ksi).

Section 50.55a(b)(2)(xliv) Section XI Condition: Regulatory Submittal Requirements

The NRC is adding § 50.55a(b)(2)(xliv) to require licensees to submit certain analyses for NRC review. In the 2019 Edition of the Code, ASME elected to remove a number of submittal requirements related to flaw evaluation. The subparagraphs where these requirements were removed included IWA-3100(b), IWB-3410.2(d), IWB-3610(e), IWB-3640, IWC-3640, IWD-3640, IWB-3720(c), IWB-3730(c), G-2216, G-2510, G-2520, A-4200(c), A-4400(b), and G-2110(a). The NRC reviewed each of these subparagraphs and determined that three of these removed submittal requirements were necessary to allow the NRC to review plant safety with respect to violation of pressure-temperature limits, ductile-to-brittle transition behavior of ferritic steels, and the effects of radiation embrittlement. Therefore, the condition simply retains the requirement from previous editions of ASME Section XI.

The IWB-3720 addresses the scenario where plant pressure-temperature limits are violated due to an unanticipated operating event. Pressure-temperature limits provide important operational limitations that protect against brittle fracture of the Reactor Coolant System. In the case that such limits are exceeded, IWB-3720(a) directs the plant owner to perform an analysis that determines the effect of the out-of-limit condition on the structural integrity of the Reactor Coolant System. Given the important safety implications of violating pressure-temperature limits, the NRC determined that licensees shall submit analyses performed under IWB-3720(a) for NRC review.

Nonmandatory Appendix A, subparagraph A-4200(c) and Nonmandatory Appendix G, subparagraph G-2110(c) allow owners to use a reference temperature based upon T_0 (called RT_{T_0}) instead of RT_{NDT} . RT_{NDT} is a long-accepted method for accounting for ductile-to-brittle transition behavior of ferritic steels, including the effects of radiation embrittlement. T_0 has not been extensively used in the nuclear power industry, at this time. Determination of plant-specific T_0 values requires careful

consideration of the operating characteristics of the plant. Given the safety significance of the reactor pressure vessel and the relative lack of experience with using T_0 , the NRC determined that licensees shall submit analyses to determine T_0 for NRC review.

C. ASME OM Code

Section 50.55a(1)(iii), ASME Code Cases: Nuclear Components

The NRC is amending the regulations in § 50.55a(1)(iii) to incorporate by reference the ASME OM Code Case OMN-28, “Alternative Valve Position Verification Approach to Satisfy ISTC-3700 for Valves Not Susceptible to Stem-Disk Separation.” Public comments on § 50.55a(b)(3)(xi) requested that the NRC include acceptance of Code Case OMN-28 in this final rule for the purpose of extending the test interval for valves that have a stem-disk connection that is not susceptible to separation from two years to 12 years. The NRC agrees that Code Case OMN-28 provides a structured approach for the testing of these valves. The NRC is incorporating by reference ASME OM Code Case OMN-28 in § 50.55a(1)(iii) because it is referenced in § 50.55a(b)(3)(xi).

Although the proposed rule did not include this Code Case, the NRC has determined that the incorporation by reference of this Code Case at the final rule stage is a logical outgrowth of the proposed rule. The preamble for the proposed rule stated that the NRC was aware that the ASME OM Code committees were considering allowing up to 12 years as the maximum interval for valve position verification testing in a Code Case, and that if that Code Case was issued prior to publication of the final rule, the NRC may adopt the 12-year maximum interval specified in that Code Case (86 FR 16087; 16096). Although the Code Case number was not yet assigned at the time when the NRC was preparing the proposed rule, it was issued in March 2021 as OM Code Case OMN-28. Several public comments were received seeking approval of OM Code Case OMN-28. There were no comments in opposition to the adoption of such a Code Case. Therefore, the NRC concludes that it may incorporate by reference ASME OM Code Case OMN-28. See also Section XV. of this document for additional discussion on the reasonable availability of this standard during the comment period.

Section 50.55a(1)(iv), ASME Operation and Maintenance Code

The NRC is amending the regulations in § 50.55a(1)(iv)(B) to incorporate by reference the 2020 Edition of the ASME OM Code for nuclear power plants.

The current NRC regulations in § 50.55a(1)(iv)(B)(2) incorporate by reference the 2011 Addenda of the ASME OM Code into § 50.55a. The NRC is streamlining § 50.55a wherever possible to provide clearer IST regulatory requirements for nuclear power plant licensees and applicants. As part of this effort, the NRC has determined that the incorporation by reference of the 2011 Addenda of the ASME OM Code into § 50.55a is not necessary. There are no licensees or applicants currently implementing the 2011 Addenda of the ASME OM Code. Further, the NRC regulations would have required updating licensees or applicants to implement the 2012 Edition of the ASME OM Code (rather than the 2011 Addenda) because it is a later edition and was incorporated by reference into § 50.55a on the same date. Therefore, the NRC is removing the incorporation by reference of the 2011 Addenda of the ASME OM Code from § 50.55a(1)(iv)(B)(2), which allows the NRC to remove the condition on the use of the 2011 Addenda specified in § 50.55a(b)(3)(xi) as well as the reference to the 2011 Addenda in § 50.55a(b)(3)(ix). For similar reasons, the NRC is removing the incorporation by reference of the 2015 Edition of the ASME OM Code from § 50.55a(1)(iv)(C)(2) because the 2017 Edition of the ASME OM Code was incorporated by reference into § 50.55a on the same date as the 2015 Edition. In the case of both the 2011 Addenda and 2015 Edition, the NRC incorporated these editions of the Code on the same date as a later Edition, and as a result neither was ever eligible for use by applicants or updating licensees; if similar circumstances occur in the future, the NRC will consider skipping an edition rather than incorporating a revision that would not be usable for applicants or updating licensees.

Section 50.55a(b)(3) Conditions on ASME OM Code

The NRC is simplifying § 50.55a(b)(3) to be consistent with the removal of specific editions or addenda from § 50.55a(1)(iv) as previously mentioned and further discussed in the following.

Section 50.55a(b)(3)(iii) OM Condition:
New Reactors

The NRC is simplifying § 50.55a(b)(3)(iii) by revising the applicability date to read “April 17, 2018” instead of “the date 12 months after April 17, 2017.” This editorial correction does not change the applicability date of the condition.

Section 50.55a(b)(3)(iv) OM Condition:
Check Valves (Appendix II)

The NRC is replacing the reference to the 2015 Edition of the ASME OM Code with the 2012 Edition of the ASME OM Code in this paragraph because the NRC is amending § 50.55a(a)(1)(iv)(C)(2) to remove the incorporation by reference of the 2015 Edition of the ASME OM Code. The 2012 Edition becomes the latest edition that this condition applies to because changes were made to the 2017 and later Editions that allowed the NRC not to extend the condition to the newer Editions.

Section 50.55a(b)(3)(vii) OM Condition:
Subsection ISTB

The NRC is removing this condition on the use of Subsection ISTB, “Inservice Testing of Pumps in Light-Water Reactor Nuclear Power Plants—Pre-2000 Plants,” in the 2011 Addenda of the ASME OM Code from § 50.55a. The condition is unnecessary because the NRC also is amending § 50.55a(a)(1)(iv)(B)(2) to remove the incorporation by reference of the 2011 Addenda of the ASME OM Code. The NRC is reserving this paragraph for future use.

Section 50.55a(b)(3)(viii) OM Condition:
Subsection ISTE

The current NRC regulations in § 50.55a(b)(3)(viii) specify that licensees may not implement the risk-informed approach for IST of pumps and valves specified in Subsection ISTE, “Risk-Informed Inservice Testing of Components in Light-Water Reactor Nuclear Power Plants,” in the ASME OM Code, 2009 Edition through the latest edition and addenda of the ASME OM Code incorporated by reference in § 50.55a(a)(1)(iv), without first obtaining NRC authorization to use Subsection ISTE as an alternative to the applicable IST requirements in the ASME OM Code pursuant to § 50.55a(z). In its review of Subsection ISTE, “Risk-Informed Inservice Testing of Components in Water-Cooled Nuclear Power Plants,” in the 2020 Edition of the ASME OM Code, the NRC has found that the ASME revised the subsection to be acceptable in the 2020 Edition of the ASME OM Code. Therefore, the NRC is not extending this condition to the 2020

Edition of the ASME OM Code. The NRC notes that a licensee will be expected to address performance issues with pumps and valves regardless of the risk ranking of the pumps and valves during the extent of condition review as part of the corrective action program to avoid common cause safety concerns at the applicable nuclear power plant.

Section 50.55a(b)(3)(ix), OM Condition:
Subsection ISTF

The NRC is amending the condition on the use of Subsection ISTF in § 50.55a(b)(3)(ix) by removing the references to the 2011 Addenda and the 2015 Edition of the ASME OM Code. The references are unnecessary because the NRC also is amending § 50.55a(a)(1)(iv)(B)(2) to remove the incorporation by reference of the 2011 Addenda and amending § 50.55a(a)(1)(iv)(C)(2) to remove the incorporation by reference of the 2015 Edition of the ASME OM Code. The 2012 Edition becomes the latest edition that this condition applies to because changes were made to the 2017 and later Editions that allowed the NRC not to extend the condition to the newer Editions.

Section 50.55a(b)(3)(xi) OM Condition:
Valve Position Indication

The NRC is amending § 50.55a(b)(3)(xi) for the implementation of paragraph ISTC-3700, “Position Verification Testing,” in the ASME OM Code to clarify the condition by removing the reference to addenda of the ASME OM Code. ASME stopped publishing addenda after the 2011 Addenda to the 2009 Edition, and the condition applies only to the 2012 or later editions.

In addition, the NRC is amending § 50.55a(b)(3)(xi) to allow schedule flexibility for valves not susceptible to stem-disk separation by accepting ASME OM Code Case OMN-28, “Alternative Valve Position Verification Approach to Satisfy ISTC-3700 for Valves Not Susceptible to Stem-Disk Separation,” directly in § 50.55a(b)(3)(xi). In the proposed rule, the NRC provided a revision to § 50.55a(b)(3)(xi) for public comment that would have allowed a 10-year interval (rather than the 2-year interval specified in ISTC-3700) for valves not susceptible to separation of the stem-disk connection where justification is documented and available for NRC review. In the **Federal Register** notice of proposed rulemaking, the NRC noted that the ASME OM Code committees were considering increased schedule flexibility for valve position verification testing with a 12-year interval as part of

a proposed Code Case. The NRC stated that if that Code Case was issued before the final rule was published, the NRC may adopt the 12-year maximum interval in that Code Case. ASME has finalized that draft Code Case as Code Case OMN-28, which the NRC considers to be consistent with the intent of the proposed rule. Therefore, the NRC is incorporating by reference Code Case OMN-28 in this final rule for efficiency in the regulatory process. In response to a public comment, the NRC revised § 50.55a(b)(3)(xi) to include a provision indicating that where plant conditions make it impractical to perform the initial ISTC-3700 test as supplemented by § 50.55a(b)(3)(xi) by the date 2 years following the previously performed ISTC-3700 test, a licensee may justify an extension of this initial supplemental valve position verification provided the ISTC-3700 test as supplemented by § 50.55a(b)(3)(xi) is performed at the next available opportunity and no later than the next plant shutdown. This one-time extension of the ISTC-3700 test schedule as supplemented by § 50.55a(b)(3)(xi) is acceptable provided the licensee has available for NRC review documented justification based on information obtained over the previous 5 years of the structural integrity of the stem-disk connection for the applicable valves. The licensee’s justification could be based on, for example, verification of the valve stem-disk connection through an appropriate weak link analysis, appropriate disk motion confirmed during diagnostic testing, or allowance and cessation of flow through the valves. The licensee’s justification must provide reasonable assurance that the remote indicating lights accurately reveal the position of the valve obturator until the next ISTC-3700 test as supplemented by § 50.55a(b)(3)(xi) is performed.

The NRC provides the following discussion in response to public comment on the supplemental valve position indication requirement in § 50.55a(b)(3)(xi). The NRC regulations in § 50.55a(b)(3)(xi) apply to valves within the scope of ASME OM Code, Subsection ISTC, and allow the valve position verification methods and frequencies in the ASME OM Code appendices, such as Appendix III, “Preservice and Inservice Testing of Active Electric Motor-Operated Valve Assemblies in Water-Cooled Reactor Nuclear Power Plants,” and Appendix IV, “Preservice and Inservice Testing of Active Pneumatically Operated Valve Assemblies in Nuclear Reactor Power Plants.” The condition in

§ 50.55a(b)(3)(xi) applies when the remote position indication test required by ISTC-3700 is performed (*i.e.*, 2 years from the previous remote position indication test). The NRC regulations in § 50.55a(b)(3)(xi) emphasize the intent of the valve position verification requirement in ISTC-3700 to provide assurance that the remote indicating lights provide accurate indication of the position of the valve obturator. The supplemental valve position verification requirement in § 50.55a(b)(3)(xi) is not a separate test from the valve position verification requirement in ISTC-3700.

The NRC agrees that the statement in ISTC-3700 that the observations need not be concurrent is confusing, because the purpose of observing such parameters as flow is to provide reasonable assurance that the indicating lights are accurately monitoring the valve obturator position. Therefore, the lights and supplemental observations need to be monitored together to demonstrate that the lights are performing properly. Although ISTC-3700 is not clear, this ASME OM Code paragraph allows flexibility regarding when someone physically is located at the valve to monitor stem travel and when someone is monitoring flow at another location. Further, the NRC considers the discussion of non-concurrent testing in ISTC-3700 to apply to the open and close function of each valve. For example, licensees might find it more convenient to verify that the remote indicating light for the open function is operating properly on a different day than the remote indicating light for the close function. The ASME OM Code allows non-concurrent testing for both the open and close function as long as the 2-year test frequency required by ISTC-3700 is satisfied for each stroke direction.

Supplemental position verification observations are required to start during performance of the first remote position indication test required by ISTC-3700 following licensee implementation of the ASME OM Code, 2012 Edition through the latest edition of the ASME OM Code incorporated by reference in § 50.55a(a)(1)(iv). The wording presented by the NRC staff during the public meeting on June 14, 2021, that ISTC-3700 requires valve position verification testing every 2 years and the § 50.55a(b)(3)(xi) condition applies when the ISTC-3700 test is performed (2 years from the previous ISTC-3700 test) does not reflect a change of the NRC's intent for the condition. The condition in § 50.55a(b)(3)(xi) does not modify the schedule for valve position indication testing either in ISTC-3700 or ASME OM Code, Appendix III.

ASME OM Code, Subsection ISTC, paragraph ISTC-3700, specifies that position verification testing for motor-operated valves will follow ASME OM Code, Appendix III. Therefore, the supplemental position indication testing required by § 50.55a(b)(3)(xi) will follow the IST intervals specified in ASME OM Code, Appendix III, and extended IST intervals allowed in ASME OM Code Case OMN-26, "Alternate Risk-Informed and Margin Based Rules for Inservice Testing of Motor Operated Valves," where a licensee has authorization to apply that Code Case.

Section 50.55a(f)(4): Inservice Testing Standards Requirement for Operating Plants

The NRC is modifying § 50.55a(f)(4) to clarify the relationship between § 50.55a(f)(4) and (g)(4) regarding the IST or ISI programs for dynamic restraints (snubbers). In the 2006 Addenda of the BPV Code, Section XI, ASME moved the requirements for snubbers to Subsection ISTD, "Preservice and Inservice Requirements for Dynamic Restraints (Snubbers) in Water-Cooled Reactor Nuclear Power Plants," of the OM Code. The NRC is including provisions in this paragraph that for dynamic restraints (snubbers), inservice examination, testing, and service life monitoring must meet the inservice examination and testing requirements set forth in the applicable ASME OM Code or ASME BPV Code, Section XI, as specified in § 50.55a(b)(3)(v)(A) and (B). When using the 2006 Addenda or later of the ASME BPV Code, Section XI, the inservice examination, testing, and service life monitoring requirements for dynamic restraints (snubbers) must meet the requirements set forth in the applicable ASME OM Code as specified in § 50.55a(b)(3)(v)(B). When using the 2005 Addenda or earlier edition or addenda of the ASME BPV Code, Section XI, the inservice examination, testing, and service life monitoring requirements for dynamic restraints (snubbers) must meet the requirements set forth in either the applicable ASME OM Code or ASME BPV Code, Section XI, as specified in § 50.55a(b)(3)(v). This change to § 50.55a(f)(4), coupled with the change to § 50.55a(g)(4), clarifies the applicability of the inservice examination, testing, and service life monitoring requirements for dynamic restraints (snubbers) with either the ASME OM Code or ASME BPV Code, Section XI.

In response to public comments on the proposed revision to paragraph (f)(4), the NRC is revising this paragraph to clarify that an augmented IST

program may be implemented for pumps and valves that are within the scope of the ASME OM Code but are not ASME BPV Code Class 1, 2, or 3 components. This use of an augmented IST program is acceptable without prior NRC approval (*i.e.*, without relief under § 50.55a(f)(5) or an alternative under § 50.55a(z)), provided the basis for deviations from the ASME OM Code, as incorporated by reference in § 50.55a, demonstrates an acceptable level of quality and safety, or that implementing the Code provisions would result in hardship or unusual difficulty without a compensating increase in the level of quality and safety, where documented and available for NRC review.

Section 50.55a(f)(7), Inservice Testing Reporting Requirements

The NRC is adding § 50.55a(f)(7) to require nuclear power plant applicants and licensees to submit their IST Plans related to pumps and valves, and IST Plans related to snubber examination and testing to the NRC.

The ASME OM Code editions prior to the 2020 Edition state in paragraph (a) of ISTA-3200, "Administrative Requirements," that "IST Plans shall be filed with the regulatory authorities having jurisdiction at the plant site." However, ASME has removed this provision from the 2020 Edition of the ASME OM Code, asserting this provision is more appropriate as a regulatory requirement rather than a Code requirement. The NRC needs these IST Plans for use in evaluating relief and alternative requests and to review deferral of quarterly testing to cold shutdowns and refueling outages. Therefore, the condition retains a requirement from previous editions of the ASME OM Code. In response to public comments, this final rule does not include the proposed requirement to submit interim IST Program Plans together with final safety analysis report updates. As noted in public comments, the NRC can request a licensee to submit an updated IST Program Plan if needed for the evaluation of relief or alternative requests submitted by a licensee.

Section 50.55a(g)(4), Inservice Inspection Standards Requirement for Operating Plants

The NRC is modifying § 50.55a(g)(4) to parallel proposed revisions to § 50.55a(f)(4) to clarify the relationship between § 50.55a(f)(4) and (g)(4) regarding the IST and ISI programs for dynamic restraints (snubbers). This change to § 50.55a(g)(4), coupled with the change to § 50.55a(f)(4), clarifies the applicability of the inservice

examination, testing, and service life monitoring requirements for dynamic restraints (snubbers) with either the ASME OM Code or ASME BPV Code, Section XI.

III. Opportunities for Public Participation

The proposed rule was published on March 26, 2021, for a 60-day comment period (86 FR 16087). The public comment period closed on May 25, 2021.

During the public comment period, the NRC held a public meeting on May 6, 2021, to discuss the proposed rule, to answer questions on specific provisions of the proposed rule, and to encourage public input on the proposed rule. The public meeting summary is available in ADAMS as provided in the “Availability of Documents” section of this document.

IV. NRC Responses to Public Comments

The NRC received eight letters and emails in response to the opportunity for public comment on the proposed rule. These comment submissions were submitted by the following commenters (listed in order of receipt):

1. Dominion Energy
2. Inservice Testing Owners Group
3. Private citizen, Terence Chan
4. Nuclear Energy Institute
5. American Society of Mechanical Engineers
6. Exelon Generation Company, LLC
7. Electric Power Research Institute
8. Tennessee Valley Authority

In general, the comments:

- Suggested revising or rewording conditions to make them clearer.
- Opposed proposed conditions.
- Supplied additional information for NRC’s consideration.
- Supported the proposed changes to revise or remove conditions.
- Proposed removal of several conditions.

Due to the large number of comments received and the length of the NRC’s response, a summary of the NRC’s response to comments in areas of particular interest to stakeholders is included in this final rule. Special attention has been made to discuss comments that prompted the NRC to make more than editorial changes in this final rule from what the NRC had proposed. As such, comments on ASME BPV Code, Section III are not discussed since no changes were made in response to public comments. The public comment submittals are available from the Federal e-Rulemaking website at <https://www.regulations.gov> under Docket ID NRC–2018–0290. A discussion of all comments and complete NRC responses are presented

in a separate document, “NRC Responses to Public Comments: Final Rule: American Society of Mechanical Engineers 2019–2020 Code Editions,” as provided in the “Availability of Documents” section of this document.

A. ASME BPV Code, Section XI

10 CFR 50.55a(b)(2)(xxv), Mitigation of Defects by Modification

One commenter recommended that the reexamination required by § 50.55a(b)(2)(xxv)(B)(3) be changed from “once per interval” to “once every ten years” to clarify that the reexamination need not be performed in the current inspection interval if less than 10 years remain in that inspection interval. Another commenter suggested that § 50.55a(b)(2)(xxv)(B)(3)(ii) should be revised for clarity and provided recommended text. The NRC agrees with the comments but made further revisions to the suggested clarifications to afford licensees additional flexibility. The NRC has revised § 50.55a(b)(2)(B)(3) to reflect these changes.

10 CFR 50.55a(b)(2)(xxvi), Pressure Testing Class 1, 2, and 3 Mechanical Joints

One commenter was concerned that the proposed rule language in § 50.55a(b)(2)(xxvi) contained requirements that were more specific than those utilized in licensees’ existing non-Code leak test procedures and for which the technical basis for such differentiation is unclear. The commenter suggested that the condition be deleted or replaced with an alternative language. The NRC disagrees with the commenter’s suggestion to delete the condition but agrees with the commenter’s recommendation to clarify the rule language. In response to this comment, the NRC revised § 50.55a(b)(2)(xxvi).

10 CFR 50.55a(b)(2)(xl), Prohibitions and Restrictions on Use of IWB–3510.4(b), IWC–3510.5(b), Table A–4200–1, and Table G–2110–1

A commenter did not support the restriction on the use of IWB–3510.4(b)(5) and IWC–3510.5(b)(5) for SA–508 Class 1 material, and recommended that this condition be revised in the final rule to not to apply to SA–508 Class 1 material. Further, the commenter stated that the prohibition or restriction on SA–533 Type B Class 2 material is unnecessary and recommended that the condition be deleted. The NRC agrees that the prohibition or restriction on the use of SA–508 Class 1 and SA–533 Type B Class 2 material can be removed. As a

result of this comment, the proposed condition is not included in this final rule.

B. ASME OM Code

10 CFR 50.55a(b)(3)(xi), Valve Position Indication

One comment asserted that establishing a requirement to verify obturator position on every valve in the IST program with remote position indication could place a significant burden on the licensee to develop new test methods and procedures for valves that do not have supplemental means available, such as a flow or pressure indication. The comment further recommended that the condition be revised to provide greater flexibility to licensees and allow for the supplemental position obturator verification to be credited by existing performance-based test methods and frequencies such as appendix J to 10 CFR part 50, Code Cases OMN–23 and OMN–27, and performance-based testing in Mandatory Appendices II, III, and IV. One comment recommended that the condition be deleted because the condition represents a significant burden for licensees to implement, or alternatively revised to clarify the starting point for the condition or the timeframe when the implementation must be completed. Another comment suggested a complete revision to § 50.55a(b)(3)(xi) that went beyond the changes in the proposed rule. Several comments recommended directly accepting ASME Code Case OMN–28 in § 50.55a(b)(3)(xi). No comments opposed the adoption of a Code Case such as OMN–28.

The NRC partially agrees and partially disagrees with these comments. The NRC disagrees that the condition should be revised to include a general reference to performance-based verification methods, with the intent to allow various methods for leakage testing intervals in appendix J to 10 CFR part 50 and other performance-based test methods and frequencies in the ASME OM Code and various Code Cases. The NRC notes that the appendix J to 10 CFR part 50 test program may be referenced in an alternative request in describing the proposed alternative schedule for valve position verification. However, appendix J to 10 CFR part 50 addresses, in part, containment valve leakage, and does not provide justification for verifying the valve position indicating lights. Therefore, an alternative request in accordance with § 50.55a(z) must be submitted if the appendix J to 10 CFR part 50 test program is proposed as part

of an alternative to ISTC-3700 as supplemented by § 50.55a(b)(3)(xi).

In response to comments recommending that § 50.55a(b)(3)(xi) be deleted, the NRC disagrees with these comments because the condition is necessary to ensure that licensees implement the provisions of the ASME OM Code, Subsection ISTC, paragraph ISTC-3700, to verify that valve obturator position is accurately indicated. The NRC disagrees that § 50.55a(b)(3)(xi) should be revised to clarify the start date for the condition because the start date was previously discussed in the final rule that incorporated by reference the 2012 Edition of the ASME OM Code (82 FR 32934). The NRC agrees that the condition should be revised to include a direct reference to ASME OM Code Case OMN-28, which would allow licensees to extend the 2-year interval for valve position indication testing specified in Subsection ISTC, paragraph ISTC-3700, to 12 years for valves with a stem-disk connection that is not susceptible to separation.

As a result of these comments, the NRC replaced the proposed provision allowing a 10-year interval for valve position indication testing for valves that have a stem-disk connection that is not susceptible to separation with a direct reference to the recently issued ASME Code Case OMN-28 in this final rule.

The NRC agrees with a public comment to include a provision for a one-time extension and revised 10 CFR 50.55a(b)(3)(xi) in response. More detail is provided in this document in the "Availability of Documents" section under the heading "Section 50.55a(b)(3)(xi) OM Condition: Valve Position Indication."

10 CFR 50.55a(f)(4), Inservice Testing Standards Requirement for Operating Plants

Several commenters were concerned that the proposed removal of the phrase "without requesting relief under paragraph (f)(5) of this section or alternatives under paragraph (z) of this section" caused confusion. The commenters indicated that the language is necessary to clarify that formal submittals of request for relief or alternatives are not required for augmented IST program related components. The NRC agrees with these comments that the removal of the phrase "without requesting relief under paragraph (f)(5) of this section or alternatives under paragraph (z) of this section" from the current language of § 50.55a(f)(4) as proposed has caused confusion. The NRC's proposed revision

to § 50.55a(f)(4) was intended only to clarify the transition from the ASME BPV Code, Section XI, to the ASME OM Code for the IST requirements for dynamic restraints as licensees update their IST Programs to the more recent editions of the ASME OM Code. There was no intent to require submittal of requests for non-Code Class components when using augmented testing provisions. The phrase "without requesting relief under paragraph (f)(5) of this section or alternatives under paragraph (z) of this section" was determined to be unnecessary during a final review of the proposed rule language because this aspect is understood. In response to public comments, the NRC has revised this paragraph to clarify that an augmented IST program may be implemented for pumps and valves that are within the scope of the ASME OM Code but are not ASME BPV Code Class 1, 2, or 3 components. This use of an augmented IST program is acceptable without prior NRC approval (*i.e.*, without relief under § 50.55a(f)(5) or an alternative under § 50.55a(z)) provided the basis for deviations from the ASME OM Code, as incorporated by reference in § 50.55a, demonstrates an acceptable level of quality and safety, or that implementing the Code provisions would result in hardship or unusual difficulty without a compensating increase in the level of quality and safety, where documented and available for NRC review.

10 CFR 50.55a(f)(7), Inservice Testing Reporting Requirements

Several commenters were concerned that the proposed wording in § 50.55a(f)(7) would expand the requirement for licensees to submit their IST Plans and interim IST Plan updates related to pumps and valves, and IST Plans and interim IST Plan updates related to snubber examination and testing to the NRC when the final safety analysis report is updated. The commenters indicated that this requirement would increase the frequency of the IST program plan submittals and would be unnecessary and overly burdensome. The NRC agrees that submittal of interim IST Program Plans by licensees is not necessary because, as indicated by public comments, the NRC can request that licensees provide the updated IST Program Plan if needed to evaluate a relief or alternative request. Therefore, the NRC revised § 50.55a(f)(7) to reflect this change.

V. Section-by-Section Analysis

This section describes the primary revisions made by this final rule; minor

editorial and administrative corrections to correct spacing, administrative errors, and typos are not identified in this analysis.

Paragraph (a)(1)(i)(E)

This final rule revises paragraphs (a)(1)(i)(E)(18) and (19) and adds new paragraph (a)(1)(i)(E)(20) to include the 2019 Edition of the ASME BPV Code.

Paragraph (a)(1)(ii)(A)

This final rule removes and reserves paragraph (a)(1)(ii)(A).

Paragraph (a)(1)(ii)(B)

This final rule revises paragraph (a)(1)(ii)(B) and removes paragraphs (a)(1)(ii)(B)(5) through (7).

Paragraph (a)(1)(ii)(C)

This final rule removes and reserves paragraphs (a)(1)(ii)(C)(1) through (32) and paragraphs (a)(1)(ii)(C)(37) through (40), revises paragraphs (a)(1)(ii)(C)(54) and (55), and adds new paragraph (a)(1)(ii)(C)(56) to include the 2019 Edition of the ASME BPV Code.

Paragraph (a)(1)(iii)

This final rule adds new paragraph (a)(1)(iii)(H) to include ASME OM Code Case OMN-28.

Paragraph (a)(1)(iv)

This final rule revises paragraph (a)(1)(iv)(B)(1) and removes and reserves paragraph (a)(1)(iv)(B)(2) and it revises paragraphs (a)(1)(iv)(C)(2) and (3) to replace the 2015 Edition with the 2017 Edition and the 2017 Edition with the 2020 Edition of the ASME OM Code, respectively.

Paragraph (a)(1)(v)(B)

This final rule revises paragraphs (a)(1)(v)(B)(2) and (3) and adds new paragraphs (a)(1)(v)(B)(4) through (6) to include the 2011 addenda, and the 2012 and the 2015 Editions of the ASME NQA-1 Code.

Paragraph (b)(1)

This final rule revises paragraphs (b)(1) introductory text and (b)(1)(ii), (iii), and (iv) to retain the applicability to users of the latest edition incorporated by reference in paragraph (a)(1)(i). It also revises paragraph (b)(1)(iv) to include the use of the 2015 Edition of NQA-1 and paragraph (b)(1)(x) introductory text and paragraphs (b)(1)(x)(A) and (B) to add "through the latest edition and addenda incorporated by reference in paragraph (a)(1)(i)." New paragraph (b)(1)(xiii) introductory text and paragraphs (b)(1)(xiii)(A) and (B) which apply to preservice inspection of steam generator tubes are also added.

Paragraph (b)(2)

This final rule revises paragraph (b)(2) introductory text to retain the applicability to users of the latest edition incorporated by reference in paragraph (a)(1)(ii).

Paragraph (b)(2)(viii)

This final rule removes and reserves paragraphs (b)(2)(viii)(A) through (D).

Paragraph (b)(2)(ix)

This final rule revises paragraph (b)(2)(ix) to remove references to Section XI editions and addenda prior to the 2001 Edition and to retain the applicability to users of the latest edition incorporated by reference in paragraph (a)(1)(ii). This final rule also revises paragraph (b)(2)(ix)(B) to remove references to Section XI editions and addenda prior to the 2001 Edition. This final rule also removes and reserves paragraphs (b)(2)(ix)(C) through (E).

Paragraph (b)(2)(x)

This final rule revises paragraph (b)(2)(x) to include the use of NQA-1b-2011 Addenda to NQA-1-2008 Edition, and the 2012 and the 2015 Editions of NQA-1. This final rule also removes the reference to IWA-1400.

Paragraph (b)(2)(xii)

This final rule revises paragraph (b)(2)(xii) to replace the reference to Section XI, 1997 Addenda with the reference to Section XI, 2001 Edition.

Paragraph (b)(2)(xiv)

This final rule revises paragraph (b)(2)(xiv) to replace the reference to the 1999 Addenda with the reference to the 2001 Edition.

Paragraph (b)(2)(xv)

This final rule revises paragraph (b)(2)(xv) to remove the phrase “the 1995 Edition through.”

Paragraph (b)(2)(xviii)

This final rule revises paragraph (b)(2)(xviii) to remove references to Section XI editions and addenda prior to the 2001 Edition and to retain the applicability to users of the latest edition incorporated by reference in paragraph (a)(1)(ii). This final rule also revises paragraph (b)(2)(xviii)(D) to add an option to allow the requirement in the 2019 Edition, Appendix VII, Table VII-4110-1 as an alternative to Table VII-4110-1 and Appendix VIII, Subarticle VIII-2200.

Paragraph (b)(2)(xix)

This final rule revises paragraph (b)(2)(xix) to remove references to

Section XI editions and addenda prior to the 2001 Edition.

Paragraph (b)(2)(xx)

This final rule revises paragraph (b)(2)(xx)(A) to replace the reference to the 1997 Addenda with the reference to the 2001 Edition. This final rule also revises paragraph (b)(2)(xx)(C) to retain the applicability to users of the latest edition incorporated by reference in paragraph (a)(1)(ii) and to remove reference to IWB-5210(c).

Paragraph (b)(2)(xxi)

This final rule revises paragraph (b)(2)(xxi)(B) to retain the applicability to users of the latest edition incorporated by reference in paragraph (a)(1)(ii).

Paragraph (b)(2)(xxv)

This final rule revises paragraph (b)(2)(xxv) introductory text and revises paragraph (b)(2)(xxv)(B) to extend the applicability to users of the latest edition incorporated by reference in paragraph (a)(1)(ii). This final rule also revises paragraph (b)(2)(xxv)(B)(2) to provide an alternative by allowing loss of material rates to be measured at an alternative location with similar corrosion conditions, similar flow characteristics, and the same piping configuration. This final rule also revises paragraph (b)(2)(xxv)(B)(3) to delete the refueling outage interval examination requirement and only require the examination to occur at half the modification’s expected life or, if the modification has an expected life greater than 19 years, once per interval. This final rule also revises paragraph (b)(2)(xxv)(B)(3)(i) to make editorial changes and revises paragraph (b)(2)(xxv)(B)(3)(ii) to include a provision that would allow an extension of the required inspection if the modification location is recoated prior to backfill.

Paragraph (b)(2)(xxvi)

This final rule revises paragraph (b)(2)(xxvi) to remove the requirements for pressure testing in accordance with IWA-5211(a) and NDE examination. This final rule also revises paragraph (b)(2)(xxvi) to add a requirement for the owner to perform the leak check to the standards of their appendix B to 10 CFR part 50 quality assurance program to demonstrate the joint’s leak tightness.

Paragraph (b)(2)(xxix)

This final rule revises paragraph (b)(2)(xxix) to add paragraphs (b)(2)(xxix)(A), (B), and (C) to allow the use of Supplement 2 of Nonmandatory Appendix R of Section XI in the 2017

and 2019 Editions without submittal of an alternative in accordance with § 50.55a(z).

Paragraph (b)(2)(xxxii)

This final rule revises the reporting requirements in paragraph (b)(2)(xxxii) to extend the timeframe for submittal of Summary Reports or Owner Activity Reports to 120 days.

Paragraph (b)(2)(xxxvi)

This final rule revises paragraph (b)(2)(xxxvi) to retain applicability to users of the latest edition incorporated by reference in paragraph (a)(1)(ii).

Paragraph (b)(2)(xxxix)

This final rule revises paragraph (b)(2)(xxxix) to retain applicability to users of the latest edition incorporated by reference in paragraph (a)(1)(ii).

Paragraph (b)(2)(xl)

This final rule removes and reserves paragraph (b)(2)(xl).

Paragraph (b)(2)(xliii)

This final rule adds new paragraph (b)(2)(xliii) to require submission of certain analyses to the NRC for review.

Paragraph (b)(3)

This final rule revises paragraph (b)(3) to remove references to specific editions or addenda and to extend the applicability to users of the latest edition incorporated by reference in paragraph (a)(1)(iv).

Paragraph (b)(3)(iii)

This final rule revises paragraph (b)(3)(iii) for clarity of the date of application of this condition.

Paragraph (b)(3)(iv)

This final rule revises paragraph (b)(3)(iv) to update the conditions for use of Appendix II of the ASME OM Code, 2003 Addenda through the 2012 Edition and revises the paragraph for clarity.

Paragraph (b)(3)(vii)

This final rule removes and reserves paragraph (b)(3)(vii).

Paragraph (b)(3)(viii)

This final rule revises paragraph (b)(3)(viii) to prevent it from applying to editions later than the 2017 Edition of the ASME OM Code.

Paragraph (b)(3)(ix)

This final rule revises paragraph (b)(3)(ix) to remove the reference to Subsection ISTF of the 2011 Addenda and 2015 Edition.

Paragraph (b)(3)(xi)

This final rule revises paragraph (b)(3)(xi) to remove reference to ASME OM Code addenda, revises the paragraph for clarity, and to allow increased flexibility in the schedule for position verification testing of valves not susceptible to stem-disk separation as specified in ASME OM Code Case OMN-28. The final rule also allows schedule flexibility for the initial ASME OM Code, Subsection ISTC, paragraph ISTC-3700 testing as supplemented by paragraph (b)(3)(xi) by the date 2 years after the previous ISTC-3700 test where plant conditions make such testing impractical.

Paragraph (f)(4)

This final rule revises paragraph (f)(4) to clarify the relationship between paragraphs (f)(4) and (g)(4) regarding the IST and ISI programs for dynamic restraints. The final rule clarifies that prior NRC approval is not required to implement the augmented IST program activities for pumps and valves within the scope of the ASME OM Code, but are not ASME BPV Code Class 1, 2, or 3 components, where justification is available for NRC review.

Paragraph (f)(7)

This final rule adds new paragraph (f)(7) to include the requirements for IST Program Plans at the outset of the 10-year IST Program interval.

Paragraph (g)(4)

This final rule revises paragraph (g)(4) to clarify the relationship between paragraphs (f)(4) and (g)(4) regarding the IST and ISI programs for dynamic restraints.

VI. Generic Aging Lessons Learned Report

Background

In December 2010, the NRC issued “Generic Aging Lessons Learned (GALL) Report,” NUREG-1801, Revision 2, for applicants to use in preparing license renewal applications. The GALL Report provides aging management programs (AMPs) that the NRC has concluded are sufficient for aging management in accordance with the license renewal rule, as required in § 54.21(a)(3). In addition, “Standard Review Plan for Review of License Renewal Applications for Nuclear Power Plants,” NUREG-1800, Revision 2, was issued in December 2010, to ensure the quality and uniformity of NRC reviews of license renewal applications and to present a well-defined basis on which the NRC evaluates the applicant’s AMPs and activities. In April 2011, the NRC

also issued “Disposition of Public Comments and Technical Bases for Changes in the License Renewal Guidance Documents NUREG-1801 and NUREG-1800,” NUREG-1950, which describes the technical bases for the changes in Revision 2 of the GALL Report and Revision 2 of the standard review plan (SRP) for review of license renewal applications.

Revision 2 of the GALL Report, in Sections XI.M1, XI.S1, XI.S2, XI.M3, XI.M5, XI.M6, XI.M11B, and XI.S3, describes the evaluation and technical bases for determining the sufficiency of ASME BPV Code Subsections IWB, IWC, IWD, IWE, IWF, or IWL for managing aging during the period of extended operation (*i.e.*, up to 60 years of operation). In addition, many other AMPs in the GALL Report rely, in part but to a lesser degree, on the requirements specified in the ASME BPV Code, Section XI. Revision 2 of the GALL Report also states that the 1995 Edition through the 2004 Edition of the ASME BPV Code, Section XI, Subsections IWB, IWC, IWD, IWE, IWF, or IWL, as modified and limited by § 50.55a, were found to be acceptable editions and addenda for complying with the requirements of § 54.21(a)(3), unless specifically noted in certain sections of the GALL Report. The GALL Report further states that future **Federal Register** documents that amend § 50.55a will discuss the acceptability of editions and addenda more recent than the 2004 Edition for their applicability to license renewal. In a final rule issued on June 21, 2011 (76 FR 36232), subsequent to Revision 2 of the GALL Report, the NRC also found that the 2004 Edition with the 2005 Addenda through the 2007 Edition with the 2008 Addenda of Section XI of the ASME BPV Code, Subsections IWB, IWC, IWD, IWE, IWF, or IWL, as subject to the conditions in § 50.55a, are acceptable for the AMPs in the GALL Report and the conclusions of the GALL Report remain valid with the augmentations specifically noted in the GALL Report. In a final rule issued on July 18, 2017 (82 FR 32934), the NRC further finds that the 2009 Addenda through the 2013 Edition of Section XI of the ASME BPV Code, Subsections IWB, IWC, IWD, IWE, IWF, or IWL, as subject to the conditions in § 50.55a, will be acceptable for the AMPs in the GALL Report. Also, in a final rule issued on May 4, 2020 (85 FR 26540), the NRC further finds that Subsections IWB, IWC, IWD, IWE, IWF, or IWL of Section XI of the 2015 Edition and the 2017 Edition of the ASME BPV Code, as subject to the conditions in § 50.55a,

will be acceptable for the AMPs in the GALL Report.

In July 2017, the NRC issued “Generic Aging Lessons Learned for Subsequent License Renewal (GALL-SLR) Report,” NUREG-2191, for applicants to use in preparing applications for subsequent license renewal. The GALL-SLR Report provides AMPs that are sufficient for aging management for the subsequent period of extended operation (*i.e.*, up to 80 years of operation), as required in § 54.21(a)(3). The NRC also issued “Standard Review Plan for Review of Subsequent License Renewal Applications for Nuclear Power Plants” (SRP-SLR), NUREG-2192 in July 2017. In a similar manner as the GALL Report does, the GALL-SLR Report, in Sections XI.M1, XI.S1, XI.S2, XI.M3, XI.11B, and XI.S3, describes the evaluation and technical bases for determining the sufficiency of ASME BPV Code Subsections IWB, IWC, IWD, IWE, IWF, or IWL for managing aging during the subsequent period of extended operation. Many other AMPs in the GALL-SLR Report rely, in part but to a lesser degree, on the requirements specified in the ASME BPV Code, Section XI. The GALL-SLR Report also indicates that the 1995 Edition through the 2013 Edition of the ASME BPV Code, Section XI, Subsections IWB, IWC, IWD, IWE, IWF, or IWL, as subject to the conditions in § 50.55a, are acceptable for complying with the requirements of § 54.21(a)(3), unless specifically noted in certain sections of the GALL-SLR Report.

Evaluation With Respect to Aging Management

As part of this final rule, the NRC evaluated whether those AMPs in the GALL Report and GALL-SLR Report that rely upon Subsections IWB, IWC, IWD, IWE, IWF, or IWL of Section XI in the editions and addenda of the ASME BPV Code incorporated by reference into § 50.55a, in general continue to be acceptable if the AMP relies upon these Subsections in the 2019 Edition. The NRC finds that the 2019 Edition of Section XI of the ASME BPV Code, Subsections IWB, IWC, IWD, IWE, IWF, or IWL, as subject to the conditions of this rule, are acceptable for the AMPs in the GALL Report and GALL-SLR Report with the exception of augmentation, as specifically noted in those reports, and the NRC finds that the conclusions of the GALL Report and GALL-SLR Report remain valid. Accordingly, an applicant for license renewal (including subsequent license renewal) may use, in its plant-specific license renewal application, Subsections IWB, IWC, IWD, IWE, IWF, or IWL of Section XI of

the 2019 Edition of the ASME BPV Code, as subject to the conditions in this final rule, without additional justification. Similarly, a licensee approved for license renewal that relied on the AMPs may use Subsections IWB, IWC, IWD, IWE, IWF, or IWL of Section XI of the 2019 Edition of the ASME BPV Code. However, applicants must assess and follow applicable NRC requirements with regard to licensing basis changes and evaluate the possible impact on the elements of existing AMPs.

Some of the AMPs in the GALL Report and GALL–SLR Report recommend augmentation of certain Code requirements in order to ensure adequate aging management for license renewal. The technical and regulatory aspects of the AMPs for which augmentations are recommended also apply if the 2019 Edition of Section XI of the ASME BPV Code is used to meet the requirements of § 54.21(a)(3). The NRC evaluated the changes in the 2019 Edition of Section XI of the ASME BPV Code to determine if the augmentations described in the GALL Report and GALL–SLR Report remain necessary; the NRC’s evaluation has concluded that the augmentations described in the GALL and GALL–SLR Reports are necessary to ensure adequate aging management.

For example, GALL–SLR Report AMP XI.S3, “ASME Section XI, Subsection IWF,” recommends that volumetric examination consistent with that of the ASME BPV Code, Section XI, Table IWB–2500–1, Examination Category B–G–1 should be performed to detect cracking for high strength structural bolting (actual measured yield strength greater than or equal to 150 ksi in sizes greater than 1-inch nominal diameter). The GALL–SLR Report also indicates that this volumetric examination may be waived with adequate plant-specific justification. This guidance for aging management in the GALL–SLR Report is the augmentation of the visual examination specified in Subsection IWF of the 2019 Edition of the ASME BPV Code, Section XI.

A license renewal applicant may either augment its AMPs as described in the GALL Report and GALL–SLR Report (for operation up to 60 and 80 years respectively), or propose alternatives for the NRC to review as part of the applicant’s plant-specific justification for its AMPs.

VII. Regulatory Flexibility Certification

Under the Regulatory Flexibility Act (5 U.S.C. 605(b)), the NRC certifies that this rule does not have a significant economic impact on a substantial

number of small entities. This final rule affects only the licensing and operation of nuclear power plants. The companies that own these plants do not fall within the scope of the definition of “small entities” set forth in the Regulatory Flexibility Act or the size standards established by the NRC (10 CFR 2.810).

VIII. Regulatory Analysis

The NRC has prepared a final regulatory analysis on this regulation. The analysis examines the costs and benefits of the alternatives considered by the NRC. The regulatory analysis is available as indicated in the “Availability of Documents” section of this document.

IX. Backfitting and Issue Finality

Introduction

The NRC’s Backfit Rule in § 50.109 states that the NRC shall require the backfitting of a facility only when it finds the action to be justified under specific standards stated in the rule. Section 50.109(a)(1) defines backfitting as the modification of or addition to systems, structures, components, or design of a facility; the design approval or manufacturing license for a facility; or the procedures or organization required to design, construct, or operate a facility. Any of these modifications or additions may result from a new or amended provision in the NRC’s rules or the imposition of a regulatory position interpreting the NRC’s rules that is either new or different from a previously applicable NRC position after issuance of the construction permit or the operating license or the design approval.

Section 50.55a requires nuclear power plant licensees to:

- Construct ASME BPV Code Class 1, 2, and 3 components in accordance with the rules provided in Section III, Division 1, of the ASME BPV Code (“Section III”).
- Inspect, examine, and repair or replace Class 1, 2, 3, Class MC, and Class CC components in accordance with the rules provided in Section XI, Division 1, of the ASME BPV Code (“Section XI”).
- Test Class 1, 2, and 3 pumps and valves in accordance with the rules provided in the ASME OM Code.
- Inspect, examine, repair or replace, and test Class 1, 2, and 3 dynamic restraints (snubbers) in accordance with the rules provided in either the ASME OM Code or Section XI, depending on the Code Edition.

This final rule incorporates by reference the 2019 Edition to the ASME BPV Code, Section III, Division 1 and

ASME BPV Code, Section XI, Division 1, as well as the 2020 Edition to the ASME OM Code.

The ASME BPV and OM Codes are national consensus standards developed by participants with broad and varied interests, in which all interested parties (including the NRC and utilities) participate. A consensus process involving a wide range of stakeholders is consistent with the NTTAA, inasmuch as the NRC has determined that there are sound regulatory reasons for establishing regulatory requirements for design, maintenance, ISI, and IST by rulemaking. The process also facilitates early stakeholder consideration of backfitting issues. Thus, the NRC finds that the NRC need not address backfitting with respect to the NRC’s general practice of incorporating by reference updated ASME Codes.

This final rule also incorporates by reference Code Case OMN–28, the 2011 Addenda to ASME NQA–1–2008, and the 2012 and 2015 Editions of ASME NQA–1. However, each of these are voluntary alternatives to provisions of the ASME Codes, and their incorporation by reference does not constitute backfitting, because there is no imposition of a new requirement or new position. Similarly, voluntary application of OMN–28, the 2011 Addenda to ASME NQA–1–2008, or the 2012 and 2015 Editions of ASME NQA–1 by a 10 CFR part 52 applicant or licensee does not represent NRC imposition of a requirement or action, and therefore is not inconsistent with any issue finality provision in 10 CFR part 52.

Overall Backfitting Considerations: Section III of the ASME BPV Code

Incorporation by reference of more recent editions and addenda of Section III of the ASME BPV Code does not affect a plant that has received a construction permit or an operating license or a design that has been approved. This is because the edition and addenda to be used in constructing a plant are, under § 50.55a, determined based on the date of the construction permit or combined license, and are not changed thereafter, except voluntarily by the licensee. The incorporation by reference of more recent editions and addenda of Section III ordinarily applies only to applicants after the effective date of the final rule incorporating these new editions and addenda. Thus, incorporation by reference of a more recent edition and addenda of Section III does not constitute “backfitting” as defined in § 50.109(a)(1).

*Overall Backfitting Considerations:
Section XI of the ASME BPV Code and
the ASME OM Code*

Incorporation by reference of more recent editions and addenda of Section XI of the ASME BPV Code and the ASME OM Code affects the ISI and IST programs of operating reactors. However, the Backfit Rule generally does not apply to incorporation by reference of later editions and addenda of the ASME BPV Code (Section XI) and OM Code. As previously mentioned, the NRC's longstanding regulatory practice has been to incorporate later versions of the ASME Codes into § 50.55a. Under § 50.55a, licensees must revise their ISI and IST programs every 120 months to the latest edition and addenda of Section XI of the ASME BPV Code and the ASME OM Code incorporated by reference into § 50.55a 18 months before the start of a new 120-month ISI and IST interval. Thus, when the NRC approves and requires the use of a later version of the Code for ISI and IST, it is implementing this longstanding regulatory practice and requirement. In this final rule, the NRC's elimination of some Section XI editions and addenda from the regulations does not constitute a backfit because the editions and addenda of codes being removed are no longer in use or available for use by licensees.

Other circumstances where the NRC does not apply the Backfit Rule to the approval and requirement to use later Code editions and addenda are as follows:

1. When the NRC takes exception to a later ASME BPV Code or OM Code provision but merely retains the current existing requirement, prohibits the use of the later Code provision, limits the use of the later Code provision, or supplements the provisions in a later Code, the Backfit Rule does not apply because the NRC is not imposing new requirements. However, the NRC explains any such exceptions to the Code in the preamble to and regulatory analysis for the rule.

2. When an NRC exception relaxes an existing ASME BPV Code or OM Code provision but does not prohibit a licensee from using the existing Code provision, the Backfit Rule does not apply because the NRC is not imposing new requirements.

3. Modifications and limitations imposed during previous routine updates of § 50.55a have established a precedent for determining which modifications or limitations are backfits, or require a backfit analysis (e.g., final rule dated September 10, 2008 (73 FR 52731), and a correction dated October

2, 2008 (73 FR 57235)). The application of the backfit requirements to modifications and limitations in the current rule are consistent with the application of backfit requirements to modifications and limitations in previous rules.

The incorporation by reference and adoption of a requirement mandating the use of a later ASME BPV Code or OM Code may constitute backfitting in some circumstances. In these cases, the NRC would perform a backfit analysis or prepare documented evaluation in accordance with § 50.109. These include the following:

1. When the NRC endorses a later provision of the ASME BPV Code or OM Code that takes a substantially different direction from the existing requirements, the action is treated as a backfit (e.g., 61 FR 41303; August 8, 1996).

2. When the NRC requires implementation of a later ASME BPV Code or OM Code provision on an expedited basis, the action is treated as a backfit. This applies when implementation is required sooner than it would be required if the NRC simply endorsed the Code without any expedited language (e.g., 64 FR 51370; September 22, 1999).

3. When the NRC takes an exception to an ASME BPV Code or OM Code provision and imposes a requirement that is substantially different from the existing requirement as well as substantially different from the later Code (e.g., 67 FR 60529; September 26, 2002).

*Detailed Backfitting Discussion:
Changes Beyond Those Necessary To
Incorporate by Reference the New ASME
BPV and OM Code Provisions*

This section discusses the backfitting considerations for all the changes to § 50.55a that go beyond the minimum changes necessary and required to adopt the new ASME Code Addenda into § 50.55a.

ASME BPV Code, Section III

1. Revise § 50.55a(b)(1)(iv) to require that when applying editions and addenda later than the 1989 Edition of Section III, the requirements of NQA-1 the 1994 Edition, the 2008 Edition, the 2009-1a Addenda to 2008 Edition and the 2015 Edition are acceptable for use, provided that the edition and addenda of NQA-1 specified in either NCA-4000 or NCA-7000 is used in conjunction with the administrative, quality, and technical provisions contained in the edition and addenda of Section III being used. This revision clarifies the current requirements and is considered to be

consistent with the meaning and intent of the current requirements, and therefore is not considered to result in a change in requirements. As such, this change is not a backfit.

2. Add § 50.55a(b)(1)(xiii)(A) and (B) to require compliance with two new provisions related to preservice examination of steam generator tubing. The 2017 Edition of the ASME Code contains requirements for preservice examination of steam generator tubing, however, the 2019 Edition does not require these preservice examinations of steam generator tubing to be performed including the acceptance criteria. Therefore, the NRC is adding two conditions to ensure the tubing's structural integrity and ability to perform its intended function along with an adequate preservice examination baseline for future required inservice examinations. Because the new conditions maintain the current requirements that were removed from the latest Edition of the ASME Code, the conditions do not constitute a new or changed NRC position. Therefore, this change is not a backfit.

ASME BPV Code, Section XI

1. Revise § 50.55a(a)(1)(ii) to remove the incorporation by reference of the addenda 1975 Winter Addenda, 1976 Summer Addenda 1976 Winter Addenda, and the Division 1 1977 Edition through 1994 Addenda and 1998 Edition through 2000 Addenda because they incorporate by reference older editions and addenda of Section XI that are no longer in use or available for use by licensees. The revisions do not modify the current inservice inspection regulatory requirements and, therefore, are not backfits.

2. Revise § 50.55a(b)(2)(viii), (ix), (xii), (xiv), and (xv), (b)(2)(xviii)(A), and (b)(2)(xix) and (xx) to be consistent with the removal of specific editions and addenda from § 50.55a(a)(1)(ii). These changes do not modify current requirements and, therefore, are not backfits.

3. Revise § 50.55a(b)(2)(viii), to delete § 50.55a(b)(2)(viii)(A) through (D), to be consistent with the removal of specific editions and addenda from § 50.55a(a)(1)(ii). These changes to § 50.55a(b)(2)(viii) reflect the removal of conditions that are no longer needed because they were applicable only to the addenda and editions being removed. Therefore, this change is not a backfit.

4. Revise § 50.55a(b)(2)(ix), to delete § 50.55a(b)(2)(ix)(C) through (E), to be consistent with the removal of specific editions and addenda from § 50.55a(a)(1)(ii). These changes to § 50.55a(b)(2)(ix) reflect the removal of

conditions that are no longer needed because they were applicable only to the addenda and editions being removed. Therefore, this change is not a backfit.

5. Revise § 50.55a(b)(2)(x), to remove the reference to IWA-1400. This revision clarifies the condition because the editions of NQA-1 are specified in Table IWA 1600-1 instead of IWA-1400. Therefore, the revision of this condition is not a backfit.

6. Revise § 50.55a(b)(2)(xviii)(D) to add an alternative to the requirements of Table VII-4110-1 which allows NDE examiners to achieve qualification with reduced experience hours based on hours of laboratory practice. The revised condition represents a relaxation in the current requirements. Therefore, the revision of this condition is not a backfit.

7. Revise § 50.55a(b)(2)(xxv), by revising requirements associated with (a) Conducting wall thickness examinations at alternative locations; and (b) follow-on examination requirements for external corrosion of buried piping.

The revised condition represents a relaxation in the current requirements. Therefore, the revision of this condition is not a backfit.

8. Revise § 50.55a(b)(2)(xxvi), to allow the use of a licensee defined leak check in lieu of a Section XI pressure test and VT-2 examination of mechanical joints. The revised condition represents a relaxation in the current requirements and allows licensees to perform a leak check in accordance with their post-maintenance test program and Quality Assurance program. Therefore, the revision of this condition is not a backfit.

9. Revise § 50.55a(b)(2)(xxix), to allow the use of Nonmandatory Appendix R, Supplement 2 in the 2019 and future editions of the code. The revised condition represents a relaxation from the current requirements. Therefore, the revision of this condition is not a backfit.

10. Revise § 50.55a(b)(2)(xxxii), to extend the timeframe for licensees to submit Summary Reports and Owner Activity Reports following completion of a refueling outage for users of the 2019 and future editions of the code. The revised condition represents a relaxation from the current requirements. Therefore, the revision of this condition is not a backfit.

11. Remove § 50.55a(b)(2)(xl) to allow use of Subparagraphs IWB-3510.4(b)(4), IWB-3510.4(b)(5), IWC-3510.5(b)(4), and IWC-3510(b)(5), and Table A-4200-1, Table G-2110-1, Figure A-4200-1, and Figure G-220-1 as it relates to the toughness of certain ferritic steels

with specified minimum yield strength greater than 50 ksi. Removing this condition represents a relaxation from the current requirements. Therefore, the removal of this condition is not a backfit.

12. Add § 50.55a(b)(2)(xliii) to require submittals of analyses performed under IWB-3720, Nonmandatory Appendix A, subparagraph A-4200(c), and Nonmandatory Appendix G, subparagraph G-2110(c). The condition on regulatory submittal requirements does not constitute a new or changed NRC position. Therefore, the addition of this condition is not a backfit.

ASME OM Code

1. Revise § 50.55a(a)(1)(iv) to remove the incorporation by reference of the 2011 Addenda and the 2015 Edition of the ASME OM Code, as well as make corresponding changes to § 50.55a(b)(3)(iv), (vii), and (ix) to reflect that the 2011 Addenda and the 2015 Edition are not incorporated by reference in § 50.55a. These changes remove editions of the code that are not in use. The revisions do not modify the current IST regulatory requirements and, therefore, are not backfits.

2. Revise § 50.55a(b)(3) to be consistent with the removal of specific editions or addenda from § 50.55a(a)(1)(iv). These changes to § 50.55a(b)(3) are editorial and, therefore, are not backfits.

3. Revise § 50.55a(b)(3)(viii) to specify that the condition on the use of Subsection ISTE applies through the 2017 Edition of the ASME OM Code incorporated by reference in § 50.55a(a)(1)(iv). This change allows the use of Subsection ISTE in the 2020 Edition of the ASME OM Code without conditions and, therefore, is not a backfit.

4. Revise § 50.55a(b)(3)(xi) to allow increased flexibility in the schedule for position verification testing of valves not susceptible to stem-disk separation. The final rule also allows schedule flexibility for the initial ASME OM Code, Subsection ISTE, paragraph ISTE-3700 testing as supplemented by paragraph (b)(3)(xi) by the date 2 years after the previous ISTE-3700 test where plant conditions make such testing impractical. These changes allow increased flexibility in the testing interval where justified and, therefore, are not a backfit.

5. Revise § 50.55a(f)(4) to clarify the relationship between § 50.55a(f)(4) and (g)(4) regarding the IST and ISI programs for dynamic restraints (snubbers). This modification reflects a clarification of § 50.55a(f)(4) and (g)(4) and, therefore, is not a backfit.

6. Add § 50.55a(f)(7) to state that IST Plans for pumps, valves, and dynamic restraints (snubbers) must be submitted to the NRC. This requirement was specified in the ASME OM Code up to the 2020 Edition, but ASME removed this requirement from the 2020 Edition of the ASME OM Code as more appropriate to the regulatory authority responsibilities. Therefore, this rule change is not a backfit because the NRC is maintaining the current requirement and is not imposing a new requirement.

7. Modify § 50.55a(g)(4) to clarify the relationship between § 50.55a(f)(4) and (g)(4) regarding the IST and ISI programs for dynamic restraints (snubbers). This modification reflects a clarification of § 50.55a(f)(4) and (g)(4) and, therefore, is not a backfit.

Conclusion

The NRC finds that incorporation by reference into § 50.55a of the 2019 Edition of Section III, Division 1, of the ASME BPV Code subject to the identified conditions; the 2019 Edition of Section XI, Division 1, of the ASME BPV Code, subject to the identified conditions; and the 2020 Edition of the ASME OM Code subject to the identified conditions, does not constitute backfitting or represent an inconsistency with any issue finality provisions in 10 CFR part 52.

X. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111-274) requires Federal agencies to write documents in a clear, concise, and well-organized manner. The NRC has written this document to be consistent with the Plain Writing Act as well as the Presidential Memorandum, "Plain Language in Government Writing," published June 10, 1998 (63 FR 31883).

XI. Environmental Assessment and Final Finding of No Significant Environmental Impact

This final rule action is in accordance with the NRC's policy to incorporate by reference in § 50.55a new editions and addenda of the ASME BPV and OM Codes to provide updated rules for constructing and inspecting components and testing pumps, valves, and dynamic restraints (snubbers) in light-water nuclear power plants. The ASME Codes are national voluntary consensus standards and are required by the NTTAA to be used by Government agencies unless the use of such a standard is inconsistent with applicable law or otherwise impractical. The National Environmental Policy Act (NEPA) requires Federal agencies to study the impacts of their major Federal actions significantly affecting the

quality of the human environment, and prepare detailed statements on the environmental impacts of the proposed action and alternatives to the proposed action (42 U.S.C. 4332(C); NEPA Sec. 102(C)).

The NRC has determined under NEPA, as amended, and the NRC's regulations in subpart A of 10 CFR part 51, that this rule is not a major Federal action significantly affecting the quality of the human environment and, therefore, an environmental impact statement is not required. The rulemaking does not significantly increase the probability or consequences of accidents, no changes are being made in the types of effluents that may be released off-site, and there is no significant increase in public radiation exposure. The NRC concludes that the increase in occupational exposure would not be significant. This final rule does not involve non-radiological plant effluents and has no other environmental impact. Therefore, no significant non-radiological impacts are associated with this action. The determination of this environmental assessment is that there will be no significant off-site impact to the public from this action.

XII. Paperwork Reduction Act

This final rule amends collections of information subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The collections of information were approved by the Office of Management and Budget (OMB), approval number 3150-0011.

Because the rule will reduce the burden for existing information collections, the public burden for the information collections is expected to be decreased by 240 hours per response. This reduction includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information collection.

The information collection is being conducted to document the plans for and the results of ISI and IST programs. The records are generally historical in nature and provide data on which future activities can be based. The practical utility of the information collection for the NRC is that appropriate records are available for auditing by NRC personnel to determine if ASME BPV and OM Code provisions for construction, inservice inspection, repairs, and inservice testing are being properly implemented in accordance with § 50.55a, or whether specific enforcement actions are necessary. Responses to this collection of

information are generally mandatory under § 50.55a.

You may submit comments on any aspect of the information collections, including suggestions for reducing the burden, by the following methods:

- *Federal Rulemaking Website*: Go to <https://www.regulations.gov> and search for Docket ID NRC-2018-0290.
- *Mail comments to*: FOIA, Library, and Information Collections Branch, Office of the Chief Information Officer, Mail Stop: T6-A10M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001 or to the OMB reviewer at: OMB Office of Information and Regulatory Affairs (3150-0011), Attn: Desk Officer for the Nuclear Regulatory Commission, 725 17th Street NW, Washington, DC 20503; email: oir_submission@omb.eop.gov.

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the document requesting or requiring the collection displays a currently valid OMB control number.

XIII. Congressional Review Act

This final rule is a rule as defined in the Congressional Review Act (5 U.S.C. 801-808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

XIV. Voluntary Consensus Standards

The National Technology Transfer and Advancement Act of 1995, Public Law 104-113 (NTTAA), and implementing guidance in U.S. Office of Management and Budget (OMB) Circular A-119 (revised on January 27, 2016), requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless using such a standard is inconsistent with applicable law or is otherwise impractical. The NTTAA requires Federal agencies to use industry consensus standards to the extent practical; it does not require Federal agencies to endorse a standard in its entirety. Neither the NTTAA nor Circular A-119 prohibit an agency from adopting a voluntary consensus standard while taking exception to specific portions of the standard, if those provisions are deemed to be "inconsistent with applicable law or otherwise impractical." Furthermore, taking specific exceptions furthers the Congressional intent of Federal reliance on voluntary consensus standards because it allows the adoption of substantial portions of consensus standards without the need to reject the

standards in their entirety because of limited provisions that are not acceptable to the agency.

In this final rule, the NRC is continuing its existing practice of establishing requirements for the design, construction, operation, ISI (examination) and IST of nuclear power plants by approving the use of the latest editions and addenda of the ASME BPV and OM Codes (ASME Codes) in § 50.55a. The ASME Codes are voluntary consensus standards, developed by participants with broad and varied interests, in which all interested parties (including the NRC and licensees of nuclear power plants) participate. Therefore, the NRC's incorporation by reference of the ASME Codes is consistent with the overall objectives of the NTTAA and OMB Circular A-119.

In this final rule, the NRC also is continuing its existing practice of approving the use of an ASME OM Code Case, which is an ASME-approved alternative to compliance with various provisions of the ASME OM Code. The ASME Code Cases are national consensus standards as defined in the NTTAA and OMB Circular A-119. The ASME Code Cases constitute voluntary consensus standards, in which all interested parties (including the NRC and licensees of nuclear power plants) participate. Therefore, the NRC's approval of the use of the ASME Code Case in this final rule is consistent with the overall objectives of the NTTAA and OMB Circular A-119.

As discussed in Section II of this document, this final rule conditions the use of certain provisions of the 2019 Edition to the ASME BPV Code, Section III, Division 1 and the ASME BPV Code, Section XI, Division 1, as well as the 2020 Edition to the ASME OM Code. This final rule also includes the 2011 Addenda to ASME NQA-1-2008, (ASME NQA-1b-2011), the 2012 and 2015 Editions of ASME NQA-1, and Code Case OMN-28. In addition, this final rule does not adopt ("excludes") certain provisions of the ASME Codes as discussed in this document, and in the regulatory and backfit analyses for this final rule. The NRC finds that this final rule complies with the NTTAA and OMB Circular A-119 despite these conditions and "exclusions."

If the NRC did not conditionally accept the ASME editions and addenda, the NRC would disapprove them entirely. The effect would be that licensees and applicants would submit a larger number of requests for the use of alternatives under § 50.55a(z), requests for relief under § 50.55a(f) and (g), or requests for exemptions under

§ 50.12 and/or § 52.7. These requests would likely include broad-scope requests for approval to issue the full scope of the ASME Code editions and addenda which would otherwise be approved in this final rule (*i.e.*, the request would not be simply for approval of a specific ASME Code provision with conditions). These requests would be an unnecessary additional burden for both the licensee and the NRC, inasmuch as the NRC has already determined that the ASME Codes and Code Case that are the subject of this final rule are acceptable for use (in some cases with conditions). For these reasons, the NRC concludes that this final rule's treatment of ASME Code editions and addenda any conditions placed on them does not conflict with any policy on agency use of consensus standards specified in OMB Circular A-119.

The NRC did not identify any other voluntary consensus standards developed by U.S. voluntary consensus standards bodies for use within the U.S. that the NRC could incorporate by reference instead of the ASME Codes. The NRC also did not identify any voluntary consensus standards developed by multinational voluntary consensus standards bodies for use on a multinational basis that the NRC could incorporate by reference instead of the ASME Codes. The NRC identified codes addressing the same subject as the ASME Codes for use in individual countries. At least one country, Korea, directly translated the ASME Code for use in that country. In other countries (*e.g.*, Japan), the ASME Codes were the basis for development of the country's codes, but the ASME Codes were substantially modified to accommodate that country's regulatory system and reactor designs. Finally, there are countries (*e.g.*, the Russian Federation) where that country's code was developed without regard to the ASME Code. However, some of these codes may not meet the definition of a voluntary consensus standard because they were developed by the state rather than a voluntary consensus standards body. Evaluation by the NRC of the countries' codes to determine whether each code provides a comparable or enhanced level of safety when compared against the level of safety provided under the ASME Codes would require a significant expenditure of agency resources. This expenditure does not seem justified, given that substituting another country's code for the U.S. voluntary consensus standard does not appear to substantially further

the apparent underlying objectives of the NTTAA.

In summary, this final rule satisfies the requirements of the NTTAA and OMB Circular A-119.

XV. Incorporation by Reference—Reasonable Availability to Interested Parties

The NRC is incorporating by reference two recent editions to the ASME Codes for nuclear power plants. The NRC also is incorporating by reference the ASME OM Code Case OMN-28, "Alternative Valve Position Verification Approach to Satisfy ISTC-3700 for Valves Not Susceptible to Stem-Disk Separation," the 2011 Addenda to ASME NQA-1-2008, "Quality Assurance Requirements for Nuclear Facility Applications" (ASME NQA-1b-2011), and the 2012 and 2015 Editions of ASME NQA-1, "Quality Assurance Requirements for Nuclear Facility Applications." As described in the "Background" and "Discussion" sections of this document, these materials contain standards for the design, fabrication, and inspection of nuclear power plant components.

The NRC is required by law to obtain approval for incorporation by reference from the Office of the Federal Register (OFR). The OFR's requirements for incorporation by reference are set forth in 1 CFR part 51. On November 7, 2014, the OFR adopted changes to its regulations governing incorporation by reference (79 FR 66267). The OFR regulations require an agency to discuss, in the preamble of the final rule, the ways that the materials it incorporates by reference are reasonably available to interested parties and how interested parties can obtain the materials. The discussion in this section complies with the requirement for final rules as set forth in § 51.5(b)(2).

The NRC considers "interested parties" to include all potential NRC stakeholders, not only the individuals and entities regulated or otherwise subject to the NRC's regulatory oversight. These NRC stakeholders are not a homogenous group but vary with respect to the considerations for determining reasonable availability. Therefore, the NRC distinguishes between different classes of interested parties for the purposes of determining whether the material is "reasonably available." The NRC considers the following to be classes of interested parties in NRC rulemakings with regard to the material to be incorporated by reference:

- Individuals and small entities regulated or otherwise subject to the NRC's regulatory oversight (this class also includes applicants and potential

applicants for licenses and other NRC regulatory approvals) and who are subject to the material to be incorporated by reference by rulemaking. In this context, "small entities" has the same meaning as a "small entity" under 10 CFR 2.810.

- Large entities otherwise subject to the NRC's regulatory oversight (this class also includes applicants and potential applicants for licenses and other NRC regulatory approvals) and who are subject to the material to be incorporated by reference by rulemaking. In this context, "large entities" are those that do not qualify as a "small entity" under § 2.810.

- Non-governmental organizations with institutional interests in the matters regulated by the NRC.

- Other Federal agencies, States, local governmental bodies (within the meaning of § 2.315(c)).

- Federally-recognized and State-recognized³ Indian tribes.

- Members of the general public (*i.e.*, individual, unaffiliated members of the public who are not regulated or otherwise subject to the NRC's regulatory oversight) who may wish to gain access to the materials that the NRC is incorporating by reference by rulemaking in order to participate in the rulemaking process.

The NRC makes the materials to be incorporated by reference available for inspection to all interested parties, by appointment, at the NRC Technical Library, which is located at Two White Flint North, 11545 Rockville Pike, Rockville, Maryland 20852; telephone: 301-415-7000; email:

Library.Resource@nrc.gov. Interested parties may purchase a copy of the ASME materials from ASME at Three Park Avenue, New York, NY 10016, or at the ASME website <https://www.asme.org/shop/standards>. The materials are also accessible through third-party subscription services such as IHS (15 Inverness Way East, Englewood, CO 80112; <https://global.ihs.com>) and Thomson Reuters Techstreet (3916 Ranchero Drive, Ann Arbor, MI 48108; <https://www.techstreet.com>). The purchase prices for individual documents range from \$225 to \$720 and the cost to purchase all documents is approximately \$9,000.

For the class of interested parties constituting members of the general public who wish to gain access to the materials that are incorporated by reference in order to participate in the

³ State-recognized Indian tribes are not within the scope of 10 CFR 2.315(c). However, for purposes of the NRC's compliance with 1 CFR 51.5, "interested parties" includes a broad set of stakeholders, including State-recognized Indian tribes.

rulemaking, the NRC recognizes that the \$9,000 cost may be so high that the materials could be regarded as not reasonably available for purposes of commenting on this rulemaking, despite the NRC's actions to make the materials available at the NRC's PDR.

Accordingly, the NRC requested that ASME consider enhancing public access to these materials during the public comment period. On April 14, 2020, ASME agreed to make the materials available online in a read-only electronic access format during the public comment period.

During the public comment period, the ASME made publicly available the two editions to the ASME Codes for nuclear power plants, the 2011 Addenda to ASME NQA-1-2008, and the 2012 and 2015 Editions of ASME NQA-1 that the NRC proposed to incorporate by reference. ASME made these materials publicly available in read-only format at the ASME website <https://go.asme.org/NRC-ASME>. In addition, on March 16, 2021, ASME made Code Case OMN-28 available at the ASME website <https://go.asme.org/OMcommittee>.

The materials are available to all interested parties in multiple ways and

in a manner consistent with their interest in this final rule. Therefore, the NRC concludes that the materials the NRC is incorporating by reference in this final rule are reasonably available to all interested parties.

XVI. Availability of Guidance

The NRC will not be issuing guidance for this final rule. The ASME BPV Code and OM Code provide direction for the performance of activities to satisfy the Code requirements for design, inservice inspection, and inservice testing of nuclear power plant structures, systems, and components (SSCs). In addition, the NRC provides guidance in this document for the implementation of the new conditions on the ASME BPV code and OM Code, as necessary. The NRC has a number of standard review plans (SRPs) that provide guidance to NRC reviewers and make communication and understanding of NRC review processes available to members of the public and the nuclear power industry. NUREG-0800, "Review of Safety Analysis Reports for Nuclear Power Plants," has numerous sections which discuss implementation of various aspects of the ASME BPV Code and OM Code (e.g., Sections 3.2.2, 3.8.1, 3.8.2, 3.9.3, 3.9.6,

3.9.7, 3.9.8, 3.13, 5.2.1.1, 5.2.1.2, 5.2.4, and 6.6). The NRC also publishes Regulatory Guides and Generic Communications (i.e., Regulatory Issue Summaries and Information Notices) to communicate and clarify NRC technical or policy positions on regulatory matters which may contain guidance relative to this final rule.

Revision 3 of NUREG-1482, "Guidelines for Inservice Testing at Nuclear Power Plants," provides guidance for the development and implementation of IST programs at nuclear power plants. With direction provided in the ASME BPV and OM Codes, and guidance in this document, the NRC has determined that preparation of a separate guidance document is not necessary for this update to § 50.55a. However, the NRC will consider preparing a revision to NUREG-1482 in the future to address the latest edition of the ASME OM Code incorporated by reference in § 50.55a.

XVII. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

| Document | ADAMS Accession No./web link/ Federal Register citation |
|--|--|
| Proposed Rule Documents | |
| Proposed Rule— Federal Register Document (March 26, 2021) | 86 FR 16087 |
| Draft Regulatory Analysis (March 2021) | ML20178A448 |
| Final Rule Documents | |
| Final Regulatory Analysis (September 2022) | ML21267A092 |
| NRC Responses to Public Comments: Final Rule: American Society of Mechanical Engineers 2019–2020 Code Editions (September 2022). | ML21267A094 |
| Annotated Public Comments on Proposed Rule: American Society of Mechanical Engineers 2019–2020 Code Editions (September 2022). | ML21267A098 |
| Related Documents | |
| Email from Louise Lund, NRC, to Allyson B. Byk, ASME, "NRC Request for Public Access to ASME Materials—Correction Needed (Docket No. NRC-2018-0290)," January 5, 2021. | ML21014A012 |
| Email from Louise Lund, NRC, to Allyson B. Byk, ASME, "NRC Request for Public Access to ASME Material the NRC Seeks to Incorporate by Reference into Its Regulations (Docket No. NRC-2018-0290)," October 22, 2020. | ML20308A511 |
| Email from Louise Lund, NRC, to Christian A. Sanna, ASME, "NRC Request for Public Access to ASME Material the NRC Seeks to Incorporate by Reference into Its Regulations (Docket No. NRC-2018-0290)," April 14, 2020. | ML20127H677 |
| Email from Christian A. Sanna, ASME, to Louise Lund, NRC, "NRC Request for Public Access to ASME Material the NRC Seeks to Incorporate by Reference into Its Regulations (Docket No. NRC-2018-0290)," April 14, 2020. | ML20127H684 |
| Summary of the May 6, 2021, Public Meeting on the Proposed Rule to Incorporate by Reference the 2019 and 2020 Editions of ASME Codes into 10 CFR 50.55a. | ML21139A222 |
| Summary of the June 4, 2020, Public Meeting with the Nuclear Industry to Discuss Title 10 of the <i>Code of Federal Regulations</i> , Section 50.55a(b)(xxvi) Condition of Pressure Testing of Class 1, 2, and 3 Mechanical Joints. | ML20163A609 |
| Summary of the June 25, 2020, Public Meeting with the Nuclear Industry to Discuss Title 10 of the <i>Code of Federal Regulations</i> , Section 50.55a(b)(xxvi) Condition of Pressure Testing of Class 1, 2, and 3 Mechanical Joints. | ML20189A286 |
| Staff Requirements Memorandum—Affirmation Session, 11:30 a.m., Friday, September 10, 1999, Commissioners' Conference Room, One White Flint North, Rockville, Maryland (Open to Public Attendance). | ML003755050 |

| Document | ADAMS Accession No./web link/ Federal Register citation |
|---|--|
| Enforcement Guidance Memorandum 14–003, “Enforcement Discretion not to Cite Violations Involving Bolt and Stud Non-Destructive Examination Qualification Programs, while Rulemaking Changes are Being Developed,” January 16, 2015. | ML14169A582 |
| Information to Licensees Regarding Two NRC Inspection Manual Sections on Resolution of Degraded and Nonconforming Conditions and on Operability (Generic Letter 91–18), November 7, 1991. | ML031140549 |
| NRC Regulatory Issue Summary 2004–16, “Use of Later Editions and Addenda to ASME Code Section XI for Repair/Replacement Activities,” October 19, 2004. | ML042590067 |
| Regulatory Guide 1.28, Revision 5, “Quality Assurance Program Criteria (Design and Construction),” October 2017. | ML17207A293 |
| Regulatory Guide 1.147, Revision 19, “Inservice Inspection Code Case Acceptability, ASME Section XI, Division 1,” October 2019. | ML19128A244 |
| Regulatory Guide 1.178, Revision 1, “An Approach for Plant-Specific Risk-Informed Decisionmaking for Inservice Inspection of Piping,” September 2003. | ML032510128 |
| Regulatory Guide 1.200, Revision 2, “An Approach for Determining the Technical Adequacy of Probabilistic Risk Assessment Results for Risk-Informed Activities,” March 2009. | ML090410014 |
| NUREG–0800, NRC Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition (NUREG–0800), Chapter 3.9.8, “Risk-Informed Inservice Inspection of Piping,” September 2003. | ML032510135 |
| NUREG–1339, “Resolution of Generic Safety Issue 29: Bolting Degradation or Failure in Nuclear Power Plants,” June 1990. | ML031430208 |
| NUREG–1482, Revision 3, “Guidelines for Inservice Testing at Nuclear Power Plants,” July 2020 | ML20202A473 |
| NUREG–1801, Revision 2, “Generic Aging Lessons Learned (GALL) Report,” December 2010 | ML103490041 |
| NUREG–1800, Revision 2, “Standard Review Plan for Review of License Renewal Applications for Nuclear Power Plants,” December 2010. | ML103490036 |
| NUREG–2191, Vols. 1 and 2, “Generic Aging Lessons Learned for Subsequent License Renewal (GALL–SLR) Report,” July 2017. | ML17187A031 ML17187A204 |
| NUREG–1950, “Disposition of Public Comments and Technical Bases for Changes in the License Renewal Guidance Documents NUREG–1801 and NUREG–1800,” April 2011. | ML11116A062 |
| NUREG–2192, “Standard Review Plan for Review of Subsequent License Renewal Applications for Nuclear Power Plants,” July 2017. | ML17188A158 |
| Report Number PNNL–29761, “Nondestructive Examination (NDE) Training and Qualifications: Implications of Research on Human Learning and Memory, Instruction and Expertise,” March 2020. | ML20079E343 |

ASME Codes and Standards

| | |
|---|---|
| ASME BPV Code, Section III, Division 1: 2019 Edition | https://go.asme.org/NRC-ASME |
| ASME BPV Code, Section XI, Division 1: 2019 Edition | https://go.asme.org/NRC-ASME |
| ASME OM Code, Division 1: 2020 Edition | https://go.asme.org/NRC-ASME |
| ASME OM Code Case OMN–28, “Alternative Valve Position Verification Approach to Satisfy ISTC–3700 for Valves Not Susceptible to Stem-Disk Separation”. | https://go.asme.org/OMcommittee |
| ASME NQA–1b–2011, “Quality Assurance Requirements for Nuclear Facility Applications” (2011 Addenda) | https://go.asme.org/NRC-ASME |
| ASME NQA–1–2012, “Quality Assurance Requirements for Nuclear Facility Applications” | https://go.asme.org/NRC-ASME |
| ASME NQA–1–2015, “Quality Assurance Requirements for Nuclear Facility Applications” | https://go.asme.org/NRC-ASME |

List of Subjects in 10 CFR Part 50

Administrative practice and procedure, Antitrust, Backfitting, Classified information, Criminal penalties, Education, Emergency planning, Fire prevention, Fire protection, Incorporation by reference, Intergovernmental relations, Nuclear power plants and reactors, Penalties, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements, Whistleblowing.

For the reasons set forth in the preamble, and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR part 50:

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

■ 1. The authority citation for part 50 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 101, 102, 103, 104, 105, 108, 122, 147, 149, 161, 181, 182, 183, 184, 185, 186, 187, 189, 223, 234 (42 U.S.C. 2014, 2131, 2132, 2133, 2134, 2135, 2138, 2152, 2167, 2169, 2201, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2239, 2273, 2282); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); Nuclear Waste Policy Act of 1982, sec. 306 (42 U.S.C. 10226); National Environmental Policy Act of 1969 (42 U.S.C. 4332); 44 U.S.C. 3504 note; Sec. 109, Pub. L. 96–295, 94 Stat. 783.

- 2. In § 50.55a:
 - a. In paragraph (a)(1)(i)(E)(18), remove “, and” and add a semicolon in its place;
 - b. Revise paragraph (a)(1)(i)(E)(19) and add paragraph (a)(1)(i)(E)(20);

- c. Revise and republish paragraphs (a)(1)(ii) through (iv), (a)(1)(v)(B), (b)(1), (b)(2) introductory text, and (b)(2)(viii) through (xiv);
- d. In paragraph (b)(2)(xv) introductory text, remove the text “the 1995 Edition through”;
- e. Revise and republish paragraphs (b)(2)(xviii) through (xxi), (xxv), (xxvi), (xxix), (xxxii), (xxxvi), and (xxxix);
- f. Remove and reserve paragraph (b)(2)(xl);
- g. Add paragraph (b)(2)(xliii);
- h. In paragraph (b)(3) introductory text, remove the text “1995 Edition through the latest edition” and add in its place the word “editions”;
- i. Revise and republish paragraph (b)(3)(iii);
- j. In paragraph (b)(3)(iv), remove the year “2015” and add in its place the year “2012” and remove the word “shall” and add in its place the word “must” everywhere it appears;

- k. Remove and reserve paragraph (b)(3)(vii);
- l. Revise and republish paragraphs (b)(3)(viii) through (xi) and (f)(4);
- m. Add paragraph (f)(7); and
- n. Revise paragraph (g)(4) introductory text.

The revisions, republications, and additions read as follows:

§ 50.55a Codes and standards.

- (a) * * *
- (1) * * *
- (i) * * *
- (E) * * *
- (19) 2017 Edition (including Subsection NCA; and Division 1 subsections NB through NG and Appendices); and
- (20) 2019 Edition (including Subsection NCA; and Division 1 subsections NB through NG and Appendices).
- (ii) *ASME Boiler and Pressure Vessel Code, Section XI*. The editions and addenda for Section XI of the ASME Boiler and Pressure Vessel Code are listed in this paragraph (a)(1)(ii), but limited by those provisions identified in paragraph (b)(2) of this section.
 - (A) [Reserved]
 - (B) “Rules for Inservice Inspection of Nuclear Power Plant Components:”
 - (1) 1974 Edition;
 - (2) 1974 Summer Addenda;
 - (3) 1974 Winter Addenda; and
 - (4) 1975 Summer Addenda.
 - (C) “Rules for Inservice Inspection of Nuclear Power Plant Components—Division 1:”
 - (1)–(32) [Reserved]
 - (33) 1995 Edition;
 - (34) 1995 Addenda;
 - (35) 1996 Addenda;
 - (36) 1997 Addenda;
 - (37)–(40) [Reserved]
 - (41) 2001 Edition;
 - (42) 2001 Addenda;
 - (43) 2002 Addenda;
 - (44) 2003 Addenda;
 - (45) 2004 Edition;
 - (46) 2005 Addenda;
 - (47) 2006 Addenda;
 - (48) 2007 Edition;
 - (49) 2008 Addenda;
 - (50) 2009b Addenda;
 - (51) 2010 Edition;
 - (52) 2011a Addenda;
 - (53) 2013 Edition;
 - (54) 2015 Edition;
 - (55) 2017 Edition; and
 - (56) 2019 Edition.
 - (iii) *ASME Code Cases: Nuclear Components*—(A) *ASME BPV Code Case N-513-3 Mandatory Appendix I*. ASME

BPV Code Case N-513-3, “Evaluation Criteria for Temporary Acceptance of Flaws in Moderate Energy Class 2 or 3 Piping Section XI, Division 1,” Mandatory Appendix I, “Relations for F_m , F_b , and F for Through-Wall Flaws” (Approval Date: January 26, 2009). ASME BPV Code Case N-513-3 Mandatory Appendix I is referenced in paragraph (b)(2)(xxxiv)(B) of this section.

(B) *ASME BPV Code Case N-722-1*. ASME BPV Code Case N-722-1, “Additional Examinations for PWR Pressure Retaining Welds in Class 1 Components Fabricated with Alloy 600/82/182 Materials, Section XI, Division 1” (Approval Date: January 26, 2009), with the conditions in paragraph (g)(6)(ii)(E) of this section.

(C) *ASME BPV Code Case N-729-6*. ASME BPV Code Case N-729-6, “Alternative Examination Requirements for PWR Reactor Vessel Upper Heads With Nozzles Having Pressure-Retaining Partial-Penetration Welds Section XI, Division 1” (Approval Date: March 3, 2016), with the conditions in paragraph (g)(6)(ii)(D) of this section.

(D) *ASME BPV Code Case N-770-5*. ASME BPV Code Case N-770-5, “Alternative Examination Requirements and Acceptance Standards for Class 1 PWR Piping and Vessel Nozzle Butt Welds Fabricated with UNS N06082 or UNS W86182 Weld Filler Material With or Without Application of Listed Mitigation Activities Section XI, Division 1” (Approval Date: November 7, 2016), with the conditions in paragraph (g)(6)(ii)(F) of this section.

(E) [Reserved]

(F) *ASME BPV Code Case N-852*. ASME BPV Code Case N-852, “Application of the ASME NPT Stamp, Section III, Division 1; Section III, Division 2; Section III, Division 3; Section III, Division 5” (Approval Date: February 9, 2015). ASME BPV Code Case N-852 is referenced in paragraph (b)(1)(ix) of this section.

(G) [Reserved]

(H) *ASME OM Code Case OMN-28*. ASME OM Case OMN-28, “Alternative Valve Position Verification Approach to Satisfy ISTC-3700 for Valves Not Susceptible to Stem-Disk Separation.” Issued March 4, 2021. OMN-28 is referenced in paragraph (b)(3)(xi) of this section.

(iv) *ASME Operation and Maintenance Code*. The editions and addenda for the ASME Operation and Maintenance of Nuclear Power Plants are listed in this paragraph (a)(1)(iv), but limited by those provisions identified in paragraph (b)(3) of this section.

(A) “Code for Operation and Maintenance of Nuclear Power Plants:”

- (1) 1995 Edition;
- (2) 1996 Addenda;
- (3) 1997 Addenda;
- (4) 1998 Edition;
- (5) 1999 Addenda;
- (6) 2000 Addenda;
- (7) 2001 Edition;
- (8) 2002 Addenda;
- (9) 2003 Addenda;
- (10) 2004 Edition;
- (11) 2005 Addenda; and
- (12) 2006 Addenda.

(B) “Operation and Maintenance of Nuclear Power Plants, Division 1: Section IST Rules for Inservice Testing of Light-Water Reactor Power Plants:”

- (1) 2009 Edition.
- (2) [Reserved]

(C) Operation and Maintenance of Nuclear Power Plants:

- (1) 2012 Edition, “Division 1: OM Code: Section IST”;
- (2) 2017 Edition; and
- (3) 2020 Edition.

(v) * * *

- (B) ASME NQA-1, “Quality Assurance Requirements for Nuclear Facility Applications:”

- (1) NQA-1—1994 Edition;
- (2) NQA-1—2008 Edition;
- (3) NQA-1a—2009;
- (4) NQA-1b—2011 Addenda;
- (5) NQA-1—2012; and
- (6) NQA-1—2015.

* * * * *

(b) * * *

- (1) *Conditions on ASME BPV Code Section III*. Each manufacturing license, standard design approval, and design certification under 10 CFR part 52 is subject to the following conditions. As used in this section, references to Section III refer to Section III of the ASME BPV Code and include the 1963 Edition through 1973 Winter Addenda and the 1974 Edition (Division 1) through the latest edition and addenda incorporated by reference in paragraph (a)(1)(i) of this section, subject to the following conditions:

(i) *Section III condition: Section III materials*. When applying the 1992 Edition of Section III, applicants or licensees must apply the 1992 Edition with the 1992 Addenda of Section II of the ASME Boiler and Pressure Vessel Code.

(ii) *Section III condition: Weld leg dimensions*. When applying the 1989 Addenda through the latest edition and addenda incorporated by reference in paragraph (a)(1) of this section, applicants and licensees may not apply the Section III provisions identified in table 1 to this paragraph (b)(1)(ii) for welds with leg size less than 1.09 t_n:

TABLE 1 TO PARAGRAPH (b)(1)(ii)—PROHIBITED CODE PROVISIONS

| Editions and addenda | Code provision |
|---|---|
| 1989 Addenda through the latest edition and addenda incorporated by reference in paragraph (a)(1)(i) of this section. | Subparagraph NB-3683.4(c)(1); Subparagraph NB-3683.4(c)(2). |
| 1989 Addenda through 2003 Addenda | Footnote 11 to Figure NC-3673.2(b)-1; Note 11 to Figure ND-3673.2(b)-1. |
| 2004 Edition through 2010 Edition | Footnote 13 to Figure NC-3673.2(b)-1; Note 13 to Figure ND-3673.2(b)-1. |
| 2011 Addenda through the latest edition and addenda incorporated by reference in paragraph (a)(1)(i) of this section. | Footnote 11 to Table NC-3673.2(b)-1; Note 11 to Table ND-3673.2(b)-1. |

(iii) *Section III condition: Seismic design of piping.* Applicants or licensees may use Subarticles NB-3200, NB-3600, NC-3600, and ND-3600 for seismic design of piping, up to and including the 1993 Addenda, subject to the condition specified in paragraph (b)(1)(ii) of this section. Applicants or licensees may not use these subarticles for seismic design of piping in the 1994 Addenda through the 2005 Addenda incorporated by reference in paragraph (a)(1) of this section, except that Subarticle NB-3200 in the 2004 Edition through the 2017 Edition may be used by applicants and licensees, subject to the condition in paragraph (b)(1)(iii)(A) of this section. Applicants or licensees may use Subarticles NB-3600, NC-3600, and ND-3600 for the seismic design of piping in the 2006 Addenda through the latest edition and addenda incorporated by reference in paragraph (a)(1)(i) of this section, subject to the conditions of this paragraph (b)(1)(iii) corresponding to those subarticles.

(A) *Seismic design of piping: First provision.* When applying Note (1) of Figure NB-3222-1 for Level B service limits, the calculation of Pb stresses must include reversing dynamic loads (including inertia earthquake effects) if evaluation of these loads is required by NB-3223(b).

(B) *Seismic design of piping: Second provision.* For Class 1 piping, the material and Do/t requirements of NB-3656(b) must be met for all Service Limits when the Service Limits include reversing dynamic loads, and the alternative rules for reversing dynamic loads are used.

(iv) *Section III condition: Quality assurance.* When applying editions and addenda later than the 1989 Edition of Section III, an applicant or licensee may use the requirements of NQA-1, “Quality Assurance Requirements for Nuclear Facility Applications,” that is both incorporated by reference in paragraph (a)(1)(v) of this section and specified in either NCA-4000 or NCA-7000 of that Edition and Addenda of Section III, provided that the administrative, quality, and technical

provisions contained in that Edition and Addenda of Section III are used in conjunction with the applicant’s or licensee’s appendix B to this part quality assurance program; and that the applicant’s or licensee’s Section III activities comply with those commitments contained in the applicant’s or licensee’s quality assurance program description. Where NQA-1 and Section III do not address the commitments contained in the applicant’s or licensee’s appendix B quality assurance program description, those licensee commitments must be applied to Section III activities.

(v) *Section III condition: Independence of inspection.* Applicants or licensees may not apply the exception in NCA-4134.10(a) of Section III, 1995 Edition through 2009b Addenda of the 2007 Edition, from paragraph 3.1 of Supplement 10S-1 of NQA-1-1994 Edition.

(vi) *Section III condition: Subsection NH.* The provisions in Subsection NH, “Class 1 Components in Elevated Temperature Service,” 1995 Addenda through all editions and addenda up to and including the 2013 Edition incorporated by reference in paragraph (a)(1) of this section, may only be used for the design and construction of Type 316 stainless steel pressurizer heater sleeves where service conditions do not cause the components to reach temperatures exceeding 900 °F.

(vii) *Section III condition: Capacity certification and demonstration of function of incompressible-fluid pressure-relief valves.* When applying the 2006 Addenda through all editions and addenda up to and including the latest edition and addenda incorporated by reference in paragraph (a)(1)(i) of this section, applicants and licensees may use paragraph NB-7742, except that paragraph NB-7742(a)(2) may not be used. For a valve design of a single size to be certified over a range of set pressures, the demonstration of function tests under paragraph NB-7742 must be conducted as prescribed in NB-7732.2 on two valves covering the minimum set pressure for the design and the

maximum set pressure that can be accommodated at the demonstration facility selected for the test.

(viii) *Section III condition: Use of ASME certification marks.* When applying editions and addenda earlier than the 2011 Addenda to the 2010 Edition, licensees may use either the ASME BPV Code Symbol Stamps or the ASME Certification Marks with the appropriate certification designators and class designators as specified in the 2013 Edition through the latest edition and addenda incorporated by reference in paragraph (a)(1) of this section.

(ix) *Section III Condition: NPT Code Symbol Stamps.* Licensees may use the NPT Code Symbol Stamp with the letters arranged horizontally as specified in ASME BPV Code Case N-852 for the service life of a component that had the NPT Code Symbol Stamp applied during the time period from January 1, 2005, through December 31, 2015.

(x) *Section III Condition: Visual examination of bolts, studs and nuts.* Applicants or licensees applying the provisions of NB-2582, NC-2582, NE-2582, NF-2582, NG-2582 in the 2017 Edition of Section III through the latest edition and addenda incorporated by reference in paragraph (a)(1)(i) of this section, must apply paragraphs (b)(1)(x)(A) and (B) of this section.

(A) *Visual examination of bolts, studs, and nuts: First provision.* When applying the provisions of NB-2582, NC-2582, ND-2582, NE-2582, NF-2582, NG-2582 in the 2017 Edition of Section III through the latest edition and addenda incorporated by reference in paragraph (a)(1)(i) of this section, the visual examinations are required to be performed in accordance with procedures qualified to NB-5100, NC-5100, ND-5100, NE-5100, NF-5100, NG-5100 and performed by personnel qualified in accordance with NB-5500, NC-5500, ND-5500, NE-5500, NF-5500, and NG-5500.

(B) *Visual examination of bolts, studs, and nuts: Second provision.* When applying the provisions of NB-2582, NC-2582, ND-2582, NE-2582, NF-

2582, and NG-2582 in the 2017 Edition of Section III through the latest edition and addenda incorporated by reference in paragraph (a)(1)(i) of this section, bolts, studs, and nuts must be visually examined for discontinuities including cracks, bursts, seams, folds, thread lap, voids, and tool marks.

(xi) *Section III condition: Mandatory Appendix XXVI.* When applying the 2015 and 2017 Editions of Section III, Mandatory Appendix XXVI, "Rules for Construction of Class 3 Buried Polyethylene Pressure Piping," applicants or licensees must meet the following conditions:

(A) *Mandatory Appendix XXVI: First provision.* When performing fusing procedure qualification testing in accordance with XXVI-2300 and XXVI-4330 the following essential variables must be used for the performance qualification tests of butt fusion joints:

(1) Joint Type: A change in the type of joint from that qualified, except that a square butt joint qualifies as a mitered joint.

(2) Pipe Surface Alignment: A change in the pipe outside diameter (O.D.) surface misalignment of more than 10 percent of the wall thickness of the thinner member to be fused.

(3) PE Material: Each lot of polyethylene source material to be used in production (XXVI-2310(c)).

(4) Wall Thickness: Each thickness to be fused in production (XXVI-2310(c)).

(5) Diameter: Each diameter to be fused in production (XXVI-2310(c)).

(6) Cross-sectional Area: Each combination of thickness and diameter (XXVI-2310(c)).

(7) Position: Maximum machine carriage slope when greater than 20 degrees from horizontal (XXVI-4321(c)).

(8) Heater Surface Temperature: A change in the heater surface temperature to a value beyond the range tested (XXVI-2321).

(9) Ambient Temperature: A change in ambient temperature to less than 50 °F (10 °C) or greater than 125 °F (52 °C) (XXVI-4412(b)).

(10) Interfacial Pressure: A change in interfacial pressure to a value beyond the range tested (XXVI-2321).

(11) Decrease in Melt Bead Width: A decrease in melt bead size from that qualified.

(12) Increase in Heater Removal Time: An increase in heater plate removal time from that qualified.

(13) Decrease in Cool-down Time: A decrease in the cooling time at pressure from that qualified.

(14) Fusing Machine Carriage Model: A change in the fusing machine carriage model from that tested (XXVI-2310(d)).

(B) *Mandatory Appendix XXVI: Second provision.* When performing

procedure qualification for high speed tensile impact testing of butt fusion joints in accordance with XXVI-2300 or XXVI-4330, breaks in the specimen that are away from the fusion zone must be retested. When performing fusing operator qualification bend tests of butt fusion joints in accordance with XXVI-4342, guided side bend testing must be used for all thicknesses greater than 1.25 inches.

(C) *Mandatory Appendix XXVI: Third provision.* When performing fusing procedure qualification tests in accordance with 2017 Edition of BPV Code Section III XXVI-2300 and XXVI-4330, the following essential variables must be used for the testing of electrofusion joints:

(1) Joint Design: A change in the design of an electrofusion joint.

(2) Fit-up Gap: An increase in the maximum radial fit-up gap qualified.

(3) Pipe PE Material: A change in the PE designation or cell classification of the pipe from that tested (XXVI-2322(a)).

(4) Fitting PE Material: A change in the manufacturing facility or production lot from that tested (XXVI-2322(b)).

(5) Pipe Wall Thickness: Each thickness to be fused in production (XXVI-2310(c)).

(6) Fitting Manufacturer: A change in fitting manufacturer.

(7) Pipe Diameter: Each diameter to be fused in production (XXVI-2310(c)).

(8) Cool-down Time: A decrease in the cool time at pressure from that qualified.

(9) Fusion Voltage: A change in fusion voltage.

(10) Nominal Fusion Time: A change in the nominal fusion time.

(11) Material Temperature Range: A change in material fusing temperature beyond the range qualified.

(12) Power Supply: A change in the make or model of electrofusion control box (XXVI-2310(f)).

(13) Power Cord: A change in power cord material, length, or diameter that reduces current at the coil to below the minimum qualified.

(14) Processor: A change in the manufacturer or model number of the processor. (XXVI-2310(f)).

(15) Saddle Clamp: A change in the type of saddle clamp.

(16) Scraping Device: A change from a clean peeling scraping tool to any other type of tool.

(xii) *Section III condition: Certifying Engineer.* When applying the 2017 and later editions of ASME BPV Code Section III, the NRC does not permit applicants and licensees to use a Certifying Engineer who is not a Registered Professional Engineer

qualified in accordance with paragraph XXIII-1222 for Code-related activities that are applicable to U.S. nuclear facilities regulated by the NRC. The use of paragraph XXIII-1223 is prohibited.

(xiii) *Section III Condition: Preservice Inspection of Steam Generator Tubes.* Applicants or licensees applying the provisions of NB-5283 and NB-5360 in the 2019 Edition of Section III, must apply paragraphs (b)(1)(xiii)(A) and (B) of this section.

(A) *Preservice Inspection of Steam Generator Tubes: First provision.* When applying the provisions of NB-5283 in the 2019 Edition of Section III, a full-length preservice examination of 100 percent of the steam generator tubing in each newly installed steam generator must be performed prior to plant startup.

(B) *Preservice Inspection of Steam Generator Tubes: Second provision.* When applying the provisions of NB-5360 in the 2019 Edition of Section III, flaws revealed during preservice examination of steam generator tubing performed in accordance with paragraph (b)(1)(xiii)(A) of this section must be evaluated using the criteria in the design specifications.

(2) *Conditions on ASME BPV Code, Section XI.* As used in this section, references to Section XI refer to Section XI, Division 1, of the ASME BPV Code, and include the 1970 Edition through the 1976 Winter Addenda and the 1977 Edition through the latest edition incorporated by reference in paragraph (a)(1)(ii) of this section, subject to the following conditions:

* * * * *

(viii) *Section XI condition: Concrete containment examinations.* Applicants or licensees applying Subsection IWL, 2001 Edition through the 2004 Edition, up to and including the 2006 Addenda, must apply paragraphs (b)(2)(viii)(E) through (G) of this section. Applicants or licensees applying Subsection IWL, 2007 Edition up to and including the 2008 Addenda must apply paragraph (b)(2)(viii)(E) of this section. Applicants or licensees applying Subsection IWL, 2007 Edition with the 2009 Addenda through the latest edition and addenda incorporated by reference in paragraph (a)(1)(ii) of this section, must apply paragraphs (b)(2)(viii)(H) and (I) of this section.

(A)-(D) [Reserved]

(E) *Concrete containment examinations: Fifth provision.* For Class CC applications, the applicant or licensee must evaluate the acceptability of inaccessible areas when conditions exist in accessible areas that could indicate the presence of or the result in

degradation to such inaccessible areas. For each inaccessible area identified, the applicant or licensee must provide the following in the ISI Summary Report required by IWA-6000:

(1) A description of the type and estimated extent of degradation, and the conditions that led to the degradation;

(2) An evaluation of each area, and the result of the evaluation; and

(3) A description of necessary corrective actions.

(F) *Concrete containment examinations: Sixth provision.*

Personnel that examine containment concrete surfaces and tendon hardware, wires, or strands must meet the qualification provisions in IWA-2300. The "owner-defined" personnel qualification provisions in IWL-2310(d) are not approved for use.

(G) *Concrete containment examinations: Seventh provision.*

Corrosion protection material must be restored following concrete containment post-tensioning system repair and replacement activities in accordance with the quality assurance program requirements specified in IWA-1400.

(H) *Concrete containment examinations: Eighth provision.* For each inaccessible area of concrete identified for evaluation under IWL-2512(a), or identified as susceptible to deterioration under IWL-2512(b), the licensee must provide the applicable information specified in paragraphs (b)(2)(viii)(E)(1), (2), and (3) of this section in the ISI Summary Report required by IWA-6000.

(I) *Concrete containment examinations: Ninth provision.* During the period of extended operation of a renewed license under part 54 of this chapter, the licensee must perform the technical evaluation under IWL-2512(b) of inaccessible below-grade concrete surfaces exposed to foundation soil, backfill, or groundwater at periodic intervals not to exceed 5 years. In addition, the licensee must examine representative samples of the exposed portions of the below-grade concrete, when such below-grade concrete is excavated for any reason.

(ix) *Section XI condition: Metal containment examinations.* Applicants or licensees applying Subsection IWE, 2001 Edition up to and including the 2003 Addenda, must satisfy the requirements of paragraphs (b)(2)(ix)(A) and (B), (F) through (I), and (K) of this section. Applicants or licensees applying Subsection IWE, 2004 Edition, up to and including the 2005 Addenda, must satisfy the requirements of paragraphs (b)(2)(ix)(A) and (B), (F) through (H), and (K) of this section. Applicants or licensees applying

Subsection IWE, 2004 Edition with the 2006 Addenda, must satisfy the requirements of paragraphs (b)(2)(ix)(A)(2) and (b)(2)(ix)(B) and (K) of this section. Applicants or licensees applying Subsection IWE, 2007 Edition through the 2015 Edition, must satisfy the requirements of paragraphs (b)(2)(ix)(A)(2) and (b)(2)(ix)(B), (J), and (K) of this section. Applicants or licensees applying Subsection IWE, 2017 Edition, through the latest edition and addenda incorporated by reference in paragraph (a)(1)(ii) of this section must satisfy the requirements of paragraphs (b)(2)(ix)(A)(2) and (b)(2)(ix)(B) and (J) of this section.

(A) *Metal containment examinations: First provision.* For Class MC applications, the following apply to inaccessible areas.

(1) The applicant or licensee must evaluate the acceptability of inaccessible areas when conditions exist in accessible areas that could indicate the presence of or could result in degradation to such inaccessible areas.

(2) For each inaccessible area identified for evaluation, the applicant or licensee must provide the following in the ISI Summary Report as required by IWA-6000:

(i) A description of the type and estimated extent of degradation, and the conditions that led to the degradation;

(ii) An evaluation of each area, and the result of the evaluation; and

(iii) A description of necessary corrective actions.

(B) *Metal containment examinations: Second provision.* When performing remotely the visual examinations required by Subsection IWE, the maximum direct examination distance specified in Table IWA-2210-1 (2001 Edition through 2004 Edition) or Table IWA-2211-1 (2005 Addenda through the latest edition and addenda incorporated by reference in paragraph (a)(1) of this section) may be extended and the minimum illumination requirements specified may be decreased provided that the conditions or indications for which the visual examination is performed can be detected at the chosen distance and illumination.

(C)-(E) [Reserved]

(F) *Metal containment examinations: Sixth provision.* VT-1 and VT-3 examinations must be conducted in accordance with IWA-2200. Personnel conducting examinations in accordance with the VT-1 or VT-3 examination method must be qualified in accordance with IWA-2300. The "owner-defined" personnel qualification provisions in IWE-2330(a) for personnel that conduct

VT-1 and VT-3 examinations are not approved for use.

(G) *Metal containment examinations: Seventh provision.* The VT-3 examination method must be used to conduct the examinations in Items E1.12 and E1.20 of Table IWE-2500-1, and the VT-1 examination method must be used to conduct the examination in Item E4.11 of Table IWE-2500-1. An examination of the pressure-retaining bolted connections in Item E1.11 of Table IWE-2500-1 using the VT-3 examination method must be conducted once each interval. The "owner-defined" visual examination provisions in IWE-2310(a) are not approved for use for VT-1 and VT-3 examinations.

(H) *Metal containment examinations: Eighth provision.* Containment bolted connections that are disassembled during the scheduled performance of the examinations in Item E1.11 of Table IWE-2500-1 must be examined using the VT-3 examination method. Flaws or degradation identified during the performance of a VT-3 examination must be examined in accordance with the VT-1 examination method. The criteria in the material specification or IWB-3517.1 must be used to evaluate containment bolting flaws or degradation. As an alternative to performing VT-3 examinations of containment bolted connections that are disassembled during the scheduled performance of Item E1.11, VT-3 examinations of containment bolted connections may be conducted whenever containment bolted connections are disassembled for any reason.

(I) *Metal containment examinations: Ninth provision.* The ultrasonic examination acceptance standard specified in IWE-3511.3 for Class MC pressure-retaining components must also be applied to metallic liners of Class CC pressure-retaining components.

(J) *Metal containment examinations: Tenth provision.* In general, a repair/replacement activity such as replacing a large containment penetration, cutting a large construction opening in the containment pressure boundary to replace steam generators, reactor vessel heads, pressurizers, or other major equipment; or other similar modification is considered a major containment modification. When applying IWE-5000 to Class MC pressure-retaining components, any major containment modification or repair/replacement must be followed by a Type A test to provide assurance of both containment structural integrity and leak-tight integrity prior to returning to service, in accordance with

appendix J to this part. Option A or Option B, on which the applicant's or licensee's Containment Leak-Rate Testing Program is based. When applying IWE-5000, if a Type A, B, or C Test is performed, the test pressure and acceptance standard for the test must be in accordance with appendix J to this part.

(K) *Metal Containment Examinations: Eleventh provision.* A general visual examination of containment leak chase channel moisture barriers must be performed once each interval, in accordance with the completion percentages in Table IWE 2411-1 of the 2017 Edition. Examination shall include the moisture barrier materials (caulking, gaskets, coatings, etc.) that prevent water from accessing the embedded containment liner within the leak chase channel system. Caps of stub tubes extending to or above the concrete floor interface may be inspected, provided the configuration of the cap functions as a moisture barrier as described previously. Leak chase channel system closures need not be disassembled for performance of examinations if the moisture barrier material is clearly visible without disassembly, or coatings are intact. The closures are acceptable if no damage or degradation exists that would allow intrusion of moisture against inaccessible surfaces of the metal containment shell or liner within the leak chase channel system. Examinations that identify flaws or relevant conditions shall be extended in accordance with paragraph IWE 2430 of the 2017 Edition.

(x) *Section XI condition: Quality assurance.* When applying the editions and addenda later than the 1989 Edition of ASME BPV Code, Section XI, licensees may use any edition or addenda of NQA-1, "Quality Assurance Requirements for Nuclear Facility Applications," that is both incorporated by reference in paragraph (a)(1)(v) of this section and specified in Table IWA 1600-1 of that edition and addenda of Section XI, provided that the licensee uses its appendix B to this part quality assurance program in conjunction with Section XI requirements and the commitments contained in the licensee's quality assurance program description. Where NQA-1 and Section XI do not address the commitments contained in the licensee's appendix B quality assurance program description, those licensee commitments must be applied to Section XI activities.

(xi) [Reserved]

(xii) *Section XI condition: Underwater welding.* The provisions in IWA-4660, "Underwater Welding," of Section XI, 2001 Edition through the latest edition

and addenda incorporated by reference in paragraph (a)(1)(ii) of this section, are approved for use on irradiated material with the following conditions:

(A) *Underwater welding: First provision.* Licensees must obtain NRC approval in accordance with paragraph (z) of this section regarding the welding technique to be used prior to performing welding on ferritic material exposed to fast neutron fluence greater than 1×10^{17} n/cm² (E > 1 MeV).

(B) *Underwater welding: Second provision.* Licensees must obtain NRC approval in accordance with paragraph (z) of this section regarding the welding technique to be used prior to performing welding on austenitic material other than P-No. 8 material exposed to thermal neutron fluence greater than 1×10^{17} n/cm² (E < 0.5 eV). Licensees must obtain NRC approval in accordance with paragraph (z) regarding the welding technique to be used prior to performing welding on P-No. 8 austenitic material exposed to thermal neutron fluence greater than 1×10^{17} n/cm² (E < 0.5 eV) and measured or calculated helium concentration of the material greater than 0.1 atomic parts per million.

(xiii) [Reserved]

(xiv) *Section XI condition: Appendix VIII personnel qualification.* All personnel qualified for performing ultrasonic examinations in accordance with Appendix VIII must receive 8 hours of annual hands-on training on specimens that contain cracks. Licensees applying the 2001 Edition through the latest edition and addenda incorporated by reference in paragraph (a)(1)(ii) of this section may use the annual practice requirements in VII-4240 of Appendix VII of Section XI in place of the 8 hours of annual hands-on training provided that the supplemental practice is performed on material or welds that contain cracks, or by analyzing prerecorded data from material or welds that contain cracks. In either case, training must be completed no earlier than 6 months prior to performing ultrasonic examinations at a licensee's facility.

* * * * *

(xviii) *Section XI condition: NDE personnel certification—(A) NDE personnel certification: First provision.* Level I and II nondestructive examination personnel must be recertified on a 3-year interval in lieu of the 5-year interval specified in IWA-2314(a) and IWA-2314(b) of the 2001 Edition through the latest edition and addenda incorporated by reference in paragraph (a)(1)(ii) of this section.

(B) *NDE personnel certification: Second provision.* When applying

editions and addenda prior to the 2007 Edition of Section XI, paragraph IWA-2316 may only be used to qualify personnel that observe leakage during system leakage and hydrostatic tests conducted in accordance with IWA 5211(a) and (b).

(C) *NDE personnel certification: Third provision.* When applying editions and addenda prior to the 2005 Addenda of Section XI, licensee's qualifying visual examination personnel for VT-3 visual examination under paragraph IWA-2317 of Section XI must demonstrate the proficiency of the training by administering an initial qualification examination and administering subsequent examinations on a 3-year interval.

(D) *NDE personnel certification: Fourth provision.* The use of Appendix VII, Table VII-4110-1 and Appendix VIII, Subarticle VIII-2200 of the 2011 Addenda through the latest edition incorporated by reference in paragraph (a)(1)(ii) of this section is prohibited. When using ASME BPV Code, Section XI editions and addenda later than the 2010 Edition, licensees and applicants must use the prerequisites for ultrasonic examination personnel certifications in Appendix VII, Table VII-4110-1 and Appendix VIII, Subarticle VIII-2200 in the 2010 Edition.

(1) As an alternative to Note (c) in Table VII-4110-1 of ASME BPV Code, Section XI, 2010 Edition, the 250 hours of Level I experience time may be reduced to 175 hours, if the experience time includes a minimum of 125 hours of field experience and 50 hours of laboratory practice beyond the requirements of for training in accordance with Appendix VII Subarticle 4220, provided those practice hours are dedicated to the Level I or Level II skill areas as described in ANSI/ASNT CP-189.

(2) As an alternative to Note (d) in Table VII-4110-1 of ASME BPV Code, Section XI, 2010 Edition, the 800 hours of Level II experience time may be reduced to 720 hours, if the experience time includes a minimum of 400 hours of field experience and a minimum of 320 hours of laboratory practice. The practice must be dedicated to scanning specimens containing flaws in materials representative of those in actual power plant components. Additionally, for Level II Certification, the candidate must pass a Mandatory Appendix VIII, Supplement 2 performance demonstration for detection and length sizing.

(xix) *Section XI condition: Substitution of alternative methods.* The provisions for substituting alternative examination methods, a combination of

methods, or newly developed techniques in the 1997 Addenda of IWA-2240 must be applied when using the 2001 Edition through the 2004 Edition of Section XI of the ASME BPV Code. The provisions in IWA-4520(c), 2001 Edition through the 2004 Edition, allowing the substitution of alternative methods, a combination of methods, or newly developed techniques for the methods specified in the Construction Code, are not approved for use. The provisions in IWA-4520(b)(2) and IWA-4521 of the 2008 Addenda through the latest edition and addenda incorporated by reference in paragraph (a)(1)(ii) of this section, allowing the substitution of ultrasonic examination for radiographic examination specified in the Construction Code, are not approved for use.

(xx) *Section XI condition: System leakage tests—(A) System leakage tests: First provision.* When performing system leakage tests in accordance with IWA-5213(a), 2001 Edition through 2002 Addenda, the licensee must maintain a 10-minute hold time after test pressure has been reached for Class 2 and Class 3 components that are not in use during normal operating conditions. No hold time is required for the remaining Class 2 and Class 3 components provided that the system has been in operation for at least 4 hours for insulated components or 10 minutes for uninsulated components.

(B) *System leakage tests: Second provision.* The nondestructive examination method and acceptance criteria of the 1992 Edition or later of Section III shall be met when performing system leakage tests (in lieu of a hydrostatic test) in accordance with IWA-4520 after repair and replacement activities performed by welding or brazing on a pressure retaining boundary using the 2003 Addenda through the latest edition and addenda of Section XI incorporated by reference in paragraph (a)(1)(ii) of this section. The nondestructive examination and pressure testing may be performed using procedures and personnel meeting the requirements of the licensee's/applicant's current ISI code of record.

(C) *System leakage tests: Third provision.* The use of the provisions for an alternative BWR pressure test at reduced pressure to satisfy IWA-4540 requirements as described in IWB-5210(c) of Section XI, 2017 Edition and IWA-5213(b)(2) and IWB-5221(d) of Section XI, 2017 Edition through the latest edition incorporated by reference in paragraph (a)(1)(ii) of this section may be used subject to the following conditions:

(1) The use of nuclear heat to conduct the BWR Class 1 system leakage test is prohibited (*i.e.*, the reactor must be in a non-critical state), except during refueling outages in which the ASME Section XI Category B-P pressure test has already been performed, or at the end of mid-cycle maintenance outages fourteen (14) days or less in duration.

(2) In lieu of the test condition holding time of IWA-5213(b)(2), after pressurization to test conditions, and before the visual examinations commence, the holding time shall be 1 hour for non-insulated components.

(xxi) *Section XI condition: Table IWB-2500-1 examination requirements.* (A) [Reserved]

(B) *Table IWB-2500-1 examination.* Use of the provisions of IWB-2500(f) and (g) and Table IWB-2500-1 Notes 6 and 7 of Section XI, 2017 Edition through the latest edition incorporated by reference in paragraph (a)(1)(ii) of this section, for examination of Examination Category B-D Item Numbers B3.90 and B3.100 shall be subject to the following conditions:

(1) A plant-specific evaluation demonstrating the criteria of IWB-2500(f) are met must be maintained in accordance with IWA-1400(l).

(2) The use of the provisions of IWB-2500(f) and Table IWB-2500-1 Note 6 for examination of Examination Category B-D Item Numbers B3.90 is prohibited for plants with renewed licenses in accordance with 10 CFR part 54.

(3) The provisions of IWB-2500(g) and Table IWB-2500-1 Notes 6 and 7 for examination of Examination Category B-D Item Numbers B3.90 and B3.100 shall not be used to eliminate the preservice or inservice volumetric examination of plants with a Combined Operating License pursuant to 10 CFR part 52, or a plant that receives its operating license after October 22, 2015.

* * * * *

(xxv) *Section XV Condition: Mitigation of defects by modification.* Use of the provisions of IWA-4340 must be subject to the following conditions:

(A) *Mitigation of defects by modification: First person.* The use of the provisions for mitigation of defects by modification in IWA-4340 of Section XI 2001 Edition through the 2010 Addenda, is prohibited.

(B) *Mitigation of defects by modification: Second provision.* The provisions for mitigation of defects by modification in IWA-4340 of Section XI, 2011 Edition through the latest edition incorporated by reference in paragraph (a)(1)(ii) of this section, may be used subject to the following conditions:

(1) The use of the provisions in IWA 4340 to mitigate crack-like defects or those associated with flow accelerated corrosion are prohibited.

(2) The design of a modification that mitigates a defect must incorporate a loss of material rate either 2 times the actual measured corrosion rate, which must be established based on wall thickness measurements conducted at least twice, in that pipe location or another location with similar corrosion conditions, similar flow characteristics, and the same piping configuration (*e.g.*, straight run of pipe, elbow, tee) as the encapsulated area, or 4 times the estimated maximum corrosion rate for the piping system.

(3) The licensee must perform a wall thickness examination in the vicinity of the modification and relevant pipe base metal at half its expected life or, if the modification has an expected life greater than 19 years, once per interval starting with the interval subsequent to the mitigation, and the results must be used to confirm corrosion rates, determine the next inspection date, and confirm the design inputs.

(i) For buried pipe locations where the loss of material has occurred due to internal corrosion, the wall thickness examinations may be conducted at a different location in the same system as long as: Wall thickness measurements were conducted at the different location at the same time as installation of the modification; the flow rate is the same or higher at the different location; the piping configuration is the same (*e.g.*, straight run of pipe, elbow, tee); and if pitting occurred at the modification location, but not the different location, wall loss values must be multiplied by four (instead of two) times the actual measured corrosion rate. Where wall loss values are greater than that assumed during the design of the modification, the structural integrity of the modification must be reanalyzed. Additionally, if the extent of degradation is different (*i.e.*, percent wall loss plus or minus 25 percent) or the corrosion mechanism (*e.g.*, general, pitting) is not the same at the different location as at the modification location, the modification must be examined at half its expected life or 10 years, whichever is sooner.

(ii) For buried pipe locations where loss of material has occurred due to external corrosion, the modification must be examined at half its expected life or 10 years, whichever is sooner. Alternatively, when the modification has been recoated prior to return to service, the modification may be examined at half its expected life or during the subsequent 10-year

inspection interval after installation, whichever is sooner.

(xxvi) *Section XI condition: Pressure Testing of Class 1, 2, and 3 Mechanical Joints.* Mechanical joints in Class 1, 2, and 3 piping and components greater than NPS–1 that are disassembled and reassembled during the performance of a Section XI repair/replacement activity requiring documentation on a Form NIS–2 must be verified to be leak tight. The verification must be performed to the standards of the licensee’s appendix B to this part quality assurance program.

* * * * *

(xxix) *Section XI condition: Nonmandatory Appendix R.* (A) Nonmandatory Appendix R, “Risk-Informed Inspection Requirements for Piping Supplement 1—Risk-Informed Selection Process—Method A,” of Section XI, 2005 Addenda through the latest edition and addenda incorporated by reference in paragraph (a)(1)(ii) of this section, may not be implemented without prior NRC authorization of the proposed alternative in accordance with paragraph (z) of this section.

(B) Nonmandatory Appendix R, “Risk-Informed Inspection Requirements for Piping, Supplement 2—Risk-Informed Selection Process—Method B” of Section XI, 2005 Addenda through the 2015 Edition, may not be implemented without prior NRC authorization of the proposed alternative in accordance with paragraph (z) of this section.

(C) Nonmandatory Appendix R, “Risk-Informed Inspection Requirements for Piping, Supplement 2—Risk-Informed Selection Process—Method B” of Section XI, 2017 Edition through the latest edition and addenda incorporated by reference in paragraph (a)(1)(ii) of this section, may be implemented without prior NRC authorization of the proposed alternative in accordance with paragraph (z) of this section.

* * * * *

(xxxii) *Section XI condition: Summary report submittal.* When using ASME BPV Code, Section XI, 2010 Edition through the latest edition and addenda incorporated by reference in paragraph (a)(1)(ii) of this section, Summary Reports and Owner’s Activity Reports described in IWA–6230 must be submitted to the NRC. Preservice inspection reports for examinations prior to commercial service must be submitted prior to the date of placement of the unit into commercial service. For preservice and inservice examinations performed following placement of the unit into commercial service, reports must be submitted within 120 calendar

days of the completion of each refueling outage.

* * * * *

(xxxvi) *Section XI condition: Fracture toughness of irradiated materials.* When using the 2013 Edition through the latest edition incorporated by reference in paragraph (a)(1)(ii) of this section of the ASME BPV Code, Section XI, Appendix A paragraph A–4400, the licensee shall obtain NRC approval under paragraph (z) of this section before using irradiated T₀ and the associated RT_{T0} in establishing fracture toughness of irradiated materials.

* * * * *

(xxxix) *Section XI condition: Defect Removal.* The use of the provisions for removal of defects by welding or brazing in IWA–4421(c)(1) and IWA–4421(c)(2) of Section XI, 2017 Edition through the latest edition incorporated by reference in paragraph (a)(1)(ii) of this section may be used subject to the following conditions:

(A) *Defect removal requirements: First provision.* The provisions of subparagraph IWA 4421(c)(1) shall not be used to contain or isolate a defective area without removal of the defect.

(B) *Defect removal requirements: Second provision.* The provisions of subparagraph IWA–4421(c)(2) shall not be used for crack-like defects.

* * * * *

(xliii) *Section XI condition: Section XI Condition: Regulatory Submittal Requirements.* Licensees shall submit for NRC review and approval the following analyses:

(A) The analytical evaluation determining the effects of an out-of-limit condition on the structural integrity of the Reactor Coolant System, as described in IWB–3720(a);

(B) Determination of T₀ and RT_{T0}, as described in Nonmandatory Appendix A, A–4200(c); and

(C) Determination of T₀ and RT_{T0}, as described in Nonmandatory Appendix G, G–2110(c).

(3) * * *

(iii) *OM condition: New reactors.* In addition to complying with the provisions in the ASME OM Code with the conditions specified in paragraph (b)(3) of this section, holders of operating licenses for nuclear power reactors that received construction permits under this part on or after August 17, 2018, and holders of combined licenses issued under 10 CFR part 52, whose initial fuel loading occurs on or after August 17, 2018, must also comply with the following conditions, as applicable:

(A) *Power-operated valves.* Licensees must periodically verify the capability

of power-operated valves to perform their design-basis safety functions.

(B) *Check valves.* Licensees must perform bi-directional testing of check valves within the IST program where practicable.

(C) *Flow-induced vibration.* Licensees must monitor flow-induced vibration from hydrodynamic loads and acoustic resonance during preservice testing or inservice testing to identify potential adverse flow effects on components within the scope of the IST program.

(D) *High risk non-safety systems.* Licensees must assess the operational readiness of pumps, valves, and dynamic restraints within the scope of the Regulatory Treatment of Non-Safety Systems for applicable reactor designs.

* * * * *

(viii) *OM condition: Subsection ISTE.* Licensees may not implement the risk-informed approach for inservice testing (IST) of pumps and valves specified in Subsection ISTE, “Risk-Informed Inservice Testing of Components in Light-Water Reactor Nuclear Power Plants,” in the ASME OM Code, 2009 Edition through the 2017 Edition, without first obtaining NRC authorization to use Subsection ISTE as an alternative to the applicable IST requirements in the ASME OM Code, pursuant to paragraph (z) of this section.

(ix) *OM condition: Subsection ISTF.* Licensees applying Subsection ISTF, 2012 Edition must satisfy the requirements of Mandatory Appendix V, “Pump Periodic Verification Test Program,” of the ASME OM Code in that edition.

(x) [Reserved]

(xi) *OM condition: Valve Position Indication.* When implementing paragraph ISTC–3700, “Position Verification Testing,” in the ASME OM Code, 2012 Edition through the latest edition of the ASME OM Code incorporated by reference in paragraph (a)(1)(iv) of this section, licensees must verify that valve operation is accurately indicated by supplementing valve position indicating lights with other indications, such as flow meters or other suitable instrumentation to provide assurance of proper obturator position for valves with remote position indication within the scope of Subsection ISTC including its mandatory appendices and their verification methods and frequencies. For valves not susceptible to stem-disk separation, licensees may implement ASME OM Code Case OMN–28, “Alternative Valve Position Verification Approach to Satisfy ISTC–3700 for Valves Not Susceptible to Stem-Disk Separation,” which is incorporated by

reference in paragraph (a)(1)(iii)(H) of this section. Where plant conditions make it impractical to perform the initial ISTC-3700 test as supplemented by paragraph (b)(3)(xi) of this section by the date 2 years following the previously performed ISTC-3700 test, a licensee may justify an extension of this initial supplemental valve position verification provided the ISTC-3700 test as supplemented by paragraph (b)(3)(xi) of this section is performed at the next available opportunity and no later than the next plant shutdown. This one-time extension of the ISTC-3700 test schedule as supplemented by paragraph (b)(3)(xi) of this section is acceptable provided the licensee has available for NRC review documented justification based on information obtained over the previous 5 years of the structural integrity of the stem-disk connection for the applicable valves. The licensee's justification could be based on, for example, verification of the valve stem-disk connection through an appropriate weak link analysis, appropriate disk motion confirmed during diagnostic testing, or allowance and cessation of flow through the valves. The licensee's justification must provide reasonable assurance that the remote indicating lights accurately reveal the position of the valve obturator until the next ISTC-3700 test as supplemented by paragraph (b)(3)(xi) of this section is performed.

* * * * *

(f) * * *

(4) *Inservice testing standards requirement for operating plants.*

Throughout the service life of a boiling or pressurized water-cooled nuclear power facility, pumps and valves that are within the scope of the ASME OM Code must meet the inservice test requirements (except design and access provisions) set forth in the ASME OM Code and addenda that become effective subsequent to editions and addenda specified in paragraphs (f)(2) and (3) of this section and that are incorporated by reference in paragraph (a)(1)(iv) of this section, to the extent practical within the limitations of design, geometry, and materials of construction of the components. The inservice test requirements for pumps and valves that are within the scope of the ASME OM Code but are not classified as ASME BPV Code Class 1, Class 2, or Class 3 may be satisfied as an augmented IST program. This use of an augmented IST program is acceptable without prior NRC approval provided the basis for deviations from the ASME OM Code, as incorporated by reference in this section, demonstrates an acceptable level of quality and safety, or that

implementing the Code provisions would result in hardship or unusual difficulty without a compensating increase in the level of quality and safety, where documented and available for NRC review. When using the 2006 Addenda or later of the ASME BPV Code, Section XI, the inservice examination, testing, and service life monitoring requirements for dynamic restraints (snubbers) must meet the requirements set forth in the applicable ASME OM Code as specified in paragraph (b)(3)(v)(B) of this section. When using the 2005 Addenda or earlier edition or addenda of the ASME BPV Code, Section XI, the inservice examination, testing, and service life monitoring requirements for dynamic restraints (snubbers) must meet the requirements set forth in either the applicable ASME OM Code or ASME BPV Code, Section XI as specified in paragraph (b)(3)(v) of this section.

(i) *Applicable IST Code: Initial 120-month interval.* Inservice tests to verify operational readiness of pumps and valves, whose function is required for safety, conducted during the initial 120-month interval must comply with the requirements in the latest edition and addenda of the ASME OM Code incorporated by reference in paragraph (a)(1)(iv) of this section on the date 18 months before the date of issuance of the operating license under this part, or 18 months before the date scheduled for initial loading of fuel under a combined license under part 52 of this chapter (or the optional ASME OM Code Cases listed in NRC Regulatory Guide 1.192, as incorporated by reference in paragraph (a)(3)(iii) of this section, subject to the conditions listed in paragraph (b) of this section).

(ii) *Applicable IST Code: Successive 120-month intervals.* Inservice tests to verify operational readiness of pumps and valves, whose function is required for safety, conducted during successive 120-month intervals must comply with the requirements of the latest edition and addenda of the ASME OM Code incorporated by reference in paragraph (a)(1)(iv) of this section 18 months before the start of the 120-month interval (or the optional ASME Code Cases listed in NRC Regulatory Guide 1.147 or NRC Regulatory Guide 1.192 as incorporated by reference in paragraphs (a)(3)(ii) and (iii) of this section, respectively), subject to the conditions listed in paragraph (b) of this section.

(iii) [Reserved]

(iv) *Applicable IST Code: Use of later Code editions and addenda.* Inservice tests of pumps and valves may meet the requirements set forth in subsequent editions and addenda that are

incorporated by reference in paragraph (a)(1)(iv) of this section, subject to the conditions listed in paragraph (b) of this section, and subject to NRC approval. Portions of editions or addenda may be used, provided that all related requirements of the respective editions or addenda are met.

* * * * *

(7) *Inservice testing reporting requirements.* Inservice Testing Program Test and Examination Plans (IST Plans) for pumps, valves, and dynamic restraints (snubbers) prepared to meet the requirements of the ASME OM Code must be submitted to the NRC as specified in § 50.4. IST Plans must be submitted within 90 days of their implementation for the applicable 120-month IST Program interval. Electronic submission is preferred.

(g) * * *

(4) *Inservice inspection standards requirement for operating plants.*

Throughout the service life of a boiling or pressurized water-cooled nuclear power facility, components (including supports) that are classified as ASME Code Class 1, Class 2, and Class 3 must meet the requirements, except design and access provisions and preservice examination requirements, set forth in Section XI of editions and addenda of the ASME BPV Code that become effective subsequent to editions specified in paragraphs (g)(2) and (3) of this section and that are incorporated by reference in paragraph (a)(1)(ii) or (iv) of this section for snubber examination and testing of this section, to the extent practical within the limitations of design, geometry, and materials of construction of the components. Components that are classified as Class MC pressure retaining components and their integral attachments, and components that are classified as Class CC pressure retaining components and their integral attachments, must meet the requirements, except design and access provisions and preservice examination requirements, set forth in Section XI of the ASME BPV Code and addenda that are incorporated by reference in paragraph (a)(1)(ii) of this section subject to the condition listed in paragraph (b)(2)(vi) of this section and the conditions listed in paragraphs (b)(2)(viii) and (ix) of this section, to the extent practical within the limitation of design, geometry, and materials of construction of the components. When using the 2006 Addenda or later of the ASME BPV Code, Section XI, the inservice examination, testing, and service life monitoring requirements for dynamic restraints (snubbers) must meet the requirements set forth in the

applicable ASME OM Code as specified in paragraph (b)(3)(v)(B) of this section. When using the 2005 Addenda or earlier edition or addenda of the ASME BPV Code, Section XI, the inservice examination, testing, and service life monitoring requirements for dynamic

restraints (snubbers) must meet the requirements set forth in either the applicable ASME OM Code or ASME BPV Code, Section XI as specified in paragraph (b)(3)(v) of this section.

* * * * *

Dated October 20, 2022.

For the Nuclear Regulatory Commission.

Andrea D. Veil,

Director, Office of Nuclear Reactor Regulation.

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