

in view of the legal and policy issues raised by the proposed rule change. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Exchange Act,<sup>15</sup> the Commission is providing notice of the grounds for disapproval under consideration. The Commission is instituting proceedings to allow for additional analysis and input concerning whether the proposed rule change is consistent with the Exchange Act and the rules thereunder.

#### IV. Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the issues identified above, as well as any other concerns they may have with the proposed rule change. In particular, the Commission invites the written views of interested persons concerning whether the proposed rule change is consistent with the Exchange Act and the rules thereunder.

Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b-4, any request for an opportunity to make an oral presentation.<sup>16</sup>

Interested persons are invited to submit written data, views, and arguments regarding whether the proposed rule change should be approved or disapproved by November 25, 2022. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by December 9, 2022.

Comments may be submitted by any of the following methods:

#### Electronic Comments

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File No. SR-FINRA-2022-019 on the subject line.

<sup>15</sup> *Id.*

<sup>16</sup> Section 19(b)(2) of the Exchange Act, as amended by the Securities Acts Amendments of 1975, Public Law 94-29, 89 Stat. 97 (1975), grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. See Securities Acts Amendments of 1975, Report of the Senate Committee on Banking, Housing and Urban Affairs to Accompany S. 249, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

#### 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 No. SR-FINRA-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 post all comments on the Commission's internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of FINRA. 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 No. SR-FINRA-2022-019 and should be submitted on or before November 25, 2022. If comments are received, any rebuttal comments should be submitted on or before December 9, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>17</sup>

**J. Lynn Taylor,**

*Assistant Secretary.*

[FR Doc. 2022-24007 Filed 11-3-22; 8:45 am]

**BILLING CODE 8011-01-P**

#### DEPARTMENT OF STATE

[Public Notice: 11910]

#### Department of State Performance Review Board Members

**ACTION:** Notice of members for the Performance Review Board.

**SUMMARY:** The Department of State (DOS) announces the persons who will service on the Senior Executive Service 2022 Performance Review Board.

**DATES:** This appointment is effective October 19, 2022.

**ADDRESSES:** This action is being taken in accordance with Title 5, U.S.C., section 4314(c)(4), which requires that members of performance review boards be appointed in a manner to ensure consistency, stability, and objectivity in performance appraisals and requires that notice of the appointment of an individual to serve as a member be published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Patricia Wai, Deputy Director Bureau of Global Talent Management, Division of Civil Service Talent Management, Department of State, 2401 E Street NW, Washington, DC 20037 202-663-2147.

**SUPPLEMENTARY INFORMATION:** The membership of the Department of State Performance Review Board is as follows:

Erin M. Barclay—Chair  
Kerry Neal  
Hilary Batjer Johnson  
Anne Joyce  
Sherry Hannah  
Jeremy Bernton  
Jane Rhee  
Suzanne George

**Kim R. Bruner,**

*Director, Bureau of Global Talent Management, Civil Service Talent Management, Department of State.*

[FR Doc. 2022-23979 Filed 11-3-22; 8:45 am]

**BILLING CODE 4710-15-P**

#### DEPARTMENT OF TRANSPORTATION

#### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2022-0093]

#### Agency Information Collection Activities; Renewal of an Approved Information Collection: Commercial Driver's License Drug and Alcohol Clearinghouse

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

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

<sup>17</sup> 17 CFR 200.30-3(a)(12); 17 CFR 200.30-3(a)(57).

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget for its review and approval and invites public comment. The FMCSA requests to renew an ICR titled, "Commercial Driver's License Drug and Alcohol Clearinghouse." The Agency's final rule, published December 5, 2016, titled "Commercial Driver's License Drug and Alcohol Clearinghouse" (81 FR 87686) (Clearinghouse) established the regulatory requirements for the Clearinghouse. The compliance date of the final rule was January 6, 2020. The FMCSA began collecting data as authorized users began registering in the Clearinghouse in September 2019. This ICR is needed to ensure that querying and reporting requirements are met to diminish the problem of commercial driver's license (CDL) and commercial learner's permit (CLP) holders who test positive for drugs or alcohol and then continue to perform safety sensitive functions, including driving a commercial motor vehicle (CMV), without participating in the required return-to-duty (RTD) process.

**DATES:** Comments on this notice must be received on or before January 3, 2023

**ADDRESSES:** You may submit comments identified by Federal Docket Management System (FDMS) Docket Number FMCSA-2022-0093 using any of the following methods:

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

- *Fax:* 1-202-493-2251.

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

- *Hand Delivery or Courier:* U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001 between 9 a.m. and 5 p.m. e.t., Monday through Friday, except Federal holidays.

**Instructions:** All submissions must include the Agency name and docket number. For detailed instructions on submitting comments, see the Public Participation heading below. Note that all comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.

**Docket:** For access to the docket to read background documents or

comments received, go to <https://www.regulations.gov>, and follow the online instructions for accessing the docket, or go to the street address listed above.

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

**Public Participation:** The Federal eRulemaking Portal is available 24 hours each day, 365 days each year. You can obtain electronic submission and retrieval help and guidelines under the "FAQ" section of the Federal eRulemaking Portal website. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard, or print the acknowledgement page that appears after submitting comments online. Comments received after the comment closing date will be included in the docket and will be considered to the extent practicable.

**FOR FURTHER INFORMATION CONTACT:** Bryan Price, Chief, Drug and Alcohol Programs Division, FMCSA, DOT, West Building 6th Floor, 1200 New Jersey Avenue SE, Washington, DC 20590. Telephone: 202-366-2995; email: [clearinghouse@dot.gov](mailto:clearinghouse@dot.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

Agency regulations at 49 CFR part 382 apply to persons and employers of such persons who operate CMVs in commerce in the United States and who are subject to the CDL requirements in 49 CFR part 383 or the equivalent CDL requirements for Canadian and Mexican drivers (49 CFR 382.103(a)). Part 382 requires that employers conduct pre-employment drug testing, post-accident testing, random drug and alcohol testing, and reasonable suspicion testing, as well as RTD testing and follow-up testing for those drivers who test positive or otherwise violate DOT drug and alcohol program requirements. Motor carrier employers are prohibited from allowing an employee to perform safety-sensitive functions, which include operating a CMV, if the employee tests positive on a DOT drug or alcohol test, refuses to take a required test, or otherwise violates the DOT or FMCSA drug and alcohol testing regulations.

Section 32402 of the Moving Ahead for Progress in the 21st Century Act

(MAP-21) requires that the Secretary of Transportation establish, operate, and maintain a national clearinghouse for records relating to alcohol and controlled substances testing of CMV operators to improve compliance with the DOT's alcohol and controlled substances testing program and to enhance the safety of our roadways by reducing crashes and injuries involving the misuse of alcohol or use of controlled substances by operators of CMVs. As noted above, FMCSA published a final rule on December 5, 2016, with an effective date of January 4, 2017, and a compliance date of January 6, 2020, to implement the requirements of the Clearinghouse. The FMCSA first began collecting data in September 2019 relating to authorized users' registration in the Clearinghouse. On January 6, 2020, FMCSA began collecting data related to drivers' drug and alcohol program violations and associated return to duty process as well and queries conducted by employers on CDL or CLP holders.

The Clearinghouse functions as a repository for records relating to the positive test results and test refusals of CMV operators and violations by such operators of prohibitions set forth in Part 382, Subpart B, of title 49, Code of Federal Regulations. An employer utilizes the Clearinghouse to determine whether current and prospective employees have incurred a drug or alcohol program violation that would prohibit them from performing safety-sensitive functions, including operating a CMV.

The Clearinghouse provides FMCSA and employers the necessary tools to identify drivers who are prohibited from operating a CMV and ensure that such drivers receive the required evaluation and treatment before resuming safety-sensitive functions. Specifically, information maintained in the Clearinghouse will ensure that drivers who commit a drug or alcohol program violation while working for one employer and attempt to find work with another employer, can no longer conceal their drug and alcohol violations merely by moving on to the next job or the next state. Drug and alcohol violation records maintained in the Clearinghouse will follow the driver regardless of how many times he or she changes employers, seeks employment, or applies for a CDL in a different State.

The information in the Clearinghouse is used by FMCSA and its State partners for enforcement purposes:

- Ensure employers are meeting their pre-employment investigation and reporting requirements.

- Place drivers out of service if drivers are found to be operating a CMV without completing the RTD process.

- Ensure medical review officers (MROs) and substance abuse professionals (SAPs) meet their reporting requirements.

Only authorized users, including employers and their service agents, and Federal and State enforcement personnel and State Driver Licensing Agencies (SDLAs) may register and access the Clearinghouse for designated purposes. State enforcement personnel may also receive the driver's eligibility status to operate a CMV, based on Clearinghouse information, when they check Query Central, the Commercial Driver's License Information System, or The National Law Enforcement Telecommunications System (NLETS) for driver information. The FMCSA will share a driver's drug and alcohol violation information with the National Transportation Safety Board when it is investigating a crash involving that driver.

Drivers may access their own information, but not information of other drivers. The Clearinghouse meets all relevant federal security standards and FMCSA continuously monitors compliance with applicable security regulations.

*Title:* Commercial Driver's License Drug and Alcohol Clearinghouse.

*OMB Control Number:* 2126-0057.

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

*Respondents:* Motor carriers (employers), drivers, MROs, SAPs, consortia/third-party administrators (C/TPAs), and SDLAs.

*Estimated Number of Respondents:* 10,289,839.

*Estimated Time per Response:* Varies; 10 to 20 minutes.

*Expiration Date:* February 28, 2023.

*Frequency of Response:* On occasion.

A user's role will determine the frequency of the response in the Clearinghouse.

- Employers, or C/TPAs acting on behalf of an employer: at a minimum, employers are required to query the Clearinghouse for each driver they currently employ at least once a year. Employers must query the Clearinghouse for all prospective employees, as needed. In addition, employers report to the Clearinghouse alcohol confirmation tests with a concentration of 0.04 or higher, refusal to test (alcohol), refusal to test (drug) that is not determined by an MRO, and actual knowledge of violations, negative RTD testing, and completion of the follow-up testing plan. Employer

reporting must be completed by the close of the third business day following the date they obtained the information on a driver.

- *MROs:* verified positive, adulterated or substituted drug test result and refusals to tests (drug) must be entered to the Clearinghouse on occasion, but no later than two business days after making a determination or verification.

- *SAPs:* must enter the initial assessment date and the date the driver successfully complied with RTD requirements. SAPs are required to enter this information on occasion by the close of business day following the date of the initial assessment or completion of the RTD process.

- SDLAs may query the Clearinghouse prior to specified licensing transactions to determine if there are existing drug or alcohol program violations.

- Drivers must provide their specific consent to pre-employment queries electronically through the Clearinghouse.

*Estimated Total Annual Burden:* 1,761,149.

*Estimated Total Number Respondents:* 10,289,839.

*Public Comments Invited:* You are asked to comment on any aspect of this information collection, including: (1) whether the proposed collection is necessary for the performance of FMCSA's functions; (2) the accuracy of the estimated burden; (3) ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize or include your comments in the request for OMB's clearance of this information collection.

Issued under the authority of 49 CFR 1.87 on:

**Thomas P. Keane,**

*Associate Administrator, Office of Research and Registration.*

[FR Doc. 2022-23981 Filed 11-3-22; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. DOT-NHTSA-2022-0011]

#### Agency Information Collection Activities; Notice and Request for Comment; Record Retention

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

**ACTION:** This is a reinstatement of a previous approved information collection.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995 (PRA), this notice announces that the Information Collection Request (ICR) abstracted below is being forwarded to the Office of Management and Budget (OMB) for review and approval. A **Federal Register** Notice with a 60-day comment period soliciting comments on the following information collection was published on July 20, 2022. No comments were received.

**DATES:** Comments must be submitted on or before December 5, 2022.

**ADDRESSES:** Written comments and recommendations for the proposed information collection, including suggestions for reducing burden, should be submitted to the Office of Management and Budget at [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). To find this particular information collection, select "Currently under Review—Open for Public Comment" or use the search function.

**FOR FURTHER INFORMATION CONTACT:** For additional information or access to background documents, contact Paul Simmons, Office of Defect Investigation (NEF-110), (202) 366-2315, National Highway Traffic Safety Administration, Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590, email [paul.simmons@dot.gov](mailto:paul.simmons@dot.gov). Please identify the relevant collection of information by referring to its OMB Control Number 2121-0042.

**SUPPLEMENTARY INFORMATION:** Under the PRA (44 U.S.C. 3501 *et seq.*), a Federal agency must receive approval from the Office of Management and Budget (OMB) before it collects certain information from the public and a person is not required to respond to a collection of information by a Federal agency unless the collection displays a valid OMB control number. In compliance with these requirements, this notice announces that the following information collection request will be submitted OMB.

*Title of Collection:* Record Retention—49 CFR part 576.

*OMB Control Number:* 2127-0042.

*Form Number(s):* N/A.

*Type of Request:* This is a reinstatement of a previous approved Information Collection.

*Type of Review Requested:* Regular.

*Length of Approval Requested:* Three years.