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

DEPARTMENT OF HOMELAND SECURITY

8 CFR Part 214

[DHS Docket No. ICEB–2021–0016]

RIN 1653–AA87

Removal of Obsolete Procedures and Requirements Related to F, J, and M Nonimmigrants

AGENCY: U.S. Immigration and Customs Enforcement, Department of Homeland Security.

ACTION: Interim final rule.

SUMMARY: The Department of Homeland Security (DHS) is amending its regulations to update information that is no longer accurate since the creation of the Student and Exchange Visitor Information System (SEVIS). DHS is updating obsolete or unnecessary information because SEVIS, a Web-based system that DHS uses to collect and maintain current and ongoing information on Student and Exchange Visitor Program (SEVP)-certified schools, F–1 and M–1 nonimmigrant students, and J–1 Exchange Visitor Program participants and their sponsors, has replaced older paper-based processes. In addition, DHS is making technical changes to correct typographical errors, update references and citations, and make other needed changes to reflect the transfer of responsibilities to DHS from the Department of Justice (DOJ). Further, this rule removes language requiring original signatures on Form I–17, *Petition for Approval of School for Attendance by Nonimmigrant Student* or successor form, and clarifies language about the requirement of an original signature on Form I–20, *Certificate of Eligibility for Nonimmigrant Student Status* or successor form. This rulemaking introduces no substantive changes, does not raise existing costs; and places no additional burden on F, J, and M nonimmigrants, or on

sponsoring academic institutions and programs.

DATES:

Effective Date: This rule is effective December 12, 2022.

Comment Date: Comments must be received on or before January 11, 2023.

ADDRESSES: You may submit comments on the entirety of this rule, which must be identified by Docket No. ICEB–2021–0016, through the following method:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the website instructions to submit comments.

Comments submitted in a manner other than the Federal eRulemaking Portal, including emails or letters sent to DHS, will not be considered comments and will not receive a response from DHS. Please note that DHS cannot accept any comments that are hand delivered or couriered, nor any comments contained on any form of digital media storage devices, such as CDs/DVDs and USB drives. If you cannot submit your material using <http://www.regulations.gov>, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

FOR FURTHER INFORMATION CONTACT: Sharon Snyder, Policy and Response Unit Chief, Student and Exchange Visitor Program; U.S. Immigration and Customs Enforcement, 500 12th Street, SW, Stop 5600, Washington, DC, 20536–5600; or by email at sevp@ice.dhs.gov or telephone at 703/603–3400 (this is not a toll-free number). Find program information at <http://www.ice.gov/sevis/>.

SUPPLEMENTARY INFORMATION:

I. Public Participation

DHS encourages all interested parties to participate in this rulemaking by submitting data, views, comments, and arguments on all aspects of this interim final rule. Comments providing the most assistance to DHS will reference a specific portion of this rule, explain the reason for any recommended change, and include the data, information, or authority that supports the recommended change. Under the guidelines of the Office of the Federal Register, all comments received will be posted to <https://www.regulations.gov> as part of the public record and will include any personal information you have provided. See the **ADDRESSES**

section above for information on where to submit comments.

A. Submitting Comments

All comments must be submitted in English, or an English translation must be provided. If you submit comments, you must include the DHS docket number for this rulemaking (ICEB–2021–0016), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. Include data, information, or authority that supports the comment. Your comments must be submitted online by 11:59 p.m. EST of the last day of the comment period.

Instructions: To submit your comments online, go to <https://www.regulations.gov> and insert “ICEB–2021–0016” in the “Search” box. Click on the “Comment Now!” box and input your comments in the text box provided. When you are satisfied with your comments, click the “Continue” box and follow the prompts to submit.

DHS will post comments to the federal e-Rulemaking portal at <https://www.regulations.gov> and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary public comment submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines is offensive. For additional information, please read the “Privacy and Security Notice,” via the link in the footer of <http://www.regulations.gov>. DHS will consider all comments and materials received during the comment period and may change this rule based on your comments.

B. Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov> and insert “ICEB–2021–0016” in the “Search” box. Click on the “Open Docket Folder,” then click on “View Comment” or “View All” under the “Comments” section of the page. Individuals without internet access can make alternate arrangements for viewing comments and documents related to this rulemaking by contacting the person listed in the **FOR FURTHER INFORMATION CONTACT** section

above. You may also sign up for email alerts on the online docket to be notified when comments are posted, or a final rule is published.

C. Privacy Act

You may consider limiting the amount of personal information that you provide in your voluntary public comment submission because anyone can electronically search comments received in any of DHS's dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For additional information, please read the Privacy and Security Notice posted on <https://www.regulations.gov>.

II. Table of Abbreviations

Abbreviation, Amplification

CFR	Code of Federal Regulations
COVID-19	Coronavirus Disease 2019
DHS	Department of Homeland Security
DOJ	Department of Justice
DOS	Department of State
DSO	Designated School Official
EBSVERA	Enhance Border Security and Visa Entry Reform Act of 2002
HSPD-2	Homeland Security Presidential Directive-2
ICE	U.S. Immigration and Customs Enforcement
IIRIRA	Illegal Immigration Reform and Immigrant Responsibility Act of 1996
INA	Immigration and Nationality Act
INS	Immigration and Naturalization Service
OMB	Office of Management and Budget
SEVIS	Student and Exchange Visitor Information System
SEVP	Student and Exchange Visitor Program
USCIS	U.S. Citizenship and Immigration Services

III. Background and Purpose

On March 1, 2003, when the responsibilities of the former Immigration and Naturalization Service (INS) transferred from the Department of Justice (DOJ) to the Department of Homeland Security (DHS) pursuant to the Homeland Security Act of 2002, Public Law 107-296, 116 Stat. 2135 (Nov. 25, 2002), the Student and Exchange Visitor Program (SEVP) and the Student and Exchange Visitor Information System (SEVIS) function transferred to DHS. Within DHS, U.S. Immigration and Customs Enforcement (ICE) administers SEVP by ensuring that government agencies have essential information related to nonimmigrant students and exchange visitors to preserve national security. For the sake of simplicity in this preamble, in rules promulgated prior to March 1, 2003, any reference to the INS, or "the Service" as it was referred to in the past, is referred to as DHS, and any reference to the

Attorney General is referred to as the Secretary of Homeland Security (the Secretary).

A. Legal Authority

Section 102 of the Homeland Security Act of 2002 (Pub. L. 107-296), 116 Stat. 2135), 6 U.S.C. 112, section 103(a)(1) and (3) of the Immigration and Nationality Act (INA), and 8 U.S.C. 1103(a)(1), (3), charge the Secretary with the administration and enforcement of immigration and naturalization laws of the United States to include the issuance of regulations. Section 214(a) of the INA, 8 U.S.C. 1184(a), gives the Secretary the authority to prescribe the time and conditions of admission of any noncitizen as a nonimmigrant.

The INA established who may be admitted as F, J, or M nonimmigrants. Specifically, section 101(a)(15)(F) of the INA, 8 U.S.C. 1101(a)(15)(F), established the F classification for nonimmigrants who wish to enter the United States temporarily and solely for the purpose of pursuing a full course of study at an academic or accredited language training school certified by SEVP, as well as for the spouses and minor children of such noncitizens.

Section 101(a)(15)(J) of the INA, 8 U.S.C. 1101(a)(15)(J), established the J classification for nonimmigrants who wish to come to the United States temporarily to participate in exchange visitor programs designated by the Department of State (DOS), as well as for the spouses and minor children of such noncitizens.

Section 101(a)(15)(M) of the INA, 8 U.S.C. 1101(a)(15)(M), established the M classification for nonimmigrants who wish to enter the United States temporarily and solely for the purpose of pursuing a full course of study at an established vocational or other recognized nonacademic institution (other than in a language training program) certified by SEVP, as well as for the spouses and minor children of such noncitizens.

SEVP collects information related to nonimmigrant students and exchange visitors under various statutory authorities. Section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Public Law 104-208, 110 Stat. 3009-704 (Sep. 30, 1996) (codified as amended at 8 U.S.C. 1372) authorized the creation of a program to collect current and ongoing information from schools and exchange visitor programs regarding nonimmigrant students and exchange visitors during the course of their stay in the United States, to be collected electronically, where practicable. Section 641(e) of IIRIRA further directed

that this information collection system be self-funded by the nonimmigrant foreign students and exchange visitors. To meet these requirements, DHS promulgated separate rulemakings that established the framework for SEVIS; required mandatory compliance for all schools to use SEVIS for the admission of new F, J, and M nonimmigrant students;¹ and provided for the collection of a fee to be paid by certain nonimmigrants seeking status as F-1, F-3, M-1, or M-3 nonimmigrant students or as J-1 nonimmigrant exchange visitors.² The DOS placed similar mandatory SEVIS compliance requirements on DOS-designated Exchange Visitor Program sponsors regarding J nonimmigrants.³

SEVP is managed in accordance with Homeland Security Presidential Directive-2 (HSPD-2), *Combating Terrorism Through Immigration Policies* (Oct. 29, 2001), as amended, and section 502 of the Enhanced Border Security and Visa Entry Reform Act of 2002, Public Law 107-173, 116 Stat. 543, 563 (May 14, 2002) (EBSVERA). HSPD-2 requires the Secretary to conduct periodic, ongoing reviews of institutions certified to accept F nonimmigrants, and to include checks for compliance with recordkeeping and reporting requirements. EBSVERA directs the Secretary to review the compliance with recordkeeping and reporting requirements under 8 U.S.C. 1101(a)(15)(F) and 1372 of all schools approved for attendance by F students within two years of enactment, and every two years thereafter. These additional requirements have also been promulgated in rulemakings.⁴

B. Student and Exchange Visitor Information System

SEVP uses SEVIS to maintain information about:

- SEVP-certified schools;

¹ *Retention and Reporting of Information for F, J, and M Nonimmigrants; Student and Exchange Visitor Information System (SEVIS)*. 67 FR 76256 (Dec. 11, 2002).

² *Authorizing Collection of the Fee Levied on F, J, and M Nonimmigrant Classifications Under Public Law 104-208; SEVIS*. 69 FR 39814 (July 1, 2004).

³ *Exchange Visitor Program: SEVIS Regulations*. 67 FR 76307 (Dec. 12, 2002).

⁴ *Allowing Eligible Schools to Apply for Preliminary Enrollment in the Student and Exchange Visitor Information System (SEVIS)*, 67 FR 44344 (July 1, 2002); *Requiring Certification of all Service Approved Schools for Enrollment in the Student and Exchange Visitor Information System (SEVIS)*, 67 FR 60107 (Sept. 25, 2002); *Adjusting Program Fees and Establishing Procedures for Out-of-Cycle Review and Recertification of Schools Certified by the Student and Exchange Visitor Program to Enroll F and/or M Nonimmigrant Students*, 73 FR 55683 (Sept. 26, 2008).

- F–1 students enrolled in academic programs in the United States (and their F–2 dependents);
- M–1 students enrolled in vocational programs in the United States (and their M–2 dependents);
- DOS-designated Exchange Visitor Program sponsors; and
- J–1 Exchange Visitor Program participants (and their J–2 spouses and dependents).

SEVIS provides authorized users access to reliable information on F, J, and M nonimmigrants and their dependents. Schools use SEVIS to petition SEVP for certification, which allows the school to offer programs of study to nonimmigrant students. Designated school officials (DSOs) of SEVP-certified schools use SEVIS to:

- Update school information and apply for recertification of the school for the continued ability to issue Form I–20, *Certificate of Eligibility for Nonimmigrant Student Status* or successor form, to nonimmigrant students and their dependents;
- Issue Form I–20 or successor form to specific nonimmigrants to obtain F or M status while enrolled at the school;
- Fulfill the school’s reporting responsibility regarding student addresses, courses of study, enrollment, employment, and compliance with the terms of the student status; and
- Transfer the student SEVIS records to other institutions.

Exchange Visitor programs use SEVIS to petition DOS for designation as a sponsor so they can offer educational and cultural exchange programs to exchange visitors. Responsible officers of designated Exchange Visitor programs use SEVIS to:

- Update sponsor information and apply for re-designation every two years;
- Issue Form DS–2019, *Certificate of Eligibility for Exchange Visitor (J–1) Status*, to specific individuals to obtain J status;
- Fulfill the sponsor’s reporting responsibility regarding exchange visitor addresses, sites of activity, program participation, employment, and compliance with the terms of the J status; and
- Transfer the exchange visitor SEVIS records to other institutions.

Noncitizens must apply to an SEVP-certified school and be accepted for enrollment as a student. SEVP-certified schools enter the prospective student’s information into SEVIS and issue a Form I–20 or successor form. The prospective student then presents that endorsed form when applying for an F or M visa with DOS abroad. Similarly, a noncitizen must apply to a DOS-

designated Exchange Visitor program and be accepted for enrollment as a basis for applying for a J exchange visitor visa. The Exchange Visitor program enters the prospective exchange visitor’s information into SEVIS and issues a Form DS–2019. The prospective exchange visitor then submits that endorsed form when applying for a J visa with DOS abroad.

At the time of admission into the United States, U.S. Customs and Border Protection inspection officers will enter information into DHS systems related to the F, J, or M nonimmigrant’s admission. These systems interface with SEVIS to provide SEVP with entry information about nonimmigrant students and exchange visitors.

After admission and during the nonimmigrant student and exchange visitor’s stay in the United States, SEVP-certified schools and Exchange Visitor programs are required to update information about approved F, J, and M nonimmigrants. SEVIS allows schools and Exchange Visitor programs to transmit required information electronically about F, J, and M nonimmigrants throughout the nonimmigrant student and exchange visitor’s stay in the United States.

SEVIS enables DHS and DOS to monitor and ensure proper recordkeeping and reporting by SEVP-certified schools and Exchange Visitor programs. Further, SEVIS provides a mechanism for nonimmigrant student and exchange visitor status violators to be identified so that appropriate action may be taken (*i.e.*, denial of admission, denial of benefits, or removal from the United States). Prior to January 2003 (before the creation of SEVIS), enrollment of nonimmigrant students was an entirely manual and paper-based process, which meant that schools maintained their own paper records about nonimmigrant students that were only produced upon request.

C. Need for Rulemaking

This rule removes unnecessary procedures and requirements that appear at 8 CFR 214.1, 214.2, 214.3, 214.4, 214.12, and 214.13, governing F, J, and M nonimmigrants since the implementation of SEVIS in 2003. These changes are necessary to eliminate confusion, improve clarity, and remove obsolete procedures and requirements used before the implementation of SEVIS or during the transition to SEVIS. Additionally, this rule removes language requiring original signatures on Form I–17 or successor form and clarifies the regulatory language that implies the requirement for original signatures on Form I–20 or successor

form. Further, technical changes are needed to correct typographical errors, update references, and reflect changes resulting from the transfer of responsibilities to DHS from the DOJ (pursuant to the Homeland Security Act of 2002).

IV. Discussion of Changes

A. General Wording, Style, and Other Changes

This rule makes general wording, capitalization, and style changes. For example, this rule replaces numeric symbols under 10 with the corresponding word; inserts indefinite articles where appropriate; replaces phrases such as “not pursuing” with “no longer pursuing” and “full time course of study” with “full course of study”; replaces the word “shall” with “will” or “must” as appropriate; and corrects spelling mistakes such as replacing “United States” with “United States.” Additionally, this rule removes references to “approval” and its derivatives and replaces them with “certify” and its derivatives to connote authorization for schools to enroll foreign students. SEVP previously used both “certified” and “approved” interchangeably but now seeks to use one consistent term, “certify” and its derivatives, to eliminate confusion. Further, this rule updates terminology from the INS to DHS, SEVP, or U.S. Citizenship and Immigration Services (USCIS) as appropriate; Commissioner to Secretary; DHS to SEVP; and district director to SEVP or USCIS, as appropriate. These updates are necessary to reflect the transfer of certain functions and responsibilities of the former INS to DHS. Technical amendments of this nature will apply throughout the sections that are being amended; therefore, the preamble does not specifically address these types of changes in the sections below.

B. Revising References

DHS is updating the following references:

- In § 214.1(b)(1), removing the incorrect reference to § 214.2(f)(5)(iii), which addresses duration of status during annual vacation, and replacing it with the correct reference to § 214.2(f)(5)(i), which addresses the general requirements of duration of status.
- In § 214.1(b)(1)–(3), removing the reference to 22 CFR 41.125(f) and replacing it with the correct reference to 22 CFR 41.112(d), which is the current section that describes automatic extension of visa validity at ports of entry.

- In § 214.1(h), removing the reference to § 2.1(a) of 8 CFR Title 8 Chapter I, which no longer exists,⁵ and replacing it with the correct reference to § 2.1.

- In § 214.2(f)(2), removing the incorrect reference to 8 CFR 214.3(l)(1)(i) and replacing it with the correct reference to 8 CFR 214.3(l)(1), which provides the definition for “designated official.”

- In § 214.2(f)(9)(ii)(A), removing the reference to (f)(9)(ii)(B) which is now reserved.⁶

- In § 214.2(f)(9)(iii), removing the reference to § 103.7(b)(1) and replacing it with 8 CFR 106.2(a)(32), which is the current section that provides the fee for Form I–765.

- In §§ 214.3(a)(1), 214.3(a)(2)(i)–(iv), and 214.3(h)(1), removing references to 101(a)(15)(F)(i) and 101(a)(15)(M)(i) and replacing it with the correct references to 101(a)(15)(F) and 101(a)(15)(M), respectively. These references were erroneous when DHS promulgated this paragraph.

- In § 214.3(a)(2)(v)(C), correcting the statutory reference to the definition for an adult education program under the Adult Education and Family Literacy Act of 1998, which was amended by Public Law 113–128. DHS notes that the statutory definition for an adult education program has changed from a focus on limiting who can benefit from the program to a new focus on what the program is intended to accomplish, regardless of who benefits. DHS will review the impact of this statutory change and may consider future rulemaking upon completion of this review.

- In § 214.3(e)(8), removing the reference to 8 CFR 214.4(i)(3) and replacing it with 8 CFR 214.4(i)(2), which describes the process for determining the date of SEVIS access termination.

- In § 214.3(h)(1)(i), removing the reference to 8 CFR 106.2 and replacing it with 8 CFR 103.7(d)(2), which is the current paragraph that provides the fee for Form I–17 when filed with SEVP.

- In § 214.3(l)(1), correcting the cross-references that use the term “designated official” in § 214.4.

- In § 214.4(a)(2), removing references to 8 CFR 214.3(h)(3)(v), 101(a)(15)(F)(i), and 101(a)(15)(M)(i) and replacing them with the correct references to 8 CFR 214.3(h)(2)(v),

101(a)(15)(F), and 101(a)(15)(M), respectively. These references were erroneous when DHS promulgated this paragraph.

- In § 214.4(a)(3), removing the erroneous reference to 8 CFR 214.3(h)(1), which provides only one part of the certification requirements, and replacing it with 8 CFR 214.3(h), which provides the entire certification process, including the process for filing a petition, site visits, adjudication, recertification, and denials.

- In § 214.4(h), removing the reference to 8 CFR 103.7(b)(1)(ii)(O) and replacing it with 8 CFR 103.7(d)(15), which is the current paragraph that provides the fee for Form I–290B, *Notice of Appeal or Motion*, when filed with SEVP.

- In § 214.13(g)(1)(i), removing the reference to 8 CFR 103.7(a)(1) and replacing it with 8 CFR 103.7(d)(8), which is the current section that provides the fee for Form I–901, *Fee Remittance for Certain F, J, and M Nonimmigrants*.

C. Forms

DHS is removing all references to obsolete and paper-based versions of nonimmigrant forms that include multiple copies and pages, designated by letter identifiers (*i.e.*, Form I–20A–B, I–20ID, and I–20M–N), for retention by the nonimmigrant student or to support administrative processing.

Administrative functions related to current information on nonimmigrant students and exchange visitors are performed in SEVIS, which eliminates the need for multiple copies. Further, SEVIS no longer issues separate identifiers for Forms I–20 for F–1 nonimmigrant students (formerly Form I–20A–B) and for M–1 nonimmigrant students (formerly Form I–20M–N). Nonimmigrant students must still retain a copy of the Form I–20 for travel and employment purposes, but the student copy identifier (*i.e.*, Form I–20ID) is no longer used. All references to copies and pages of forms are removed and references to forms with letter identifiers are replaced with new references to Form I–20.

In § 214.3(a)(1)(ii) and 214.3(h)(2)(i), DHS is removing all references to obsolete and paper-based versions of supplements for Form I–17 designated by letter identifiers (*i.e.*, supplements A and B). In 2014, Form I–17 was updated and the information listed in supplements A and B was consolidated into the current Form I–17. Thus, supplements A and B no longer exist and references to these supplements are removed from § 214.3(a)(1)(ii) and 214.3(h)(2)(i).

In § 214.1(b)(2)(iv), DHS is removing references to Form IAP–66, *Certificate of Eligibility*, and replacing it with Form DS–2019, which is the most current DOS form for the J–1 Exchange Visitor program.

D. Administrative Procedures

In § 214.1(b)(2)(iv), DHS is removing language that non-DHS forms must be endorsed by the INS and replacing it with language that the forms be properly endorsed. This language provides the flexibility required to ensure forms are endorsed by the proper individuals, including those external to DHS. For example, Form DS–2019 requires signature by the responsible officer or alternate responsible officer approved by the DOS.

In § 214.2(f)(1)(ii)(D) and (m)(1)(ii), DHS is removing references to administrative procedures requiring inspecting officers at ports of entry to forward Form I–20 to a centralized data-entry location. These procedures were eliminated with the implementation of SEVIS.

In § 214.2(f) and (m), DHS is removing all references to administrative procedures directing DSOs and Exchange Visitor program responsible officers to submit reports to DHS on nonimmigrant status by mail to data-entry locations. These procedures were eliminated with the implementation of SEVIS, and references to Form I–538, *Certification by Designated School*, which supported paper-based reporting procedures, are also now obsolete because reporting is now done in SEVIS.

In § 214.2(f) and (m), DHS is removing all references to submission of employment, internship, and extension-related applications to Service Centers that have jurisdiction over an applicant’s residence or to a school that the student is authorized to attend. DHS is also removing language that specifies the manner in which a submission is made (*i.e.*, by mail) to a Service Center. Previously, USCIS Service Centers were responsible for applications received within a certain geographic region; however, today the instructions for each form dictate to which USCIS Service Center submissions should be sent. To eliminate any confusion and provide flexibility with regard to any future changes in how USCIS Service Centers operate or how submissions are made (*e.g.*, mail, electronic), DHS is removing this specific language.

In § 214.4(a)(2)(viii), DHS is removing the reference to the submission of paper copies of the Form I–17 to SEVP to align with current practice. Form I–17 or successor form must now be submitted electronically in SEVIS.

⁵ Authority of the Secretary of Homeland Security; Delegations of Authority; Immigration Laws, 68 FR 10922 (Mar. 6, 2003).

⁶ See *Retention and Reporting of Information for F, J, and M Nonimmigrants; Student and Exchange Visitor Information System (SEVIS)*, 67 FR 76256, 76270 (Dec. 11, 2002).

E. Original Signatures

In § 214.3, DHS is removing references to original signatures and sample signatures for the Form I–17 or successor form to allow greater flexibility to adopt electronic signatures. Currently, DSOs input information required for the Form I–17 in SEVIS, which then generates Forms I–17 that schools print to obtain the required signatures. Once original signatures are obtained, DSOs scan and electronically submit the Form I–17 via upload in SEVIS. Although DSOs are obtaining original signatures on the Form I–17, what is submitted in SEVIS is a digitally reproduced copy of an original signature. Also, DHS is allowing DSOs to use electronic signature software to sign Form I–17.⁷ This change will align with practices allowed during the Coronavirus Disease 2019 (COVID–19) pandemic and enable the use of electronic signatures. Further, this change will reduce the burden on DSOs of having to obtain an original signature from other DSOs, as well as other school officials (e.g., president, owner, head of the school) located on different campuses, which may require the transportation of the Form I–17 through various physical means (e.g., mail, courier) to collect the required signatures.

Similarly, DHS is removing the terms “original” and “print” when referencing Form I–20 in § 214.2(f) and (m). Unlike the regulatory text for Form I–17, which specifically required an original signature, the regulatory text for Form I–20 uses the phrase “properly endorsed” and never specifically required an original signature. However, the regulation alluded to this requirement by referring to the student’s original Form I–20; the presentation of an original Form I–20 for the admission of a spouse and minor children of an F–1 or M–1 student into the United States; and requirements that the DSO print the Form I–20 when providing a recommendation or approval for practical training. The term “original” could refer to the first Form I–20 properly endorsed for a student, and not necessarily refer to the requirement of an original signature. Furthermore, the reference to “printing” could refer to printing Form I–20 after it has been properly endorsed using electronic means. As a result of this ambiguity, DHS believes these changes are necessary to clarify that the regulations do not require an original signature for

Form I–20 or successor form and that schools may instead use electronic means to sign and transmit the Form I–20 or successor form to continuing and prospective nonimmigrant students.⁸ DHS will continue to rely on guidance and policy to address signature requirements for Form I–20 or successor form.

F. Middle Schools and Parochial Schools

In § 214.3, DHS is clarifying that references to private elementary and secondary schools are inclusive of private middle schools. DHS’s regulations under 8 CFR part 214 have not been consistent with the use of “private middle school.” For example, § 214.2(f)(6)(i)(E) specifies that a full course of study includes “[s]tudy in a curriculum at an approved private elementary or middle school or public or private academic high school . . .”; however, § 214.3(a)(2)(i)(E) and (F) only refer to an academic high school and private elementary school, respectively. Historically, DHS has interpreted elementary schools (both public and private) to include grades kindergarten through eight, while secondary schools (both public and private) include grades nine through 12; however, to eliminate any confusion from the public, DHS is adding “middle” to various paragraphs in §§ 214.3(a), (b), (c) and 214.13(a) when referencing private elementary and secondary schools. DHS is also removing the term “parochial” in § 214.3(b) when referring to private elementary, middle, or secondary schools to eliminate any confusion that parochial schools are distinct from private schools.

G. Licensed Medical Professionals

DHS is revising language to §§ 214.2(f)(6)(iii)(B) and 214.2(m)(9)(vi) to clarify that a psychiatrist or licensed psychologist is qualified to provide documentation to substantiate a nonimmigrant student’s illness or medical condition for the purposes of obtaining authorization for a reduced course load. These sections currently require documentation from “a licensed medical doctor, doctor of osteopathy, or licensed clinical psychologist”⁹ to enable a DSO to authorize a “reduced course load (or, if necessary, no course load)”¹⁰ for F–1 nonimmigrant students

or “less than full course of study”¹¹ for M–1 nonimmigrant students. DHS believes the current regulatory text in these paragraphs covers licensed psychologists, however, the current text could be interpreted to limit acceptable documentation for the DSO to consider due to a state’s licensing practices. For example, the requirement for a *licensed clinical psychologist* poses significant challenges for a nonimmigrant student who resides in a state where the licensing board does not have a *clinical psychologist* designation.¹² A nonimmigrant student residing in such a state would be unable to obtain medical documentation if solely relying on a *licensed psychologist* to substantiate an illness or medical condition and thus might not receive a reduced course load. This revision would provide clarity to a student residing in such a state that they may obtain medical documentation from a psychiatrist or licensed psychologist. DHS believes this revision will lessen the burden on eligible nonimmigrant students by clarifying that DSOs may consider documentation from either a psychiatrist or a licensed psychologist.

H. Obsolete Language

In § 214.2(f) and (m), DHS is removing all language pertaining to the use of non-SEVIS forms that have not been valid since August 1, 2003. During the transition to SEVIS, nonimmigrant students and their dependents seeking admission to the United States prior to August 1, 2003, could present a non-SEVIS Form I–20 issued prior to January 30, 2003. This temporary exception expired on August 1, 2003, and all SEVP-certified schools are required to use SEVIS to issue Form I–20; any Form I–20 not generated by SEVIS is invalid. Similarly, all references to SEVIS that precede a reference to Form I–20 (i.e., SEVIS Form I–20) are removed, because they are redundant.

In § 214.2, DHS is removing all references to the distinction between SEVIS and non-SEVIS schools for purposes of transferring nonimmigrant records between SEVP-certified or DOS-designated sponsors and unauthorized institutions or programs, requesting authorization for employment or training, reinstating student status, and maintaining current name and address. These procedures were allowed during the transition to SEVIS but are no longer accepted, since all SEVP-certified schools are required to use SEVIS to

⁷ ICE Frequently Asked Questions for SEVP Stakeholders about COVID–19, <https://www.ice.gov/doclib/coronavirus/covid19faq.pdf> (last visited July 2021).

⁸ See SEVP Policy Guidance—Use of Electronic Signatures and Transmission for the Form I–20, Oct. 12, 2021, <https://www.ice.gov/doclib/sevis/pdf/I20-guidance.pdf> (last visited December 2021).

⁹ 8 CFR 214.2(f)(6)(iii)(B) and 8 CFR 214.2(m)(9)(vi).

¹⁰ 8 CFR 214.2(f)(6)(iii)(B).

¹¹ 8 CFR 214.2(m)(9)(vi).

¹² Florida Board of Psychology, Licensing and Registration, <https://floridapsychology.gov/licensing/> (last visited August 2021).

issue Form I–20 or successor form and comply with its recordkeeping and reporting requirements. Additional non-substantive changes are being made for brevity and clarity as a result of removing and revising paragraphs to remove this obsolete language.

DHS is removing § 214.3(h)(2)(vi), which allowed for an adjustment of the certification expiration date for the first cycle of recertification until after DHS promulgated regulations that established procedures for the oversight and recertification of schools for attendance by F or M nonimmigrant students. Those regulations were promulgated on September 26, 2008 to provide extra time for the transition.¹³ Specifically, schools eligible for recertification before March 25, 2009, at a minimum, had their expiration date extended to March 25, 2009. All schools have completed the first cycle of recertification; therefore, this language is obsolete.

DHS is removing § 214.4(a)(4). This paragraph was added during the transition to SEVIS, encouraging schools to submit an electronic Form I–17 no less than 75 days prior to the SEVIS mandatory compliance deadline to allow time for adjudication by DHS and stating that a school’s approval would be automatically withdrawn as of the day following the SEVIS mandatory compliance date.¹⁴ The SEVIS mandatory compliance date was February 15, 2003;¹⁵ thus, the language in this paragraph is obsolete.

DHS is removing and reserving § 214.12, Preliminary enrollment of schools in SEVIS, because the information is obsolete. DHS allowed eligible schools to apply for preliminary enrollment in SEVIS beginning July 1, 2002, until the later of August 16, 2002, or the date DHS began the SEVIS full-

scale certification process.¹⁶ On September 25, 2002, DHS published a rule implementing the full-scale certification process that required all schools not already approved to use SEVIS, including a school that would have been eligible for preliminary enrollment under § 214.2, to undergo the full certification process, thus closing the preliminary enrollment period.¹⁷ Further, schools that were granted preliminary enrollment in SEVIS pursuant to § 214.12 were required to apply for certification and pay the certification fee prior to May 14, 2004. Neither DHS nor schools rely on this section for purposes of current SEVIS enrollment.

DHS is removing paragraph § 214.13(b)(3), which provided an exception to the fee requirement for nonimmigrant students or exchange visitors whose Form I–20 or Form DS–2019 for initial attendance was issued on or before August 31, 2004. As of September 1, 2004, potential nonimmigrants who are seeking status as F–1, F–3, M–1, or M–3 students or as J–1 exchange visitors are required to pay a fee.¹⁸ SEVP has determined that it would not be possible for any student to travel with a Form I–20 issued on or before August 31, 2004, at this time as there would be significant changes to the information on the form that would require a new form to be printed. Therefore, DHS is removing this paragraph because the exception it provides is no longer relevant.

I. Clarifying and Organizational Revisions

DHS is adding language to the introductory paragraph in § 214.2(m)(9) to mirror the language in § 214.2(f)(6)(i). Section 214.2(f)(6)(i) provides the general introductory requirements for a full course of study for F–1 nonimmigrant students—a course of study at an SEVP-certified institution that leads to the attainment of a specific educational or professional objective—and further specifies additional requirements in the subsequent subparagraphs (*i.e.*, § 214.2(f)(6)(i)(A) through (H)). Similarly, § 214.2(m)(9) follows the same format by providing the general introductory requirements

for a full course of study for M–1 nonimmigrant students—a course of study that leads to the attainment of a specific educational or vocational objective—and further specifies additional requirements in the subsequent subparagraphs (*i.e.*, § 214.2(m)(9)(i) through (iv)). DHS is adding language to § 214.2(m)(9) to reiterate that a course of study at a non-SEVP-certified institution does not satisfy the full course of study requirements. The addition of this language does not add any new requirements; rather it reiterates a requirement that is ubiquitous in this section and maintains consistency with § 214.2(f)(6)(i).

DHS is revising § 214.3(a)(3)(ii) by adding the word “and” to connect paragraphs (a)(3)(ii)(A) and (a)(3)(ii)(B). This was an inadvertent omission when this paragraph was promulgated and does not change how this paragraph has been applied or understood by schools.

DHS is revising § 214.3(b) and (c) to break up the paragraphs into multiple subparagraphs organized by topic (*e.g.*, licensure, approval, and accreditation documents; school operations information) and type of school (*e.g.*, public schools; private elementary, middle, and secondary schools; and private institutions of higher learning) and removing redundant and superfluous language. The changes add clarity and brevity but no new requirements.

In § 214.3(e)(8) and 214.4(i)(2), DHS is removing the word “initial” for clarity. This paragraph refers to notice of SEVIS access termination in general and is not limited to a termination resulting from an initial denial or withdrawal of a school’s certification. The removal does not change how this paragraph has been applied or understood by schools.

In § 214.4(a)(3)(iii), DHS is revising the first and third sentences for brevity and clarity. In the first sentence, DHS is restructuring the sentence to clarify that automatic withdrawal under this section can occur for two reasons—failure to update a change of ownership in accordance with 8 CFR 214.3(h)(1) or properly file a new petition. In the third sentence, DHS is adding language to reiterate that failure to file a new petition within the allowable 60-day timeframe will result in SEVP instituting withdrawal proceedings. Both adjustments to the existing language are for clarity and add no new requirements.

In § 214.4(h), DHS is removing the phrase “of the approval” in the second sentence because it is superfluous. Section 214.4 is titled “Denial of certification, denial of recertification, or

¹³ *Adjusting Program Fees and Establishing Procedures for Out-of-Cycle Review and Recertification of Schools Certified by the Student and Exchange Visitor Program to Enroll F and/or M Nonimmigrant Students*, 73 FR 55683 (Sept. 26, 2008).

¹⁴ *Requiring Certification of all Service Approved Schools for Enrollment in the Student and Exchange Visitor Information System (SEVIS)*, 67 FR 60107, 60108 (Sept. 25, 2002); *Adjusting Program Fees and Establishing Procedures for Out-of-Cycle Review and Recertification of Schools Certified by the Student and Exchange Visitor Program to Enroll F and/or M Nonimmigrant Students*, 73 FR 55683, 55702 (Sept. 26, 2008) (redesignated 8 CFR 214.4(a)(3) as 8 CFR 214.4(a)(4)).

¹⁵ U.S. DOJ OIG Report, Follow-up Review on the Immigration and Naturalization Service’s Efforts to Track Foreign Students in the United States through the Student and Exchange Visitor Information System, Report No. I–2003–003, March 2003, <https://oig.justice.gov/reports/INS/e0303/background.htm> (last visited July 2021).

¹⁶ *Allowing Eligible Schools to Apply for Preliminary Enrollment in the Student and Exchange Visitor Information System (SEVIS)*, 67 FR 44344 (July 1, 2002).

¹⁷ *Requiring Certification of all Service Approved Schools for Enrollment in the Student and Exchange Visitor Information System (SEVIS)*, 67 FR 60107, 60108 (Sept. 25, 2002).

¹⁸ *Authorizing Collection of the Fee Levied on F, J, and M Nonimmigrant Classifications Under Public Law 104–208; SEVIS*, 69 FR 39814 (July 1, 2004).

withdrawal of SEVP certification,” and the regulatory text within this section addresses the aftermath of a denial or withdrawal of certification or recertification. Specifically, § 214.4(h) addresses the ability of a school to appeal a denial or withdrawal. DHS believes the phrase “of the approval” is unnecessary as it is evident by the section heading and the regulatory text that an appeal is referring to the denial of a certification or recertification or withdrawal of a certification. Further, this change is consistent with the first sentence of this paragraph, which does not use the phrase “of the approval” when referring to a denial or withdrawal. The change does not alter how this paragraph has been applied or understood by schools.

V. Statutory and Regulatory Requirements

DHS developed this rule after considering numerous statutes and executive orders related to rulemaking. The below sections summarize the analyses based on a number of these statutes or executive orders.

A. Administrative Procedure Act: Good Cause Exception

An agency may forgo notice and comment required under the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(B), if the agency for good cause finds that compliance would be impracticable, unnecessary, or contrary to the public interest.

Notice and comment is unnecessary when agencies make minor or technical determinations involving little to no agency discretion. See *Mack Trucks, Inc. v. EPA.*, 682 F.3d 87, 94 (D.C. Cir. 2012) (“This prong of the good cause inquiry is ‘confined to those situations in which the administrative rule is a routine determination, insignificant in nature and impact, and inconsequential to the industry and to the public.’”) (quoting *Util. Solid Waste Activities Grp. v. EPA*, 236 F.3d 749, 755 (D.C. Cir.

2001)). An agency may also bypass the APA’s 30-day publication requirement if good cause exists. 5 U.S.C. 553(d)(3).

DHS finds there is good cause under the provisions of 5 U.S.C. 553(b)(B) to publish this rule without delay. The rule does not change the eligibility requirements governing any immigration benefit, nor will not confer rights or obligations on any party. It involves no discretionary actions by SEVP, introduces no substantive changes, does not raise existing costs, and places no additional burden on F, J, and M nonimmigrants, or on sponsoring academic institutions and programs (those members of the public directly impacted by SEVIS). This rule improves regulatory clarity by updating form names, removing outdated information and references to unnecessary or obsolete procedures and requirements, and correcting typographical errors. For these reasons, there is sufficient good cause under 5 U.S.C. 553(d)(3) to bypass public comment and the 30-day publication requirement.

This rule will be effective upon publication in the **Federal Register**. As noted above, this interim final rule will have a 30-day comment period that will allow F, J, and M nonimmigrants and sponsoring academic institutions and programs the opportunity to provide their input on the rule. DHS provided a full explanation of each change in the preamble of this Rule and believes all these changes are technical and non-substantive in nature. However, DHS will take those comments into consideration when deciding whether any modifications to this rule are warranted.

B. Executive Orders 12866 and 13563

Executive Orders 12866 (“Regulatory Planning and Review”) and 13563 (“Improving Regulation and Regulatory Review”) 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 (including potential economic, environmental, public health, and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility.

This rulemaking has not been designated a “significant regulatory action” under section 3(f) of Executive Order 12866. Accordingly, the rule has not been reviewed by the Office of Management and Budget (OMB).

This rule removes unnecessary procedures and requirements in 8 CFR 214.1, 214.2, 214.3, 214.4, 214.12, and 214.13 that govern F, J, and M nonimmigrants. These changes are necessary to improve clarity and remove obsolete or unnecessary information that no longer applies since the implementation of SEVIS. This rulemaking introduces no substantive changes; does not raise existing costs; and places no additional burden on F, J, and M nonimmigrants or their sponsoring academic institutions and programs.

Summary of the Analysis

DHS estimates that the interim final rule will have no costs and will result in quantifiable cost savings and additional unquantifiable benefits. As shown in Table 1, DHS estimates the interim final rule will have a 10-year annualized monetized cost savings of \$22,881 in 2021 dollars (for both 3 and 7 percent discount rates) and unquantified benefits with regard to convenience, time savings, and improvements to the environment from reduced paper use. It will also have minor, qualitative costs on F and M nonimmigrant students associated with printing documents. Table 1 summarizes the findings of this regulatory impact analysis.

TABLE 1—OMB CIRCULAR A–4 ACCOUNTING STATEMENT 2021 DOLLARS

Category	Impact	Source
Benefits		
Annualized Monetized Benefits (\$ Million):		
(3%)	\$0.02	RIA.
(7%)	\$0.02	RIA.
Annualized Quantified, but Unmonetized, Benefits.		
Unquantified Benefits	Convenience and time savings in signature collection	RIA.
	Reduced Paper Use.	
Costs		
Annualized Monetized Costs (\$ Million):		
(3%)	No Cost	RIA.
(7%)	No Cost	RIA.

TABLE 1—OMB CIRCULAR A-4 ACCOUNTING STATEMENT 2021 DOLLARS—Continued

Category	Impact	Source
Annualized Quantified, but Unmonetized, Costs	No Cost	RIA.
Transfers		
Annualized Monetized Transfers. From Whom to Whom.		
Other Analyses		
Effects on State, Local, and/or Tribal Governments	No Impact	IFR.
Effects on Small Business	No Impact	IFR.
Effects on Wages.		
Effects on Growth.		

Baseline 2 below provides a summary of the anticipated changes to baseline conditions.

This section details the regulatory baseline for this interim final rule. Table

TABLE 2—BASELINE ANALYSIS OF INTERIM FINAL RULE

Provision	Description of change	Affected population	Cost impact to affected population	Benefit impact to affected population
Original Signatures for Form I-17.	Removing original signature requirement to allow for greater freedom in adopting electronic signature and transmission of documents.	SEVP-certified schools	None	Cost savings for schools in reducing the time needed for school officials to physically sign forms for electronic filing.
All Other Technical Revisions.	Changing the wording in the rule to promote clarity and consistency, remove obsolete language, and codify procedures and practices.	School officials, students, and others who need to understand and follow the requirements of the rule, including legal practitioners and school administrators.	None	The benefit of the rule's greater clarity, accuracy, and currency and the promotion of an overall better understanding of the rule.

The baseline is the state-of-the-world prior to the COVID-19 pandemic, in which all signatures on Form I-17 documents were required to be original, rather than electronic. It also includes all of the previous wording in SEVP regulations that would remain unchanged if the rule does not take effect.

Analytical Considerations and Assumptions

SEVP certifies qualifying schools and grants them access to SEVIS. DSOs at these SEVP-certified schools are their primary respondents. As employees of SEVP-certified schools, DSOs collect and enter the required information directly into SEVIS. That data is used to populate Form I-17 and Form I-20. DSOs carry nearly all of their school's reporting burden.

This rule will remove obsolete procedures and requirements and clarify regulatory language associated with SEVP. The only quantifiable economic impact will result from DHS allowing electronic signatures to replace original signatures on Form I-17 documents,

which DSOs must prepare and send electronically to ICE. This change has been in place since 2020, as a result of the COVID-19 allowances that DHS implemented. However, prior to those allowances, DSOs were required to prepare their own paper copies of the Form I-17 documents, with the original signatures of each DSO who was required to sign the form, as well as the president, owner, or head of the school. Furthermore, many of those original signatures on any given Form I-17 document had to be made on the same piece of paper (on any pages in the document having space for more than one signature), thus requiring that piece of paper to be physically delivered to each individual who needed to sign their name on the same page. Within the same school, the DSOs who need to sign the same page of the Form I-17 may be located in different buildings on the same campus, or even on different campuses for schools with more than one campus location. Consequently, the signing of the Form I-17 often required the transport of the same paper document among individuals in

different locations and required coordination among them and other school officials to complete the process.

During the pandemic, DHS has allowed DSOs to use electronic signature software to sign Form I-17, rather than requiring original signatures. This has enabled DSOs to electronically sign the form rather than signing a paper document that must be circulated among the various school officials. DSOs can also generate completed Form I-17 documents electronically, without needing to scan the signed paper documents before sending them electronically to ICE. In this rule, DHS is allowing these cost savings and conveniences to continue permanently after the pandemic is sufficiently mitigated and the COVID-19-related flexibilities are no longer in effect.

The other changes proposed in the rule are changes in wording that have largely become obsolete and irrelevant, such as references to "INS" or references to procedures that are no longer implemented. These revisions will improve the clarity, accuracy, and currency of the rule for school officials,

students and others who need to read and understand these regulations.

Analytical Considerations

In accordance with the regulatory analysis guidance articulated in OMB's Circular A-4, this regulatory analysis focuses on the likely consequences of the interim final rule relative to what would happen in its absence. DHS expresses all quantifiable impacts in 2021 dollars and uses discount rates of 3 and 7 percent, pursuant to Circular A-4.

DHS divided the analysis into two general categories: (1) the effects of DHS allowing Form I-17 documents to be signed and transmitted electronically after the COVID-19-related allowances no longer apply; and (2) the effects of revisions in language, references, and stated procedures to improve the accuracy and clarity of SEVP-related regulations and to codify practices that have already been adopted. Of these two areas of the analysis, DHS determined that only the first (involving electronic signing and transmission of Form I-17) is amenable to quantitative analysis and to the estimation of benefits and costs. DHS determined that the second area (textual changes to improve clarity and understanding of the regulations) is not amenable to quantitative measures. DHS made this determination based on the many ambiguities that would exist in any efforts to define and measure such concepts as "clarity," or to define and measure the extent to which individuals would benefit from such improvements in clarity (such as in time savings or levels of comprehension). Nevertheless, DHS determined that qualitative descriptions of this second area would be sufficient to justify the changes.

Although DHS determined that the electronic signing and transmission of the Form I-17 documents can be quantitatively analyzed, DHS also recognized that a key analytical question facing such an analysis is which base year, or benchmark year, DHS should use. Although data are currently available for the numbers of F and M nonimmigrant students registered in SEVIS in 2020 and the spring term of 2021, these numbers are historically much smaller than the ones that would be expected for nonimmigrant students in the absence of the COVID-19 pandemic. SEVIS data shows there was a 72 percent decrease in new international student enrollment in calendar year 2020 when compared to calendar year 2019.¹⁹

The benefits and costs of the interim final rule, however, would be in relation to the expected outcomes when the COVID-19 allowances are no longer in effect since the changes in the rule are only applicable at that time. DHS therefore determined that 2019 is the most representative year for estimating the number of F and M nonimmigrant students who would be affected by the rule, since 2019 was the last year prior to the effects of the pandemic on F and M nonimmigrant student enrollments. Given the degree of uncertainty in predicting F and M nonimmigrant student enrollments in the future, DHS determined that a more in-depth analysis into trends over time in such enrollments would likely not be any more reliable than DHS using the levels in 2019 as a baseline.

DHS identified one effect of the rule, with regard to electronic signatures for the Form I-17, that could provide an additional benefit. As mentioned previously, one of the advantages of electronic signatures is that paper documents no longer need to physically travel to each person who signs the form. DHS allowance of electronic signatures avoids resources being spent by the school to transport these documents from one place to another for the required school officials to sign them. It also avoids resources being spent to place the documents in envelopes and address them and then for other individuals to open the envelopes and sign the documents.

DHS is unable to quantify this potential cost savings. DHS does not have data on how many people on average need to sign the form and how far away they are from each other (such as whether they have offices adjacent to each other or they are at campuses in different cities). Adding to the uncertainty would be whether the transport of these documents occurred along with other documents between the offices, so that no separate delivery was required to transport them individually. The burden of these original signatures would depend on whether school employees needed to take extra time to transport the documents separately from other documents delivered via intra-campus mail. DHS also does not have data on the time needed to produce electronic signatures, which would then need to be subtracted from the time needed to sign the paper documents for DHS to estimate the cost savings of electronic signatures. For example, if the mechanisms for officials to electronically sign documents are easily observed on their computers, it might not take very long to sign. However, if

officials must follow complicated procedures on their computer to provide those electronic signatures, then it might take more time to sign.

Time Horizon for the Analysis

DHS estimates the economic effects of this interim final rule will be sustained indefinitely. ICE used a 10-year timeframe (from 2022 through 2031) to outline, quantify, and monetize the costs and benefits of the rule, and to demonstrate its net effects.

Affected Population

This interim final rule affects two types of entities: (1) SEVP-certified schools (and the DSOs who work for those SEVP-certified schools), and (2) any individuals and organizations that might benefit from improvements in the way the rule is written, including offices within DHS that interact with the affected SEVP-certified schools, and various U.S.-based and international organizations that may assist or represent F and M nonimmigrant students. In 2019, SEVP-certified schools submitted via SEVIS upload a total of 7,062 distinct Form I-17 documents to ICE.

Costs of the Rule

DHS determined that there are no costs associated with the rule. When considering the cost of the rule, DHS determined that there are no costs for SEVP-certified schools to develop information-technology capabilities to electronically sign and transmit documents. DHS assumes that SEVP-certified schools already have the necessary information technology capabilities in place to electronically sign and transmit the Form I-17 documents.

Cost Savings

DHS estimated the cost savings to SEVP-certified schools if paper copies and original signatures are no longer needed for the Form I-17 documents in accordance with the interim final rule. Table 3 displays these cost savings, estimated at \$22,881, in 2021 dollars, per year. This cost-savings estimate is based on 7,062 Form I-17 documents submitted to ICE in 2019. Without the interim rule in place, DSOs would have to provide their original signatures on the Form I-17, as they did before the COVID-19 pandemic. DSOs would then need to scan these documents and send an electronic copy of them to ICE. DHS estimated that each document would require approximately 3 minutes of

¹⁹ SEVIS by the Numbers Report, SEVP 2020, <https://www.ice.gov/doclib/sevis/pdf/sevisBTN2020.pdf> (last accessed July 2021).

labor to be scanned.²⁰ As shown in Table 3, this results in total labor costs of \$15,819. DHS estimated the average number of pages per Form I-17 document to be 10 pages, which, at an estimated cost of \$0.10 per page for paper and printing, contributes to an additional cost savings of \$7,062.

TABLE 3—COST SAVINGS FROM ORIGINAL SIGNATURES NOT REQUIRED FOR FORM I-17
[In 2021 \$]

Factor in the analysis	Measures	Costs savings
A. Number of Forms I-17 Scanned in 2019	7,062	.....
B. Number of Minutes to Scan Each Document	3	.....
C. Hourly Labor Rate for DSO ²¹	\$44.72	.....
D. Estimated Labor Cost Per Document Scanned [(B/60)×C]	\$2.24	.....
E. Total Labor Costs (A×D) .....	.....	\$15,819
F. Estimated Pages Per Scan	10	.....
G. Estimated Cost Per Page (for Paper and Printing)	\$0.10	.....
H. Estimated Paper Costs Per Mailing (H×I)	\$1.00	.....
I. Total Paper Costs (A×H) .....	.....	7,062
Total Cost Savings for Not Preparing and Scanning the Forms I-17 (E+I) .....	.....	22,881

Table 4 summarizes the impact of this interim final rule over the 10-year period, starting in 2022. The 10-year discounted cost-savings of the rule in 2021 dollars would range from \$160,706 to \$195,179 (with 7 and 3 percent discount rates, respectively).

TABLE 4—TOTAL ESTIMATED COST SAVINGS
[2021 Dollars]

Year	Undiscounted cost-savings	Annual cost-savings discounted at 3%	Annual cost-savings discounted at 7%
2022	\$22,881	\$22,214	\$21,384
2023	22,881	21,567	19,985
2024	22,881	20,939	18,678
2025	22,881	20,329	17,456
2026	22,881	19,737	16,314
2027	22,881	19,162	15,246
2028	22,881	18,604	14,249
2029	22,881	18,062	13,317
2030	22,881	17,536	12,446
2031	22,881	17,026	11,631
Total	228,809	195,179	160,706
Annualized	22,881	22,881	22,881

Qualitative Cost Savings

As described earlier, the qualitative benefits of the interim rule include benefits to those who may need to understand and follow the regulations, including legal analysts and school officials. Specifically, the technical revisions increase clarity, accuracy, and currency, and promote a better understanding of its effects.

Analysis of Alternatives to the Interim Rule

Because the interim rule does not pose any costs to the public or to the

government, DHS is not able to find any alternative that could have any lower costs. In principle, even when the costs of a new rule are zero, an alternative rule could still be preferable if that rule could offer higher benefits, and thus higher net benefits. However, this too would not be possible in this case, because the benefits of any comparable rule could only be in the same form as the benefits of this interim rule—those benefits being cost savings (for SEVP-certified schools). For any alternative to offer greater benefits, it would need to reduce the costs that SEVP-certified schools incur in processing and

delivering Form I-17 documents. Because the interim final rule already allows for electronic signatures and submission of the forms by email, there are no less-expensive alternatives to preparing and distributing the forms.

DHS considered the no-action alternative for this interim final rule. Table 5 summarizes the effects of this alternative. The no-action alternative would result in continued costs to SEVP-certified schools for original signatures and would maintain obsolete language. As a result, DHS rejected this alternative.

²⁰ See ARX, ROI Calculation for Digital Signatures, page 4 (May 2010).<http://hosteddocs.ittoolbox.com/digitalsignaturesroiwhitepaperover100.pdf>.

²¹ U.S. Bureau of Labor Statistics, Occupational Employment and Wage Statistics: 21-1012 Educational, Guidance, and Career Counselors and Advisors, May 2020. Last accessed March 2021.

TABLE 5—SUMMARY OF ALTERNATIVES

Action	Benefits	Costs
Take No Action	None	1. Annual costs to SEVP-certified schools of \$22,881 in the preparation and scanning of Form I-17 documents (reverting to the pre-COVID requirement that they have original signatures). 2. School officials, students and others who need to understand and follow requirements governing F and M non-immigrant students, will have greater difficulty due to the inaccuracy and obsolescence of certain language in the current regulatory text.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. A regulatory flexibility analysis is not required when a rule is exempt from notice and comment rulemaking. This interim final rule is exempt from the notice and comment rulemaking, as stated in the APA, 5 U.S.C. 551 *et seq.*, section of the preamble. Therefore, a regulatory flexibility analysis is not required for this rule.

D. Small Business Regulatory Enforcement Fairness Act of 1996

This is not a major rule, as defined by section 804 of the Small Business Regulatory Enforcement Act of 1996. This rule will not result in an annual effect on the United States economy of \$100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

E. Executive Order 13132: Federalism

This rule will not have 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. Therefore, in accordance with section 6 of Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

F. Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million (in 1995 dollars) or more in any one year, and it

will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

G. Congressional Review Act

This interim final rule is not a major rule as defined by 5 U.S.C. 804, also known as the “Congressional Review Act,” as enacted in section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121, 110 Stat. 847, 868 *et seq.* This rule will not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic and export markets. *See* 5 U.S.C. 804(2). If implemented as proposed, DHS will submit to Congress and the Comptroller General of the United States a report about the issuance of the interim final rule prior to its effective date, as required by 5 U.S.C. 801(a)(1).

H. Executive Order 12988 Civil Justice Reform

This rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988.

I. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995, Public Law 104–13, all departments are required to submit to OMB, for review and approval, any reporting requirements inherent in a rule. This rule does not impose any new reporting or recordkeeping requirements under the Paperwork Reduction Act.

J. National Environmental Policy Act

DHS Management Directive (MD) 023–01 Rev. 01 and Instruction Manual (IM) 023–01–001–01 Rev. 01 establish the policy and procedures that DHS and its Components use to comply with the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321–4375, and

the Council on Environmental Quality (CEQ) regulations for implementing NEPA, 40 CFR parts 1500 through 1508.

The CEQ regulations enable federal agencies to establish categories of actions that do not individually or cumulatively have a significant effect on the human environment and, therefore, do not require an Environmental Assessment or Environmental Impact Statement. 40 CFR 1508.4. The DHS Categorical Exclusions are listed in IM 023–01–001–01 Rev. 01, Appendix A, Table 1.

For an action to be categorically excluded, the action must satisfy each of the following three conditions:

- (1) The entire action clearly fits within one or more of the Categorical Exclusions,
- (2) The action is not a piece of a larger action, and
- (3) No extraordinary circumstances exist that create the potential for a significant environmental effect. IM 023–01–001–01 Rev. 01 § V(B)(2)(a)–(c).

If the action does not clearly meet all three conditions, DHS or the Component prepares an Environmental Assessment or Environmental Impact Statement, according to CEQ requirements, MD 023–01, and IM 023–01–001–01 Rev. 01.

DHS has analyzed this action under MD 023–01 Rev. 01 and IM 023–01–001–01 Rev.01. DHS has made a determination that this rulemaking action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This action clearly fits within the Categorical Exclusion found in IM 023–01–001–01 Rev. 01, Appendix A, Table 1, number A3(d): “Promulgation of rules, issuance of rulings or interpretations, and the development and publication of policies, orders, directives, notices, procedures, manuals, advisory circulars, and other guidance documents of the following nature: (d) Those that interpret or amend an existing regulation without changing its environmental effect.” This rule is not

part of a larger action. This rule presents no extraordinary circumstances creating the potential for significant environmental effects. Therefore, more detailed NEPA review is not necessary. DHS seeks any comments or information that may lead to the discovery of any significant environmental effects from this rule.

K. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This interim final rule does not have tribal implications under E.O. 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the federal government and Indian tribes, or on the distribution of power and responsibilities between the federal government and Indian tribes.

L. Executive Order 12630: Governmental Actions and Interference With Constitutionally Protected Property Rights

This interim final rule would not cause a taking of private property or otherwise have taking implications under E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

M. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks, requires agencies to consider the impacts of environmental health risks or safety risks that may disproportionately affect children. DHS has reviewed this interim final rule and determined that this rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children. Therefore, DHS has not prepared a statement under this E.O.

N. National Technology Transfer and Advancement Act

The National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the OMB, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impracticable. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance,

design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies. This interim final rule does not use technical standards. Therefore, DHS did not consider the use of voluntary consensus standards.

O. Family Assessment

DHS has determined that this action would not affect family well-being within the meaning of section 654 of the Treasury and General Government Appropriations Act, enacted as part of the Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1999 (Pub. L. 105–277, 112 Stat. 2681).

List of Subjects in 8 CFR Part 214

Administrative practice and procedure, Aliens, Cultural exchange program, Employment, Foreign officials, Health professions, Reporting and recordkeeping requirements, Students.

Accordingly, the Department of Homeland Security amends part 214 of chapter I of title 8 of the Code of Federal Regulations as follows:

PART 214—NONIMMIGRANT CLASSES

■ 1. The authority citation for part 214 continues to read as follows:

Authority: 6 U.S.C. 202, 236; 8 U.S.C. 1101, 1102, 1103, 1182, 1184, 1186a, 1187, 1221, 1281, 1282, 1301–1305, 1357, and 1372; sec. 643, Pub. L. 104–208, 110 Stat. 3009–708; Pub. L. 106–386, 114 Stat. 1477–1480; section 141 of the Compacts of Free Association with the Federated States of Micronesia and the Republic of the Marshall Islands, and with the Government of Palau, 48 U.S.C. 1901 note and 1931 note, respectively; 48 U.S.C. 1806; 8 CFR part 2; Pub. L. 115–218, 132 Stat. 1547 (48 U.S.C. 1086).

■ 2. Amend § 214.1 as follows:

- a. In paragraph (b)(1) introductory text, remove the reference to “§ 214.2(f)(5)(iii)” and “22 CFR 41.125(f)” and add in their place “§ 214.2(f)(5)(i)” and “22 CFR 41.112(d)”, respectively.
- b. In paragraph (b)(1)(iv) introductory text, remove “§ 1.4” and add in its place “§ 1.4 of this chapter” and remove the phrase “the alien’s Form I–20 ID copy,”.
- c. In paragraph (b)(1)(iv)(A), remove the phrases “page 4 of Form I–20A–B” and “Form I–20A” and add in their place “Form I–20 or successor form”.
- d. In paragraph (b)(1)(iv)(B), remove the phrases “Form I–20A–B” and “Form I–20A” and add in their place “Form I–20 or successor form”.
- e. In paragraph (b)(2) introductory text, remove the reference “22 CFR

41.125(f)” and add in its place “22 CFR 41.112(d)”.

- f. In paragraph (b)(2)(iv):
 - i. Remove the phrase “copy three of”;
 - ii. Remove “IAP–66” and add in its place “DS–2019”; and
 - iii. Remove the phrase “endorsed by the Service” and add in its place “properly endorsed”.
- g. In paragraph (b)(3) introductory text, remove the reference “22 CFR 41.125(f)” and add in its place “22 CFR 41.112(d)”.
- h. In paragraph (b)(3)(iv), remove the phrase “the alien’s Form I–20 ID copy, and alien’s properly endorsed page 4 of Form I–20M–N” and add in its place “and the alien’s properly endorsed Form I–20 or successor form”.
- i. In paragraph (h), remove “§ 2.1(a)” and “the Service” and add in their place “§ 2.1” and “DHS”, respectively.
- 3. Amend § 214.2 as follows:
 - a. Paragraphs (f)(1)(i)(A) through (C), (f)(1)(ii) and (iii), (f)(2), (3) and (4), (f)(5)(i) and (v), (f)(6)(i) introductory text, (f)(6)(i)(B), (C), (E), and (F), and (f)(6)(iii)(B) are revised.
 - b. Paragraph (f)(6)(iii)(D) is removed and reserved.
 - c. Paragraphs (f)(6)(iii)(E), (f)(6)(iv), (f)(7), (f)(8)(i) and (ii), (f)(9)(i), (f)(9)(ii)(A) and (D) introductory text, (f)(9)(ii)(F)(1), and (f)(9)(iii), (f)(10) introductory text, and (f)(10)(i) are revised.
 - d. In paragraph (f)(13)(i), remove “his or her Form I–20 ID” and “which” and add in their place “Form I–20 or successor form” and “that”, respectively.
 - e. In paragraph (f)(13)(ii), remove the phrase “an I–20 ID” and add in its place “a Form I–20 or successor form”.
 - f. In paragraph (f)(14), remove the phrase “Commissioner of the Immigration and Naturalization Service or the Commissioner’s designee” and add in its place “Secretary of Homeland Security or the Secretary’s designee”.
 - g. In paragraph (f)(15), remove “shall” and “SEVIS Form I–20” and add in their place “will” and “Form I–20 or successor form”, respectively.
 - h. In (f)(16)(i) introductory text, (f)(16)(i)(B), (C), and (F) introductory text, (f)(16)(ii) and (f)(17) are revised.
 - i. In paragraphs (f)(18)(i) introductory text and (f)(18)(i)(A), remove the phrase “an approved” and add in its place “a certified”.
 - j. In paragraph (f)(18)(ii), remove “approved” and add in its place “certified”.
 - k. In paragraph (f)(19), remove the phrase “a Department of Homeland Security (DHS)-approved” and add in its place “an SEVP-certified”.
 - l. Paragraphs (m)(1)(i)(A) through (C) are revised.

- m. Paragraph (m)(1)(ii) is removed and reserved.
- n. Paragraphs (m)(1)(iii), (m)(2) and (3), (m)(4)(i)(A) and (B), and (m)(4)(ii) are revised.
- o. In paragraph (m)(5), remove “Form 1–20”, and add in its place “Form 1–20 or successor form” wherever it appears.
- p. Paragraphs (m)(9) introductory text, (m)(9)(i) and (ii), (m)(9)(vi), (m)(10)(ii) and (iv), (m)(11)(ii), (m)(14)(ii) introductory text, and (m)(14)(iii) through (v) are revised.
- q. In paragraph (m)(15), remove the phrase “The Service shall” and add in its place “USCIS will”.
- r. Paragraphs (m)(16)(i) introductory text, (m)(16)(i)(B), (C), and (F) introductory text, and (m)(16)(ii) are revised.
- s. In paragraph (m)(17) introductory text, remove “shall” and “SEVIS Form I–20” and add in their place “will” and “Form I–20 or successor form”, respectively.
- t. Paragraphs (m)(18), (m)(19)(i) introductory text, (m)(19)(i)(A), and (m)(19)(ii) are revised.
- u. In paragraph (m)(20), remove the phrase “a DHS approved” and “8 CFR 214.13” and add in their place “an SEVP-certified” and “§ 214.13”, respectively.

The revisions read as follows:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

* * * * *

- (f) * * *
- (1) * * *
- (i) * * *

(A) The student presents a Form I–20 or successor form issued in the student’s name by a school certified by the Student and Exchange Visitor Program (SEVP) for attendance by F–1 foreign students;

(B) The student has documentary evidence of financial support in the amount indicated on the Form I–20 or successor form;

(C) For students seeking initial admission only, the student intends to attend the school specified in the student’s visa (or, where the student is exempt from the requirement for a visa, the school indicated on the Form I–20 or successor form); and

* * * * *

(ii) *Form I–20 or successor form requirements at the port-of-entry.* When an F–1 student applies for admission with a complete Form I–20 or successor form, the inspecting officer will:

(A) Transcribe the student’s admission number from Form I–94 onto the student’s Form I–20 or successor form (for students seeking initial admission only);

(B) Endorse the Form I–20 or successor form; and

(C) Return the Form I–20 or successor form to the student.

(iii) *Use of the Student and Exchange Visitor Information System (SEVIS).* Schools must issue a Form I–20 or successor form in SEVIS to any current student requiring a reportable action (e.g., extension of stay, practical training, and requests for employment authorization), or to any alien who must obtain a new nonimmigrant student visa.

(2) *Student maintenance of Form I–20 or successor form.* An F–1 student is expected to retain for safekeeping the initial Form I–20 or successor form bearing the admission number and any subsequent Form I–20 issued to them. Should the student lose their current Form I–20 or successor form, a replacement copy bearing the same information as the lost copy, including any endorsement for employment and notations, should be issued by the designated school official (DSO) as defined in § 214.3(l)(1).

(3) *Admission of the spouse and minor children of an F–1 student.* The spouse and minor children accompanying an F–1 student are eligible for admission in F–2 status if the student is admitted in F–1 status. The spouse and minor children following-to-join an F–1 student are eligible for admission to the United States in F–2 status if they are able to demonstrate that the F–1 student has been admitted and is, or will be within 30 days, enrolled in a full course of study, or engaged in approved practical training following completion of studies. In either case, at the time they seek admission, the eligible spouse and minor children of an F–1 student must individually present a Form I–20 or successor form in the name of each F–2 dependent issued by a school certified by SEVP for attendance by F–1 students. A new Form I–20 or successor form is required for a dependent where there has been any substantive change in the F–1 student’s current information.

(4) *Temporary absence.* An F–1 student returning to the United States from a temporary absence of five months or less may be readmitted for attendance at an SEVP-certified educational institution, if the student presents:

(i) A current Form I–20 or successor form properly endorsed by the DSO for reentry if there has been no substantive change to the most recent Form I–20 or successor form information; or

(ii) An updated Form I–20 or successor form if there has been a substantive change in the information

on the student’s most recent Form I–20 or successor form, such as in the case of a student who has changed the major area of study, who intends to transfer to another SEVP-certified institution, or who has advanced to a higher level of study.

(5) * * *

(i) *General.* Duration of status is defined as the time during which an F–1 student is pursuing a full course of study at an educational institution certified by SEVP for attendance by foreign students, or engaging in authorized practical training following completion of studies, except that an F–1 student who is admitted to attend a public high school is restricted to an aggregate of 12 months of study at any public high school(s). An F–1 student may be admitted for a period up to 30 days before the indicated report date or program start date listed on the Form I–20 or successor form. The student is considered to be maintaining status if the student is making normal progress toward completing a course of study.

* * * * *

(v) *Emergent circumstances as determined by the Secretary.* Where the Secretary has suspended the applicability of any or all of the requirements for on-campus or off-campus employment authorization for specified students pursuant to paragraphs (f)(9)(i) or (ii) of this section by notice in the **Federal Register**, an affected student who needs to reduce their full course of study as a result of accepting employment authorized by such notice in the **Federal Register** will be considered to be in status during the authorized employment, subject to any other conditions specified in the notice, provided that, for the duration of the authorized employment, the student is registered for the number of semester or quarter hours of instruction per academic term specified in the notice, which in no event shall be less than six semester or quarter hours of instruction per academic term if the student is at the undergraduate level or less than three semester or quarter hours of instruction per academic term if the student is at the graduate level, and is continuing to make progress toward completing the course of study.

* * * * *

(6) * * *

(i) *General.* Successful completion of the full course of study must lead to the attainment of a specific educational or professional objective. A course of study at an institution not certified for attendance by foreign students as provided in § 214.3(a)(3) does not satisfy the requirement of this paragraph

(f)(6)(i). A “full course of study” as required by section 101(a)(15)(F)(i) of the Act means:

* * * * *

(B) Undergraduate study at a college or university, certified by a school official to consist of at least 12 semester or quarter hours of instruction per academic term in those institutions using standard semester, trimester, or quarter hour systems, where all undergraduate students who are enrolled for a minimum of 12 semester or quarter hours are charged full-time tuition or are considered full-time for other administrative purposes, or its equivalent (as determined by SEVP in the school certification process), except when the student needs a lesser course load to complete the course of study during the current term;

(C) Study in a postsecondary language, liberal arts, fine arts, or other non-vocational program at a school which confers upon its graduates recognized associate or other degrees or has established that its credits have been and are accepted unconditionally by at least three other institutions of higher learning which are either:

(1) A school (or school system) owned and operated as a public educational institution by the United States or a State or political subdivision thereof; or

(2) a school accredited by a nationally recognized accrediting body; and which has been certified by a designated school official to consist of at least 12 clock hours of instruction a week, or its equivalent as determined by SEVP in the school certification process;

* * * * *

(E) Study in a curriculum at a certified private elementary or middle school or public or private academic high school which is certified by a designated school official to consist of class attendance for not less than the minimum number of hours a week prescribed by the school for normal progress toward graduation.

(F) Notwithstanding paragraphs (f)(6)(i)(A) and (B) of this section, an alien who has been granted employment authorization pursuant to the terms of a document issued by the Secretary under paragraphs (f)(9)(i) or (ii) of this section and published in the **Federal Register** shall be deemed to be engaged in a “full course of study” if he or she remains registered for no less than the number of semester or quarter hours of instruction per academic term specified by the Secretary in the notice for the validity period of such employment authorization.

* * * * *

(iii) * * *

(B) *Medical conditions.* The DSO may authorize a reduced course load (or, if necessary, no course load) due to a student’s temporary illness or medical condition for a period of time not to exceed an aggregate of 12 months while the student is pursuing a course of study at a particular program level. In order to authorize a reduced course load based upon a medical condition, the student must provide medical documentation from a licensed medical doctor, psychiatrist, doctor of osteopathy, licensed psychologist, or clinical psychologist to the DSO to substantiate the illness or medical condition. The student must provide current medical documentation and the DSO must reauthorize the drop below full course of study each new term, session, or semester. A student previously authorized to drop below a full course of study due to illness or medical condition for an aggregate of 12 months may not be authorized by a DSO to reduce their course load on subsequent occasions while pursuing a course of study at the same program level. A student may be authorized to reduce course load for a reason of illness or medical condition on more than one occasion while pursuing a course of study, so long as the aggregate period of that authorization does not exceed 12 months.

* * * * *

(E) *Reporting requirements.* In order for a student to be authorized to drop below a full course of study, the DSO must update SEVIS prior to the student reducing their course load. The DSO must update SEVIS with the date, reason for authorization, and the start date of the next term or session. The DSO must also notify SEVIS within 21 days of the student’s commencement of a full course of study. If an extension of the program end date is required due to the student dropping below a full course of study, the DSO must update SEVIS by completing a new Form I–20 or successor form with the new program end date in accordance with paragraph (f)(7) of this section.

(iv) *Concurrent enrollment.* An F–1 student may be enrolled in two different SEVP-certified schools at one time as long as the combined enrollment amounts to a full course of study. In cases where a student is concurrently enrolled, the school from which the student will earn their degree or certification should issue the Form I–20 or successor form, and conduct subsequent certifications and updates to the Form I–20 or successor form. The DSO from this school is also responsible for all of the reporting requirements to

SEVP. In instances where a student is enrolled in programs with different full course of study requirements (e.g., clock hours vs. credit hours), the DSO is permitted to determine what constitutes a full course of study.

(7) *Extension of stay—(i) General.* An F–1 student who is admitted for duration of status is not required to apply for extension of stay as long as the student is maintaining status and making normal progress toward completion of their educational objective. An F–1 student who is currently maintaining status and making normal progress toward completing their educational objective, but who is unable to complete their course of study by the program end date on the Form I–20 or successor form, must apply prior to the program end date for a program extension pursuant to paragraph (f)(7)(iii) of this section.

(ii) *Report date and program completion date on Form I–20 or successor form.* When determining the report date on the Form I–20 or successor form, the DSO may choose a reasonable date to accommodate a student’s need to be in attendance for required activities at the school prior to the actual start of classes. Such required activities may include, but are not limited to, research projects and orientation sessions. However, for purposes of employment, the DSO may not indicate a report date more than 30 days prior to the start of classes. When determining the program completion date on Form I–20 or successor form, the DSO should make a reasonable estimate based upon the time an average student would need to complete a similar program in the same discipline.

(iii) *Program extension for students in lawful status.* An F–1 student who is unable to meet the program completion date on the Form I–20 or successor form may be granted an extension by the DSO if the DSO certifies that the student has continually maintained status and that the delays are caused by compelling academic or medical reasons, such as changes of major or research topics, unexpected research problems, or documented illnesses. Delays caused by academic probation or suspension are not acceptable reasons for program extensions. A DSO may not grant an extension if the student did not apply for an extension until after the program end date noted on the Form I–20 or successor form. An F–1 student who is unable to complete the educational program within the time listed on Form I–20 or successor form and who is ineligible for program extension pursuant to this paragraph (f)(7) is considered out of status. If eligible, the

student may apply for reinstatement under the provisions of paragraph (f)(16) of this section.

(iv) *SEVIS update.* A DSO may grant a program extension only by updating SEVIS and issuing a new Form I-20 or successor form reflecting the current program end date. A DSO may grant an extension any time prior to the program end date listed on the student's Form I-20 or successor form.

(8) * * *

(i) *General.* A student who is maintaining status may transfer to another SEVP-certified school by following the notification procedure prescribed in paragraph (f)(8)(ii) of this section. However, an F-1 student is not permitted to remain in the United States when transferring between schools or programs unless the student will begin classes at the transfer school or program within five months of transferring out of the current school or within 5 months of the program completion date on their current Form I-20 or successor form, whichever is earlier. In the case of an F-1 student authorized to engage in post-completion optional practical training (OPT), the student must be able resume classes within 5 months of transferring out of the school that recommended OPT or the date the OPT authorization ends, whichever is earlier. An F-1 student who was not pursuing a full course of study at the school he or she was last authorized to attend is ineligible for school transfer and must apply for reinstatement under the provisions of paragraph (f)(16) of this section, or, in the alternative, may depart the country and return as an initial entry in a new F-1 nonimmigrant status.

(ii) *Transfer procedure.* To transfer schools, the student must first notify their current school (the "transfer-out" school) of the intent to transfer and indicate the school to which the student intends to transfer (the "transfer-in" school). Upon notification by the student, the transfer-out school must update SEVIS to show the student is transferring out, indicate the transfer-in school, and input the transfer release date. The release date will be the current semester or session completion date, or the date of expected transfer if earlier than the established academic cycle. The transfer-out school will retain control over the student's record in SEVIS until the student completes the current term or reaches the release date. At the request of the student, the DSO of the transfer-out school may cancel the transfer request at any time prior to the release date. As of the release date specified by the transfer-out DSO, the transfer-in school will be granted full

access to the student's SEVIS record and then becomes responsible for that student. The transfer-out school conveys authority and responsibility over that student to the transfer-in school and relinquishes its SEVIS access to that student's record. As such, a transfer request may not be cancelled by the transfer-out DSO after the release date has been reached. After the release date, the transfer-in DSO must complete the transfer of the student's record in SEVIS and may issue a Form I-20 or successor form. The student is then required to contact the DSO at the transfer-in school within 15 days of the program start date listed on the Form I-20 or successor form. Upon notification that the student is enrolled in classes, the transfer-in DSO must update SEVIS to reflect the student's registration and current address, thereby acknowledging that the student has completed the transfer process. The transfer is completed when the transfer-in school notifies SEVIS that the student has enrolled in classes in accordance with the 30 days required by § 214.3(g)(2)(iii).

* * * * *

(9) * * *

(i) *On-campus employment.* On-campus employment must either be performed on the school's premises, (including on-location commercial firms which provide services for students on campus, such as the school bookstore or cafeteria), or at an off-campus location that is educationally affiliated with the school. Employment with on-site commercial firms, such as a construction company building a school building, which do not provide direct student services is not deemed on-campus employment for the purposes of this paragraph (f)(9)(i). In the case of off-campus locations, the educational affiliation must be associated with the school's established curriculum or related to contractually funded research projects at the post-graduate level. In any event, the employment must be an integral part of the student's educational program. * * * Employment authorized under this paragraph (f)(9)(i) must not exceed 20 hours a week while school is in session, unless the Secretary suspends the applicability of this limitation due to emergent circumstances, as determined by the Secretary, by means of notice in the **Federal Register**, the student demonstrates to the DSO that the employment is necessary to avoid severe economic hardship resulting from the emergent circumstances, and the DSO notates the Form I-20 or successor form in accordance with the **Federal Register** document. An F-1

student may, however, work on campus full-time when school is not in session or during the annual vacation. A student who has been issued a Form I-20 or successor form to begin a new program in accordance with the provision of § 214.3(k) and who intends to enroll for the next regular academic year, term, or session at the institution that issued the Form I-20 or successor form may continue on-campus employment incident to status. Otherwise, an F-1 student may not engage in on-campus employment after completing a course of study, except employment for practical training as authorized under paragraph (f)(10) of this section. An F-1 student may engage in any on-campus employment authorized under this paragraph (f)(9)(i) which will not displace United States residents. In the case of a transfer in SEVIS, the student may only engage in on-campus employment at the school having jurisdiction over the student's SEVIS record. Upon initial entry to begin a new course of study, an F-1 student may not begin on-campus employment more than 30 days prior to the actual start of classes.

(ii) * * *

(A) *General.* An F-1 student may be authorized to work off-campus on a part-time basis in accordance with paragraph (f)(9)(ii)(C) of this section after having been in F-1 status for one full academic year provided that the student is in good academic standing as determined by the DSO. Part-time off-campus employment authorized under this section is limited to no more than 20 hours a week when school is in session. A student who is granted off-campus employment authorization may work full-time during holidays or school vacation. The employment authorization is automatically terminated whenever the student fails to maintain status. In emergent circumstances as determined by the Secretary, the Secretary may suspend the applicability of any or all of the requirements of paragraph (f)(9)(ii) of this section by notice in the **Federal Register**.

* * * * *

(D) *Procedure for off-campus employment authorization due to severe economic hardship.* The student must request a recommendation from the DSO for off-campus employment. The DSO must complete such certification in SEVIS. The DSO may recommend the student for work off-campus for one-year intervals by certifying that:

* * * * *

(F) * * *

(7) The applicant should submit the economic hardship application for employment authorization on Form I-765 or successor form, with the fee required by 8 CFR 106.2, and any other supporting materials such as affidavits which further detail the unforeseen circumstances that require the student to seek employment authorization and the unavailability or insufficiency of employment under paragraph (f)(9)(i) of this section to USCIS. Students should submit the Form I-20 or successor form with the employment page demonstrating the DSO's comments and certification. USCIS will adjudicate the application for work authorization based upon severe economic hardship on the basis of Form I-20 and Form I-765 or successor forms, and any additional supporting materials. If employment is authorized, the adjudicating officer will issue an employment authorization document (EAD). USCIS will notify the student of the decision, and, if the application is denied, of the reason or reasons for the denial. No appeal will lie from a decision to deny a request for employment authorization under this section. The employment authorization may be granted in one-year intervals up to the expected date of completion of the student's current course of study. A student has permission to engage in off-campus employment only if the student receives the EAD endorsed to that effect. Off-campus employment authorization may be renewed by USCIS only if the student is maintaining status and good academic standing. The employment authorization is automatically terminated whenever the student fails to maintain status.

* * * * *

(iii) *Internship with an international organization.* A bona fide F-1 student who has been offered employment by a recognized international organization within the meaning of the International Organization Immunities Act (59 Stat. 669) must apply for employment authorization with USCIS. A student seeking employment authorization under this provision is required to present a written certification from the international organization that the proposed employment is within the scope of the organization's sponsorship, Form I-20 or successor form with employment page completed by DSO certifying eligibility for employment, and a completed Form I-765 or successor form, with the fee required by 8 CFR 106.2(a)(32).

(10) *Practical training.* Practical training may be authorized to an F-1 student who has been lawfully enrolled

on a full-time basis, in an approved SEVP-certified college, university, conservatory, or seminary for one full academic year. This paragraph (f)(10) also includes students who, during their course of study, were enrolled in a study abroad program, if the student had spent at least one full academic term enrolled in a full course of study in the United States prior to studying abroad. A student may be authorized 12 months of practical training, and becomes eligible for another 12 months of practical training when they change to a higher educational level. Students in English language training programs are ineligible for practical training. An eligible student may request employment authorization for practical training in a position that is directly related to their major area of study. There are two types of practical training available:

(i) *Curricular practical training.* An F-1 student may be authorized by the DSO to participate in a curricular practical training program that is an integral part of an established curriculum. Curricular practical training is defined to be alternative work/study, internship, cooperative education or any other type of required internship or practicum that is offered by sponsoring employers through cooperative agreements with the school. Students who have received one year or more of full time curricular practical training are ineligible for post-completion academic training. Exceptions to the one academic year requirement are provided for students enrolled in graduate studies that require immediate participation in curricular practical training. A request for authorization for curricular practical training must be made to the DSO. A student may begin curricular practical training only after receiving their Form I-20 or successor form with the DSO endorsement. To grant authorization for a student to engage in curricular practical training, a DSO will update the student's record in SEVIS as being authorized for curricular practical training that is directly related to the student's major area of study. The DSO will indicate whether the training is full-time or part-time, the employer and location, and the employment start and end date. The DSO must sign, date, and return the Form I-20 or successor form to the student prior to the student's commencement of employment indicating that curricular practical training has been approved.

* * * * *

(16) * * *

(i) *General.* USCIS may consider reinstating a student who makes a

request for reinstatement on Form I-539, Application to Extend/Change Nonimmigrant Status, accompanied by a properly completed Form I-20 or successor form indicating the DSO's recommendation for reinstatement. USCIS may consider granting the request if the student:

* * * * *

(B) Does not have a record of repeated or willful violations of DHS regulations;

(C) Is currently pursuing, or intending to pursue, a full course of study in the immediate future at the school which issued the Form I-20 or successor form;

* * * * *

(F) Establishes to the satisfaction of USCIS, by a detailed showing, either that:

* * * * *

(ii) *Decision.* The adjudicating officer will update SEVIS to reflect USCIS' decision. If USCIS does not reinstate the student, the student may not appeal the decision.

(17) *Current name and address.* A student must inform DHS and the DSO of any legal changes to the student's name or of any change of address, within 10 days of the change, in a manner prescribed by the school. A student can satisfy the requirement in 8 CFR 265.1 of notifying DHS by providing a notice of a change of address within 10 days to the DSO, and the DSO in turn must enter the information in SEVIS within 21 days of notification by the student. Except in the case of a student who cannot receive mail where the student resides, the address provided by the student must be the actual physical location where the student resides rather than a mailing address. In cases where a student provides a mailing address, the school must maintain a record of, and must provide upon request from DHS, the actual physical location where the student resides.

* * * * *

(m) * * *

(1) * * *

(i) * * *

(A) The student presents a Form I-20 or successor form issued in the student's own name by a school certified by SEVP for attendance by M-1 foreign students;

(B) The student has documentary evidence of financial support in the amount indicated on the SEVIS Form I-20 or successor form; and

(C) For students seeking initial admission only, the student intends to attend the school specified in the student's visa (or, where the student is exempt from the requirement for a visa, the school indicated on the Form I-20 or successor form).

(ii) [Reserved]

(iii) *Use of SEVIS*. Schools must issue a Form I-20 or successor form in SEVIS to any current student requiring a reportable action (e.g., extension of stay, practical training, and requests for employment authorization) or a new Form I-20 or successor form, or for any aliens who must obtain a new nonimmigrant student visa.

(2) *Student maintenance of Form I-20 or successor form*. An M-1 student is expected to retain for safekeeping the initial Form I-20 or successor form bearing the admission number and any subsequent Form I-20 or successor form issued to the student. Should the student lose their current Form I-20 or successor form, a replacement copy bearing the same information as the lost copy, including any endorsement for employment and notations, should be issued by the DSO as defined in § 214.3(l)(1).

(3) *Admission of the spouse and minor children of an M-1 student*. The spouse and minor children accompanying an M-1 student are eligible for admission in M-2 status if the student is admitted in M-1 status. The spouse and minor children following-to-join an M-1 student are eligible for admission to the United States in M-2 status if they are able to demonstrate that the M-1 student has been admitted and is, or will be within 30 days, enrolled in a full course of study, or engaged in approved practical training following completion of studies. In either case, at the time they seek admission, the eligible spouse and minor children of an M-1 student must individually present a Form I-20 or successor form issued in the name of each M-2 dependent issued by a school certified by SEVP for attendance by M-1 students. A new Form I-20 or successor form is required for a dependent where there has been any substantive change in the M-1 student's current information.

(4) * * *

(i) * * *

(A) A properly endorsed Form I-20 or successor form if there has been no substantive change in the information on the student's most recent Form I-20 or successor form since the form was initially issued; or

(B) A new Form I-20 or successor form if there has been any substantive change in the information on the student's most recent Form I-20 or successor form since the form was initially issued.

(ii) *Student who transferred between schools*. If an M-1 student has been authorized to transfer between schools and is returning to the United States

from a temporary absence in order to attend the school to which transfer was authorized as indicated on the student's Form I-20 or successor form, the name of the transfer-in school does not need to be specified in the student's visa.

* * * * *

(9) *Full course of study*. Successful completion of the course of study must lead to the attainment of a specific educational or vocational objective. A course of study at an institution not certified for attendance by foreign students as provided in § 214.3(a)(3) does not satisfy this requirement. A "full course of study" as required by section 101(a)(15)(M)(i) of the Act means—

(i) *Community college or junior college*. Study at a community college or junior college, certified by a school official to consist of at least twelve semester or quarter hours of instruction per academic term in those institutions using standard semester, trimester, or quarter-hour systems, where all students enrolled for a minimum of twelve semester or quarter hours are charged full-time tuition or considered full-time for other administrative purposes, or its equivalent (as determined by SEVP in the school certification process) except when the student needs a lesser course load to complete the course of study during the current term;

(ii) *Postsecondary vocational or business school*. Study at a postsecondary vocational or business school, other than in a language training program except as provided in § 214.3(a)(2)(iv), which confers upon its graduates recognized associate or other degrees or has established that its credits have been and are accepted unconditionally by at least three other institutions of higher learning which are either:

(A) A school (or school system) owned and operated as a public educational institution by the United States or a State or political subdivision thereof; or

(B) A school accredited by a nationally recognized accrediting body; and which has been certified by a designated school official to consist of at least 12 clock hours of instruction a week, or its equivalent as determined by SEVP in the school certification process;

* * * * *

(vi) *Reduced course load*. The designated school official may authorize an M-1 student to engage in less than a full course of study only where the student has been compelled by illness or a medical condition that has been documented by a licensed medical doctor, psychiatrist, doctor of

osteopathy, licensed psychologist, or clinical psychologist to interrupt or reduce their course of study. A DSO may not authorize a reduced course load for more than an aggregate of 5 months per course of study. An M-1 student previously authorized to drop below a full course of study due to illness or medical condition for an aggregate of 5 months, may not be authorized by the DSO to reduce their course load on subsequent occasions during their particular course of study.

(A) [Reserved]

(B) *Reporting requirements*. In order for a student to be authorized to drop below a full course of study, the DSO must update SEVIS prior to the student reducing their load.

* * * * *

(10) * * *

(ii) *Application*. A student must apply to USCIS for an extension on Form I-539, Application to Extend/Change Nonimmigrant Status or successor form. A student's M-2 spouse and children seeking an extension of stay must be included in the application. The student must submit the application at least 15 days but not more than 60 days before the program end date on the student's Form I-20 or successor form. The application must also be accompanied by the student's Form I-20 or successor form and the Form I-94 of the student's spouse and children, if applicable.

* * * * *

(iv) *SEVIS update*. The Form I-20 or successor form must be endorsed with the recommendation and new program end date for submission to USCIS, with Form I-539 or successor form, and Form I-94 if applicable.

(11) * * *

(ii) *Transfer procedure*. A student must apply to USCIS on Form I-539 or successor form, for permission to transfer between schools. Upon application for school transfer, a student may affect the transfer subject to approval of the application. A student who transfers without complying with this requirement or whose application is denied after transfer (pursuant to this section) is considered to be out of status. If the application is approved, the approval date of the transfer will be determined to be the program start date listed on the Form I-20 or successor form, and the student will be granted an extension of stay for the period of time necessary to complete the new course of study plus 30 days, or for a total period of one year, whichever is less. The student must first notify their current school (the "transfer-out" school) of the intent to transfer and indicate the school to which the student intends to transfer

(the “transfer-in” school). Upon notification by the student, the transfer-out school must update SEVIS to show the student is transferring out, indicate the transfer-in school, and input the transfer release date. Once SEVIS is updated, the transfer-in school may generate a Form I–20 or successor form for transfer. However, the transfer-in school will not gain access to the student’s SEVIS record until the release date. Upon receipt of the Form I–20 or successor form from the transfer-in school, the student must submit Form I–539 or successor form in accordance with this paragraph (m)(11). The student may enroll in the transfer-in school at the next available term or session and is required to notify the DSO of the transfer-in school immediately upon beginning attendance. The transfer-in school must update the student’s registration record in SEVIS in accordance with § 214.3(g)(2)(iii). Upon approval of the transfer application, USCIS will transmit the approval of the transfer to SEVIS. If the application for transfer is denied, the student is out of status, and the student’s record must be terminated in SEVIS.

* * * * *

(14) * * *

(ii) *Application.* An M–1 student must apply for permission to accept employment for practical training on Form I–765 or successor form, with fee as contained in 8 CFR part 106, accompanied by a properly endorsed Form I–20 or successor form by the DSO for practical training. The application must be submitted before the program end date listed on the student’s Form I–20 or successor form but not more than 90 days before the program end date. By recommending practical training in SEVIS and endorsing the Form I–20 or successor form, the DSO certifies that—

* * * * *

(iii) *Duration of practical training.* When the student is authorized to engage in employment for practical training, they will be issued an EAD. The M–1 student may not begin employment until he or she has been issued an EAD by USCIS. One month of employment authorization will be granted for each four months of full-time study that the M–1 student has completed. However, an M–1 student may not engage in more than six months of practical training in the aggregate. The student will not be granted employment authorization if he or she cannot complete the requested practical training within six months.

(iv) *Temporary absence of M–1 student granted practical training.* An M–1 student who has been granted

permission to accept employment for practical training and who temporarily departs from the United States, may be readmitted for the remainder of the authorized period indicated on the student’s Form I–20 or successor form. The student must be returning to the United States to perform the authorized practical training. A student may not be readmitted to begin practical training which was not authorized prior to the student’s departure from the United States.

(v) *Effect of strike or other labor dispute.* Authorization for all employment for practical training is automatically suspended upon certification by the Secretary of Labor or the Secretary’s designee to the Secretary of Homeland Security or the Secretary’s designee that a strike or other labor dispute involving a work stoppage of workers is in progress in the occupation at the place of employment. As used in this paragraph (m)(14)(v), “place of employment” means wherever the employer or joint employer does business.

(vi) *SEVP process.* The DSO must update the student’s record in SEVIS to recommend that USCIS approve the student for practical training, and generate a Form I–20 or successor form with the recommendation, for the student to submit to USCIS with Form I–765 as provided in this paragraph (m)(14).

* * * * *

(16) * * *

(i) *General.* USCIS may consider reinstating a student who makes a request for reinstatement on Form I–539, Application to Extend/Change Nonimmigrant Status or successor form, accompanied by a properly completed Form I–20 or successor form indicating the DSO’s recommendation for reinstatement. USCIS may consider granting the request only if the student:

* * * * *

(B) Does not have a record of repeated or willful violations of DHS regulations;

(C) Is currently pursuing, or intends to pursue, a full course of study at the school which issued the Form I–20 or successor form;

* * * * *

(F) Establishes to the satisfaction of USCIS, by a detailed showing, either that:

* * * * *

(ii) *Decision.* The adjudicating officer will update SEVIS to reflect USCIS’s decision. If USCIS does not reinstate the student, the student may not appeal the decision.

* * * * *

(18) *Current name and address.* A student must inform DHS and the DSO of any legal changes to the student’s name or of any change of address, within 10 days of the change, in a manner prescribed by the school. A student can satisfy the requirement in 8 CFR 265.1 of notifying DHS by providing a notice of a change of address within 10 days to the DSO, and the DSO in turn must enter the information in SEVIS within 21 days of notification by the student. Except in the case of a student who cannot receive mail where the student resides, the address provided by the student must be the actual physical location where the student resides rather than a mailing address. In cases where a student provides a mailing address, the school must maintain a record of, and must provide upon request from DHS, the actual physical location where the student resides.

(19) * * *

(i) *Applicability.* For purposes of the special rules in this paragraph (m)(19), the term “border commuter student” means a national of Canada or Mexico who is admitted to the United States as an M–1 student to enroll in a full course of study, albeit on a part-time basis, in a certified school located within 75 miles of a United States land border. The border commuter student must maintain actual residence and place of abode in the student’s country of nationality, and seek admission to the United States at a land border port-of-entry. These special rules do not apply to a national of Canada or Mexico who is:

(A) Residing in the United States while attending a certified school as an M–1 student; or

* * * * *

(ii) *Full course of study.* A designated school official at the school may authorize an eligible border commuter student to enroll in a course load below that otherwise required for a full course of study under paragraph (m)(9) of this section, provided that the reduced course load is consistent with the border commuter student’s certified course of study.

* * * * *

■ 4. Amend § 214.3 as follows:

■ a. The section heading, paragraphs (a)(1) introductory text, (a)(1)(ii), (a)(2) paragraph heading, (a)(2)(i) introductory text, (a)(2)(i)(A), and (F), (a)(2)(ii) introductory text, (a)(2)(iii) and (iv), (a)(2)(v) introductory text, and (a)(2)(v)(B), and (C) are revised.

■ b. In paragraph (a)(3)(ii)(A), add the word “and” to end of the paragraph.

- c. Paragraphs (b) and (c) and the last sentence in paragraph (e)(4)(ii) are revised.
- d. In paragraph (e)(5), remove the word “initial”.
- e. Paragraphs (e)(8), (g)(1) introductory text, (h)(1) introductory text, (h)(1)(i) and (ii), and (h)(2)(i) introductory text are revised.
- f. In paragraph (j), remove “approved” and “approval” and add in their place “SEVP-certified” and “certification”, respectively.
- g. In paragraph (l)(1) introductory text, remove the references “§§ 214.1(b), 214.2(b), 214.2(f), 214.2(m), 214.4” and add in their place “§§ 214.2(f) and (m), 214.3 and 214.4”.
- h. In paragraph (l)(1)(ii), remove the phrase “his or her” and add in its place “their” in the second sentence and add the phrase “at the main campus” after “PDSO” in the third sentence.
- i. In paragraph (l)(2), revise the paragraph heading and remove “sample” in the first sentence.
- j. In paragraph (l)(3), remove “approval” and “the Service” and add in their place “certification” and “DHS”, respectively.

The revisions read as follows:

§ 214.3 Certification and recertification of schools for enrollment of F and M nonimmigrants.

(a) * * *

(1) *General.* A school or school system seeking certification or recertification for attendance by nonimmigrant students under sections 101(a)(15)(F) or 101(a)(15)(M) of the Act, or both, must file a petition for certification or recertification with SEVP, using the Student and Exchange Visitor Information System (SEVIS), in accordance with the procedures at paragraph (h) of this section. The petition must state whether the school or school system is seeking certification or recertification for attendance of nonimmigrant students under section 101(a)(15)(F) or 101(a)(15)(M) of the Act or both. The petition must identify by name and address each location of the school that is included in the petition for certification or recertification, specifically including any physical location in which a nonimmigrant can attend classes through the school (*i.e.*, campus, extension campuses, satellite campuses, etc.).

* * * * *

(ii) *Submission requirements.* Certification and recertification petitions require that a complete Form I-17, Petition for Approval of School for Attendance by Nonimmigrant Student, bearing signatures, be included with the school’s submission of supporting

documentation. In submitting the Form I-17, a school certifies that the designated school officials (DSOs) signing the form have read and understand DHS regulations relating to: nonimmigrant students at § 214.1, 214.2(f), and/or 214.2(m); change of nonimmigrant classification for students at 8 CFR part 248; school certification and recertification under this section; withdrawal of school certification under this section and §§ 214.4; that both the school and its DSOs intend to comply with these regulations at all times; and that, to the best of its knowledge, the school is eligible for SEVP certification. Willful misstatements may constitute perjury (18 U.S.C. 1621).

(2) *Certification for F-1 or M-1 classification, or both—(i) F-1 classification.* The following schools may be certified for attendance by nonimmigrant students under section 101(a)(15)(F) of the Act:

(A) A college or university, *i.e.*, an institution of higher learning which awards recognized bachelor’s, master’s, doctor’s or professional degrees.

* * * * *

(F) A private elementary or middle school.

* * * * *

(ii) *M-1 classification.* The following schools are considered to be vocational or nonacademic institutions and may be certified for attendance by nonimmigrant students under section 101(a)(15)(M) of the Act:

* * * * *

(iii) *Both F-1 and M-1 classification.* A school may be certified for attendance by nonimmigrant students under both sections 101(a)(15)(F) and 101(a)(15)(M) of the Act if it has both instruction in the liberal arts, fine arts, language, religion, or the professions and vocational or technical training. In that case, a student whose primary intent is to pursue studies in liberal arts, fine arts, language, religion, or the professions at the school is classified as a nonimmigrant under section 101(a)(15)(F) of the Act. A student whose primary intent is to pursue vocational or technical training at the school is classified as a nonimmigrant under section 101(a)(15)(M) of the Act.

(iv) *English language training for a vocational student.* A student whose primary intent is to pursue vocational or technical training who takes English language training at the same school solely for the purpose of being able to understand the vocational or technical course of study is classified as a nonimmigrant under section 101(a)(15)(M) of the Act.

(v) *Schools not qualified for attendance.* The following may not be certified for attendance by foreign students:

* * * * *

(B) A public elementary or middle school; or

(C) An adult education program, as defined by section 203(1) of the Adult Education and Family Literacy Act, Public Law 113-128, as amended, U.S.C. 3272(1), if the adult education program is funded in whole or in part by a grant under the Adult Education and Family Literacy Act, or by any other Federal, State, county, or municipal funding. * * *

(b) *Supporting documents.* Schools petitioning for certification or recertification must submit the following supporting documents:

(1) *Licensure, approval, and accreditation documents.* A charter will not be considered a license, approval, or accreditation.

(i) *Public Schools.* A petitioning school or school system owned and operated as a public educational institution or system by the United States or a State or a political subdivision thereof must submit a certification to that effect signed by the authorized public official. The official must certify that they are authorized to do so.

(ii) *Private elementary, middle, or secondary schools.* A petitioning private elementary, middle, or secondary school or school system must submit a certification signed by the authorized public official that it meets the requirements of the State or local public educational system. The official must certify that they are authorized to do so.

(iii) *Any other school.* Any other petitioning school not included under paragraph (b)(1)(i) or (ii) of this section must submit a certification that—

(A) The school is licensed, approved, or accredited by the authorized official, who must certify that they are authorized to do so; or

(B) If the school offers courses recognized by a State-approving agency as appropriate for study for veterans under the provisions of 38 U.S.C. 3675 and 3676, in lieu of such certification provided in paragraph (b)(1)(i)(A) of this section, the school may submit a statement of recognition signed by the authorized official of the State approving agency, who must certify that they are authorized to do so.

(2) *School operations information.* Private schools that are not accredited by a nationally recognized accrediting body or operated as part of a school that is accredited by a nationally recognized

accrediting body must submit a school catalog, if one is issued. If not included in the catalog, or if a catalog is not issued, the school must furnish a written statement containing the following information listed in paragraphs (b)(2)(i) through (vii) of this section:

- (i) Size of its physical facilities;
- (ii) Nature of its facilities for study and training;
- (iii) Educational, vocational, or professional qualifications of the teaching staff;
- (iv) Salaries of the teachers;
- (v) Attendance and scholastic grading policy;
- (vi) Amount and character of supervisory and consultative services available to students and trainees; and
- (vii) Finances, including a certified copy of the accountant's last statement of school's net worth, income, and expenses.

(c) *Additional evidence*—(1) *Vocational, business, and language schools, and American institutions of research.* A petitioning vocational, business, or language school, or an American institution of research recognized as such by the Secretary of Homeland Security must submit evidence that its courses of study are accepted as fulfilling the requirements for the attainment of an educational, professional, or vocational objective, and have not been designated vocational or recreational through the appropriate licensing or approval officials.

(2) *Unaccredited private elementary, middle, and secondary schools.* A petitioning private elementary, middle, or secondary school that is not accredited by a nationally recognized accrediting body or operated by a school that is accredited by a nationally recognized accrediting body must submit evidence that attendance at the petitioning school—

- (i) Satisfies the compulsory attendance requirements of the State in which it is located; and
- (ii) Qualifies graduates for acceptance by schools of a higher educational level by a public school, a school accredited by a nationally recognized accrediting body, or a secondary school operated by a school that is accredited by a nationally recognized accrediting agency.

(3) *Unaccredited private institutions of higher learning.* A private institution of higher learning that is not accredited by a nationally recognized accrediting body must submit evidence that—

- (i) It confers upon its graduates recognized bachelor, master, doctor, professional or divinity degrees; or

(ii) If it does not confer such degrees, its credits have been and are accepted unconditionally by at least three other institutions of higher learning that are public or accredited by a nationally recognized accredited body.

* * * * *

(e) * * *

(4) * * *

(ii) * * * A withdrawal for failure to respond to a notice of intent may not be appealed.

* * * * *

(8) *Notice of SEVIS Access Termination Date.* The Notice of SEVIS Access Termination Date gives the official date for the school's denial or withdrawal to be final and SEVIS access to be terminated. In most situations, SEVP will not adjust a SEVIS access termination date for that school when the appeals process has concluded and the denial or withdrawal has been upheld, in accordance with § 214.4(i)(2). The school will no longer be able to access SEVIS and SEVP will automatically terminate any remaining Active SEVIS records for that school on that date.

* * * * *

(g) * * *

(1) *Student records.* An SEVP-certified school must keep records containing certain specific information and documents relating to each F-1 or M-1 student to whom it has issued a Form I-20 or successor form, while the student is attending the school and until the school notifies SEVP, in accordance with the requirements of paragraphs (g)(1) and (2) of this section, that the student is no longer pursuing a full course of study at that school. Student information not required for entry in SEVIS may be kept in the school's student system of records, but must be accessible to DSOs. The school must keep a record of having complied with the reporting requirements for at least three years after the student is no longer pursuing a full course of study at that school. The school must maintain records on the student in accordance with paragraphs (g)(1) and (2) of this section if a school recommends reinstatement for a student who is out of status. The school must maintain records on the student for three years from the date of the denial if the reinstatement is denied. The DSO must make the information and documents required by this paragraph (g)(1) available, including academic transcripts, and must furnish them to DHS representatives upon request. Schools must maintain and be able to provide an academic transcript or other routinely maintained student records

that reflect the total, unabridged academic history of the student at the institution, in accordance with paragraph (g)(1)(iv) of this section. All courses must be recorded in the academic period in which the course was taken and graded. The information and documents that the school must keep on each student are as follows:

* * * * *

(h) * * *

(1) *Certification.* A school seeking SEVP certification for attendance by nonimmigrants under section 101(a)(15)(F) or 101(a)(15)(M) of the Act must use SEVIS to file an electronic petition (which compiles the data for the Form I-17) and must submit the nonrefundable certification petition fee on-line.

(i) *Filing a petition.* The school must access the SEVP website at <https://www.ice.gov/sevis> to file a certification petition in SEVIS. The school will be issued a temporary SEVIS user ID and password in order to access SEVIS to complete and submit an electronic Form I-17. The school must submit the proper nonrefundable certification petition fee as provided in 8 CFR 103.7(d)(2).

(ii) *Site visit, petition adjudication and school notification.* SEVP will conduct a site visit for each petitioning school and its additional schools or campuses. SEVP will contact the school to arrange the site visit. The school must comply with and complete the visit within 30 days after the date SEVP contacts the school to arrange the visit, or the petition for certification will be denied as abandoned. DSOs and school officials that have signed the school's Form I-17 petition must be able to demonstrate to DHS representatives how they obtain access to the regulations cited in the certification petition as part of the site visit. Paper or electronic access is acceptable. DSOs must be able to extract pertinent citations within the regulations related to their requirements and responsibilities. SEVP will serve a notice of approval and SEVIS will be updated to reflect the school's certification if SEVP authorizes the school's certification petition.

* * * * *

(2) * * *

(i) *Filing of petition for recertification.* Schools must submit a completed Form I-17 (including any supplements and bearing signatures of all officials) using SEVIS. SEVP will notify all DSOs of a previously certified school 180 days prior to the school's certification expiration date that the school may submit a petition for recertification. A school may file its recertification

petition at any time after receipt of this notification. A school must submit a complete recertification petition package, as outlined in the submission guidelines, by its certification expiration date. SEVP will send a notice of confirmation of complete filing or rejection to the school upon receipt of any filing of a petition for recertification.

* * * * *

(1) * * *

(2) *Name, title, and signature.* * * *

* * * * *

■ 5. Amend § Section 214.4 as follows:

■ a. In paragraph (a)(2) introductory text, remove the references to “8 CFR 214.3(h)(3)(v)”, “101(a)(15)(F)(i)”, and “101(a)(15)(M)(i)” and add in their place “§ 214.3(h)(2)(v)”, “101(a)(15)(F)”, and “101(a)(15)(M)”, respectively.

■ b. In paragraph (a)(2)(iv), add “or successor form” after “Form I–20”.

■ c. In paragraph (a)(2)(viii), remove the phrase “paper copies of” and add in its place “with”.

■ d. In paragraphs (a)(2)(x) through (xix), add “or successor form” after “Form I–20” wherever it appears.

■ e. In paragraph (a)(3) introductory text, remove the reference “8 CFR 214.3(h)(1)” and add in its place “§ 214.3(h)”.

■ f. Revise the first and last sentences of paragraph (a)(3)(iii).

■ g. Remove paragraph (a)(4).

■ h. In paragraph (c), remove “approval” and add in its place “certification”.

■ i. Revise paragraph (d).

■ j. In paragraph (e), remove “approval” and add in its place “certification”.

■ k. In paragraph (f)(1), remove “approval” and “shall” and add in their place “certification” and “will”, respectively.

■ l. In paragraph (f)(2):

■ i. Remove “shall” and add in its place “will”;

■ ii. Remove “In” and add in its place “At”; and

■ iii. Remove the phrase “the district director” and add in its place “SEVP”.

■ m. In paragraph (h), remove the phrase “of the approval”; and remove the reference “8 CFR 103.7(b)(1)(ii)(O)” and add in its place “8 CFR 103.7(d)(15)”.

■ n. In paragraph (i)(1), remove the phrase “Certificate of Eligibility for Nonimmigrant Student” and add in its place “Certificate of Eligibility for Nonimmigrant Student Status, or successor form.”.

■ o. In paragraph (i)(2), remove the word “initial” in the second sentence.

The revisions read as follows:

§ 214.4 Denial of certification, denial of recertification, or withdrawal of SEVP certification.

(a) * * *

(3) * * *

(iii) Sixty days after the occurrence of the change of ownership if the school failed to update its information in accordance with § 214.3(h)(1) or properly file a new petition, SEVP will review the petition if the school properly files such petition to determine whether the school still meets the eligibility requirements of § 214.3(a)(3) and is still in compliance with the recordkeeping, retention, reporting and other requirements of § 214.3(f), (g), (j), (k), and (l). *** SEVP will institute withdrawal proceedings in accordance with paragraph (b) of this section if, upon completion of the review, SEVP finds that the school is no longer eligible for certification, or is not in compliance with the recordkeeping, retention, reporting and other requirements of § 214.3(f), (g), (j), (k), and (l), or failed to file a new petition within the allowable 60-day timeframe.

(d) *Allegations admitted or no answer filed.* If the school or school system admits all of the allegations in the notice of intent to withdraw certification, or if the school or school system fails to file an answer within the 30-day period, SEVP will withdraw the certification previously granted and notify the designated school official of the decision. No appeal of SEVP’s decision will be accepted if all allegations are admitted or no answer is filed within the 30-day period.

* * * * *

■ 6. Remove and reserve § 214.12.

■ 7. Amend § 214.13 as follows:

■ a. In paragraph (a)(1), add a comma and “ middle,” after the word “elementary”.

■ b. Remove paragraph (b)(3).

■ c. In paragraphs (d)(1) and (d)(2), remove the phrase “a DHS approved” and add in its place “an SEVP-certified”.

■ d. In paragraph (d)(4), remove the term “Status” and add in its place “States”.

■ d. In paragraph (g)(1)(i), remove the reference “8 CFR 103.7(a)(1)” and add in its place “8 CFR 103.7(d)(8)”.

■ e. In paragraph (g)(4), remove the phrase “an approved” and add in its place “a certified”.

Alejandro N. Mayorkas,

Secretary, U.S. Department of Homeland Security.

[FR Doc. 2022–26013 Filed 12–8–22; 11:15 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–1583; Project Identifier MCAI–2022–01486–T; Amendment 39–22282; AD 2022–25–51]

RIN 2120–AA64

Airworthiness Directives; Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Airbus Canada Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes. The FAA previously sent this AD as an emergency AD to all known U.S. owners and operators of these airplanes. This AD was prompted by reports of the autopilot/autothrottle system design resulting in inadvertent engagement of the autopilot when the flightcrew was attempting to engage the autothrottle late into the take-off phase or when attempting to re-engage the autothrottle during takeoff after uncommanded disconnect. This AD requires revising the Limitations section of the existing airplane flight manual (AFM) by revising the title of the existing autopilot AFM limitation, include a new warning prior to the existing autopilot engagement limitations, and include a new limitation prohibiting selecting or reselecting autothrottle during takeoff after thrust levers are advanced to the takeoff setting after the existing autopilot engagement limitations. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective December 27, 2022. Emergency AD 2022–25–51, issued on November 22, 2022, which contained the requirements of this amendment, was effective with actual notice.

The FAA must receive comments on this AD by January 26, 2023.

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-2022-1583; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT:

Steven Dzierzynski, Aerospace Engineer, Avionics and Electrical Systems Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516-228-7367; email 9-avs-nyaco-cos@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under **ADDRESSES**. Include “Docket No. FAA-2022-1583; Project Identifier MCAI-2022-01486-T” at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to [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 final rule.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this AD contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this AD,

it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this AD. Submissions containing CBI should be sent to Steven Dzierzynski, Aerospace Engineer, Avionics and Electrical Systems Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516-228-7367; email 9-avs-nyaco-cos@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 issued Emergency AD 2022-25-51, dated November 22, 2022 (Emergency AD 2022-25-51), to address an unsafe condition on all Airbus Canada Limited Partnership Model BD-500-1A10 and BD-500-1A11 airplanes. The FAA sent the emergency AD to all known U.S. owners and operators of these airplanes. Emergency AD 2022-25-51 requires revising the Limitations section of the existing AFM by revising the title of the existing autopilot AFM limitation, include a new warning prior to the existing autopilot engagement limitations, and include a new limitation prohibiting selecting or reselecting autothrottle during takeoff after thrust levers are advanced to the takeoff setting after the existing autopilot engagement limitations.

Emergency AD 2022-25-51 was prompted by Emergency AD CF-2022-64, dated November 17, 2022 (referred to after this as the MCAI), issued by Transport Canada, which is the aviation authority for Canada, to correct an unsafe condition on all Airbus Canada Limited Partnership Model BD-500-1A10 and BD-500-1A11 airplanes.

There have been 38 in-service events, including two nearly catastrophic events, whereby the flightcrew inadvertently engaged the autopilot while attempting to engage the autothrottle late into the take-off phase or when re-engaging the autothrottle. Engaging the autopilot below 400 feet (ft) above ground level (AGL) is prohibited by the existing AFM. However, the control panel for autothrottle and autopilot engagement is structured in such a way that it is possible for the flightcrew to mistakenly engage the autopilot when attempting to re-engage the autothrottle. The autothrottle system is prone to disconnect due to different sources for airspeed between the autothrottle and

the flight control system monitor, which can occur during turbulence. The disconnect may also occur due to different sources for pressure altitude between autothrottle application and autothrottle monitor. Additionally, the autopilot engagement is not currently inhibited during takeoff and with sufficient speed will cause the airplane to command a pitch increase to capture the pitch target marker, which may cause premature rotation, including at speeds below V1 at the time of autopilot engagement. Premature airplane pitch up will require the flightcrew to intervene immediately, and depending on the speed, could lead to a tail strike. If the flightcrew does not reject the takeoff, premature rotation due to autopilot engagement below Vr may result in low-energy liftoff.

In September 2022, there was an incident in which the autothrottle disengaged during takeoff, and when the flightcrew attempted to re-engage the autothrottle, they mistakenly engaged the autopilot, which resulted in the aircraft rotating below the V1 speed. This resulted in a low-energy takeoff, which is hazardous as it could lead to the airplane stalling and/or impacting terrain.

Existing procedures provide operational recommendations and procedures to follow for autothrottle selection and in the event of an autothrottle disconnect during takeoff. The autothrottle cannot be re-engaged if it becomes disconnected on takeoff above 60 knots and below 400 ft AGL. Therefore, the flightcrew should not attempt to re-engage the autothrottle if it becomes disconnected on takeoff. As previously mentioned, trying to re-engage autothrottle below 400 ft AGL may result in inadvertent engagement of the autopilot.

This AD is intended to address inadvertent engagement of the autopilot below 400 ft AGL by adopting the autopilot engagement warning statement specified in Transport Canada Emergency AD CF-2022-64. The intended action is to incorporate the new warning statement within the existing Autopilot Engagement AFM limitation by placing the warning statement just prior to the two existing limitations, “The minimum height for engagement of autopilot is 400 feet AGL,” and “The minimum height for use of autopilot is 80 feet AGL.” This AD differs from the Transport Canada Emergency AD by also requiring revising the existing AFM to include an additional limitation (below the two existing limitations) that specifies, “To avoid inadvertent engagement of autopilot, during takeoff, the

autothrottle must not be selected or re-selected after the thrust levers are advanced to the takeoff setting until the aircraft is at or above 400 feet AGL.” Furthermore, this AD requires the title of the existing AFM limitation to be revised from “Autopilot Engagement” to “Autopilot and Autothrottle Engagement.” Therefore, the AFM limitation specified in figure 1 to paragraph (g) of this AD, titled “Autopilot and Autothrottle Engagement,” replaces the existing AFM limitation titled “Autopilot Engagement.” This condition, if not addressed, could result in premature rotation due to inadvertent autopilot engagement, possibly leading to tail-strike, inability to climb, and loss of control of the airplane.

You may examine the MCAI in the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2022–1583.

FAA’s Determination

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

AD Requirements

This AD requires revising the Limitations section of the existing AFM by revising the title of the existing AFM limitation titled “Autopilot

Engagement”, include a new warning prior to the existing autopilot engagement limitations, and a new limitation prohibiting selecting or reselecting autothrottle during takeoff after thrust levers are advanced to the takeoff setting after the existing autopilot engagement limitations.

Interim Action

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

Justification for Immediate Adoption and Determination of the Effective Date

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

An unsafe condition exists that required the immediate adoption of Emergency AD 2022–25–51 issued on November 22, 2022, to all known U.S. owners and operators of these airplanes. Due to an autopilot/autothrottle system design, the flightcrew has inadvertently engaged the autopilot while attempting to engage the autothrottle during a critical phase of flight. The most recent incident, in September 2022, resulted in

a low-energy takeoff when the flightcrew attempted to re-engage the autothrottle but mistakenly engaged the autopilot. Such a result is hazardous as it could lead to the aircraft stalling and/or impacting terrain. The FAA found that the risk to the flying public justified waiving notice and comment prior to adoption of this rule because inadvertent autopilot engagement below 400 ft AGL could result in premature rotation due to inadvertent autopilot engagement, possibly leading to tail-strike, inability to climb, and loss of control of the airplane. These conditions still exist, therefore, notice and opportunity for prior public comment are impracticable and contrary to the public interest pursuant to 5 U.S.C. 553(b)(3)(B).

In addition, the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment effective in less than 30 days, for the same reasons the FAA found good cause to forgo notice and comment.

Regulatory Flexibility Act

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

Costs of Compliance

The FAA estimates that this AD affects 76 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS OF REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
AFM revision	1 work-hour × \$85 per hour = \$85	\$0	\$85	\$6,460

Authority for This Rulemaking

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

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

regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the

distribution of power and responsibilities among the various levels of government.

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2022–25–51 Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.): Amendment 39–22282; Docket No. FAA–2022–1583; Project Identifier MCAI–2022–01486–T.

(a) Effective Date

The FAA issued Emergency Airworthiness Directive (AD) 2022–25–51 on November 22,

2022, directly to affected owners and operators. As a result of such actual notice, the emergency AD was effective for those owners and operators on the date it was provided. This AD contains the same requirements as the emergency AD and, for those who did not receive actual notice, is effective on December 27, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus Canada Limited Partnership (Type Certificate previously held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.) Model BD–500–1A10 and BD–500–1A11 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 22, Autoflight.

(e) Unsafe Condition

This AD was prompted by reports of the autopilot/autothrottle system design resulting in inadvertent engagement of the autopilot when the flightcrew was attempting to engage the autothrottle late into the take-off phase or when attempting to re-engage the

autothrottle during takeoff after uncommanded disconnect. The FAA is issuing this AD to address inadvertent engagement of the autopilot below 400 feet above ground level (AGL) when the flightcrew attempts to engage autothrottle. The unsafe condition, if not addressed, could result in premature rotation due to inadvertent autopilot engagement, possibly leading to tail-strike, inability to climb, and loss of control of the airplane.

(f) Compliance

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

(g) Revision of Existing AFM

Within 7 days after the effective date of this AD, revise the Limitations section of the existing airplane flight manual (AFM) to include the information specified in figure 1 to paragraph (g) of this AD. This may be accomplished by inserting a copy of figure 1 to paragraph (g) of this AD into the existing AFM. Using an AFM revision that includes information identical to that in figure 1 to paragraph (g) of this AD is acceptable for compliance with the requirement of this paragraph.

Figure 1 to paragraph (g): Autopilot and Autothrottle Engagement Limitation

<p>AUTOPILOT and AUTOTHROTTLE ENGAGEMENT</p> <p>WARNING</p> <p>Autopilot engagement during takeoff roll can result in premature rotation, possibly leading to tail-strike, inability to climb or loss of control. Immediate crew intervention is required.</p> <p>The minimum height for engagement of autopilot is 400 feet AGL.</p> <p>The minimum height for use of autopilot is 80 feet AGL.</p> <p>To avoid inadvertent engagement of autopilot, during takeoff, the autothrottle must not be selected or re-selected after the thrust levers are advanced to the takeoff setting until the aircraft is at or above 400 feet AGL.</p>
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(h) Additional AD Provisions

The following provisions also apply to this AD:

(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 local 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; email: 9-avs-nyaco-cos@faa.gov, telephone 516–228–7300. 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; or Airbus Canada Limited Partnership's Transport Canada Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(i) Additional Information

(1) Refer to Transport Canada Emergency AD CF–2022–64, dated November 17, 2022, for related information. This Transport Canada Emergency AD may be found in the

AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2022–1583.

(2) For more information about this AD, contact Steven Dzierzynski, Aerospace Engineer, Avionics and Electrical Systems Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7367; email 9-avs-nyaco-cos@faa.gov.

(j) Material Incorporated by Reference

None.

Issued on December 7, 2022.

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

[FR Doc. 2022–26971 Filed 12–8–22; 11:15 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2022-1574; Project Identifier MCAI-2022-01362-T; Amendment 39-22274; AD 2022-25-18]

RIN 2120-AA64

Airworthiness Directives; BAE Systems (Operations) Limited Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2005-06-14, which applied to certain British Aerospace Model BAe 146 and Model Avro 146-RJ series airplanes. AD 2005-06-14 required repetitive inspections for cracking of the outer links on the main landing gear (MLG) side stays, and corrective actions if necessary. AD 2005-06-14 also provided an optional terminating action for the repetitive inspections. Since the FAA issued AD 2005-06-14, there has been a report of additional cracking on a MLG side stay on which the terminating action has been done. This AD continues to require the actions specified in AD 2005-06-14 and requires new repetitive inspections for cracking of the MLG side stay outer link and replacement if necessary as specified in a United Kingdom (U.K.) Civil Aviation Authority (CAA) (U.K. CAA) AD, which is incorporated by reference. This AD also prohibits the installation of affected parts under certain conditions. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective December 27, 2022.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of December 27, 2022.

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of May 2, 2005 (70 FR 15574, March 28, 2005; corrected April 14, 2005 (70 FR 19681)).

The FAA must receive comments on this AD by January 26, 2023.

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

- *Federal eRulemaking Portal:* Go to *regulations.gov*. Follow the instructions for submitting comments.

- *Fax:* 202-493-2251.

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

- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA-2022-1574; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For U.K. CAA material incorporated by reference in this AD, contact Civil Aviation Authority, Aviation House, Beehive Ring Road, Crawley, West Sussex RH6 0YR, United Kingdom; telephone +44(0) 330 022 4401; email *continued.airworthiness@caa.co.uk*; website *caa.co.uk*.

- For BAE Systems (Operations) Limited service information identified in this AD, contact BAE Systems (Operations) Limited, Customer Information Department, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland, United Kingdom; telephone +44 1292 675207; fax +44 1292 675704; email *RAPublications@baesystems.com*; website *baesystems.com/Businesses/RegionalAircraft/index.htm*.

- For Messier-Dowty service information identified in this AD, contact Messier-Dowty: Messier Services Americas, Customer Support Center, 45360 Severn Way, Sterling, VA 20166-8910; telephone 703-450-8233; fax 703-404-1621; website *techpubs.services/messier-dowty.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. It is also available at *regulations.gov* under Docket No. FAA-2022-1574.

FOR FURTHER INFORMATION CONTACT:

Todd Thompson, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone 206-231-3228; email *todd.thompson@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under **ADDRESSES**. Include "Docket No. FAA-2022-1574; Project Identifier MCAI-2022-01362-T" at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this AD contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this AD, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as "PROPIN." The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this AD. Submissions containing CBI should be sent to Todd Thompson, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone 206-231-3228; email *todd.thompson@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 2005-06-14, Amendment 39-14024 (70 FR 15574, March 28, 2005; corrected April 14, 2005 (70 FR 19681)) (AD 2005-06-14), for certain British Aerospace Model BAe 146 and Model Avro 146-RJ series airplanes. AD 2005-06-14 was prompted by an MCAI originated by the

Civil Aviation Authority (CAA), which is the aviation authority for the United Kingdom (U.K.) (U.K. CAA). U.K. CAA issued U.K. CAA AD 004–05–2001 to correct an unsafe condition.

AD 2005–06–14 required repetitive inspections for cracking of the outer links on the MLG side stays, and corrective actions if necessary. AD 2005–06–14 provided an optional terminating action for the repetitive inspections. The FAA issued AD 2005–06–14 to prevent cracking of the outer links of the MLG side stays, which could result in failure of a side stay and consequent collapse of the landing gear.

Actions Since AD 2005–06–14 Was Issued

Since the FAA issued AD 2005–06–14, U.K. CAA superseded U.K. CAA AD 004–05–2001, dated May 1, 2001 (U.K. CAA AD 004–05–2001), and issued U.K. CAA AD G–2022–0018, dated October 18, 2022 (U.K. CAA AD G–2022–0018) (referred to after this as “the MCAI”), to correct an unsafe condition on all BAe 146–301, BAe 146, and AVRO 146–RJ airplanes. Model BAe 146–301 airplanes are not certificated by the FAA and are not included on the U.S. type certificate data sheet; this AD therefore does not include those airplanes in the applicability. The MCAI states that since U.K. CAA AD 004–05–2001 was issued, there has been a report of additional cracking on a MLG side stay on which the terminating action has been done.

The FAA is issuing this AD to address cracking on the shoulders of a MLG side stay outer link. The unsafe condition, if not addressed, could lead to failure of the side stay outer link and MLG collapse, which could result in a runway departure and could result in the engine or wing contacting the ground. The engine or wing contacting the ground could result in damage to the airplane, an increased risk of fire, the airplane flipping, and injury to occupants. You may examine the MCAI in the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2022–1574.

Related Service Information Under 1 CFR Part 51

U.K. CAA AD G–2022–0018 specifies procedures for doing repetitive detailed inspections for cracking of the MLG side stay outer link and replacement if necessary.

The FAA reviewed BAe Systems (Operations) Limited Alert Service Bulletin ASB.32–A189, dated September 16, 2022. This service information identifies the affected parts as MLG side stay outer links having Safran Landing Systems part numbers

200884304, 200884305, 200884346, 200884347, 201105300, 201105301, 201105308, 201105309, 201299300, 201299301, 201299305, or 201299306, and describes procedures for doing, among other actions, repetitive detailed inspections for cracking of MLG side stay outer links and replacement if necessary.

The FAA also reviewed Messier-Dowty Service Bulletin 146–32–147, dated May 29, 2001, which identifies the affected MLG side stay outer links for AD 2005–06–14.

This AD also requires BAe Systems (Operations) Limited Inspection Service Bulletin ISB.32–156, Revision 1, dated July 3, 2001, which the Director of the Federal Register approved for incorporation by reference as of May 2, 2005 (70 FR 15574, March 28, 2005; corrected April 14, 2005 (70 FR 19681)).

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

FAA’s Determination

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

Requirements of This AD

This AD continues to require the actions specified in AD 2005–06–14 and requires accomplishing the actions specified in U.K. CAA AD G–2022–0018 described previously, except for any differences identified as exceptions in the regulatory text of this AD and except as discussed under “Differences Between this AD and the MCAI.” This AD also prohibits the installation of affected parts under certain conditions. Accomplishing the new inspections specified in U.K. CAA AD G–2022–0018 terminates the retained inspections required by AD 2005–06–14.

Explanation of Required Compliance Information

In the FAA’s ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA

ADs. As a result, U.K. CAA AD G–2022–0018 is incorporated by reference in this AD. This AD requires compliance with U.K. CAA AD G–2022–0018 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this AD.

Differences Between This AD and the MCAI

The applicability of U.K. CAA AD G–2022–0018 includes all BAe Systems (Operations) Limited Model BAe 146–100A, –200A, and –300A airplanes and Model Avro 146–RJ–RJ70A, 146–RJ85A, and 146–RJ100A airplanes. However, the applicability of this AD is limited to BAe Systems (Operations) Limited Model BAe 146–100A, –200A, and –300A airplanes and Model Avro 146–RJ–RJ70A, 146–RJ85A, and 146–RJ100A airplanes with MLG side stay outer links having Safran Landing Systems part number 200884304, 200884305, 200884346, 200884347, 201105300, 201105301, 201105308, 201105309, 201299300, 201299301, 201299305, or 201299306, as specified in BAe Systems (Operations) Limited Alert Service Bulletin ASB.32–A189, dated September 16, 2022, because the unsafe condition only applies to those MLG side stay outer links.

Interim Action

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

FAA’s Justification and Determination of the Effective Date

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

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies foregoing notice and comment prior to adoption of this rule because of possible MLG collapse, which could result in a runway departure, and could result in the

engine or wing contacting the ground. The engine or wing contacting the ground could result in damage to the airplane, an increased risk of fire, the airplane flipping, and injury to occupants. Accordingly, notice and opportunity for prior public comment are impracticable and contrary to the public interest pursuant to 5 U.S.C. 553(b)(3)(B).

In addition, the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment effective in less than 30 days, for the same reasons the FAA found good cause to forgo notice and comment.

Regulatory Flexibility Act (RFA)

The requirements of the RFA do not apply when an agency finds good cause pursuant to 5 U.S.C. 553 to adopt a rule

without prior notice and comment. Because the FAA has determined that it has good cause to adopt this rule without notice and comment, RFA analysis is not required.

Costs of Compliance

The FAA estimates that this AD affects 15 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Retained actions from AD 2005–06–14.	1 work-hour × \$85 per hour = \$85	\$0	\$85	\$1,275
New actions	1 work-hour × \$85 per hour = \$85	0	85	1,275

The FAA has received no definitive data on which to base the cost estimates for the on-condition actions specified in this AD.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

- 2. The FAA amends § 39.13 by:
 - a. Removing Airworthiness Directive (AD) 2005–06–14, Amendment 39–14024 (70 FR 15574, March 28, 2005; corrected April 14, 2005 (70 FR 19681)); and
 - b. Adding the following new AD:

2022–25–18 BAE Systems (Operations)

Limited: Amendment 39–22274; Docket No. FAA–2022–1574; Project Identifier MCAI–2022–01362–T.

(a) Effective Date

This airworthiness directive (AD) is effective December 27, 2022.

(b) Affected ADs

This AD replaces AD 2005–06–14, Amendment 39–14024 (70 FR 15574, March 28, 2005; corrected April 14, 2005 (70 FR 19681)) (AD 2005–06–14).

(c) Applicability

This AD applies to BAE Systems (Operations) Limited Model BAe 146–100A, –200A, and –300A airplanes and Model Avro 146–RJ–RJ70A, 146–RJ85A, and 146–RJ100A airplanes, certificated in any category, with main landing gear (MLG) side stay outer links having Safran Landing Systems part number

200884304, 200884305, 200884346, 200884347, 201105300, 201105301, 201105308, 201105309, 201299300, 201299301, 201299305, or 201299306.

(d) Subject

Air Transport Association (ATA) of America Code 32, Landing gear.

(e) Unsafe Condition

This AD was prompted by reports of cracking on the shoulders of a main landing gear (MLG) side stay outer link. The FAA is issuing this AD to address cracking of the MLG side stay outer link. The unsafe condition, if not addressed, could lead to failure of the side stay outer link and MLG collapse, which could result in a runway departure, and could result in the engine or wing contacting the ground. The engine or wing contacting the ground could result in damage to the airplane, an increased risk of fire, the airplane flipping, and injury to occupants.

(f) Compliance

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

(g) Retained Inspections, With New Terminating Action

This paragraph restates the requirements of paragraph (f) of AD 2005–06–14, with new terminating action. For airplanes having any side stay identified in Messier-Dowty Service Bulletin 146–32–147, dated May 29, 2001: At the applicable time specified in paragraph (g)(1) or (2) of this AD, perform a detailed inspection for cracks of the outer links on the MLG side stays, in accordance with the Accomplishment Instructions of BAE Systems (Operations) Limited Inspection Service Bulletin ISB.32–156, Revision 1, dated July 3, 2001. Repair cracks before further flight in accordance with the Accomplishment Instructions of BAE Systems (Operations) Limited Inspection Service Bulletin ISB.32–156, Revision 1, dated July 3, 2001. Thereafter, repeat the inspection at intervals not to exceed 2,000 flight cycles, until the actions specified in paragraph (h) of this AD have been done or

the initial inspection required by paragraph (i) of this AD has been done. Although BAE Systems (Operations) Limited Inspection Service Bulletin ISB.32–156, Revision 1, dated July 3, 2001, specifies to report certain information to the manufacturer, this AD does not require a report.

(1) If the number of flight cycles accumulated on the side stay can be positively determined: Inspect before the accumulation of 2,000 total flight cycles on the side stay, or within 500 flight cycles after May 2, 2005 (the effective date of AD 2005–06–14), whichever occurs later.

(2) If the number of flight cycles accumulated on the side stay cannot be positively determined: Inspect within 500 flight cycles after May 2, 2005 (the effective date of AD 2005–06–14).

(h) Retained Optional Terminating Action for Paragraph (g) of This AD, With No Changes

This paragraph restates the optional terminating action of paragraph (g) of AD 2005–06–14, with no changes. Relocation of each affected grease nipple to the upper surface of the outer link of the MLG side stays terminates the repetitive inspections required by paragraph (g) of this AD, if the relocation action is done in accordance with paragraph 2.C. of the Accomplishment Instructions of BAE Systems (Operations) Limited Inspection Service Bulletin ISB.32–156, Revision 1, dated July 3, 2001.

(i) New Requirements

Except as specified in paragraph (j) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, United Kingdom Civil Aviation Authority AD G–2022–0018, dated October 18, 2022 (U.K. CAA AD G–2022–0018).

(j) Exceptions to U.K. CAA AD G–2022–0018

(1) Where U.K. CAA AD G–2022–0018 refers to its effective date, this AD requires using the effective date of this AD.

(2) The “Remarks” section of U.K. CAA AD G–2022–0018 does not apply to this AD.

(3) Where paragraph (2) of U.K. CAA AD G–2022–0018 refers to “discrepancies (*i.e.* cracks or other adverse findings),” replace the text “discrepancies (*i.e.* cracks or other adverse findings),” with “any cracking.”

(4) Where U.K. CAA AD G–2022–0018 refers to ASB.32–A189, this AD requires using BAE Systems (Operations) Limited Alert Service Bulletin ASB.32–A189, dated September 16, 2022.

(k) No Reporting Requirement

Although BAE Systems (Operations) Limited Alert Service Bulletin ASB.32–A189, dated September 16, 2022, specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(l) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs)*: The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested

using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the International Validation Branch, send it to the attention of the person identified in paragraph (n) of this AD. Information may be emailed to: 9-AVS-AIR-730-AMOC@faa.gov. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer*: For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, International Validation Branch, FAA; or the United Kingdom Civil Aviation Authority (U.K. CAA); or BAE Systems (Operations) Limited’s U.K. CAA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(m) Additional Information

For more information about this AD, contact Todd Thompson, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone 206–231–3228; email todd.thompson@faa.gov.

(n) Material Incorporated by Reference

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

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

(3) The following service information was approved for IBR on December 27, 2022.

(i) BAE Systems (Operations) Limited Alert Service Bulletin ASB.32–A189, dated September 16, 2022.

(ii) Messier-Dowty Service Bulletin 146–32–147, dated May 29, 2001.

(iii) United Kingdom Civil Aviation Authority (U.K. CAA) AD G–2022–0018, dated October 18, 2022.

(4) The following service information was approved for IBR on May 2, 2005 (70 FR 15574, March 28, 2005; corrected April 14, 2005 (70 FR 19681)).

(i) BAE Systems (Operations) Limited Inspection Service Bulletin ISB.32–156, Revision 1, dated July 3, 2001.

(ii) [Reserved]

(5) For BAE Systems (Operations) Limited service information identified in this AD, contact BAE Systems (Operations) Limited, Customer Information Department, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland, United Kingdom; telephone +44 1292 675207; fax +44 1292 675704; email RApublications@baesystems.com; website baesystems.com/Businesses/RegionalAircraft/index.htm.

(6) For Messier-Dowty service information identified in this AD, contact Messier-Dowty: Messier Services Americas, Customer Support Center, 45360 Severn Way, Sterling, VA 20166–8910; telephone 703–450–8233;

fax 703–404–1621; website techpubs.services/messier-dowty.com.

(7) For U.K. CAA AD G–2022–0018, contact Civil Aviation Authority, Aviation House, Beehive Ring Road, Crawley, West Sussex RH6 0YR, United Kingdom; telephone +44(0) 330 022 4401; email continued.airworthiness@caa.co.uk; website caa.co.uk.

(8) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. This material may be found in the AD docket at regulations.gov under Docket No. FAA–2022–1574.

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

Issued on December 1, 2022.

Christina Underwood,

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

[FR Doc. 2022–27007 Filed 12–8–22; 4:15 pm]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–0989; Project Identifier AD–2022–00468–E; Amendment 39–22236; AD 2022–23–09]

RIN 2120–AA64

Airworthiness Directives; General Electric Company Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain General Electric Company (GE) GE90–90B, GE90–94B, GE90–110B1, and GE90–115B model turbofan engines. This AD was prompted by a manufacturer investigation that revealed that certain high-pressure turbine (HPT) stage 1 disks, HPT stage 2 disks, and stages 7–9 compressor rotor spools were manufactured from powder metal material suspected to contain iron inclusion. This AD requires the replacement of the affected HPT stage 1 disks, HPT stage 2 disks, and stages 7–9 compressor rotor spools. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective January 17, 2023.

ADDRESSES:

AD Docket: You may examine the AD docket at [regulations.gov](https://www.regulations.gov) by searching for and locating Docket No. FAA-2022-0989; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT:

Alexei Marqueen, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238-7178; email: Alexei.T.Marqueen@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain GE GE90-90B, GE90-94B, GE90-110B1, and GE90-115B model turbofan engines. The NPRM published in the **Federal Register** on September 09, 2022 (87 FR 55319). The NPRM was prompted by a manufacturer investigation that revealed that certain HPT stage 1 disks, HPT stage 2 disks, and stages 7-9 compressor rotor spools were manufactured from powder metal material suspected to contain iron

inclusion. Further investigation by the manufacturer determined that the iron inclusion is attributed to deficiencies in the manufacturing process. The investigation by the manufacturer also determined that certain HPT stage 1 disks, HPT stage 2 disks, and stages 7-9 compressor rotor spools made from billets manufactured using the same process may have reduced material properties and a lower fatigue life capability due to iron inclusion, which may cause premature fracture and uncontained failure. In the NPRM, the FAA proposed to require the replacement of certain HPT stage 1 disks, HPT stage 2 disks, and stages 7-9 compressor rotor spools. The FAA is issuing this AD to address the unsafe condition on these products.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from three commenters. The commenters were Air Line Pilots Association, International, FedEx Express, and The Boeing Company. All commenters supported the NPRM without change.

Conclusion

The FAA reviewed the relevant data, considered the comments received, and determined that air safety requires adopting the AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these

products. This AD is adopted as proposed in the NPRM.

Related Service Information

The FAA reviewed the following service information issued by GE, which specifies procedures for removing the affected HPT stage 2 disk from service. These documents are distinct since they apply to different engine models.

- GE90-100 Service Bulletin 72-0893 R01, dated November 30, 2021.
- GE90-100 Service Bulletin 72-0899 R00, dated April 29, 2022.

The FAA also reviewed GE90-100 Service Bulletin 72-0897 R00, dated February 23, 2022. This service information specifies procedures for removing the affected stages 7-9 compressor rotor spool from service. The FAA also reviewed GE90 Service Bulletin 72-1214 R00, dated April 29, 2022. This service information specifies procedures for removing the affected HPT stage 1 disk and HPT stage 2 disk from service.

Costs of Compliance

The FAA estimates that this AD affects 1 engine installed on airplanes of U.S. registry. The FAA estimates that 0 engines installed on airplanes of U.S. registry require replacement of the HPT stage 1 disk or stages 7-9 compressor rotor spool.

The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replace HPT stage 2 disk	8 work-hours × \$85 per hour = \$680	\$459,473 (pro-rated)	\$460,153	\$460,153
Replace HPT stage 1 disk	8 work-hours × \$85 per hour = \$680	\$867,041 (pro-rated)	867,721	0
Replace stages 7-9 compressor rotor spool.	8 work-hours × \$85 per hour = \$680	\$442,204 (pro-rated)	442,884	0

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

Accordingly, under the authority delegated to me by the Administrator,

the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2022–23–09 General Electric Company:
Amendment 39–22236; Docket No. FAA–2022–0989; Project Identifier AD–2022–00468–E.

(a) Effective Date

This airworthiness directive (AD) is effective January 17, 2023.

(b) Affected ADs

None.

(c) Applicability

This AD applies to General Electric Company GE90–90B, GE90–94B, GE90–110B1, and GE90–115B model turbofan engines with an installed high-pressure turbine (HPT) stage 1 disk, HPT stage 2 disk, or stages 7–9 compressor rotor spool with a part number (P/N) and serial number (S/N) identified in Table 1 to paragraph (c) of this AD.

TABLE 1 TO PARAGRAPH (c)—AFFECTED HPT STAGE 1 DISKS, HPT STAGE 2 DISKS, AND STAGES 7–9 COMPRESSOR ROTOR SPOOLS

Part name	P/N	S/N
HPT stage 1 disk	1847M95G04	GWN0R5K4
HPT stage 2 disk	1711M47G13	TMT5N068
HPT stage 2 disk	1865M14P04	TMT5P744
		TMT5P745
		TMT5P749
		TMT5P755
		TMT5P762
Stages 7–9 compressor rotor spool	2032M23G02	GWN0R5M5

(d) Subject

Joint Aircraft System Component (JASC) Code 7230, Turbine Engine Compressor Section; 7250, Turbine Section.

(e) Unsafe Condition

This AD was prompted by a manufacturer investigation that revealed that certain HPT stage 1 disks, HPT stage 2 disks, and stages 7–9 compressor rotor spools were manufactured from powder metal material suspected to contain iron inclusion. The FAA is issuing this AD to prevent fracture and potential uncontained failure of certain HPT stage 1 disks, HPT stage 2 disks, and stages 7–9 compressor rotor spools. The unsafe condition, if not addressed, could result in uncontained debris release, damage to the engine, and damage to the aircraft.

(f) Compliance

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

(g) Required Actions

(1) Before exceeding 400 flight cycles after the effective date of this AD, remove the affected HPT stage 1 disk, HPT stage 2 disk, and stages 7–9 compressor rotor spool from service and replace with a part eligible for installation.

(2) For affected engines not in service, before further flight, remove the affected HPT stage 1 disk, HPT stage 2 disk, and stages 7–9 compressor rotor spool and replace with a part eligible for installation.

(h) Definitions

(1) For the purpose of this AD, a “part eligible for installation” is any HPT stage 1 disk, HPT stage 2 disk, or stages 7–9 compressor rotor spool with a P/N and S/N not identified in Table 1 to paragraph (c) of this AD.

(2) For the purpose of this AD, “affected engines not in service” are affected engines that are in long-term or short-term storage as of the effective date of this AD.

(i) Installation Prohibition

After the effective date of this AD, do not install an HPT stage 1 disk, HPT stage 2 disk, or stages 7–9 compressor rotor spool with a P/N and S/N identified in Table 1 to paragraph (c) of this AD onto any engine.

(j) Alternative Methods of Compliance (AMOCs)

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

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

(k) Related Information

For more information about this AD, contact Alexei Marqueen, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238–7178; email: Alexei.T.Marqueen@faa.gov.

(l) Material Incorporated by Reference

None.

Issued on November 1, 2022.

Christina Underwood,

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

[FR Doc. 2022–26831 Filed 12–9–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2022–0712; Airspace Docket No. 22–ACE–1]

RIN 2120–AA66

Amendment and Revocation of Multiple Air Traffic Service (ATS) Routes; Establishment of Area Navigation (RNAV) Route; and Revocation of the Pawnee City, NE, Low Altitude Reporting Point in the Vicinity of Pawnee City, NE

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Jet Route J–64, VHF Omnidirectional Range (VOR) Federal airways V–50, V–71, V–216, and V–307, and Area Navigation (RNAV) route T–286; establishes RNAV route T–468; and revokes J–130, J–192, V–553, and the Pawnee City, NE, low altitude reporting point. The FAA is taking this action due to the planned decommissioning of the VOR portion of the Pawnee City, NE, VOR/Tactical Air Navigation (VORTAC) navigational aid

(NAVAID). The Pawnee City VOR is being decommissioned in support of the FAA's VOR Minimum Operational Network (MON) program.

DATES: Effective date 0901 UTC, February 23, 2023. 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-2022-0712 in the **Federal Register** (87 FR 35133; June 9, 2022), amending Jet Route J-64, VOR Federal airways V-50, V-71, V-216, and V-307, and RNAV route T-286; establishing RNAV route T-468; and revoking J-130, J-192, V-553, and the Pawnee City, NE, low altitude reporting point. The proposed actions were due to the planned decommissioning of the VOR portion of the Pawnee City, NE, VORTAC NAVAID. Interested parties were invited to participate in this rulemaking effort

by submitting written comments on the proposal. No comments were received.

Jet Routes are published in paragraph 2004, VOR Federal airways are published in paragraph 6010(a), United States Area Navigation Routes are published in paragraph 6011, and Domestic Low Altitude Reporting Points are published in paragraph 7001 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 ATS route and reporting point actions 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 Jet Route J-64, VOR Federal airways V-50, V-71, V-216, and V-307, and RNAV route T-286; establishing RNAV route T-468; and revoking J-130, J-192, V-553, and the Pawnee City, NE, low altitude reporting point due to the planned decommissioning of the Pawnee City, NE, VOR. The ATS route and low altitude reporting point actions are described below.

J-64: J-64 extends between the Los Angeles, CA, VORTAC and the intersection of the Ravine, PA, VORTAC 102° and Lancaster, PA, VOR/Distance Measuring Equipment (VOR/DME) 044° radials (SARAA Fix). The route segment overlying the Pawnee City, NE, VORTAC between the Hill City, KS, VORTAC and the Lamoni, IA, VOR/DME is removed. As amended, the route is changed to extend between the Los Angeles, CA, VORTAC and the Hill City, KS, VORTAC and between the Lamoni, IA, VOR/DME and the intersection of the Ravine, PA, VORTAC 102° and Lancaster, PA, VOR/DME 044° radials (SARAA Fix).

J-130: J-130 extends between the McCook, NE, VOR/DME and the Pawnee City, NE, VORTAC. The route is removed in its entirety.

J-192: J-192 extends between the Goodland, KS, VORTAC and the Iowa City, IA, VOR/DME. The route is removed in its entirety.

V-50: V-50 extends between the Hastings, NE, VOR/DME and the Dayton, OH, VOR/DME. The airway segment overlying the Pawnee City VORTAC between the Hastings, NE, VOR/DME and the St Joseph, MO, VORTAC is removed. As amended, the airway is changed to extend between the St Joseph, MO, VORTAC and the Dayton, OH, VOR/DME.

V-71: V-71 extends between the Fighting Tiger, LA, VORTAC and the O'Neill, NE, VORTAC and between the Pierre, SD, VORTAC and the Williston, ND, VOR/DME. The airway segment overlying the Pawnee City VORTAC between the Topeka, KS, VORTAC and the Lincoln, NE, VORTAC is removed. As amended, the airway is changed to extend between the Fighting Tiger, LA, VORTAC and the Topeka, KS, VORTAC; between the Lincoln, NE, VORTAC and the O'Neill, NE, VORTAC; and between the Pierre, SD, VORTAC and the Williston, ND, VOR/DME.

V-216: V-216 extends between the Lamar, CO, VOR/DME and the Janesville, WI, VOR/DME. The airway segment overlying the Pawnee City VORTAC between the Mankato, KS, VORTAC and the Lamoni, IA, VOR/DME is removed. As amended, the airway is changed to extend between the Lamar, CO, VOR/DME and the Mankato, KS, VORTAC; and between the Lamoni, IA, VOR/DME and the Janesville, WI, VOR/DME.

V-307: V-307 extends between the Chanute, KS, VORTAC and the Omaha, IA, VORTAC. The airway segment overlying the Pawnee City VORTAC between the Emporia, KS, VORTAC and the Omaha, IA, VORTAC is removed. As amended, the airway is changed to extend between the Chanute, KS, VORTAC and the Emporia, KS, VORTAC.

V-553: V-553 extends between the Salina, KS, VORTAC and the Pawnee City, KS, VORTAC. The airway is removed in its entirety.

T-286: T-286 extends between the Rapid City, SD, VORTAC and the BOWLR, KS, Fix. The Pawnee City, NE, VORTAC is replaced by the HTHWY, NE, waypoint (WP) being established in close proximity of the Pawnee City VORTAC; the EFFEX, NE, Fix is removed from the route description since it does not denote a route turn point; and the route is extended northward to the FONIA, ND, Fix via the JELRO, SD, Fix and the Dickenson, ND, VORTAC. The amended route provides RNAV routing between the Williston, ND, area and the Atchison, KS, area. The full route description is listed in the amendments to part 71 as set forth below.

T-468: T-468 is a new RNAV route that extends between the Hill City, KS, VORTAC and the LEWRP, MO, WP. This new T-route provides RNAV routing between the Hill City, KS, area eastward to the Kirksville, MO, area via the KNSAS, KS, WP being established and the Lamoni, IA, VOR/DME. The full route description is listed in the amendments to part 71 as set forth below.

Pawnee City, NE: The Pawnee City, NE, low altitude reporting point is removed as it is no longer required by air traffic control as a result of the Pawnee City VOR being decommissioned.

All NAVAID radials listed in the ATS route 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 Jet Route J-64, VOR Federal airways V-50, V-71, V-216, and V-307, and RNAV route T-286; establishing RNAV route T-468; and revoking J-130, J-192, V-553, and the Pawnee City, NE, low altitude reporting point, due to the planned decommissioning of the VOR portion of the Pawnee City, NE, VORTAC 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 5-6.5k, which categorically excludes from further environmental impact review the publication of existing air traffic control procedures that do not essentially change existing tracks, create new tracks, change altitude, or change concentration of aircraft on these tracks. 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:

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 2004 Jet Routes.

* * * * *

J-64 [Amended]

From Los Angeles, CA; INT Los Angeles 083° and Hector, CA, 226° radials; Hector; Peach Springs, AZ; Tuba City, AZ; Rattlesnake, NM; Pueblo, CO; to Hill City, KS. From Lamoni, IA; Bradford, IL; INT Bradford 089° and Fort Wayne, IN, 280° radials; Fort Wayne; Ellwood City, PA; Ravine, PA; to INT Ravine 102° and Lancaster, PA, 044° radials.

* * * * *

J-130 [Removed]

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J-192 [Removed]

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Paragraph 6010(a) Domestic VOR Federal Airways.

* * * * *

V-50 [Amended]

From St. Joseph, MO; Kirksville, MO; Quincy, IL; Spinner, IL; Adders, IL; Terre Haute, IN; Brickyard, IN; to Dayton, OH.

* * * * *

V-71 [Amended]

From Fighting Tiger, LA; Natchez, MS; Monroe, LA; El Dorado, AR; Hot Springs, AR; INT Hot Springs 358° and Harrison, AR, 176° radials; Harrison; Springfield, MO; Butler, MO; to Topeka, KS. From Lincoln, NE; Columbus, NE; to O’Neill, NE. From Pierre, SD; Bismarck, ND; to Williston, ND.

* * * * *

V-216 [Amended]

From Lamar, CO; Hill City, KS; to Mankato, KS. From Lamoni, IA; Ottumwa, IA; Iowa City, IA; INT Iowa City 062° and Janesville, WI, 240° radials; to Janesville.

* * * * *

V-307 [Amended]

From Chanute, KS; to Emporia, KS.

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V-553 [Removed]

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Paragraph 6011 United States Area Navigation Routes.

* * * * *

T-286 FONIA, ND TO BOWLR, KS [AMENDED]

FONIA, ND	FIX	(Lat. 48°15’35.07” N, long. 103°10’37.54” W)
Dickinson, ND (DIK)	VORTAC	(Lat. 46°51’36.14” N, long. 102°46’24.60” W)
JELRO, SD	FIX	(Lat. 45°48’43.83” N, long. 102°51’46.96” W)
Rapid City, SD (RAP)	VORTAC	(Lat. 43°58’33.74” N, long. 103°00’44.38” W)
Gordon, NE (GRN)	NDB	(Lat. 42°48’03.90” N, long. 102°10’45.82” W)
Theford, NE (TDD)	VOR/DME	(Lat. 41°58’53.99” N, long. 100°43’08.52” W)
BOKKI, NE	FIX	(Lat. 41°39’54.99” N, long. 099°52’17.00” W)

Grand Island, NE (GRI)	VOR/DME	(Lat. 40°59'02.50" N, long. 098°18'53.20" W)
HTHWY, NE	WP	(Lat. 40°12'01.96" N, long. 096°12'22.51" W)
Robinson, KS (RBA)	DME	(Lat. 39°51'03.00" N, long. 095°25'23.00" W)
BOWLR, KS	FIX	(Lat. 39°37'21.29" N, long. 095°11'00.26" W)

* * * * *

T-468 HILL CITY, KS (HLC) TO LEWRP, MO [NEW]		
Hill City, KS (HLC) to LEWRP, MO [New]	VORTAC	(Lat. 39°15'31.49" N, long. 100°13'33.06" N, long.W)
KNSAS, KS	WP	(Lat. 39°48'22.62" N, long. 098°15'36.62" N, long.W)
Lamoni, IA (LMN)	VOR/DME	(Lat. 40°35'48.35" N, long. 093°58'03.33" N, long.W)
LEWRP, MO	WP	(Lat. 40°08'06.06" N, long. 092°35'30.15" N, long.W)

Paragraph 7001, Domestic Low Altitude Reporting Points.

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Pawnee City, NE [Removed]

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

Scott M. Rosenbloom,
 Manager, Airspace Rules and Regulations.
 [FR Doc. 2022-26739 Filed 12-9-22; 8:45 am]
 BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2021-1106; Airspace Docket No. 19-AAL-70]

RIN 2120-AA66

Amendment of United States Area Navigation (RNAV) Route T-266; Juneau, AK

AGENCY: Federal Aviation Administration (FAA), DOT.
ACTION: Final rule; correction.

SUMMARY: This action corrects a final rule published by the FAA in the **Federal Register** on October 24, 2022, that amends Area Navigation (RNAV) route T-266 in support of a large and comprehensive T-route modernization project for the state of Alaska.

In the T-266 description in the final rule, the order of the listed route points was reversed in error. This action makes editorial corrections to list the T-266 route points to match the route data forms and the FAA National Airspace System Resource (NASR) database information.

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 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order 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:

History

The FAA published a final rule in the **Federal Register** (87 FR 64162; October 24, 2022), amending RNAV route T-266 in support of a large and comprehensive

T-route modernization project for the state of Alaska. Subsequent to publication, the FAA determined that the T-266 route points listed in the route description did not match the order of the route points listed in the route data forms or the FAA NASR database. This rule corrects that mismatch of route points listed in the rule and in the route data forms and NASR database by reversing the order of the route points listed in the T-266 description published in the final rule.

This is an editorial change only to match the route data forms and FAA NASR database information and does not alter the alignment of the T-266 route.

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 RNAV T-route listed in this document will be published subsequently in FAA Order JO 7400.11.

Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, RNAV route T-266 reflected in Docket No. FAA-2021-1106, as published in the **Federal Register** of October 24, 2022 (87 FR 64162), FR Doc. 2022-22411, is corrected as follows:

- 1. On page 64163, correct the table for T-266 Annette Island, AK (ANN) to SPUTA, AK [Amended] to read:

T-266 SPUTA, AK to Annette Island, AK (ANN) [Amended]		
SPUTA, AK	WP	(Lat. 59°42'42.73" N, long. 135°16'41.88" W)
AKCAP, AK	WP	(Lat. 59°27'36.23" N, long. 135°18'56.39" W)
FEDMI, AK	WP	(Lat. 59°18'38.28" N, long. 135°23'31.15" W)
BAVKE, AK	WP	(Lat. 59°12'43.71" N, long. 135°25'39.26" W)
ROTVI, AK	WP	(Lat. 59°05'52.67" N, long. 135°21'43.16" W)
WONOS, AK	WP	(Lat. 59°00'16.62" N, long. 135°20'12.89" W)
COPOG, AK	WP	(Lat. 58°53'31.17" N, long. 135°19'57.44" W)
JAPOR, AK	WP	(Lat. 58°45'45.29" N, long. 135°09'08.84" W)
NIGPE, AK	WP	(Lat. 58°38'44.99" N, long. 135°04'28.66" W)
GUMLE, AK	WP	(Lat. 58°35'18.69" N, long. 135°02'58.46" W)
ZONPU, AK	WP	(Lat. 58°31'22.14" N, long. 134°59'35.61" W)
ZADED, AK	WP	(Lat. 58°20'24.09" N, long. 134°48'30.77" W)
RADKY, AK	FIX	(Lat. 58°08'00.39" N, long. 134°29'55.53" W)
XADZY, AK	WP	(Lat. 57°01'00.00" N, long. 133°00'00.00" W)
VULHO, AK	WP	(Lat. 56°49'05.00" N, long. 132°49'30.00" W)
YICAX, AK	WP	(Lat. 56°39'45.00" N, long. 132°37'00.00" W)
VAZPU, AK	WP	(Lat. 56°27'24.00" N, long. 132°25'56.00" W)
DOOZI, AK	FIX	(Lat. 55°37'57.14" N, long. 132°10'28.73" W)

Annette Island, AK (ANN) VOR/DME (Lat. 55°03'37.47" N, long. 131°34'42.24" W)

* * * * *

Issued in Washington, DC, on December 6, 2022.

Scott M. Rosenbloom,

Manager, Airspace Rules and Regulations.

[FR Doc. 2022–26850 Filed 12–9–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2022–1545; Airspace
Docket No. 22–AEA–36]

RIN 2120–AA66

Amendment of Class D Airspace and Class E Airspace, East Hampton and Montauk, NY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class D airspace, Class E surface airspace, and Class E airspace extending upward from 700 feet above the surface for East Hampton Town Airport, East Hampton, NY, by updating the airport name. In addition, this action makes an editorial change, removing the reference to Block Island, R.I., and East Hampton from the Class E airspace description of Montauk Airport, Montauk, NY, and updates the airport's geographic coordinates. This action does not change the airspace boundaries or operating requirements of either airport.

DATES: Effective 0901 UTC, February 23, 2023. 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, contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; Telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority, as it amends airspace in East Hampton and Montauk, NY, to support IFR operations in the area. This update is an administrative change and does not change the airspace boundaries or operating requirements.

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 7400.11F 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 amendment to 14 CFR part 71 amends the Class D airspace, Class E surface airspace, and Class E airspace extending upward from 700 feet above the surface at East Hampton Town Airport (formerly East Hampton Airport), East Hampton, NY, by updating the airport's name. In addition, this action amends Class E airspace extending upward from 700 feet above the surface at Montauk, Airport, Montauk, NY, by removing the reference of Block Island, R.I. and East Hampton, NY, from the airspace description, as it is unnecessary. Also, the Montauk Airport's geographic coordinates are updated to coincide with the FAA's database.

This action is an administrative change and does not affect the airspace boundaries or operating requirements; therefore, notice and public procedure under 5 U.S.C. 553(b) is unnecessary.

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

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

71.1 [Amended]

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

Paragraph 5000 Class D Airspace.

* * * * *

AEA NY D East Hampton, NY [Amended]

East Hampton Town Airport, NY
(Lat. 40°57'34" N, long. 72°15'06" W)

That airspace extending upward from the surface up to and including 2,000 feet MSL within a 4.2-mile radius of East Hampton Town Airport. This Class D airspace area is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6002 Class E Surface Airspace.

* * * * *

AEA NY E2 East Hampton, NY [Amended]

East Hampton Town Airport, NY
(Lat. 40°57'34" N, long. 72°15'06" W)

That airspace extending upward from the surface within a 4.2-mile radius of East Hampton Town Airport. This Class E airspace area is effective during specific dates and times established in advance by a Notice to Air Missions. The effective date and time will thereafter be continuously published in the Chart Supplement.

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

* * * * *

AEA NY E5 East Hampton, NY [Amended]

East Hampton Town Airport, NY
(Lat. 40°57'34" N, long. 72°15'06" W)

That airspace extending upward from 700 feet above the surface within a 7.3-mile radius of East Hampton Town Airport.

AEA NY E5 Montauk, NY [Amended]

Montauk Airport, NY
(Lat. 41°04'36" N, long. 71°55'14" W)
Hampton VORTAC
(Lat. 40°55'08" N., long. 72°19'00" W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Montauk Airport and within 4 miles of each side of the 062° bearing from the Hampton VORTAC extending from the 6.5-mile radius to 10 miles northeast of the VORTAC.

Issued in College Park, Georgia, on December 6, 2022.

Lisa Burrows,

Manager, Airspace & Procedures Team North, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2022-26765 Filed 12-9-22; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2022-0906; Airspace Docket No. 21-ASO-27]

RIN 2120-AA66

Amendment and Establishment of Area Navigation (RNAV) Routes; Eastern United States

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends three low altitude Area Navigation (RNAV) routes (T-routes) and establishes five T-routes in support of the VHF Omnidirectional Range (VOR) Minimum Operational Network (MON) Program. The purpose is to enhance the efficiency of the National Airspace System (NAS) by transitioning from ground-based navigation aids to a satellite-based navigation system.

DATES: Effective date 0901 UTC, February 23, 2023. 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: Paul Gallant, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267-8783.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the

safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies the route structure as necessary to preserve the safe and efficient flow of air traffic within the NAS.

History

The FAA published a notice of proposed rulemaking for Docket No. FAA-2022-0906, in the **Federal Register** (87 FR 44035; July 25, 2022). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. No comments were received.

United States RNAV T-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 RNAV routes listed in this document will be subsequently published in FAA Order JO 7400.11.

Differences From the NPRM

Subsequent to the publication of the NPRM, the FAA determined that additional planning and coordination were required before implementing changes to RNAV routes T-255 and T-393. These routes are removed from this rule and will be processed by another docket action at a later date.

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 three low altitude RNAV T-routes, and establishing five T-routes in the eastern United States to support the VOR MON Program, and the transition of the NAS from ground-based navigation aids to satellite-based navigation. The route changes are described below.

T-209: T-209 extends from the EHEJO, GA, Fix, to the Colliers, SC (IRQ), VHF Omnidirectional Range and Tactical Air Navigational System (VORTAC). This action deletes the existing segments of the route. Instead, T-209 is realigned to the east of its current track to overlay VOR Federal airway V-185 from the Savannah, GA (SAV), VORTAC, to the Sugarloaf, NC

(SUG), VORTAC. The TBERT, SC, Waypoint (WP) replaces the Savannah VORTAC. The WANSA, SC, WP replaces the Colliers VORTAC. The HRTWL, SC, WP replaces the Greenwood, SC (GRD), VORTAC. The STYLZ, NC, WP replaces the Sugarloaf VORTAC. As amended, T-209 extends from the TBERT, SC, WP; MILEN, GA, Fix; WANSA, SC, WP; HRTWL, SC, WP, to the STYLZ, NC, WP.

T-239: T-239 extends from the Pecan, GA (PZD), VHF Omnidirectional Range/Distance Measuring Equipment (VOR/DME) to the GOINS, MS, WP. This action replaces the Pecan VOR/DME with the PCANN, GA, WP. The TYGRR, AL, WP replaces the Eufaula, AL (EUF), VORTAC. The Tuskegee, AL, VOR/DME and the ADZIN, AL, Fix are removed from the route. The following points area also removed from the route legal description because they do not mark a turn point: SHANY, GA, Fix; AYUVO, GA, Fix; AXOSE, GA, Fix; MILER, AL, GA, Fix; KENTT, AL, Fix; SEMAN, AL, Fix; NIXBY, AL, Fix; FAYEZ, AL, Fix; KYLEE, AL, Fix; ADZIN, AL, Fix; HANDE, AL, Fix; NEGEE, AL, Fix; CORES, AL, Fix; CHOOK, AL, Fix; EXIST, AL, Fix; GANTT, MS, Fix; and ICAVY, MS, Fix. Removing these points does not affect the alignment of T-239. As amended, T-239 extends from PCANN, GA, to GOINS, MS.

T-292: T-292 extends from the Semmes, AL (SJI), VORTAC to the JACET, GA, WP. This action replaces the Semmes VORTAC in the route description with the LYNRD, AL, WP. The Brookwood, AL (OKW), VORTAC is replaced in the route description by the DAYVS, AL, WP (located 2.41 nautical miles (NM) east of the VORTAC position). As a result, the route segment between the MOVIL, AL, Fix, and the VLKNN, AL, WP is shifted slightly east of the current track by less than 2 NM. Additionally, the following points are removed from the legal description because they do not mark a turn point: BURIN, AL, Fix; HAZEY, AL, Fix; YARBO, AL, Fix; JANES, AL, Fix; EUTAW, AL, Fix; MOVIL, AL, Fix; HOKES, AL, Fix; POLL, GA, WP; and REELL, GA, WP. As amended, T-292 extends from LYNRD, AL, to JACET, GA.

T-424: T-424 is a new route that extends from the SMRRF, TN, WP, to the DBRAH, VA, WP. The route overlays VOR Federal airway V-16 from the Shelbyville, TN (SYI), VOR/DME to the Roanoke, VA (ROA), VOR/DME. In the description of T-424, WPs replace the following navigation aids as indicated: the SMRRF, TN, WP replaces the Shelbyville, TN (SYI), VOR/DME; the

Mountain, TN (HCH), VOR/DME; the EDDDY, TN, WP replaces the Volunteer, TN (VXV), VORTAC; the HORAL, TN, WP replaces the Holston Mountain, TN (HNV), VORTAC; the DANCO, VA, WP replaces the Pulaski, VA (PSK), VORTAC; and the DBRAH, VA, WP replaces the Roanoke, VA (ROA), VOR/DME.

T-426: T-426 is a new route that extends from the DANCO, VA, WP, to the MCDON, VA, WP. The route overlays VOR Federal airway V-136 from the Pulaski, VA (PSK), VORTAC, to the South Boston, VA (SBV), VORTAC. In the route description, the DANCO WP replaces the Pulaski VORTAC; and the MCDON, VA, WP replaces the South Boston VORTAC.

T-437: T-437 is a new route that extends from the SIROC, GA, WP, to the ZOOMS, WV, Fix. The route overlays VOR Federal airway V-37 from the Brunswick, GA (SSI), VORTAC to the ZOOMS Fix. In the T-437 route description, the following navigation aids are replaced by WPs as indicates: the SIROC WP replaces the Brunswick, GA (SSI), VORTAC; the TBERT, SC, WP replaces the Savannah, GA (SAV), VORTAC; the DURBE, SC, WP replaces the Allendale, SC (ALD), VOR; the CAYCE, SC, WP replaces the Columbia, SC (CAE), VORTAC; the CRLNA, NC, WP replaces the Charlotte, NC (CLT), VOR/DME; and the DANCO, VA, WP replaces the Pulaski, VA (PSK), VORTAC.

T-439: T-439 is a new route that extends from the PIGON, AL, Fix, to the HITMAN, TN, WP. The PIGON Fix is located approximately 36 NM northeast of the Monroeville, AL (MVC), VORTAC. The HITMAN WP is located near the Nashville, TN (BNA), VORTAC.

T-441: T-441 is a new route that extends from the TROPP, SC, WP to the PENCE, TN, WP. The TROPP WP is being used in place of the Charleston, SC (CHS), VORTAC. The PENCE WP is located 19 NM northeast of the Volunteer, TN (VXV), VORTAC. T-441 overlays VOR Federal airway V-53 from the Charleston, SC (CHS), VORTAC, to the Sugarloaf Mountain, NC (SUG), VORTAC; and overlays VOR Federal airway V-185 from Sugarloaf Mountain to PENCE, TN. In the route description, WPs are used in place of navigation aids as follows: the CAYCE, SC, WP replaces the Columbia, SC (CAE), VORTAC; the BURGG, SC, WP replaces the Spartanburg, SC (SPA), VORTAC; the STYLZ, NC, WP replaces the Sugarloaf Mountain VORTAC; and the PUPDG, NC, WP replaces the Snowbird, TN (SOT), VORTAC.

Full descriptions of the above T routes are listed in the amendments to part 71 set forth below.

United States RNAV T-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 RNAV routes listed in this document would be subsequently published in FAA Order JO 7400.11.

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

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action of amending three low altitude United States Area Navigation (RNAV) T routes, and establishing five T routes, as described above, in support of efforts transitioning the NAS from ground-based to satellite-based navigation, 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 5-6.5b, which categorically excludes from further environmental impact review “Actions regarding establishment of jet routes and Federal airways (see 14 CFR 71.15, *Designation of jet routes and VOR*

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 6011 United States Area Navigation Routes

* * * * *

T-209 TBERT, SC to STYLZ, NC [Amended]

TBERT, SC	WP	(Lat. 32°08'46.76" N, long. 081°11'57.44" W)
MILEN, GA	FIX	(Lat. 32°54'02.88" N, long. 081°36'33.99" W)
WANSA, SC	WP	(Lat. 33°42'26.10" N, long. 082°09'43.99" W)
HRTWL, SC	WP	(Lat. 34°15'05.33" N, long. 082°09'15.55" W)
STYLZ, NC	WP	(Lat. 35°24'22.83" N, long. 082°16'07.01" W)

* * * * *

T-239 PCANN, GA to GOINS, MS [Amended]

PCANN, GA	WP	(Lat. 31°39'18.97" N, long. 084°17'35.80" W)
TYGRR, AL	WP	(Lat. 31°57'01.21" N, long. 085°07'49.13" W)
VLKNN, AL	WP	(Lat. 33°40'12.49" N, long. 086°53'59.42" W)
FOGUM, AL	FIX	(Lat. 34°06'25.32" N, long. 087°49'24.16" W)
SWIKI, AL	WP	(Lat. 34°11'55.87" N, long. 088°00'42.44" W)
GOINS, MS	WP	(Lat. 34°46'12.64" N, long. 089°29'46.81" W)

* * * * *

T-292 LYNRD, AL to JACET, GA [Amended]

LYNRD, AL	WP	(Lat. 30°43'33.26" N, long. 088°21'34.07" W)
ANTUH, AL	FIX	(Lat. 31°33'10.56" N, long. 088°25'36.47" W)
KWANE, MS	WP	(Lat. 32°22'00.47" N, long. 088°27'29.43" W)
DAYVS, AL	WP	(Lat. 33°14'03.93" N, long. 087°12'07.88" W)
VLKNN, AL	WP	(Lat. 33°40'12.49" N, long. 086°53'59.42" W)
MAYES, AL	FIX	(Lat. 33°58'20.32" N, long. 085°49'15.34" W)
RKMRT, GA	WP	(Lat. 34°03'36.73" N, long. 085°15'02.63" W)
CCATT, GA	WP	(Lat. 34°16'14.97" N, long. 084°09'05.36" W)
TRREE, GA	WP	(Lat. 33°47'14.78" N, long. 082°55'30.22" W)
JACET, GA	WP	(Lat. 33°29'41.42" N, long. 082°06'27.81" W)

* * * * *

T-424 SMRRF, TN to DBRAH, VA [New]

SMRRF, TN	WP	(Lat. 35°33'43.23" N, long. 086°26'20.24" W)
TMPSSN, TN	WP	(Lat. 35°46'51.54" N, long. 084°58'43.15" W)
EDDDY, TN	WP	(Lat. 35°54'17.33" N, long. 083°53'41.72" W)
CRECY, TN	WP	(Lat. 35°58'52.61" N, long. 083°38'24.36" W)
PENCE, TN	WP	(Lat. 36°01'09.80" N, long. 083°31'26.31" W)
HORAL, TN	WP	(Lat. 36°26'13.99" N, long. 082°07'46.48" W)
DANCO, VA	WP	(Lat. 37°05'15.75" N, long. 080°42'46.45" W)
DBRAH, VA	WP	(Lat. 37°20'34.14" N, long. 080°04'10.75" W)

* * * * *

T-426 DANCO, VA to MCDON, VA [New]

DANCO, VA	WP	(Lat. 37°05'15.75" N, long. 080°42'46.45" W)
TABER, VA	WP	(Lat. 37°02'55.04" N, long. 080°02'55.66" W)
PIGGS, VA	FIX	(Lat. 36°56'01.81" N, long. 079°42'40.61" W)
DUNCE, VA	WP	(Lat. 36°50'52.00" N, long. 079°29'18.20" W)
MCDON, VA	WP	(Lat. 36°40'29.56" N, long. 079°00'52.03" W)

* * * * *

T-437 SIROC, OG to ZOOMS, WV [New]

SIROC, OG	WP	(Lat. 31°03'02.32" N, long. 081°26'45.89" W)
KELER, GA	FIX	(Lat. 31°55'07.40" N, long. 081°11'09.14" W)
TBERT, SC	WP	(Lat. 32°08'46.76" N, long. 081°11'57.44" W)
DURBE, SC	WP	(Lat. 33°00'44.75" N, long. 081°17'32.69" W)
CAYCE, SC	WP	(Lat. 33°51'26.13" N, long. 081°03'14.76" W)
CRLNA, NC	WP	(Lat. 35°12'49.48" N, long. 080°56'57.32" W)
DANCO, VA	WP	(Lat. 37°05'15.75" N, long. 080°42'46.45" W)
ZOOMS, WV	FIX	(Lat. 37°28'32.22" N, long. 080°35'06.70" W)

* * * * *

T-439 PIGON, AL to HITMN, TN [New]

PIGON, AL	FIX	(Lat. 31°33'33.58" N, long. 086°39'51.18" W)
PICKS, AK	FIX	(Lat. 31°47'02.35" N, long. 086°55'03.13" W)
RABEC, AL	WP	(Lat. 32°16'11.64" N, long. 086°58'01.67" W)
WALTY, AL	FIX	(Lat. 33°00'11.43" N, long. 086°51'29.95" W)
DAYVS, AL	WP	(Lat. 33°14'03.93" N, long. 087°12'07.88" W)
OAKGO, AL	FIX	(Lat. 33°27'13.10" N, long. 087°14'11.79" W)
NEGEE, AL	FIX	(Lat. 33°48'12.56" N, long. 087°10'36.89" W)
NULLS, AL	WP	(Lat. 34°02'24.50" N, long. 086°56'17.64" W)
HITMN, TN	WP	(Lat. 36°08'12.47" N, long. 086°41'05.25" W)

* * * * *

T-441 TROPP, SC to PENCE, TN [New]		
TRROPP, SC	WP	(Lat. 32°53'40.00" N, long. 080°02'16.59" W)
CAYCE, SC	WP	(Lat. 33°51'26.13" N, long. 081°03'14.76" W)
BURGG, SC	WP	(Lat. 35°02'00.55" N, long. 081°55'36.86" W)
STYLZ, NC	WP	(Lat. 35°24'22.83" N, long. 082°16'07.01" W)
MUMMI, NC	FIX	(Lat. 35°39'48.60" N, long. 082°47'30.15" W)
PUPDG, NC	WP	(Lat. 35°46'30.08" N, long. 083°03'40.16" W)
PENCE, TN	WP	(Lat. 36°01'09.80" N, long. 083°31'26.31" W)

* * * * *

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

Scott M. Rosenbloom,
Manager, Airspace Rules and Regulations.

[FR Doc. 2022-26735 Filed 12-9-22; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG-2022-0968]

Safety Zone; Military Ocean Terminal Concord Safety Zone, Suisun Bay, Military Ocean Terminal Concord, CA

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the safety zone in the navigable waters of Suisun Bay, off Concord, CA, in support of explosive on-loading to Military Ocean Terminal Concord (MOTCO) from December 11, 2022, through December 15, 2022. This safety zone is necessary to protect personnel, vessels, and the marine environment from potential explosion within the explosive arc. The safety zone is open to all persons and vessels for transitory use, but vessel operators desiring to anchor or otherwise loiter within the safety zone must obtain the permission of the Captain of the Port San Francisco or a designated representative. All persons and vessels operating within the safety zone must comply with all directions given to them by the Captain of the Port San Francisco or a designated representative.

DATES: The regulations in 33 CFR 165.1198 will be enforced from 12:01

a.m. on December 11, 2022, until 11:59 p.m. on December 15, 2022.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email Lieutenant William Harris, Coast Guard Sector San Francisco, Waterways Management Division, 415-399-7443, *SFWaterways@uscg.mil*.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zone in 33 CFR 165.1198 for the Military Ocean Terminal Concord, CA (MOTCO) regulated area from 12:01 a.m. on December 11, 2022, until 11:59 p.m. on December 15, 2022, or as announced via marine local broadcasts. This safety zone is necessary to protect personnel, vessels, and the marine environment from potential explosion within the explosive arc. The regulation for this safety zone, § 165.1198, specifies the location of the safety zone which encompasses the navigable waters in the area between 500 yards of MOTCO Pier 2 in position 38°03'30" N, 122°01'14" W and 3,000 yards of the pier. During the enforcement periods, as reflected in § 165.1198(d), if you are the operator of a vessel in the regulated area you must comply with the instructions of the COTP or the designated on-scene patrol personnel. Vessel operators desiring to anchor or otherwise loiter within the safety zone must contact Sector San Francisco Vessel Traffic Service at 415-556-2760 or VHF Channel 14 to obtain permission.

In addition to this notification of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of this enforcement period via marine information broadcasts.

Dated: December 7, 2022.

Taylor Q. Lam,
Captain, U.S. Coast Guard, Captain of the Port San Francisco.

[FR Doc. 2022-27010 Filed 12-9-22; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR 165

[Docket Number USCG-2022-0957]

RIN 1625-AA00

Safety Zone; Marina Del Rey New Year's Eve Fireworks Display, Marina Del Rey, California

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone near the South Jetty on Ballona Creek, Marina Del Rey, CA, for the duration of the fireworks display on December 31, 2022. This temporary safety zone is necessary to provide for the safety of the waterway users to keep them clear of potential harmful debris within the fall out zone during the fireworks display within Marina Del Rey, CA. Entry of persons or vessels into this temporary safety zone is prohibited unless specifically authorized by the Captain of the Port Sector Los Angeles—Long Beach, or their designated representative.

DATES: This rule is effective from 8 p.m. on December 31, 2022, through 1 a.m. on January 1, 2023.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov*, type USCG-2022-0957 in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email the LCDR Maria Wiener, U.S. Coast Guard Sector Los Angeles—Long Beach; telephone

(310) 521-3860, email *D11-SMB-SectorLALB-WWM@uscg.mil*.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule. Publishing an NPRM would be impracticable due to the timing of the event. We must establish this zone by December 31 to provide for safety of the public and would be impracticable to publish an NPRM with a comment period and have sufficient time to consider the comments before the scheduled event on December 31, 2022.

For the reasons stated above, we are issuing this rule, and under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making it effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be contrary to the public interest because action is necessary to protect persons and property from the dangers associated with the fireworks event on December 31, 2022.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U. S. C. 70034. The Captain of the Port Sector Los Angeles—Long Beach (COTP) has determined that potential hazards associated with navigation safety may arise because the fireworks display creates potential for hazards for any person or vessel within a 1,000-foot radius of the fireworks launch site 15 minutes prior to, and for the duration of the fireworks display. Potential hazards include accidental discharge of fireworks, dangerous projectiles, and

falling hot embers or other debris. This temporary safety zone is necessary to ensure the safety of, and reduce the risk to, the public, and mariners in Marina Del Rey, CA.

IV. Discussion of the Rule

This rule establishes a temporary safety zone on December 31, 2022, encompassing all navigable waters within a 1,000-foot radius around the fireworks display on the South Jetty of Ballona Creek, in vicinity of Marina Del Rey, CA. Enforcement of the safety zone shall begin 15 minutes prior to the commencement of the fireworks display, and for the duration of the fireworks display, expected to commence at 9 p.m., and again at midnight. Each display is expected to last for approximately 30 minutes. These coordinates are based on North American Datum of 1983, World Geodetic System, 1984.

No vessel or person is permitted to operate in the safety zone without obtaining permission from the Captain of the Port (COTP) or the COTP’s designated representative. A designated representative is a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard designated by or assisting the Captain of the Port Sector Los Angeles—Long Beach (COTP) in the enforcement of the safety zone.

They may be contacted on VHF-FM Channel 16 or (310) 521-3801. The general boating public will be notified prior to the enforcement of the temporary safety zone via Broadcast Notice to Mariners.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

waters encompassed by the safety zone, the duration of the rule is only four hours and the local waterway users will be notified via public Broadcast Notice to Mariners to ensure the safety zone will result in minimum impact. Vessels should be able to transit around the safety zone without interruption. The entities most likely to be affected are waterfront facilities, commercial vessels, and pleasure craft engaged in recreational activities.

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 5.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 contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

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

C. Collection of Information

This rule will not call for a new collection of information under the

Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under E.O. 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 E.O. 13132.

Also, this rule does not have tribal implications under E.O. 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section above.

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 Management Directive 023–01 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 in an area in the vicinity of the South Jetty of Ballona Creek, Marina Del Rey, CA. Such actions are categorically excluded from further review under paragraph 60(a) of Appendix A, Table 1

of the Department of Homeland Security Directive 023–01–001–01, Rev. 01. An environmental analysis checklist supporting this determination and Record of Environmental Consideration (REC) are available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 46 U.S.C. 70034, 70051; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1., Revision No. 01.3

■ 2. Add § 165.T11–115 to read as follows:

§ 165.T11–115 Safety Zone; Marina Del Rey New Year's Eve Fireworks Display; Marina Del Rey, California.

(a) *Location.* The following area is a safety zone: all navigable waters within a 1,000-foot radius around the fireworks display on the South Jetty of Ballona Creek, in vicinity of Marina Del Rey, CA. Enforcement of the safety zone shall begin 15 minutes prior to the commencement of the fireworks display, and for the duration of the fireworks display, expected to commence at 9 p.m., and then again at midnight. Each display is expected to last approximately 30 minutes. These coordinates are based on North American Datum of 1983, World Geodetic System, 1984.

(b) *Definitions.* For the purposes of this section:

Designated representative means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard designated by or assisting the Captain of the Port Sector Los Angeles—Long Beach (COTP) in the enforcement of the safety zone.

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

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

(d) *Enforcement period.* This section will be enforced from 8 p.m. on December 31, 2022, though 1 a.m. on January 1, 2023. The firework display is scheduled to commence at 9 p.m. and then again at midnight. This rule will be enforced 15 minutes prior to and for the duration of the fireworks displays, which will be broadcasted via local Broadcast Notice to Mariners in accordance with 33 CFR 165.7.

R.D. Manning,

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

[FR Doc. 2022–26921 Filed 12–9–22; 8:45 am]

BILLING CODE 9110–04–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Parts 1220 and 1222

[FDMS No. NARA–22–0020; NARA–2022–067]

RIN 3095–AC08

Federal Records Management: Managing Electronic Records, Including Electronic Messages

AGENCY: National Archives and Records Administration (NARA).

ACTION: Final rule.

SUMMARY: We are amending our regulations on creating and maintaining Federal records to explicitly include record-keeping requirements for electronic records. On January 1, 2021, the Federal Records Act was amended. It now requires the Archivist of the United States to promulgate regulations governing Federal agency preservation of electronic messages that are determined to be records. We are amending our regulations to define electronic messages and to expressly state records management requirements for electronic records, including electronic messages.

DATES: This rule is effective on January 11, 2023.

ADDRESSES: Regulatory and External Policy Program (MP); Suite 4100; National Archives and Records

Administration; 8601 Adelphi Road; College Park, MD 20740–6001.

FOR FURTHER INFORMATION CONTACT: Edward Germino, Strategy and Performance Division, by email at *regulation_comments@nara.gov*, or by telephone at 301–837–3758. Contact *rmstandards@nara.gov* with any questions on electronic records management.

SUPPLEMENTARY INFORMATION:

Background

On January 1, 2021, Public Law 116–283 amended the Federal Records Act at 44 U.S.C. 2912 to require the Archivist of the United States to promulgate regulations governing Federal agency preservation of electronic messages that are records. The law states that the regulations must require agencies to electronically capture, manage, and preserve electronic message records, and must require that they can readily access such records through electronic searches. Additionally, the regulations should include timelines for Federal agencies to implement the resulting regulatory requirements as expeditiously as practicable.

We are amending 36 CFR part 1220, Federal Records; General, to define electronic messages and incorporate them into all existing requirements governing Federal records. We are also modifying 36 CFR part 1222, Creation and Maintenance of Federal Records, to specifically restate that the capture, management, and preservation of electronic records, including electronic messages, is an essential part of a Federal records management program.

These changes incorporate electronic messages into existing regulations on electronic records management. The current regulations in 36 CFR part 1236, Electronic Records Management, already state that records management controls are needed to ensure that Federal records in electronic information systems can provide adequate and proper documentation of agency business for as long as the information is needed. Part 1236 also requires agencies to ensure all records in electronic information systems are retrievable and usable for as long as they need the records to conduct agency business. In addition, 36 CFR 1222.22 currently specifies requirements for adequate documentation of agency business. These existing regulations apply to all electronic records, including electronic messages.

We are not providing agencies with a timeline for implementing these requirements. The Archivist of the United States has previously

promulgated regulations that cover the requirements set forth in Public Law 116–283, and agencies have been required to implement them for some time already. These requirements are effective on the effective date of this final rule.

Regulatory Analysis

Executive Order 12866, Regulatory Planning and Review, and Executive Order 13563, Improving Regulation and Regulation Review

The Office of Management and Budget (OMB) has reviewed this rulemaking and determined it is not “significant” under section 3(f) of Executive Order 12866. It is not significant because it applies only to Federal agencies, updates the regulations due to a statutory requirement, the new requirements are being added to clarify ones that agencies have already been required to follow, and is not establishing a new program. The requirements are necessary to comply with statute and to ensure agencies are appropriately preserving records.

Regulatory Flexibility Act (5 U.S.C. 601, et seq.)

This review requires an agency to prepare an initial regulatory flexibility analysis and publish it when the agency publishes the proposed rule. This requirement does not apply if the agency certifies that the rulemaking will not, if promulgated, have a significant economic impact on a substantial number of small entities (5 U.S.C. 603). We certify, after review and analysis, that this rulemaking will not have a significant adverse economic impact on small entities.

Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.)

The Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501, et seq.) requires that agencies consider the impact of paperwork and other information collection burdens imposed on the public and, under the provisions of PRA section 3507(d), obtain approval from OMB for each collection of information we conduct, sponsor, or require through regulations. This rulemaking does not impose additional information collection requirements on the public that are subject to the Paperwork Reduction Act.

Executive Order 13132, Federalism

Executive Order 13132 requires agencies to ensure State and local officials have the opportunity for meaningful and timely input when developing regulatory policies that may have a substantial, direct effect on the

states, on the relationship between the Federal Government and the states, or on the distribution of power and responsibilities among the various levels of government. If the effects of the rule on State and local governments are sufficiently substantial, the agency must prepare a Federal assessment to assist senior policy makers. This rulemaking will not have any effects on State and local governments within the meaning of the E.O. Therefore, no federalism assessment is required.

Unfunded Mandates Reform Act (Sec. 202, Pub. L. 104–4; 2 U.S.C. 1532)

The Unfunded Mandates Reform Act requires that agencies determine whether any Federal mandate in the rulemaking may result in State, local, and Tribal governments, in the aggregate, or the private sector, expending \$100 million in any one year. NARA certifies that this rulemaking does not contain a Federal mandate that may result in such an expenditure.

List of Subjects in 36 CFR Parts 1220 and 1222

Archives and records.

For the reasons discussed in the preamble, NARA amends 36 CFR parts 1220 and 1222 as follows:

PART 1220—FEDERAL RECORDS; GENERAL

- 1. The authority citation for part 1220 continues to read as follows:

Authority: 44 U.S.C. Chapters 21, 29, 31, and 33.

- 2. In § 1220.18, add a definition in alphabetical order for “Electronic messages” to read as follows:

§ 1220.18 What definitions apply to the regulations in Subchapter B?

* * * * *

Electronic messages means electronic mail and other electronic messaging systems that are used for purposes of communicating between individuals. Electronic messages that satisfy the definition of a Federal record under the Federal Records Act are electronic records.

* * * * *

PART 1222—CREATION AND MAINTENANCE OF FEDERAL RECORDS

- 3. The authority citation for part 1222 continues to read as follows:

Authority: 44 U.S.C. 2904, 3101, 3102, and 3301.

- 4. In § 1222.26:
 - a. Revise the section heading;

- b. Redesignate the introductory text as paragraph (a) introductory text;
- c. Redesignate paragraphs (a) through (e) as paragraphs (a)(1) through (5); and
- d. Add a new paragraph (b).

The revision and addition read as follows:

§ 1222.26 What are the general recordkeeping requirements for agencies?

* * * * *

(b) Agencies must capture, manage, and preserve electronic records with appropriate metadata and must be able to access and retrieve electronic records, including electronic messages, through electronic searches.

Debra Steidel Wall,

Acting Archivist of the United States.

[FR Doc. 2022–26450 Filed 12–9–22; 8:45 am]

BILLING CODE 7515–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2022–0625; FRL–10023–01–R10]

Air Plan Approval; Alaska; Updates to Materials Incorporated by Reference

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; administrative change.

SUMMARY: The Environmental Protection Agency (EPA) is updating the materials that are incorporated by reference into the Alaska State Implementation Plan (SIP). The regulations affected by this format change have all been previously submitted by Alaska and approved by the EPA. In this action, the EPA is also notifying the public of corrections to typographical errors, and minor formatting changes to the incorporation by reference tables. This update affects the SIP materials that are available for public inspection at the National Archives and Records Administration and the EPA Regional Office.

DATES: This action is effective December 12, 2022.

ADDRESSES: SIP materials which are incorporated by reference into the Code of Federal Regulations (CFR) at 40 CFR part 52 are available for inspection at the following locations: online at www.regulations.gov in the docket for this action, by appointment at the EPA Region 10, 1200 Sixth Avenue, Suite 155, Seattle, WA 98101, and by appointment at the National Archives and Records Administration (NARA). For information on the availability of

this material at the EPA Regional Office, please contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document. For information on the availability of this material at NARA, email fr.inspection@nara.gov, or go to: www.archives.gov/federal-register/cfr/ibr-locations.html.

FOR FURTHER INFORMATION CONTACT: Kristin Hall, EPA Region 10, 1200 Sixth Avenue, Suite 155, Seattle, WA 98101, at (206) 553–6357 or hall.kristin@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

The SIP is a living document that a state revises as necessary to address its unique air pollution problems. Therefore, from time to time, the EPA must take action on SIP revisions containing new and/or revised regulations, approving and incorporating them by reference into the SIP. On May 22, 1997, the EPA revised the procedures for incorporating by reference federally approved SIP provisions, as a result of consultations between the EPA and the Office of the Federal Register (OFR) (62 FR 27968). The description of the revised SIP document, IBR procedures and “Identification of plan” format is discussed in further detail in the May 22, 1997, **Federal Register** document. On April 10, 2014, the EPA published a **Federal Register** beginning the new IBR procedure for Alaska (79 FR 19820). The EPA subsequently published an update to the IBR materials for Alaska on December 8, 2017 (82 FR 57836). Since then, the EPA has approved and incorporated by reference the following provisions of Alaska Administrative Code (18 AAC 50) into the Alaska SIP.

A. Added Regulations

- 18 AAC 50.030 State Air Quality Control Plan, except (a) (requiring compliance with prescribed control technology and regulating the implementation of contingency measures)
- 18 AAC 50.078 Additional Control Measures for a Serious Nonattainment Area, except (c) and (d) (regulating the sulfur content of fuel oil in space heaters and other equipment)
- 18 AAC 50.079 Provisions for Coal-Fired Heating Devices, except (e) (limiting the sale, installation, use and other activities related to coal-fired heating devices)

B. Revised Regulations

- 18 AAC 50.015 Air Quality Designations, Classifications, and Control Regions (designating areas

within Alaska based on ambient air quality)

- 18 AAC 50.025 Visibility and Other Special Protection Areas (establishing visibility, woodsmoke and sulfur dioxide special protection areas within Alaska)
- 18 AAC 50.035 Documents, Procedures and Methods Adopted by Reference, except (a)(6), (a)(9), (b)(4) (adopting certain air quality monitoring, measurement, and testing guidelines and standards)
- 18 AAC 50.040 Federal Standards Adopted by Reference, except (a), (b), (c), (d), (e), (g), (j), and (k) (adopting certain Federal major source permitting requirements)
- 18 AAC 50.055 Industrial Processes and Fuel-Burning Equipment, except (d)(2)(B) (establishing emission standards for industrial processes and fuel burning)
- 18 AAC 50.075 Solid Fuel-Fired Visible Emission Standards, except (d)(2) and (f) (setting visible emission standards for certain types of heating devices)
- 18 AAC 50.076 Solid Fuel-Fired Heating Device Fuel Requirements; Requirements for Wood Sellers, except (g)(11) (establishing operating requirements for heating devices, fuel burned in such devices, and certification for commercial wood sellers)
- 18 AAC 50.077 Standards for Wood-Fired Heating Devices, except (g) (regulating the types of heating devices allowed to be installed and used in certain areas of the State)
- 18 AAC 50.215 Ambient Air Quality Analysis Methods, except (a)(4) (establishing requirements for the analysis of ambient air quality monitoring and modeling data)
- 18 AAC 50.220 Enforceable Test Methods, except (c)(1)(A), (B), (C), and (c)(2) (establishing requirements for conducting air pollution emissions tests)
- 18 AAC 50.230 Pre-Approved Emission Limits, except (d) (establishing pre-approved nitrogen oxide emission limits for certain diesel engines)
- 18 AAC 50.250 Procedures and Criteria for Revising Air Quality Classifications (governing how geographic area classifications may be revised)
- 18 AAC 50.260 Guidelines for Best Available Retrofit Technology Under the Regional Haze Rule (setting rules for control of visibility-impairing pollutants from certain stationary sources)
- 18 AAC 50.311 Nonattainment Area Major Stationary Source Permits

(establishing requirements for major stationary sources in nonattainment areas)

- 18 AAC 50.345 Construction, Minor and Operating Permits: Standard Permit Conditions, except (b), (c)(3), and (l) (governing the use of standard permit conditions in construction, minor, and operating permits)
- 18 AAC 50.502 Minor Permits for Air Quality Protection (governing the permitting of minor stationary sources of air pollution)
- 18 AAC 50.540 Minor Permit: Application (setting the application requirements for minor sources)
- 18 AAC 50.542 Minor Permit: Review and Issuance (establishing procedures for reviewing and issuing permit to minor sources)
- 18 AAC 50.560 General Minor Permits (establishing general permit categories and requirements for certain minor sources)
- 18 AAC 50.990 Definitions (codifying the definitions used throughout the air quality control regulations)

C. Removed Regulations

- 18 AAC 50.240 Excess Emissions (regulating state enforcement and penalties for emissions in excess of established limits)
- Ordinance of the City and Borough of Juneau, No. 91–52 (regulating smoke from wood burning in the Mendenhall Valley)

II. EPA Action

In this action, the EPA is announcing the update to the Alaska materials approved and incorporated by reference into the Alaska SIP at 40 CFR 52.70 as of February 10, 2022. The EPA is also correcting typographical errors and rearranging and republishing the contents of 40 CFR 52.70. Specifically, in subsection 52.70(c), we are correcting errors in the entries for 18 AAC 50.077 Standards for Wood-Fired Heating Devices (regulating the types of heating devices allowed to be installed and used in certain areas) and 18 AAC 50.230 Preapproved Emission Limits (establishing pre-approved nitrogen oxide emission limits for certain diesel engines) to accurately reflect the portions of these rule sections that were not submitted by the State and were not approved into the SIP (87 FR 7722, February 10, 2022). We are also correcting section 52.70(c) by removing the entry for the Ordinance of the City and Borough of Juneau, No. 91–52 (regulating smoke from wood burning in the Mendenhall Valley) which was superseded by our approval of the Ordinance of the City and Borough of Juneau, Serial No. 2008–28 (regulating

solid fuel fired burning devices in the Mendenhall Valley) (May 9, 2013, 78 FR 27071). The EPA is also rearranging and republishing the contents of sections 52.70(c) and (e) to align the contents with the outline of the Alaska state plan volumes and sections.

The EPA has determined that this rule falls under the “good cause” exemption in section 553(b)(3)(B) of the Administrative Procedures Act (APA) which, upon finding “good cause,” authorizes agencies to dispense with public participation and section 553(d)(3) which allows an agency to make a rule effective immediately (thereby avoiding the 30-day delayed effective date otherwise provided for in the APA). This rule simply codifies provisions which are already in effect as a matter of law in Federal and approved state programs. Under section 553 of the APA, an agency may find good cause where procedures are “impractical, unnecessary, or contrary to the public interest.” Public comment is “unnecessary” and “contrary to the public interest” since the codification only reflects existing law. Immediate notice in the CFR benefits the public by removing outdated citations and incorrect table entries.

III. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is updating its compilation of state and local regulations included in the Alaska SIP by finalizing the incorporation by reference of previously EPA-approved regulations promulgated by Alaska and federally effective prior to February 10, 2022. These include new and revised provisions as listed in sections I.A. and I.B. of this preamble. The EPA is also removing certain provisions from the SIP as listed in section I.C. of this preamble. Lastly, the EPA is also correcting typographical errors and rearranging and republishing the contents of 52.70(c). The EPA has made, and will continue to make, these materials generally available through www.regulations.gov and at the EPA Region 10 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

IV. Statutory and Executive Order Reviews

Under the Clean Air Act (CAA), the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k);

40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA’s role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this action:

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

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR

51.5, the EPA is finalizing the incorporation by reference of the Alaska regulations described in sections I and II of this preamble. The EPA has made, and will continue to make, these documents generally available electronically through www.regulations.gov and/or in hard copy at the appropriate EPA office (see the ADDRESSES section of this preamble for more information).

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

The EPA has also determined that the provisions of section 307(b)(1) of the CAA pertaining to petitions for judicial review are not applicable to this action. Prior EPA rulemaking actions for each individual component of the Alaska SIP compilations had previously afforded interested parties the opportunity to file a petition for judicial review in the United States Court of Appeals for the appropriate circuit within 60 days of such rulemaking action. Thus, the EPA sees no need in this action to reopen the 60-day period for filing such petitions for judicial review for this “Identification of plan” update action for Alaska.

List of Subjects in 40 CFR Part 52

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

Dated: November 29, 2022.

Casey Sixkiller,

Regional Administrator, Region 10.

For the reasons set forth in the preamble, 40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart C—Alaska

■ 2. Section 52.70 is amended by revising paragraphs (b), (c), and (e) to read as follows:

§ 52.70 Identification of plan.

* * * * *

(b) *Incorporation by reference.* (1) Material listed in paragraph (c) of this section with an EPA approval date prior

to February 10, 2022, was approved for incorporation by reference by the Director of the **Federal Register** in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the **Federal Register**. Entries in paragraph (c) of this section with EPA approval dates after February 10, 2022, will be incorporated by reference in the next update to the SIP compilation.

(2) The EPA Region 10 certifies that the rules and regulations provided by the EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated State rules/regulations which have been approved as part of the State Implementation Plan as of February 10, 2022.

(3) Copies of the materials incorporated by reference may be inspected at the EPA Region 10 Office at 1200 Sixth Avenue, Seattle WA, 98101; or the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email fr.inspection@nara.gov, or go to: www.archives.gov/federal-register/cfr/ibr-locations.html.

(c) EPA approved regulations.

TABLE 1 TO PARAGRAPH (C)—EPA-APPROVED ALASKA REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanations
Alaska Administrative Code Title 18—Environmental Conservation, Chapter 50—Air Quality Control (18 AAC 50)				
18 AAC 50—Article 1. Ambient Air Quality Management				
18 AAC 50.005	Purpose and Applicability of Chapter	10/1/2004	8/14/2007, 72 FR 45378.	
18 AAC 50.007	Local Government Powers or Obligations Under a Local Air Quality Control Program.	2/28/2015	9/8/2017, 82 FR 42457.	
18 AAC 50.010	Ambient Air Quality Standards	8/20/2016	8/28/2017, 82 FR 40712	Except (8).
18 AAC 50.015	Air Quality Designations, Classifications, and Control Regions.	11/7/2020	2/10/2022, 87 FR 7722.	
18 AAC 50.020	Baseline Dates and Maximum Allowable Increases.	8/20/2016	8/28/2017, 82 FR 40712.	
18 AAC 50.025	Visibility and Other Special Protection Areas.	9/15/2018	8/29/2019, 84 FR 45419.	
18 AAC 50.030	State Air Quality Control Plan	11/7/2020	2/10/2022, 87 FR 7722	Except (a).
18 AAC 50.035	Documents, Procedures and Methods Adopted by Reference.	11/7/2020	2/10/2022, 87 FR 7722	Except (a)(6), (a)(9), and (b)(4).
18 AAC 50.040	Federal Standards Adopted by Reference	11/7/2020	2/10/2022, 87 FR 7722	Except (a), (b), (c), (d), (e), (g), (j) and (k).
18 AAC 50.045	Prohibitions	10/1/2004	8/14/2007, 72 FR 45378.	
18 AAC 50.050	Incinerator Emission Standards	7/25/2008	9/19/2014, 79 FR 56268.	
18 AAC 50.055	Industrial Processes and Fuel-Burning Equipment.	9/15/2018	8/29/2019, 84 FR 45419	Except (d)(2)(B).
18 AAC 50.065	Open Burning	3/2/2016	9/8/2017, 82 FR 42457.	
18 AAC 50.070	Marine Vessel Visible Emission Standards	6/21/1998	8/14/2007, 72 FR 45378.	
18 AAC 50.075	Solid Fuel-Fired Heating Device Visible Emission Standards.	1/8/2020	9/24/2021, 86 FR 52997	Except (d)(2) and (f).
18 AAC 50.076	Solid Fuel-Fired Heating Device Fuel Requirements; Requirements for Wood Sellers.	1/8/2020	9/24/2021, 86 FR 52997	Except (g)(11).

TABLE 1 TO PARAGRAPH (c)—EPA-APPROVED ALASKA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations	
18 AAC 50.077	Standards for Wood-Fired Heating Devices	11/7/2020	2/10/2022, 87 FR 7722	Except (g). Except (c) and (d).	
18 AAC 50.078	Additional Control Measures for a Serious PM-2.5 Nonattainment Area.	1/8/2020	9/24/2021, 86 FR 52997		
18 AAC 50.079	Provisions for Coal-Fired Heating Devices	1/8/2020	9/24/2021, 86 FR 52997	Except (e).	
18 AAC 50.080	Ice Fog Standards	1/18/1997	8/14/2007, 72 FR 45378.		
18 AAC 50.100	Nonroad Engines	10/1/2004	8/14/2007, 72 FR 45378.		
18 AAC 50.110	Air Pollution Prohibited	5/26/1972	5/31/1972, 37 FR 10842.		
18 AAC 50—Article 2. Program Administration					
18 AAC 50.200	Information Requests	10/1/2004	8/14/2007, 72 FR 45378.	Except (a)(4). Except (c)(1)(A), (B), (C), and (c)(2). Except (d).	
18 AAC 50.201	Ambient Air Quality Investigation	10/1/2004	8/14/2007, 72 FR 45378.		
18 AAC 50.205	Certification	11/7/2020	2/10/2022, 87 FR 7722.		
18 AAC 50.215	Ambient Air Quality Analysis Methods	9/15/2018	8/29/2019, 84 FR 45419		
18 AAC 50.220	Enforceable Test Methods	9/15/2018	8/29/2019, 84 FR 45419		
18 AAC 50.225	Owner-Requested Limits	9/15/2018	8/29/2019, 84 FR 45419.		
18 AAC 50.230	Preapproved Emission Limits	11/7/2020	2/10/2022, 87 FR 7722		
18 AAC 50.245	Air Quality Episodes and Advisories for Air Pollutants Other than PM-2.5.	2/28/2015	9/8/2017, 82 FR 42457.		
18 AAC 50.246	Air Quality Episodes and Advisories for PM-2.5.	2/28/2015	9/8/2017, 82 FR 42457.		
18 AAC 50.250	Procedures and Criteria for Revising Air Quality Classifications.	11/7/2020	2/10/2022, 87 FR 7722.		
18 AAC 50.260	Guidelines for Best Available Retrofit Technology under the Regional Haze Rule.	9/15/2018	8/29/2019, 84 FR 45419.		
18 AAC 50—Article 3. Major Stationary Source Permits					
18 AAC 50.301	Permit Continuity	10/1/2004	8/14/2007, 72 FR 45378.	Except (a)(3). Except (b), (c)(3), and (l).	
18 AAC 50.302	Construction Permits	9/14/2012	9/19/2014, 79 FR 56268		
18 AAC 50.306	Prevention of Significant Deterioration (PSD) Permits.	1/4/2013	9/19/2014, 79 FR 56268.		
18 AAC 50.311	Nonattainment Area Major Stationary Source Permits.	11/7/2020	2/10/2022, 87 FR 7722.		
18 AAC 50.345	Construction, Minor and Operating Permits: Standard Permit Conditions.	9/15/2018	8/29/2019, 84 FR 45419		
18 AAC 50—Article 4. User Fees					
18 AAC 50.400	Permit Administration Fees	9/26/2015	11/25/2016, 81 FR 85160 ...	Except (a), (b), (c), and (i).	
18 AAC 50—Article 5. Minor Permits					
18 AAC 50.502	Minor Permits for Air Quality Protection	11/7/2020	2/10/2022, 87 FR 7722.	Except (b).	
18 AAC 50.508	Minor Permits Requested by the Owner or Operator.	12/9/2010	9/19/2014, 79 FR 56268.		
18 AAC 50.510	Minor Permit—Title V Permit Interface	12/9/2010	9/19/2014, 79 FR 56268.		
18 AAC 50.540	Minor Permit: Application	11/7/2020	2/10/2022, 87 FR 7722.		
18 AAC 50.542	Minor Permit: Review and Issuance	11/7/2020	2/10/2022, 87 FR 7722.		
18 AAC 50.544	Minor Permits: Content	12/9/2010	9/19/2014, 79 FR 56268.		
18 AAC 50.546	Minor Permits: Revisions	7/15/2008	9/19/2014, 79 FR 56268		
18 AAC 50.560	General Minor Permits	9/15/2018	8/29/2019, 84 FR 45419.		
18 AAC 50—Article 7. Transportation Conformity					
18 AAC 50.700	Purpose	4/17/2015	9/8/2015; 80 FR 53735.		
18 AAC 50.705	Applicability	4/17/2015	9/8/2015; 80 FR 53735.		
18 AAC 50.712	Agency Responsibilities	4/17/2015	9/8/2015; 80 FR 53735.		
18 AAC 50.715	Interagency Consultation Procedures	3/2/2016	8/28/2017, 82 FR 40712.		
18 AAC 50.720	Public Involvement	3/2/2016	8/28/2017, 82 FR 40712.		
18 AAC 50.740	Written Comments	4/17/2015	9/8/2015, 80 FR 53735.		
18 AAC 50.745	Resolving Conflicts	4/17/2015	9/8/2015, 80 FR 53735.		
18 AAC 50.750	Exempt Projects	4/17/2015	9/8/2015, 80 FR 53735.		
18 AAC 50—Article 9. General Provisions					
18 AAC 50.900	Small Business Assistance Program	10/1/2004	8/14/2007, 72 FR 45378.		
18 AAC 50.990	Definitions	11/7/2020	2/10/2022, 87 FR 7722.		

TABLE 1 TO PARAGRAPH (c)—EPA-APPROVED ALASKA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
Alaska Administrative Code Title 18—Environmental Conservation, Chapter 52—Emissions Inspection and Maintenance Requirements (18 AAC 52)				
18 AAC 52—Article 1. Emissions Inspection and Maintenance Requirements				
18 AAC 52.005	Applicability and General Requirements	5/17/2008	3/22/2010, 75 FR 13436.	
18 AAC 52.007	Suspension and Reestablishment of I/M Requirements.	5/17/2008	3/22/2010, 75 FR 13436.	
18 AAC 52.010	I/M Program Administration Office	2/18/2006	3/22/2010, 75 FR 13436.	
18 AAC 52.015	Motor Vehicle Maintenance Requirements	2/18/2006	3/22/2010, 75 FR 13436.	
18 AAC 52.020	Certificate of Inspection Requirements	2/18/2006	3/22/2010, 75 FR 13436.	
18 AAC 52.025	Visual Identification of Certificate of Inspection, Waivers, and Exempt Vehicles.	2/18/2006	3/22/2010, 75 FR 13436.	
18 AAC 52.030	Department-Administered I/M Program	2/1/1994	4/5/1995, 60 FR 17232.	
18 AAC 52.035	I/M Program Administered by an Implementing Agency.	3/27/2002	3/22/2010, 75 FR 13436.	
18 AAC 52.037	Reporting Requirements for an I/M Program Administered by an Implementing Agency.	2/18/2006	3/22/2010, 75 FR 13436.	
18 AAC 52.040	Centralized Inspection Program	2/1/1994	4/5/1995, 60 FR 17232.	
18 AAC 52.045	Decentralized Inspection Program	2/1/1994	4/5/1995, 60 FR 17232.	
18 AAC 52.050	Emissions Standards	3/27/2002	3/22/2010, 75 FR 13436.	
18 AAC 52.055	Alternative Requirements, Standards and Test Procedures.	1/1/2000	1/8/2002, 67 FR 822.	
18 AAC 52.060	Waivers	5/17/2008	3/22/2010, 75 FR 13436.	
18 AAC 52.065	Emissions-Related Repair Cost Minimum ..	1/1/2000	1/8/2002, 67 FR 822.	
18 AAC 52.070	Referee Facility	3/27/2002	3/22/2010, 75 FR 13436.	
18 AAC 52.075	Kit Cars and Custom-Manufactured Vehicles.	2/1/1994	4/5/1995, 60 FR 17232.	
18 AAC 52.080	Grey Market Vehicles	3/27/2002	3/22/2010, 75 FR 13436.	
18 AAC 52.085	Vehicle Modifications	2/18/2006	3/22/2010, 75 FR 13436.	
18 AAC 52.090	Repair of Nonconforming Vehicles	1/1/1998	12/29/1999, 64 FR 72940.	
18 AAC 52.095	Minimum Certification Requirements	1/1/1998	12/29/1999, 64 FR 72940.	
18 AAC 52.100	Enforcement Procedures for Violations by Motorists.	12/14/2006	3/22/2010, 75 FR 13436.	
18 AAC 52.105	Enforcement Procedures for Violations by Certified Mechanics or Stations.	1/1/2000	1/8/2002, 67 FR 822.	
18 AAC 52—Article 4. Certification Requirements				
18 AAC 52.400	Mechanic Certification	1/1/1998	12/29/1999, 64 FR 72940.	
18 AAC 52.405	Certified Mechanic Examinations	3/27/2002	3/22/2010, 75 FR 13436.	
18 AAC 52.410	Training Course Certification	2/18/2006	3/22/2010, 75 FR 13436.	
18 AAC 52.415	I/M Station Certification	1/1/2000	1/8/2002, 67 FR 822.	
18 AAC 52.420	Equipment Certification	1/1/2000	1/8/2002, 67 FR 822.	
18 AAC 52.425	Renewal of Certification	1/1/1998	12/29/1999, 64 FR 72940.	
18 AAC 52.430	Duty to Report Change in Status	2/1/1994	4/5/1995, 60 FR 17232.	
18 AAC 52.440	Monitoring of Certified Mechanics and Stations.	1/1/2000	1/8/2002, 67 FR 822.	
18 AAC 52.445	Suspension or Revocation of Certification	2/1/1994	4/5/1995, 60 FR 17232.	
18 AAC 52—Article 5. Certified Station Requirements				
18 AAC 52.500	General Operating Requirements	1/1/2000	1/8/2002, 67 FR 822.	
18 AAC 52.505	Display of Certified Station Sign	2/1/1994	4/5/1995, 60 FR 17232.	
18 AAC 52.510	Display of Certificates	2/18/2006	3/22/2010, 75 FR 13436.	
18 AAC 52.515	Inspection Charges	2/18/2006	3/22/2010, 75 FR 13436.	
18 AAC 52.520	Required Tools and Equipment	2/18/2006	3/22/2010, 75 FR 13436.	
18 AAC 52.525	Remote Station Operation	1/1/2000	1/8/2002, 67 FR 822.	
18 AAC 52.527	Prescreening Prohibited	1/1/2000	1/8/2002, 67 FR 822.	
18 AAC 52.530	Preliminary Inspection	1/1/2000	1/8/2002, 67 FR 822.	
18 AAC 52.535	Test Abort Conditions	3/27/2002	3/22/2010, 75 FR 13436.	
18 AAC 52.540	Official I/M Testing	3/27/2002	3/22/2010, 75 FR 13436.	
18 AAC 52.545	Parts on Order	1/1/1998	12/29/1999, 64 FR 72940.	
18 AAC 52.546	Unavailable Parts	1/1/1998	12/29/1999, 64 FR 72940.	
18 AAC 52.550	Recordkeeping Requirements	2/1/1994	4/5/1995, 60 FR 17232.	
18 AAC 52—Article 9. General Provisions				
18 AAC 52.990	Definitions	2/18/2006	3/22/2010, 75 FR 13436.	

TABLE 1 TO PARAGRAPH (c)—EPA-APPROVED ALASKA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
Alaska Administrative Code Title 18—Environmental Conservation, Chapter 53—Fuel Requirements for Motor Vehicles (18 AAC 53)				
18 AAC 53—Article 1. Oxygenated Gasoline Requirements				
18 AAC 53.005	Purpose and Applicability; General Requirements.	10/31/1997	12/29/1999, 64 FR 72940.	
18 AAC 53.007	Dispenser Labeling	10/31/1997	12/29/1999, 64 FR 72940.	
18 AAC 53.010	Control Periods and Control Areas	2/20/2004	6/23/2004, 69 FR 34935.	
18 AAC 53.020	Required Oxygen Content	10/31/1997	12/29/1999, 64 FR 72940.	
18 AAC 53.030	Sampling, Testing and Oxygen Content Calculations.	10/31/1997	12/29/1999, 64 FR 72940.	
18 AAC 53.035	Per Gallon Method of Compliance	10/31/1997	12/29/1999, 64 FR 72940.	
18 AAC 53.040	Averaging Oxygen Content Method of Compliance.	10/31/1997	12/29/1999, 64 FR 72940.	
18 AAC 53.045	Oxygen Credits and Debits	10/31/1997	12/29/1999, 64 FR 72940.	
18 AAC 53.060	Oxygenated Gasoline Blending	10/31/1997	12/29/1999, 64 FR 72940.	
18 AAC 53.070	Registration and Permit	10/31/1997	12/29/1999, 64 FR 72940.	
18 AAC 53.080	Car Fees	12/30/2000	1/08/2002, 67 FR 822.	
18 AAC 53.090	Recordkeeping	10/31/1997	12/29/1999, 64 FR 72940.	
18 AAC 53.100	Reporting	10/31/1997	12/29/1999, 64 FR 72940.	
18 AAC 53.105	Product Transfer Document	10/31/1997	12/29/1999, 64 FR 72940.	
18 AAC 53.120	Inspection and Sampling	10/31/1997	12/29/1999, 64 FR 72940.	
18 AAC 53.130	Liability for Violation	10/31/1997	12/29/1999, 64 FR 72940.	
18 AAC 53.140	Defenses for Violation	10/31/1997	12/29/1999, 64 FR 72940.	
18 AAC 53.150	Temporary Variances	10/31/1997	12/29/1999, 64 FR 72940.	
18 AAC 53.160	Quality Assurance Program	10/31/1997	12/29/1999, 64 FR 72940.	
18 AAC 53.170	Attest Engagements	10/31/1997	12/29/1999, 64 FR 72940.	
18 AAC 53.190	Suspension and Reestablishment of Control Period.	2/20/2004	6/23/2004, 69 FR 34935.	
18 AAC 53—Article 9. General Provisions				
18 AAC 53.990	Definitions	10/31/1997	12/29/1999, 64 FR 72940.	

TABLE 2 TO PARAGRAPH (c)—ALASKA STATE STATUTES

State citation	Title/subject	State effective date	EPA approval date	Explanations
Title 45—Trade and Commerce, Chapter 45.45. Trade Practices				
Sec. 45.45.400	Prohibited Transfer of Used Cars	6/25/1993	11/18/1998, 63 FR 63983 ...	Except (b).
Title 46—Water, Air, Energy, and Environmental Conservation, Chapter 46.14. Air Quality Control				
Sec. 46.14.550	Responsibilities of Owner and Operator; Agent for Service.	1/4/2013	9/19/2014, 79 FR 56268.	
Sec. 46.14.560	Unavoidable Malfunctions and Emergencies.	6/25/1993	11/18/1998, 63 FR 63983.	
Sec. 46.14.990	Definitions	1/4/2013	9/19/2014, 79 FR 56268	Except (1) through (3), (6), (7), (9) through (14), (19) through (26), and (28).

TABLE 3 TO PARAGRAPH (c)—CITY AND BOROUGH CODES AND ORDINANCES

State citation	Title/subject	State effective date	EPA approval date	Explanations
Anchorage Municipal Code and Ordinances				
Anchorage Municipal Code 21.85.030.	Improvement Requirements by Improvement Area.	1/16/1987 (city effective date).	8/13/1993, 58 FR 43084	Eagle River PM Plan—Contingency Plan.
Anchorage Municipal Code 21.45.080.W.7.	Paving	9/24/1991 (city effective date).	8/13/1993, 58 FR 43084	Section W.7. Eagle River PM Plan—Contingency Plan.

TABLE 3 TO PARAGRAPH (c)—CITY AND BOROUGH CODES AND ORDINANCES—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
Anchorage Ordinance 2006–13.	An ordinance amending the Anchorage Municipal Code, Chapters 15.80 and 15.85 to comply with State I/M regulations and to comply with DMV Electronic Procedures..	2/14/2006 (city approval date).	3/22/2010, 75 FR 13436	Anchorage Transportation Control Program—Carbon Monoxide.
City and Borough of Juneau Ordinances				
Ordinance of the City and Borough of Juneau, No. 91–53.	An Ordinance amending the wood smoke control fine schedule to increase the fines for violations of the wood smoke control code.	1/6/1992 (city adoption date).	3/24/1994, 59 FR 13884	Mendenhall Valley PM Plan.
Ordinance of the City and Borough of Juneau No. 93–01.	Setting boundaries for regrading and surfacing.	2/8/1993 (city adoption date).	3/24/1994, 59 FR 13884	Mendenhall Valley PM Plan.
Ordinance of the City and Borough of Juneau, No. 93–06.	Setting boundaries for regrading and surfacing.	4/5/1993 (city adoption date).	3/24/1994, 59 FR 13884	Mendenhall Valley PM Plan.
Ordinance of the City and Borough of Juneau, No. 93–39am.	An Ordinance creating Local Improvement District No. 77 of the City and Borough, setting boundaries for drainage and paving of streets in the Mendenhall Valley.	11/17/1993 (city adoption date).	3/24/1994, 59 FR 13884	Mendenhall Valley PM Plan.
Ordinance of the City and Borough of Juneau, Serial No. 2008–28.	An Ordinance Amending the Woodsmoke Control Program Regarding Solid Fuel-Fired Burning Devices..	9/8/2008 (city adoption date).	5/9/2013, 78 FR 27071	Mendenhall Valley PM Limited Maintenance Plan.
Fairbanks North Star Borough Ordinances and Code				
Fairbanks North Star Borough Ordinance No. 2001–17.	Mandating a Fairbanks North Star Borough Motor Vehicle Plug-in Program.	4/12/2001 (borough adoption date).	2/4/2002, 67 FR 5064 ...	Fairbanks Transportation Control Program—Carbon Monoxide.
Fairbanks North Star Borough Ordinance No. 2003–71.	An Ordinance amending the Carbon Monoxide Emergency Episode Prevention Plan including implementing a Woodstove Control Ordinance.	10/30/2003 (borough adoption date).	7/27/2004, 69 FR 44601	Fairbanks Carbon Monoxide Maintenance Plan.
Chapter 21.28—PM_{2.5} Air Quality Control Program				
21.28.010	Definitions	3/2/2015 (borough effective date).	9/8/2017, 82 FR 42457.	Except H and J.
21.28.020	Borough listed appliances	1/15/2016 (borough effective date).	9/8/2017, 82 FR 42457.	
21.28.030	Prohibited acts	10/1/2016 (borough effective date).	9/8/2017, 82 FR 42457.	
21.28.050	Forecasting exceedances and restrictions in the air quality control zone during an alert.	6/26/2015 (borough effective date).	9/8/2017, 82 FR 42457.	
21.28.060	No other adequate source of heat determination.	8/12/2016 (borough effective date).	9/8/2017, 82 FR 42457.	

* * * * *

(e) EPA approved nonregulatory provisions and quasi-regulatory measures.

TABLE 5 TO PARAGRAPH (e)—EPA-APPROVED ALASKA NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanations
State of Alaska Air Quality Control Plan: Volume II. Analysis of Problems, Control Actions				
Section I. Background				
II.I.A. Introduction	Statewide	1/8/1997	12/29/1999, 64 FR 72940	

TABLE 5 TO PARAGRAPH (e)—EPA-APPROVED ALASKA NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES—Continued

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanations
II.I.B. Air Quality Control Regions.	Statewide	1/8/1997	12/29/1999, 64 FR 72940	
II.I.C. Attainment/nonattainment Designations.	Statewide	1/8/1997	12/29/1999, 64 FR 72940	
II.I.D. Prevention of Significant Deterioration Designations.	Statewide	1/8/1997	12/29/1999, 64 FR 72940	
II.I.E. New Source Review	Statewide	1/8/1997	12/29/1999, 64 FR 72940	
Section II. State Air Quality Control Program				
II.II. State Air Quality Control Program.	Statewide	7/9/2012	10/22/2012, 77 FR 64425	
Section III. Areawide Pollutant Control Program				
II.III.A. Statewide Carbon Monoxide Control Program.	Statewide	6/5/2008	3/22/2010, 75 FR 13436	
II.III.B. Anchorage Transportation Control Program.	Anchorage	1/4/2002	9/18/2002, 67 FR 58711	
II.III.B.11. Anchorage Carbon Monoxide Maintenance Plan.	Anchorage	9/20/2011	3/3/2014, 79 FR 11707	
II.III.B.12. Anchorage Second 10-year Carbon Monoxide Limited Maintenance Plan.	Anchorage	4/22/2013	3/3/2014, 79 FR 11707	
II.III.C. Fairbanks Transportation Control Program.	Fairbanks	8/30/2001	2/4/2002, 67 FR 5064	
II.III.C.11. Fairbanks Carbon Monoxide Redesignation and Maintenance Plan.	Fairbanks	9/15/2009	3/22/2010, 75 FR 13436	
II.III.C.12. Fairbanks Second 10-year Carbon Monoxide Limited Maintenance Plan.	Fairbanks	4/22/2013	8/9/2013, 78 FR 48611	
II.III.D. Particulate Matter	Statewide	10/15/1991	8/13/1993, 58 FR 43084	
II.III.D.2. Eagle River PM ₁₀ Control Plan.	Eagle River	10/15/1991	8/13/1993, 58 FR 43084	
II.III.D.2.a. Eagle River PM ₁₀ Limited Maintenance Plan.	Eagle River	9/29/2010	1/7/2013, 78 FR 900	
II.III.D.2.b. Second 10-year PM ₁₀ Limited Maintenance Plan.	Eagle River	11/10/2020	11/9/2021, 86 FR 62096	
II.III.D.3. Mendenhall Valley PM ₁₀ Control Plan.	Mendenhall Valley	6/22/1993	3/24/1994, 59 FR 13884	
II.III.D.3.a. Mendenhall Valley PM ₁₀ Limited Maintenance Plan.	Mendenhall Valley	5/14/2009	5/9/2013, 78 FR 27071	
II.III.D.3.b. Mendenhall Valley Second 10-year Limited Maintenance Plan.	Mendenhall Valley	11/10/2020	10/25/2021, 86 FR 58807	
II.III.D.4. Interstate Transport of Particulate Matter.	Statewide	2/7/2008	10/15/2008, 73 FR 60955	
II.III.D.5. Fairbanks North Star Borough PM _{2.5} Control Plan.	Fairbanks North Star Borough	11/23/2016	9/8/2017, 82 FR 42457	Fairbanks North Star Borough PM _{2.5} Moderate Area Plan.
II.III.E. Ice Fog	Statewide	1/18/1980	7/5/1983, 48 FR 30623	
II.III.F. Open Burning	Statewide	4/4/2011	2/14/2013, 78 FR 10546	
II.III.F.1. In Situ Burning Guidelines for Alaska.	Statewide	4/4/2011	2/14/2013, 78 FR 10546	Revision 1, August 2008.
II.III.G. Wood Smoke Pollution Control.	Statewide	11/15/1983	4/24/1984, 49 FR 17497	
II.III.H. Lead Pollution Control	Statewide	11/15/1983	1/3/1984, 49 FR 67	
II.III.I. Transportation Conformity.	Statewide	4/17/2015	9/8/2015, 80 FR 53735	
II.III.I.1. Transportation Conformity Supplement.	Statewide	7/29/2015	9/8/2015, 80 FR 53735	Clarification re: access to public records: AS 40.25.110, AS 40.25.115, and 2 AAC 96.
II.III.J. General Conformity	Statewide	12/05/1994	9/27/1995, 60 FR 49765	

TABLE 5 TO PARAGRAPH (e)—EPA-APPROVED ALASKA NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES—Continued

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanations
II.III.K. Area Wide Pollutant Control Program for Regional Haze.	Statewide	4/4/2011	2/14/2013, 78 FR 10546	
Section IV. Point Source Control Program				
II.IV.A. Summary	Statewide	11/15/1983	4/24/1984, 49 FR 17497	
II.IV.B. State Air Quality Regulations.	Statewide	11/15/1983	4/24/1984, 49 FR 17497	
II.IV.C. Local Programs	Statewide	11/15/1983	4/24/1984, 49 FR 17497	
II.IV.D. Description of Source Categories and Pollutants.	Statewide	11/15/1983	4/24/1984, 49 FR 17497	
II.IV.E. Point Source Control ..	Statewide	11/15/1983	4/24/1984, 49 FR 17497	
II.IV.F. Facility Review Procedures.	Statewide	9/12/1988	7/31/1989, 54 FR 31522	
II.IV.G. Application Review and Permit Development.	Statewide	11/15/1983	4/24/1984, 49 FR 17497	
II.IV.H. Permit Issuance Requirements.	Statewide	11/15/1983	4/24/1984, 49 FR 17497	
Section V. Ambient Air Monitoring				
II.V.A. Purpose	Statewide	1/18/1980	4/15/1981, 46 FR 21994	
II.V.B. Completed Air Monitoring Projects.	Statewide	1/18/1980	4/15/1981, 46 FR 21994	
II.V.C. Air Monitoring Network	Statewide	1/18/1980; 7/11/1994	4/15/1981, 46 FR 21994; 4/5/1995, 60 FR 17237	
II.V.E. Annual Review	Statewide	1/18/1980	4/15/1981, 46 FR 21994	
State of Alaska Air Quality Control Plan: Volume III. Appendices				
Section II. State Air Quality Control Program				
III.II.A. State Air Statutes	Statewide	12/11/2006	3/22/2010, 75 FR 13436	Except 46.03.170.
III.II.A.1. State Attorney General Opinions on Legal Authority.	Statewide	12/11/2006	3/22/2010, 75 FR 13436	
III.II.B. Municipality of Anchorage and ADEC Agreements.	Anchorage	4/22/2013	3/3/2014, 79 FR 11707	
III.II.C. Fairbanks North Star Borough and ADEC Agreements.	Fairbanks	12/11/2006	3/22/2010, 75 FR 13436	
III.II.D. CAA Section 110 Infrastructure Certification Documentation and Supporting Documents.	Statewide	10/25/2018	12/23/2019, 84 FR 70428	
III.II.D.1. Attachment 1—Public Official Financial Disclosure (2 AAC 50.010 through 2 AAC 50.200).	Statewide	7/9/2012	10/22/2012, 77 FR 64425	Approved for purposes of CAA section 128.
III.II.D.2. Attachment 2—Executive Branch Code of Ethics (9 AAC 52.010 through 9 AAC 52.990).	Statewide	7/9/2012	10/22/2012, 77 FR 64425	Approved for purposes of CAA section 128.
Section III. Area Wide Pollutant Control Program				
III.III.A. I/M Program Manual ..	Statewide	6/5/2008	3/22/2010, 75 FR 13436	
III.III.B. Municipality of Anchorage.	Anchorage	4/22/2013	3/3/2014, 79 FR 11707	
III.III.C. Fairbanks	Fairbanks	4/22/2013	8/9/2013, 78 FR 48611	
III.III.D. Particulate Matter	Statewide	10/15/1991	8/13/1993, 58 FR 43084	
III.III.D.2. Eagle River PM ₁₀ Control Plan.	Eagle River	11/10/2020	11/9/2021, 86 FR 62096	
III.III.D.3. Control Plan for the Mendenhall Valley of Juneau.	Mendenhall Valley	11/10/2020	10/25/2021, 86 FR 58807	
III.III.D.5. Fairbanks North Star Borough PM _{2.5} Control Plan.	Fairbanks North Star Borough	11/23/2016	9/8/2017, 82 FR 42457	Only with respect to the Fairbanks North Star Borough PM _{2.5} Moderate Area Plan.

TABLE 5 TO PARAGRAPH (e)—EPA-APPROVED ALASKA NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES—Continued

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanations
III.III.G. Ordinance of the City and Borough of Juneau.	Juneau	11/15/1983	4/24/1984, 49 FR 17497	
III.III.H. Support Documents for Lead Plan.	Statewide	11/15/1983	1/3/1984, 49 FR 67	
III.III.K. Area wide Pollutant Control Program for Regional Haze.	Statewide	4/4/2011	2/14/2013, 78 FR 10546	
Section IV. Point Source Control Program				
III.IV. Point Source Control Program.	Statewide	11/15/1983	4/24/1984, 49 FR 17497	
III.IV.1. PSD Area Classification and Reclassification.	Statewide	11/15/1983	4/24/1984, 49 FR 17497	
III.IV.2. Compliance Assurance.	Statewide	11/15/1983	4/24/1984, 49 FR 17497	
III.IV.3. Testing Procedures ...	Statewide	11/15/1983	4/24/1984, 49 FR 17497	
Section V. Ambient Air Monitoring				
III.V. Ambient Air Monitoring ..	Statewide	11/15/1983	4/24/1984, 49 FR 17497	
Section VI. Small Business Assistance Program				
III.VI. Small Business Assistance Program.	Statewide	4/18/1994	9/5/1995, 60 FR 46021	
Infrastructure and Interstate Transport				
Interstate Transport Requirements—1997 Ozone and 1997 PM _{2.5} NAAQS.	Statewide	2/7/2008	10/15/2008, 73 FR 60955	Approved SIP for purposes of CAA section 110(a)(2)(D)(i) for the 1997 Ozone and 1997 PM _{2.5} NAAQS.
Infrastructure Requirements—1997 Ozone NAAQS.	Statewide	7/9/2012	10/22/2012, 77 FR 64425	Approved SIP for purposes of CAA sections 110(a)(2)(A), (B), (C), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M) for the 1997 Ozone NAAQS.
Interstate Transport Requirements—2008 Ozone and 2006 PM _{2.5} NAAQS.	Statewide	3/29/2011	8/4/2014, 79 FR 45103	Approved SIP for purposes of CAA section 110(a)(2)(D)(i)(I) for the 2008 Ozone and 2006 PM _{2.5} NAAQS.
Interstate Transport Requirements—2008 Lead NAAQS.	Statewide	7/9/2012	8/4/2014, 79 FR 45103	Approved SIP for purposes of CAA section 110(a)(2)(D)(i)(I) for the 2008 Lead NAAQS.
Infrastructure Requirements—1997 PM _{2.5} NAAQS.	Statewide	7/9/2012	11/10/2014, 79 FR 66651	Approved SIP for purposes of CAA section 110(a)(2)(A), (B), (C), (D)(ii), (E), (F), (H), (J), (K), (L), and (M) for the 1997 PM _{2.5} NAAQS.
Infrastructure Requirements—2006 PM _{2.5} NAAQS.	Statewide	7/9/2012, 3/29/2011	11/10/2014, 79 FR 66651	Approved SIP for purposes of CAA section 110(a)(2)(A), (B), (C), (D)(i)(II), (D)(ii), (E), (F), (H), (J), (K), (L), and (M) for the 2006 PM _{2.5} NAAQS.
Infrastructure Requirements—2008 Ozone NAAQS.	Statewide	7/9/2012, 3/29/2011	11/10/2014, 79 FR 66651	Approved SIP for purposes of CAA section 110(a)(2)(A), (B), (C), (D)(i)(II), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M) for the 2008 Ozone NAAQS.

TABLE 5 TO PARAGRAPH (e)—EPA-APPROVED ALASKA NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES—Continued

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanations
Infrastructure Requirements—2010 NO ₂ NAAQS.	Statewide	5/12/2015	5/12/2017, 82 FR 22081	Approved SIP for purposes of CAA section 110(a)(2)(A), (B), (C), (D)(i)(II), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M) for the 2010 NO ₂ NAAQS.
Infrastructure Requirements—2010 SO ₂ NAAQS.	Statewide	5/12/2015	5/12/2017, 82 FR 22081	Approved SIP for purposes of CAA section 110(a)(2)(A), (B), (C), (D)(i)(II), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M) for the 2010 SO ₂ NAAQS.
Interstate Transport Requirements—2015 Ozone NAAQS.	Statewide	10/25/2018	12/18/2019, 84 FR 69331	Approved SIP for purposes of CAA section 110(a)(2)(D)(i)(I) for the 2015 Ozone NAAQS.
Infrastructure Requirements—2015 Ozone NAAQS.	Statewide	10/25/2018	12/23/2019, 84 FR 70428	Approved SIP for purposes of CAA section 110(a)(2)(A), (B), (C), (D)(i)(II), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M) for the 2015 Ozone NAAQS.
Regulations Approved but Not Incorporated by Reference				
18 AAC 50.076(g)(11) Solid Fuel-fired Heating Device Fuel Requirements; Registration of Commercial Wood Sellers.	Statewide	11/26/2016	9/8/2017, 82 FR 42457	
21.28.030.J Prohibited Acts. Penalties.	Fairbanks North Star Borough	10/1/2016 (borough effective date)	9/8/2017, 82 FR 42457	FNSB Code Chapter 21.28 PM _{2.5} Air Quality Control Program.
21.28.040 Enhanced voluntary removal, replacement and repair program.	Fairbanks North Star Borough	1/15/2016 (borough effective date)	9/8/2017, 82 FR 42457	FNSB Code Chapter 21.28 PM _{2.5} Air Quality Control Program.
21.28.070 Voluntary burn cessation program.	Fairbanks North Star Borough	4/24/2015 (borough effective date)	9/8/2017, 82 FR 42457	FNSB Code Chapter 21.28 PM _{2.5} Air Quality Control Program.
Recently Approved Plans				
II.III.D.5.11 Fairbanks Emergency Episode Plan.	Fairbanks North Star Borough	11/28/2018	6/5/2019, 84 FR 26019	Revision to II.III.D.5.
III.III.D.5.12 Appendix to Volume II, Section III.D.5.	Fairbanks North Star Borough	11/28/2018	6/5/2019, 84 FR 26019	Revision to pages 68 through 84 of III.III.D.5.
II.III.D.7.06 Fairbanks Emissions Inventory Data.	Fairbanks North Star Borough	12/13/2019	9/24/2021, 86 FR 52997	Approved for purposes of the Fairbanks Serious Plan 2013 base year emissions inventory.
III.III.D.7.06 Appendix to Fairbanks Emissions Inventory Data.	Fairbanks North Star Borough	12/13/2019	9/24/2021, 86 FR 52997	Approved for purposes of the Fairbanks Serious Plan 2013 base year emissions inventory.
II.III.D.7.08 Fairbanks Modeling.	Fairbanks North Star Borough	12/13/2019	9/24/2021, 86 FR 52997	Approved for purposes of the Fairbanks Serious Plan PM _{2.5} precursor demonstration for NO _x and VOC emissions as it relates to BACM/BACT control measure requirements.
II.III.D.7.12 Fairbanks Emergency Episode Plan.	Fairbanks North Star Borough	12/15/2020	9/24/2021, 86 FR 52997	

[FR Doc. 2022–26344 Filed 12–9–22; 8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CG Docket No. 17–59, WC Docket No. 17–97, FCC 22–37; FR ID 115487]

Advanced Methods To Target and Eliminate Unlawful Robocalls, Call Authentication Trust Anchor

AGENCY: Federal Communications Commission.

ACTION: Final rule and announcement of effective and compliance dates.

SUMMARY: In this document, the Commission announces that the Office of Management and Budget (OMB) has approved, for a period of three years, an information collection associated with the Commission's Sixth Report and Order and Fifth Report and Order (*Order*) gateway provider rules. This document is consistent with the *Order*, which stated that the Commission would publish a document in the **Federal Register** announcing the compliance dates of those rules, and to cause those rules to be revised accordingly.

DATES: *Effective date:* This rule is effective January 11, 2023.

Compliance dates: The compliance date for § 64.6303(b) is June 30, 2023. The compliance date for § 64.6305(b), (c)(2), and (d), is January 11, 2023. The compliance date for § 64.6305(e)(2) and (3) is April 11, 2023.

FOR FURTHER INFORMATION CONTACT: Jonathan Lechter, Competition Policy Division, Wireline Competition Bureau, at (202) 418–0984, or email: jonathan.lechter@fcc.gov.

SUPPLEMENTARY INFORMATION: This document announces that, on October 13, 2022, OMB approved, for a period of three years, information collection requirements relating to the amended rules contained in the Commission's *Order*, FCC 22–37, published at 87 FR 42916 on July 18, 2022 (47 CFR 64.6303(b), 64.6305(d)). The rule amending § 64.6305(b) did not contain information collection requirements, and therefore, the Wireline Competition Bureau did not seek OMB approval. On June 2, 2022, OMB approved other information collection requirements related to an amended rule contained in the Commission's *Order* (47 CFR 64.6305(c)(2)). The OMB Control Number is 3060–1285.

Compliance with these rule amendments, along with amendments to 47 CFR 64.6305(b), was delayed indefinitely in 87 FR 42916. Compliance with the rules amending 47 CFR

64.6305(e)(2) and (3) was also delayed indefinitely because they contained compliance dates that could not be set until **Federal Register** notice of OMB approval of the information collection requirements associated with 47 CFR 64.6305(d). In the *Order* and the text of 47 CFR 64.6303(b), 64.6305(b) through (d), the Commission directed the Wireline Competition Bureau to announce the compliance dates for these rule amendments and to cause the rule text to be revised accordingly.

The Commission publishes this document as an announcement of the compliance dates of amendments to 47 CFR 64.6303(b), 64.6305(b), (c)(2), (d), and (e)(2) and (3) and to modify the text of these rules previously published at 87 FR 42916 (July 18, 2022), to incorporate these dates and eliminate text referring to pending approval of information collection requirements by OMB.

If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Nicole Ongele, Federal Communications Commission, 45 L Street NE, Washington, DC 20554. Please include the OMB Control Number, 3060–1285, in your correspondence. The Commission will also accept your comments via email at PRA@fcc.gov.

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received final OMB approval on October 13, 2022 for the information collection requirements contained in the modifications to the Commission's rules in 47 CFR part 64 (47 CFR 64.6303(b), 64.6305(d)) and on June 2, 2022 for the information collection requirements contained in the modifications to 47 CFR 64.6305(c)(2). The Wireline Competition Bureau also determined that 47 CFR 64.6305(b) did not contain information collection requirements. These actions allow the Wireline Competition Bureau to set the compliance dates for these rules, as well as for 47 CFR 64.6305(e)(2) and (3). It is therefore modifying the language of 47 CFR 64.6303(b) and 64.6305(b) through (e) to incorporate compliance dates and eliminate text referring to pending approval by OMB.

Under 5 CFR part 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Number is 3060–1285.

The foregoing is required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13) October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the respondents are as follows:

OMB Control Number: 3060–1285.

OMB Approval Date: October 13, 2022.

OMB Expiration Date: October 31, 2025.

Title: Compliance with the Non-IP Call Authentication Solutions Rules; Robocall Mitigation Database (RMD).

Form Number: N/A.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 8,970 respondents; 8,970 responses.

Estimated Time per Response: 2.29 hours (on average).

Frequency of Response:

Recordkeeping requirement and on-occasion and reporting requirement.

Obligation to Respond: Mandatory and required to obtain or retain benefits. The statutory authority for this information collection is contained in 47 U.S.C 227(b), 251(e), and 227(e) of the Communications Act of 1934.

Total Annual Burden: 20,503 hours.

Total Annual Cost: No Cost.

Nature and Extent of Confidentiality:

The Commission will consider the potential confidentiality of any information submitted, particularly where public release of such information could raise security concerns (e.g., granular location information). Respondents may request materials or information submitted to the Commission or to the Administrator be withheld from public inspection under 47 CFR 0.459 of the Commission's rules.

Privacy Act Impact Assessment: No impact(s).

Needs and Uses: Sections 227(b), 251(e), and 227(e) of the Communications Act of 1934, (“Act”) as amended, 47 U.S.C. 227(b), 251(e), and 227(e). On May 20, 2022, the Commission released the *Order*, FCC 22–37, published at 87 FR 42916, July 18, 2022, adopting final rules containing information collection requirements

designed to promote caller ID authentication technology. These rules governing gateway providers, among other entities, implement the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (TRACED Act), promote the deployment of caller ID authentication technology, and combat the practice of illegal caller ID spoofing.

List of Subjects in 47 CFR Part 64

Carrier equipment, Communications common carriers, Reporting and recordkeeping requirements, Telecommunications, Telephone.

Federal Communications Commission.

Marlene Dortch,

Secretary.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 64 as follows:

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

■ 1. The authority citation for part 64 continues to read as follows:

Authority: 47 U.S.C. 151, 152, 154, 201, 202, 217, 218, 220, 222, 225, 226, 227, 227b, 228, 251(a), 251(e), 254(k), 255, 262, 276, 403(b)(2)(B), (c), 616, 620, 716, 1401–1473, unless otherwise noted; Pub. L. 115–141, Div. P, sec. 503, 132 Stat. 348, 1091.

§ 64.6303 [Amended]

- 2. Amend § 64.6303 by removing paragraph (b)(3).
 - 3. Amend § 64.6305 by:
 - a. Removing paragraphs (b)(3) and (c)(6);
 - b. Revising paragraph (d)(1) introductory text;
 - c. Removing paragraph (d)(6); and
 - d. Revising paragraphs (e)(2) and (3).
- The revisions read as follows:

§ 64.6305 Robocall mitigation and certification.

* * * * *

(d) * * *

(1) By January 11, 2023, a gateway provider shall certify to one of the following:

* * * * *

(e) * * *

(2) *Accepting traffic from foreign providers.* Beginning April 11, 2023, intermediate providers and voice service providers shall accept calls

directly from a foreign voice service provider or foreign intermediate provider that uses North American Numbering Plan resources that pertain to the United States in the caller ID field to send voice traffic to residential or business subscribers in the United States, only if that foreign provider's filing appears in the Robocall Mitigation Database in accordance with paragraph (c) of this section and that filing has not been de-listed pursuant to an enforcement action.

(3) *Accepting traffic from gateway providers.* Beginning April 11, 2023, intermediate providers and voice service providers shall accept calls directly from a gateway provider only if that gateway provider's filing appears in the Robocall Mitigation Database in accordance with paragraph (d) of this section, showing that the gateway provider has affirmatively submitted the filing, and that filing has not been de-listed pursuant to an enforcement action.

* * * * *

[FR Doc. 2022–26483 Filed 12–9–22; 8:45 am]

BILLING CODE 6712–01–P

Proposed Rules

Federal Register

Vol. 87, No. 237

Monday, December 12, 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.

FEDERAL ELECTION COMMISSION

11 CFR Part 113

[NOTICE 2022–21]

Candidate Salaries

AGENCY: Federal Election Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: After considering comments received in response to its May 3, 2021, Notification of Availability, the Federal Election Commission seeks comments on proposed changes to its regulations regarding the use of campaign funds by a candidate's principal campaign committee to pay compensation to the candidate. The Notification of Availability was published in response to a Petition for Rulemaking filed by a former candidate for the United States House of Representatives. The Commission has made no final decision on the issues presented in this rulemaking.

DATES: Comments must be received on or before February 10, 2023. The Commission may hold a public hearing on this rulemaking. Commenters wishing to testify at a hearing must so indicate in their comments. If a hearing is to be held, the Commission will publish a notice in the **Federal Register** announcing the date and time of the hearing.

ADDRESSES: All comments must be in writing. Commenters are encouraged to submit comments electronically via the Commission's website at <http://sers.fec.gov/fosers>, reference REG 2021–01. Alternatively, comments may be submitted in paper form addressed to the Federal Election Commission, Attn.: Ms. Amy L. Rothstein, Assistant General Counsel for Policy, 1050 First Street NE, Washington, DC 20463.

Each commenter must provide, at a minimum, his or her first name, last name, city, and state. All properly submitted comments, including attachments, will become part of the public record, and the Commission will make comments available for public

viewing on the Commission's website and in the Commission's Public Records Office. Accordingly, commenters should not provide in their comments any information that they do not wish to make public, such as a home street address, personal email address, date of birth, phone number, social security number, or driver's license number, or any information that is restricted from disclosure, such as trade secrets or commercial or financial information that is privileged or confidential.

FOR FURTHER INFORMATION CONTACT:

Amy L. Rothstein, Assistant General Counsel for Policy, Joseph P. Wenzinger, Attorney, or Cheryl A. Hemsley, Attorney, 1050 First Street NE, Washington, DC 20463, (202) 694–1650 or (800) 424–9530.

SUPPLEMENTARY INFORMATION: Following its receipt and consideration of a Petition for Rulemaking (“Petition”) ¹ from Ms. Nabilah Islam, a former candidate for the United States House of Representatives in Georgia, and public comments on the Petition, the Commission now proposes to amend its regulations regarding the use of campaign funds to pay candidates' compensation, including salaries, health insurance premiums, and dependent care costs. The Commission invites public comments on these regulatory proposals.

I. Background

The Federal Election Campaign Act (the “Act”) ² prohibits a candidate's authorized committee from converting campaign funds to “personal use.” ³ “Personal use” is defined as the use of campaign funds “to fulfill any commitment, obligation, or expense of a person that would exist irrespective of the candidate's election campaign or individual's duties as a holder of Federal office.” ⁴ The Act and Commission regulations provide a non-exhaustive list of expenses that, when paid using campaign funds, constitute *per se* conversion of those funds to personal use. ⁵ The Commission determines on a case-by-case basis

whether the use of campaign funds to pay expenses other than those listed would be a prohibited conversion of the funds to personal use. ⁶

A. Candidates' Salaries

The Act does not identify the use of campaign funds to pay candidate salaries as *per se* personal use. In Advisory Opinion 1999–01 (Greene), however, the Commission concluded that the Act would prohibit a federal candidate from using campaign funds to pay himself a salary because the candidate would indirectly use the funds to pay his mortgage, utilities, groceries, and clothing—all of which are *per se* personal use. ⁷

In 2002, the Commission proposed to codify this conclusion in a regulation. ⁸ The proposed regulation would have prohibited candidates “from using campaign funds to pay themselves salaries or otherwise compensate themselves in any way for income lost as a result of campaigning for Federal office.” ⁹ The Commission received several public comments opposing this proposal, and no public comments supporting it. As the Commission explained in the explanation and justification accompanying the final rules, the commenters argued that the proposed rule would favor incumbents who do not face a reduction in compensation for time spent campaigning, and wealthy challengers who can afford to forego compensation. ¹⁰ The commenters also argued that the use of campaign funds to pay candidates' salaries would not fulfill a commitment, obligation, or expense that would exist irrespective of the campaign, and therefore satisfies the Act's “irrespective” test because, “were it not for their campaign responsibilities, candidates would not

⁶ See 11 CFR 113.1(g)(1)(ii) (providing non-exhaustive list of expenses to be determined for personal use on a case-by-case basis).

⁷ Advisory Opinion 1999–01 (Greene) at 4.

⁸ Disclaimers, Fraudulent Solicitation, Civil Penalties, and Personal Use of Campaign Funds (“2002 Proposed Rule”), 67 FR 55348 (Aug. 29, 2002), <https://www.govinfo.gov/content/pkg/FR-2002-08-29/pdf/02-21893.pdf>.

⁹ *Id.* at 55353.

¹⁰ See Disclaimers, Fraudulent Solicitation, Civil Penalties, and Personal Use of Campaign Funds (“2002 Final Rule”), 67 FR 76962, 76971–72 (Dec. 13, 2002), <https://sers.fec.gov/fosers/showpdf.htm?docid=8982#page=11>.

¹ Petition for Rulemaking to Improve Candidate Salary Rules (“Petition”) (Mar. 23, 2021), <https://sers.fec.gov/fosers/showpdf.htm?docid=413694>.

² 52 U.S.C. 30101–45.

³ *Id.* 30114(b).

⁴ *Id.* 30114(b)(2); see also 11 CFR 113.1(g) (defining “personal use”).

⁵ See 52 U.S.C. 30114(b)(2); 11 CFR 113.1(g)(1)(i).

have to leave their jobs and give up their salaries.”¹¹

The Commission “agree[d] with the commenters that the payment of a salary to a candidate is not a prohibited personal use as defined under Commission regulations.”¹² The Commission explained that this use of campaign funds satisfied the “irrespective” test because, “but for the candidacy, the candidate would be paid a salary in exchange for services rendered to an employer.”¹³ Moreover, the Commission stated, a “salary paid to a candidate would be in return for the candidate’s services provided to the campaign and the necessity of that salary would not exist irrespective of the candidacy.”¹⁴

The Commission included in the final regulation various safeguards against abuse. To be a permissible use of campaign funds, the salary paid to a candidate must not exceed the lesser of the minimum salary paid to a “Federal officeholder holding the Federal office that the candidate seeks” or the earned income received by the candidate the year before becoming a candidate.¹⁵ Further, any earned income that a candidate receives from salary or wages from any source other than campaign funds counts against the minimum salary paid to a federal officeholder as described in the regulation.¹⁶ These limitations were designed, in part, to “help ensure that campaign salaries are not used to enrich candidates, but instead used to compensate candidates for lost income that is forgone due to becoming a candidate.”¹⁷ The regulation also provides that campaign funds cannot be used to pay a candidate’s salary before the filing deadline for access to the primary election ballot for the federal office that the candidate seeks, as determined by state law, or January 1 of each even-numbered year in states that do not conduct primaries.¹⁸ Finally, the

regulation requires salary payments to be computed on a pro-rata basis and prohibits candidates who are also federal officeholders from receiving salary payments from campaign funds.¹⁹

B. Candidates’ Childcare Expenses

The Act and Commission regulations do not include the use of campaign funds to pay candidates’ childcare expenses as a *per se* personal use. The Commission has addressed this use of campaign funds in several advisory opinions, and has approved the use of campaign funds to pay candidates’ overnight childcare expenses incurred when the candidates travel for their own campaigns,²⁰ and to pay caregiver expenses and full-time daycare when candidates’ campaign responsibilities and activities prevented them from caring for their children themselves.²¹ In each of these advisory opinions, the Commission concluded that the candidate could use campaign funds to pay the candidate’s childcare expenses to the extent that the expenses were a “direct result of campaign activity,” because such expenses would not have existed irrespective of the candidate’s campaign.²²

C. Candidates’ Medical Insurance Premiums

The Act and Commission regulations do not include the use of campaign funds to pay candidates’ medical insurance premiums as a *per se* personal use, and the Commission has not addressed this issue in advisory opinions.²³ The Commission has, however, addressed the use of campaign funds to pay health insurance premiums

starting on the date the special election is set and ending on the day of the special election.

¹⁹ *Id.*

²⁰ Advisory Opinion 2022–07 (Swalwell); Advisory Opinion 1995–42 (McCrery).

²¹ Advisory Opinion 2018–06 (Liuba for Congress); Advisory Opinion 2019–13 (MJ for Texas).

²² Advisory Opinion 2022–07 (Swalwell) at 3–4; Advisory Opinion 2019–13 (MJ for Texas) at 3; Advisory Opinion 2018–07 (Liuba for Congress) at 3; Advisory Opinion 1995–42 (McCrery) at 2; *c.f.* Advisory Opinion 2005–09 (Dodd) at 3 (approving proposed use of campaign funds to pay travel expenses for candidate’s children to accompany their parents “provided that the parents are traveling to participate in a function directly connected to the Senator’s bona fide official responsibilities”); Advisory Opinion 1995–20 (Roemer) at 2 (approving proposed use of campaign funds to pay travel expenses of candidate’s young children when they travel with candidate and his wife for campaign events, where such travel is “only required because of the campaign”).

²³ The petitioner had previously requested an advisory opinion to clarify whether a candidate’s health insurance premiums were a permissible campaign expense, *see* Advisory Opinion Request 2020–01 (Nabilah for Georgia), but her request became moot when she stopped being a candidate.

in an enforcement matter. In MUR 7068 (Mowrer for Iowa), the Commission found reason to believe that a congressional candidate and his campaign committee had improperly converted campaign funds to personal use by using funds from the candidate’s principal campaign committee to reimburse the candidate for payment of his health insurance premiums.

D. Petition for Rulemaking

On March 23, 2021, the Commission received the Petition, asking the Commission to amend Section 113.1(g) of its regulations to expand the category of candidates eligible to receive compensation from their authorized committees and the duration of their eligibility, and to authorize the use of campaign funds to pay candidates’ health insurance premiums.²⁴

The Petition asserts that ballot access deadlines for state primaries, which “vary wildly based on state law,”²⁵ leave many candidates with short periods for receiving a salary under the Commission’s regulation.²⁶ Moreover, the Petition alleges that the current maximum salary limitation “leaves candidates who are full time caretakers or who have had gaps in employment out in the cold,”²⁷ and that rising health insurance costs act as a barrier to the prospective candidacies of “working class people.”²⁸

The Petition asks the Commission to “lower the barriers for working Americans to run for Federal office” by amending its personal use regulations at 11 CFR 113.1(g) to:

(1) Extend the date on which a candidate may begin drawing a campaign salary to at least 180 days before the primary election;²⁹

(2) Establish a minimum candidate salary of no less than the annualized salary of \$15 per hour;³⁰ and

(3) Expressly permit a candidate to use campaign funds to pay the costs of any health benefit plan already provided to other campaign employees beginning on the date the candidate is eligible to receive a campaign salary.³¹

E. Public Comments on the Petition

On May 23, 2021, the Commission published a Notification of Availability (“NOA”) seeking public comment on

²⁴ Petition at 4–5.

²⁵ *Id.* at 3–4.

²⁶ *Id.* at 4 (noting, for example, that in Pennsylvania in 2018, Congressional candidates were eligible to receive a salary for only 56 days).

²⁷ *Id.* at 4–5.

²⁸ *Id.* at 5.

²⁹ *Id.* at 4, 6.

³⁰ *Id.* at 4–5.

³¹ *Id.* at 5.

¹¹ *Id.* at 76971.

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ 11 CFR 113.1(g)(1)(i)(I).

¹⁶ *Id.*

¹⁷ 2002 Final Rule, 67 FR at 76972.

¹⁸ 11 CFR 113.1(g)(1)(i)(I). Under this regulation, if the candidate wins the primary election, his or her principal campaign committee may pay him or her a salary from campaign funds through the date of the general election, up to and including the date of any general election runoff. If the candidate loses the primary, withdraws from the race, or otherwise ceases to be a candidate, no salary payments may be paid beyond the date he or she is no longer a candidate. In odd-numbered years in which a special election for a federal office occurs, the principal campaign committee for that office may pay the candidate a salary from campaign funds

the Petition.³² The Commission received 22 comments in response, 6 from organizations and 16 from individuals.³³ Fourteen commenters, including the organizations, generally supported initiating a rulemaking. They agreed that some version of the Petition's proposals would make it easier for individuals of modest means who are not already federal officeholders to run for federal office. Several commenters noted that the current candidate salary regulation offers little assistance to full-time caregivers or those who have experienced a recent financial hardship because candidate salaries cannot currently exceed the amount of income earned in the year before their candidacy. Thus, a candidate who worked full time caring for the candidate's children or other family members without remuneration the year prior to becoming a candidate could not receive a campaign salary. Similarly, a candidate who was unemployed during any portion of the year prior to becoming a candidate would be able to receive only a reduced amount of salary from campaign funds, and potentially none at all.³⁴ Commenters also suggested that the period during which a candidate is eligible to receive a salary is too short and does not reflect the financial costs and other demands of campaigning today.³⁵

These commenters also generally agreed that a candidate's campaign committee should be able to use campaign funds to pay the candidate's health insurance premiums. One commenter cited statistics showing that most Americans obtain health insurance coverage through their employment³⁶ and argued that health insurance is, thus, inextricably linked to employment. Another commenter further urged the Commission to reconsider its conclusion in MUR 7068 (Mowrer for Iowa) that the use of campaign funds to pay a candidate's health insurance premiums is a

prohibited personal use, "in light of current societal conditions that pose challenges for working Americans" who want to run for office.³⁷

Five individual commenters opposed initiating a rulemaking. Two of them opposed using campaign funds to pay candidate salaries in any circumstance; the others opposed the proposed minimum salary because it exceeded the federal minimum wage or could encourage "professional candidates."³⁸ Three commenters did not address issues raised in the NOA.

II. Proposed Regulations

The Commission proposes to amend its regulations as described below to address issues raised in the Petition and public comments on the Petition. A general overview of the proposed amendments is followed by specific details of each proposal. The Commission seeks comments on its proposed amendments and emphasizes that it has not made any final decisions on whether or how to amend its regulations.

A. Overview

The Commission's current regulations at 11 CFR 113.1(g)(1) through (8) address personal use, and the candidate salary regulation is at 11 CFR 113.1(g)(1)(i)(I). The Commission proposes to remove and reserve 11 CFR 113.1(g)(1)(i)(I), redesignate current paragraphs (g)(6), (g)(7), and (g)(8) as (g)(7), (g)(8), and (g)(9), respectively, and add new paragraph (g)(6) to address candidate compensation.

New paragraph (g)(6) addressing candidate compensation would have several subparagraphs as follows.

Proposed 11 CFR 113.1(g)(6)(i) would prohibit federal officeholders from receiving compensation as candidates from campaign funds. This prohibition already appears in the Commission's regulation.³⁹

Proposed 11 CFR 113.1(g)(6)(ii) would cap the amount of compensation that a candidate could receive from campaign funds. A compensation cap already appears in the Commission's regulation.⁴⁰ As explained further below, the Commission proposes six alternative caps.

Proposed 11 CFR 113.1(g)(6)(iii) would define "compensation" for purposes of the candidate salary regulation. This definition does not currently appear in the candidate salary

regulation. As explained further below, the Commission proposes three alternative definitions.

Proposed 11 CFR 113.1(g)(6)(iv) would require a candidate's committee to reduce the maximum amount of compensation that the candidate could receive from campaign funds by the amount of any earned income the candidate receives from any other source while the candidate receives compensation from campaign funds. As explained further below, this amendment would expand a requirement in the Commission's current regulation.⁴¹

Proposed 11 CFR 113.1(g)(6)(v) would establish the period during which a candidate would be eligible to receive compensation from campaign funds. An eligibility period already appears in the Commission's regulation.⁴² As explained further below, the Commission proposes to lengthen the eligibility period.

Proposed 11 CFR 113.1(g)(6)(vi) would prohibit a candidate's principal campaign committee that seeks to settle debts for less than their full value from paying compensation to the candidate or satisfying a debt to the candidate for compensation. It would also prohibit any debt settlement plan created under 11 CFR 116.7 from providing for the payment of compensation to the candidate before all other creditors are paid. This requirement does not currently appear in the Commission's regulations.

Last, proposed 11 CFR 113.1(g)(6)(vii) would require a candidate to provide evidence of earned income from prior years upon the request of the Commission in certain circumstances. This requirement currently appears in the Commission's regulation. The new regulation would also require a candidate to maintain or preserve such evidence for three years, pursuant to the Commission's regulations on the preservation of records.

B. Proposed 11 CFR 113.1(g)(6)(i)—*Federal Officeholder's Receipt of Compensation as a Candidate From Campaign Funds*

The Commission's current regulations prohibit a federal officeholder who is also a candidate for federal office from receiving salary payments from campaign funds.⁴³ Proposed 11 CFR 113.1(g)(6)(i) would maintain this prohibition and would also apply it to any other form of compensation that a

³² Rulemaking Petition: Candidate Salaries, Notification of Availability ("NOA"), 86 FR 23300 (May 3, 2021), <https://sers.fec.gov/fosers/showpdf.htm?docid=413869>.

³³ The comments are available on the Commission's website at <https://sers.fec.gov/fosers/>, referencing REG 2021-01 (Candidate Salaries).

³⁴ See Issue One, Comment at 2 (June 29, 2021), REG 2021-01, <https://sers.fec.gov/fosers/showpdf.htm?docid=414051>.

³⁵ See Campaign Legal Center, Comment at 2 (June 30, 2021), REG 2021-01, <https://sers.fec.gov/fosers/showpdf.htm?docid=414052>; DSCC and DCCC, Comment at 1 (July 2, 2021), REG 2021-01, <https://sers.fec.gov/fosers/showpdf.htm?docid=414049>.

³⁶ Petition at 5; AFL-CIO *et al.*, Comment at 3 (July 4, 2021), REG 2021-01, <https://sers.fec.gov/fosers/showpdf.htm?docid=414082>.

³⁷ AFL-CIO *et al.*, Comment at 3 (July 4, 2021).

³⁸ 16 Individual Comments (Monk, William) at 2, REG 2021-01, <https://sers.fec.gov/fosers/showpdf.htm?docid=414054>.

³⁹ See 11 CFR 113.1(g)(1)(i)(I).

⁴⁰ See *id.*

⁴¹ See *id.*

⁴² See *id.*

⁴³ 11 CFR 113.1(g)(1)(i)(I). The term "federal officeholder" is defined at 11 CFR 113.1(c).

candidate could receive from campaign funds.

C. Proposed 11 CFR 113.1(g)(6)(ii)—Cap on Candidate Compensation (Six Alternatives)

Under the current regulation, salary payments from campaign funds to a candidate are limited to the lesser of the minimum salary paid to a federal officeholder holding the federal office that the candidate seeks, or the earned income that the candidate received during the year prior to becoming a candidate.⁴⁴ Accordingly, candidates may receive salary payments from campaign funds only if they earned income the year prior to becoming a candidate. The Commission intended this limitation to provide an “additional safeguard [to] help ensure that campaign salaries are not used to enrich candidates, but instead used to compensate candidates for lost income that is forgone due to becoming a candidate.”⁴⁵

The Petitioner and several commenters, however, suggest that this limitation necessarily excludes any candidate who did not earn income in the previous year from receiving compensation from campaign funds, even though that individual also forgoes income by becoming a candidate. They noted that the current regulation does not cover “candidates who are full time caretakers or who have had gaps in employment,” or who have otherwise gone through a recent period of “minimal or low income.”⁴⁶ Moreover, as one commenter noted, the Commission has explained that the use of campaign funds to pay a candidate’s salary is not personal use because the “salary paid to a candidate would be in return for the candidate’s services provided to the campaign and the necessity of that salary would not exist

irrespective of that candidacy.”⁴⁷ According to the commenter, the Commission “chose to cap salaries at the rate a candidate earned in the previous year, but there is nothing inherent to the Commission’s approach to personal use that requires doing so, provided the salary and other benefits paid to the candidate are fair compensation for services rendered to, or otherwise necessary for, their campaign.”⁴⁸

Because the current regulation might not adequately cover individuals who had a gap in employment or an unusually low level of income the year before becoming a candidate, the Commission is proposing six alternative ways to cap the amount of compensation that a candidate could receive from campaign funds. The Commission has not decided on any approach and invites comment on these proposals, detailed below. Should the Commission’s approach to candidate salaries be directed toward compensating candidates for services rendered, or instead be based upon the opportunity cost incurred by a candidate running for office or other considerations? Which proposal would most accurately reflect fair compensation for services rendered by a candidate to the candidate’s campaign committee? Which proposal would most accurately reflect the income lost or foregone by becoming a candidate? For each alternative, are the calculations clear and workable? Are there other alternatives for capping candidate compensation that the Commission should consider? Should the Commission combine certain aspects of various alternatives?

Moreover, several of the alternatives would cap a candidate’s compensation at “the minimum salary paid to a Federal officeholder holding the Federal office that the candidate seeks,” which is the current regulatory language.⁴⁹ The Commission has explained that the “minimum salary” as used in the current regulation does not refer to the salary actually paid to the current incumbent of the office sought by the candidate, but the “lowest salary for the . . . office.”⁵⁰ For example, if a candidate seeks a seat held by a member of the House of Representatives who holds a leadership position and is thus paid more than the minimum salary payable to a member of the House of

Representatives, the candidate’s salary is capped at the lowest salary for that office, not the salary of the incumbent. Should the Commission consider revising the language in the regulation to clarify that the cap refers to the minimum annual salary for the office, rather than the minimum salary paid to the individual currently holding the office?

Compensation Cap Alternative A (50% officeholder salary minimum approach) would provide that the use of campaign funds by a candidate’s principal campaign committee to pay compensation to the candidate is not personal use, provided that the amount of compensation paid to the candidate does not exceed 50% of the minimum salary for the federal office sought by the candidate (“Minimum Officeholder Salary”). This cap would apply to all candidates for the same office, regardless of the amount of income earned by any candidate the year before becoming a candidate.

As proposed, the amount that a candidate could receive must be calculated at the “daily rate.” The daily rate is determined by taking 50% of the Minimum Officeholder Salary and dividing that amount by 365 days per year. For example, if 50% of the Minimum Officeholder Salary is \$87,000, the daily rate is \$238.00 (\$87,000/365, rounded to the nearest dollar). Under this scenario, a candidate who is eligible to receive compensation from campaign funds for 100 days in a particular year, for example, could receive up to \$23,800 (\$238.00 per day × 100 days) in compensation from campaign funds in that year.

This alternative is intended to measure the value of a candidate’s services to a campaign, based on 50% of the minimum salary the candidate could receive as an officeholder should the candidate win the election. Is basing candidate compensation on 50% of the officeholder’s salary an accurate reflection of a candidate’s duties, when compared to that of an officeholder’s in the position the candidate is seeking? Would the 50% figure accurately reflect the candidates’ opportunity cost of running for office, or the value of the services provided to the campaign? Would a different percentage provide a more accurate reflection?

Compensation Cap Alternative B (hourly minimum wage approach) would cap a candidate’s compensation from campaign funds at the daily rate of the annualized hourly minimum wage. *Annualized hourly minimum wage* would mean the amount an individual receiving the federal minimum wage would earn by working 40 hours a week

⁴⁴ *Id.*

⁴⁵ 2002 Final Rules, 67 FR at 76972.

⁴⁶ Petition at 4–5; *see also* Issue One, Comment at 2 (June 29, 2021) (noting that the current regulation leaves out candidates who spent all or part of the previous year “caring for family members” or experiencing “gaps in employment”); Common Cause, Comment at 2 (July 2, 2021) (noting that “under the current regulation, a pause in paid employment or a period of very low wages currently leaves working people seeking federal office in a precarious financial position”); DCCC and DSCC, Comment at 2 (July 2, 2021) (noting that “candidates who have spent the previous year as homemakers or caretakers of young children or ailing family members, are prohibited from drawing a salary at all”); Brennan Center for Justice, Comment at 2–3 (July 2, 2021) (noting that “nontraditional candidates, such as those with significant caregiving responsibilities (which even today fall disproportionately on women) are at a significant disadvantage”).

⁴⁷ Brennan Center for Justice, Comment at 4–5 (July 2, 2021) (citing 2002 Final Rule, 67 FR at 76972).

⁴⁸ *Id.*

⁴⁹ 11 CFR 113.1(g)(1)(i).

⁵⁰ 2002 Final Rules, 67 FR at 76972.

for 52 weeks, except that an individual residing in a state with a higher minimum wage than the federal minimum wage could use the higher state minimum wage. Alternative B is intended to measure the opportunity cost to the candidate of running for office, not to provide the actual hourly minimum wage to the candidate. Therefore, under Alternative B, the amount that a candidate could receive from campaign funds would be capped at the amount that the candidate would have earned working 40 hours per week at the minimum wage in another job, even if the candidate spends more than 40 hours per week campaigning.

For example, if a candidate lives in a state whose hourly minimum wage is the same as or less than the current federal minimum wage of \$7.25 per hour,⁵¹ the annualized minimum wage would be \$15,080 (\$7.25 per hour × 40 hours per week × 52 weeks per year), and the daily rate would be \$41.00 (\$15,080/365 days per year, rounded to the nearest dollar). Therefore, under this example, a candidate who is eligible to receive compensation from campaign funds for 100 days in a particular year may receive no more than \$4,100 in compensation from campaign funds in that year. But if the state’s hourly minimum wage is higher than the federal minimum wage—for example, \$10 per hour instead of \$7.25—then the candidate’s principal campaign committee could use the higher state minimum wage to determine the

maximum amount of compensation that the candidate could receive from campaign funds. At \$10 per hour, the annualized hourly minimum wage would be \$20,800 (\$10 per hour × 40 hours per week × 52 weeks per year), the daily rate would be \$57.00 (\$20,800/365 days per year, rounded to the nearest dollar), and the candidate could receive up to \$5,700 that year as compensation from campaign funds (\$57.00 per day × 100 days).

Is the minimum wage a reasonable estimate of the opportunity cost of campaigning instead of obtaining a minimum wage job on the open market? Does the minimum wage accurately reflect the value of services provided by the candidate to the campaign committee?

Compensation Cap Alternative C (\$15 per hour approach) would cap candidate compensation based on the amount an individual receiving \$15 per hour would earn by working 40 hours per week for 52 weeks—calculated at the daily rate—rather than the federal or state minimum wage. At \$15 per hour, the daily rate would be \$85.00 (\$15 per hour × 40 hours per week × 52 weeks per year = \$31,200; \$31,200/365 days per year = \$85.00 per day, rounded to the nearest dollar). Therefore, if a candidate is eligible to receive compensation for 100 days in a calendar year, the candidate could receive up to \$8,500 that year as compensation from campaign funds. Compensation Cap Alternative C would also require this

amount (\$15) to be adjusted for inflation in odd-numbered years.

The Petitioner and several commenters suggested using \$15 per hour as the base rate, indexed for inflation.⁵² As one commenter noted, although \$15 per hour is more than double the federal minimum wage of \$7.25 per hour,⁵³ it “equates to less than one and a half times the federal poverty limit for a family of three” in 2021.⁵⁴ Would \$15 per hour more accurately reflect the value of a candidate’s services to the candidate’s campaign committee or the candidate’s opportunity costs than would the minimum wage? Should the Commission index this rate for inflation? Are the federal poverty limits relevant to determining candidate compensation from campaign funds?

Compensation Cap Alternatives A, B, and C, unlike the alternatives described below, do not consider any of the candidate’s prior earned income. In sum, as shown by the examples above and represented in this table, a candidate who has no income in the 12-month period prior to becoming a candidate could receive up to the following amounts in compensation in a calendar year from campaign funds under the current regulation and Compensation Cap Alternatives A, B, and C, assuming the Minimum Officeholder Salary is \$174,000 and the candidate is eligible to receive compensation from campaign funds during the entire year:

	If the state minimum wage is less than or equal to \$7.25/hr. (less than or equal to the federal minimum wage)	If the state minimum wage is \$10/hr. (greater than the federal minimum wage)
Current regulation	\$0	\$0
Alternative A (50% officeholder salary minimum approach)	23,800	23,800
Alternative B (hourly minimum wage approach)	4,100	5,700
Alternative C (\$15/hr. approach)	8,500	8,500

Compensation Cap Alternative D (prior 12-month income approach) would cap a candidate’s compensation from campaign funds at the candidate’s earned income in the 12-month period

before becoming a candidate or the annualized hourly minimum wage, whichever is greater, but not to exceed the Minimum Officeholder Salary. The compensation, earned income,

annualized hourly minimum wage, and Minimum Officeholder Salary would all be calculated at the daily rate, with *annualized hourly minimum wage*

⁵¹ Minimum Wage, U.S. Department of Labor (last visited Aug. 25, 2022), <https://www.dol.gov/general/topic/wages/minimumwage>.

⁵² Petition at 5; see also Issue One, Comment at 2 (June 29, 2021) (suggesting an annualized salary of \$15 per hour for 40 hours per week, indexed for inflation); Common Cause, Comment at 2 (July 2, 2021) (same); 16 Individual Comments at 3 (same).

⁵³ The only jurisdiction in which the minimum wage exceeds \$15 is the District of Columbia (\$16.10). Consolidated Minimum Wage Table, U.S.

Department of Labor (last updated July 1, 2022), <https://www.dol.gov/agencies/whd/mw-consolidated>. At this time, 30 states and the District of Columbia, Guam, and the Virgin Islands have a minimum wage that exceeds the federal minimum wage; 15 states and Puerto Rico and the Commonwealth of the Northern Mariana Islands have a minimum wage that equals the federal minimum wage; and 5 states do not have a minimum wage.

⁵⁴ Brennan Center for Justice, Comment at 3 (July 2, 2021) (citing Annual Update of the HHS Poverty Guidelines, 86 FR 7732, 7733 (Feb. 1, 2021) (providing that 2021 poverty guidelines for the 48 contiguous states and the District of Columbia for a 3-person household was \$21,960); see also Annual Update of the HHS Poverty Guidelines, 87 FR 3315, 3316 (Jan 21, 2022) (providing that 2022 poverty guidelines for the 48 contiguous states and the District of Columbia for a 3-person household is \$23,030)).

having the same definition as in Alternative B.

For example, under Alternative D, if a candidate earned \$35,000 in the 12 months before becoming a candidate, and this amount was greater than the annualized hourly minimum wage and less than the Minimum Officeholder Salary, the maximum daily rate for which the candidate could be compensated from campaign funds would be \$96.00 (\$35,000/365 days per year, rounded to the nearest dollar), and the total maximum amount of compensation in a particular year would be \$96.00 multiplied by the number of days that year that the candidate was eligible to receive compensation from campaign funds.

Would this alternative provide a workable way for a candidate who earned income in the previous 12 months to receive compensation from campaign funds that exceeds the minimum wage? To what extent does the previous year's income reflect the opportunity cost of becoming a candidate, or the value of the candidate's services to the campaign?

The final two alternatives would similarly permit a candidate to look back at previous income in calculating the limit on compensation from campaign funds but would extend the period to include *three* years.

Compensation Cap Alternative E (three-year income approach) would enable the candidate to receive compensation from campaign funds up to the average annual income that the candidate earned during the most recent three calendar years in which the candidate earned income prior to becoming a candidate, capped by the Minimum Officeholder Salary, when both are calculated at the daily rate.

Compensation Cap Alternative F (three-year income with minimum wage approach) would provide the same limits as under Alternative E, except that a candidate under Alternative F would have the additional option of using the minimum wage instead of earned income (see Alternatives B and D) if the minimum wage is greater than the candidate's average income in the most recent three calendar years in which the candidate received earned income before becoming a candidate.

For example, under both Compensation Cap Alternatives E and F, if an individual who earned income averaging \$60,000 per year in 2020, 2018, and 2017, but who did not earn any income in 2021 or 2019, became a candidate in 2022, that candidate would be entitled to receive up to \$60,000 in compensation from campaign funds in 2022, when calculated at the daily rate.

But if the same individual earned an average of only \$5,000 per year in 2020, 2018, and 2017—the most recent three years that the individual earned income before becoming a candidate—under Alternative E the individual would be limited as a candidate to receiving a maximum of \$5,000 per year from campaign funds calculated at the daily rate, even if \$5,000 is less than the federal minimum wage (or the state minimum wage, if greater). Under Alternative F, by contrast, the candidate would have the option of receiving up to the federal minimum wage or state minimum wage, whichever amount is greater, calculated at the daily rate.

Does the three-year lookback period provide a reasonable estimate of the amount the candidate could expect to earn in the marketplace, or the value of the candidate's services to the campaign? Should the Commission consider a different, multi-year lookback period? Would the proposed multi-year lookback provisions be overly complicated to administer? If so, how could the Commission institute a multi-year lookback provision that would be less complicated to administer, while still providing a reasonable estimate of a candidate's opportunity cost or value of the candidate's services to the campaign?

D. Proposed 11 CFR 113.1(g)(6)(iii)—Definition of "Compensation" (Three Alternatives)

The Commission has addressed the use of campaign funds to pay non-salary compensation to candidates on a case-by-case basis in advisory opinions and enforcement matters, using the "irrespective" test. Several have involved health insurance premiums and childcare costs.

In MUR 7068 (Mowrer for Iowa), the Commission found reason to believe that a congressional candidate and his principal campaign committee had improperly converted campaign funds to personal use by using them to reimburse the candidate for paying over \$7,000 for his health insurance premiums. The Commission reasoned that "health insurance premiums are of a character of those fringe benefit payments to the candidate that the Commission [and Congress] has determined are [*per se*] personal use," such as funeral, cremation, or burial expenses, tuition payments, sporting event, concert, theater, or other entertainment tickets,⁵⁵ country or

health club dues or fees, and vacations—all of which, according to the Act and the Commission regulations, would exist irrespective of the candidate's campaign.

On childcare, the Commission has concluded that using campaign funds to pay a candidate's childcare expenses does not convert the funds to personal use to the extent that the expenses are a "direct result of campaign activity," because such expenses would not have existed irrespective of the candidate's campaign.⁵⁶ Applying this standard, the Commission has concluded that a federal candidate could use campaign funds to pay overnight childcare expenses that he incurs when he travels for his own campaign and his spouse is not available to care for their children,⁵⁷ and that a federal candidate who had given up her in-home consulting work in order to campaign and hired a caregiver for her children could use campaign funds to pay her childcare expenses when her campaign responsibilities prevented her from caring for the children herself.⁵⁸ The Commission has also concluded that a federal candidate who left her job to work full-time on her campaign could use campaign funds to pay for full-time daycare for her children, because she would be spending the "vast majority" of her time away from her family on campaign activities and would reimburse the campaign for childcare costs incurred at times she is not campaigning.⁵⁹

The Petitioner and several commenters asked the Commission to reconsider its conclusion in MUR 7068 (Mowrer for Iowa) that using campaign funds to reimburse the candidate's payment of his health insurance premiums converted the campaign funds to personal use. The Petitioner noted that the average annual premiums for health insurance for single coverage in 2019 were over \$7,000, which made

<https://www.fec.gov/files/legal/murs/7068/18044452908.pdf>.

⁵⁶ Advisory Opinion 2022–07 (Swalwell) at 4; Advisory Opinion 2019–13 (MJ for Texas) at 3; Advisory Opinion 2018–07 (Liuba for Congress) at 3; see also Advisory Opinion 1995–42 (McCrery) at 2 (approving proposed use of campaign fund to pay Congressman's childcare expenses when he and his wife attend campaign events, where childcare expenses result only from campaign activity and otherwise would not exist).

⁵⁷ Advisory Opinion 2022–07 (Swalwell).

⁵⁸ Advisory Opinion 2018–06 (Liuba for Congress).

⁵⁹ Advisory Opinion 2019–13 (MJ for Texas); see also Advisory Opinion 1995–42 (McCrery) at 2 (approving proposed use of campaign fund to pay Congressman's childcare expenses when he and his wife attend campaign events, where childcare expenses result only from campaign activity and otherwise would not exist).

⁵⁵ MUR 7068 (Mowrer for Iowa). Notification with Factual and Legal Analysis to James Mowrer, Mowrer for Iowa and Dennis Skinner in his official capacity as treasurer (Dec. 20, 2017), at 8–10

the cost of running for office prohibitive for many people, and urged the Commission to allow a candidate to join any health benefit plan already provided by the campaign to its employees when the candidate becomes eligible to receive compensation.⁶⁰ Several commenters pointed out that health insurance premiums are so intertwined with employment that they cannot be considered separately from salary.⁶¹ As one commenter argued, the Commission “has failed to consider the simple fact that a majority of American adults obtain their health insurance through work.”⁶²

In addition to healthcare costs, one commenter argued that other non-salary benefits are also “often connected to employment, and therefore the Commission should allow candidates to receive compensation for other fringe benefits offered to full-time campaign employees, including retirement contributions, life insurance, and reimbursement for childcare expenses incurred to permit work outside of normal business hours.”⁶³ That same commenter argued that the Commission’s rulemaking should ensure that candidates who do not opt to pay themselves a salary can still use campaign funds to cover certain essential life expenses necessitated by a run for office, including payments for child and eldercare services.⁶⁴

In light of these comments, the Commission is proposing three alternative definitions of candidate compensation at proposed 11 CFR 113.1(g)(6)(iii). Each alternative definition would include direct payments to the candidate and payments for at least some other employment-related benefits.

Compensation Definition Alternative A and *Compensation Definition Alternative B* would both define “compensation” for purposes of 11 CFR 113.1(g)(6) as direct payments to the candidate and payments for any employment-related benefit that the campaign also provides to its staff, including, but not limited to, health insurance premiums and dependent care costs. For example, if a campaign provides a \$200 per month credit to employees to use for full-time day care costs, this benefit would also be available to candidates as compensation from campaign funds.

Compensation Definition Alternative B also would provide that a principal campaign committee may pay a candidate’s dependent care expenses as part of the candidate’s compensation from campaign funds when the same benefit is not made available to staff, to the extent the expenses are incurred as a direct result of the candidate’s campaign activities. For example, under Alternative B, if a campaign provides a \$200 per month credit to employees to use for full-time daycare costs, the candidate would be eligible to receive the same credit as compensation from campaign funds. In addition, the campaign could pay for any other dependent care costs incurred by the candidate as a direct result of the candidate’s campaign activities; the use of campaign funds to pay any incremental dependent care expenses that result from non-campaign activities would be personal use, unless the candidate reimburses the campaign account for the incremental expenses within 30 days.

Compensation Definition Alternative C would define compensation as direct payments to the candidate and payments for any employment-related benefit, regardless of whether that same benefit is provided to campaign staff, including, but not limited to, health insurance premiums and dependent care costs. Like Alternative B, *Compensation Definition Alternative C* also would provide that, if a committee uses campaign funds to pay dependent care expenses that are incurred from both campaign and non-campaign activities, the incremental expenses that result from the non-campaign activities would be personal use, unless the

candidate reimburses the campaign account for the incremental expenses within 30 days.

These alternatives are not intended to permit candidate committees to pay for expenses that are listed in the Act or Commission regulations as a *per se* personal use.⁶⁵ Is this clear from the text of the proposals?

The use of campaign funds to pay any expense defined as “compensation” would be subject to the compensation cap. Therefore, should the definition of “compensation” include the use of campaign funds to pay a candidate’s dependent care costs and health insurance premiums, as in the proposed alternatives, or should these expenses be separately provided for in the regulation? If the latter, should the use of campaign funds to pay these expenses be subject to a separate cap? If so, what should that cap be? Or should a candidate’s principal campaign committee continue to be able to pay an unlimited amount of the candidate’s dependent care costs if the costs directly result from campaign activity?⁶⁶ In Advisory Opinion 2022–07 (Swalwell) and Advisory Opinion 1995–42 (McCrery), the Commission concluded that a federal officeholder and candidate could use campaign funds to pay for certain childcare expenses directly resulting from campaign activity. If childcare expenses were included in the definition of “compensation,” then proposed 11 CFR 113.1(g)(6)(i) would supersede these advisory opinions to the extent that a candidate is also a sitting federal officeholder. Should the Commission distinguish between federal officeholders and candidates who are not federal officeholders for the purpose of determining whether childcare expenses exist irrespective of the candidate’s candidacy?

One commenter suggested that the use of campaign funds to pay a candidate’s health insurance premiums would generally be personal use, but there might be certain situations where a candidate would not incur healthcare costs irrespective of candidacy.⁶⁷ The commenter offered, as an example, a candidate who left full-time employment to campaign and thereby lost the employer-sponsored health insurance that the candidate otherwise would have received. The commenter

⁶⁰ Petition at 5.

⁶¹ See Issue One, Comment at 2 (June 29, 2021); Campaign Legal Center, Comment at 3 (June 30, 2021); Common Cause, Comment at 2 (July 2, 2021); DSCC & DCCC, Comment at 2 (July 2, 2021); Brennan Center for Justice, Comment at 2 (July 2, 2021); AFL–CIO *et al.*, Comment at 3–4 (July 2, 2021). One commenter suggested that, for a candidate who quits his or her job to run for office and therefore loses employer-based healthcare and must seek health insurance through the Affordable Care Act (ACA) or Consolidated Omnibus Budget Reconciliation Act (COBRA), the difference between the amount the candidate is responsible for paying for an ACA or COBRA plan and the amount the candidate was responsible for under the employer-based plan, should be treated by the Commission as a permissible use of campaign funds should a campaign choose to cover such costs. Campaign Legal Center, Comment at 3 (June 30, 2021).

⁶² AFL–CIO *et al.*, Comment at 4 (July 2, 2021).

⁶³ Brennan Center for Justice, Comment at 2, 4 (July 2, 2021).

⁶⁴ Brennan Center for Justice, Comment at 4 (July 2, 2021). The commenter noted that a bill has been introduced in the United States House of Representatives, which would provide that campaign funds could be used for childcare services, elder care services, services similar to childcare or eldercare services which are provided on behalf of any dependent who is a qualifying relative under section 152 of the Internal Revenue Code of 1986, and health insurance premiums if the payments for such services or premiums are necessary to enable the participation of the candidate in campaign-connected activities. Help America Run Act, H.R. 1623, 116th Cong. § 2 (2019).

⁶⁵ See 52 U.S.C. 30114(b)(2).

⁶⁶ Prior advisory opinions have addressed only childcare expenses and not expenses for care of other dependents. Advisory Opinion 2022–07 (Swalwell); Advisory Opinion 2019–13 (MJ for Texas); Advisory Opinion 2018–07 (Liuba for Congress); Advisory Opinion 1995–42 (McCrery).

⁶⁷ Campaign Legal Center, Comment at 3 (June 30, 2021).

suggested that the personal use prohibition would not apply to campaign funds used to pay the difference between the amount paid by the candidate for health insurance as a full-time employee, and the amount paid by the candidate for health insurance obtained under the Affordable Care Act or the Consolidated Omnibus Budget Reconciliation Act (COBRA).

The Commission invites comments on this example. Should the Commission issue regulations allowing campaign funds to be used to pay only the additional expense incurred by candidates who previously had health insurance but lost their coverage to campaign? Under what other circumstances would a candidate incur health insurance costs that would not exist irrespective of the candidacy?

The Help America Run Act,⁶⁸ introduced in Congress in 2019, would have authorized the use of campaign funds to pay for childcare, eldercare, and similar services “which are provided on behalf of any dependent who is a qualifying relative under section 152 of the Internal Revenue Code of 1986,” as long as “the services are necessary to enable the participation of the candidate in campaign-connected activities.”⁶⁹ Should the Commission consider identifying in a regulation impermissible or permissible dependent care expenses, as either an exhaustive or non-exhaustive list? If so, which expenses should be included on the list?

E. Proposed 11 CFR 113.1(g)(6)(iv)—Reduction of Candidate Compensation for Other Income Earned by Candidate

As noted above, the Commission’s current regulation caps the amount of campaign funds that a candidate may receive in salary from the candidate’s principal campaign committee at either (1) the amount of income earned by the candidate in the 12-month period immediately preceding candidacy, or (2) the Minimum Officeholder Salary, whichever amount is lower. For purposes of this calculation, the current regulation further requires the minimum salary of the office that the candidate seeks—but not the candidate’s earned income from the prior year—to be reduced by the amount of any earned income that the candidate receives from salaries or wages from any source other

than the candidate’s principal campaign committee.⁷⁰

For example, if Candidate A earned \$60,000 in the 12-month period immediately preceding candidacy and Candidate B earned \$600,000, Candidate A would be capped at receiving \$60,000 from campaign funds as salary, while Candidate B would be capped at \$174,000 (the Minimum Officeholder Salary) because the Minimum Officeholder Salary is less than Candidate B’s earned income in the year preceding candidacy. Under the current regulation, if both candidates earned income from outside sources of \$30,000 while receiving a salary from campaign funds, the maximum amount of salary that Candidate A would be eligible to receive from campaign funds would not be affected, but Candidate B would be eligible to receive only up to \$147,000 (\$174,000 Minimum Officeholder Salary—\$30,000 earned income from outside sources) as salary from campaign funds.

Proposed 11 CFR 113.1(g)(6)(iv) would rectify this apparent imbalance in the salary cap reduction by requiring the amount earned by a candidate from other sources to count against the maximum amount of compensation that a candidate can receive from campaign funds, rather than counting against only the minimum officeholder salary.

Should the Commission exclude health insurance premiums, dependent care costs, or any other non-salary benefits from the reduction requirement? Should the Commission continue to apply the reduction requirement only to Minimum Officeholder Salary, as under the current regulation?

F. Proposed 11 CFR 113.1(g)(6)(v)—Eligibility Period for Receiving Compensation From Campaign Funds

The current regulation prohibits the use of campaign funds to pay a candidate’s salary before the filing deadline for access to the primary election ballot for the federal office that the candidate seeks, as determined by state law, or January 1 of each even-numbered year in states that do not conduct primaries.⁷¹ The current regulation also prohibits the use of campaign funds to pay a candidate’s salary after the date the candidate loses the primary election, withdraws from the race, or otherwise ceases to be a candidate or, if the candidate wins the primary, after the date of the general election or general election runoff.⁷² For

special elections occurring in odd-numbered years, the current regulation authorizes a candidate’s principal campaign committee to pay the candidate a salary from campaign funds starting on the date the special election is set and ending on the day of the special election, the date on which the candidate withdraws from the race, or the date on which the candidate otherwise ceases to be a candidate.

The Petitioner and several commenters asked the Commission to standardize the date that a candidate first becomes eligible to receive a salary from campaign funds and to extend the period of time that a candidate could draw a salary from campaign funds.⁷³ The Petitioner asserts that the ballot access deadlines for state primaries “vary wildly based on state law.”⁷⁴ According to the petition, during the 2018 election cycle, the date on which a candidate could begin drawing a campaign salary under Commission regulations “ranged from December 4, 2017 in Illinois to July 10, 2018 in Delaware, a difference of 218 days.”⁷⁵ The Petitioner also said that she, herself, could have received a campaign salary for only 2 of the 16 months she campaigned as a candidate for the United States House of Representatives from Georgia.⁷⁶

Several commenters confirmed this disparity in the eligibility starting date.⁷⁷ One commenter alleged that this “disparity has real consequences for candidates, who face grueling schedules—juggling full-time jobs, families, and campaigning—while they wait to become eligible to collect salaries.”⁷⁸ Another commenter argued that “[t]here is no clear relationship between state primary ballot access dates and whether candidate salary costs would pass the ‘irrespective’ test,” given that “[s]alary costs are no less irrespective of one’s candidacy whether one is campaigning in Illinois or Delaware.”⁷⁹ The Petitioner and commenters suggested that the Commission permit a candidate to draw

⁷³ Petition at 4; Issue One, Comment at 2 (June 29, 2021); Campaign Legal Center, Comment at 2 (June 30, 2021).

⁷⁴ Petition at 3.

⁷⁵ *Id.* at 4.

⁷⁶ *Id.* at 1.

⁷⁷ See Issue One, Comment at 1–2 (June 29, 2021); Campaign Legal Center (June 30, 2021) at 2; Comment, Common Cause (July 2, 2021) at 2; Comment, DSCC and DCCC (July 2, 2021) at 1.

⁷⁸ Comment, Issue One (June 29, 2021) at 2.

⁷⁹ Comment, Campaign Legal Center (June 30, 2021) at 2.

⁶⁸ H.R. 1623 § 2. Under the Help America Run Act, the amount of campaign funds that could be used to pay for childcare and elder care services would have been subject to any otherwise applicable salary cap, but the use of campaign funds to pay medical insurance premiums would not have been capped.

⁶⁹ *Id.*

⁷⁰ 11 CFR 113.1(g)(1)(i)(I).

⁷¹ *Id.*

⁷² *Id.*

a salary from campaign funds for at least 180 days before the primary election.⁸⁰

Proposed 113.1(g)(6)(v)(A) would make it possible for candidates to start receiving compensation from campaign funds as early as the first day of their campaigns, rather than requiring them to wait until their respective state's primary election ballot access deadline or January 1 in states that do not conduct primaries. Specifically, the proposed regulation would prohibit compensation from accruing or being paid to a candidate only before the date the candidate's principal campaign committee files a Statement of Organization with the Commission. The Commission invites comments on this proposal.

Moreover, proposed 11 CFR 113.1(g)(6)(v)(B) would enable candidates who win the general election, general election runoff, or a special election or special election runoff to continue to receive compensation from campaign funds up to the date they are sworn into office. This proposal would allow winning candidates, who have duties in winding down a campaign, to continue receiving compensation from campaign funds while they are unable to seek other employment as they await their term in office. For candidates who win the general election or general election runoff, or a special election or special election runoff, this proposal would significantly extend the period that they remain eligible to receive compensation from their principal campaign committees. Does a candidate continue to lose or forego income between the time the candidate wins the election and is sworn in? Is there any reason why a candidate who wins a special election or special election runoff should not be eligible to receive compensation from campaign funds up to the date of the swearing in? Does a candidate who wins a general or special election or runoff continue to provide services to the candidate's campaign committee after the election, such that the use of campaign funds to compensate the candidate would not exist irrespective of the candidacy?

Proposed 11 CFR 113.1(g)(6)(v)(B) also would prohibit compensation from being paid beyond the date an individual ceases to be a candidate in all other cases, such as when the candidate loses a primary election or withdraws from the race. This proposal would continue the approach taken in

the current regulation for candidates who do not win the office sought.⁸¹

Finally, proposed 11 CFR 113.1(g)(6)(v)(C) would address the eligibility period for candidates running in special elections. It would authorize a candidate's principal campaign committee to pay the candidate compensation from campaign funds starting on the date the special election is set and ending on the day of the special election, the date on which the candidate withdraws from the race, or the date on which the candidate otherwise ceases to be a candidate. This proposal would continue the current regulation's approach to special elections, except that the proposed regulation would apply to all special elections, not just those in odd-numbered years.⁸² The Commission invites comments on this proposal.

G. Proposed 11 CFR 113.1(g)(6)(vi)—Candidate Compensation in Relation to Debts

Any political committee that seeks to terminate and to settle its debts for less than the full value is required to file a debt settlement plan for Commission review.⁸³ To prevent candidates from enriching themselves at the expense of other campaign creditors, proposed 11 CFR 113.1(g)(6)(vi) would prohibit any principal campaign committee seeking to settle its debts for less than their full value from paying compensation to the candidate or satisfying a debt to the candidate for compensation. Is the proposed regulation clear that a principal campaign committee would not be prohibited from settling its debts for less than the full value because it paid its candidate compensation prior to seeking to terminate? The proposed rule would also prohibit a principal campaign committee from filing a debt settlement plan that provides for the payment of compensation to the candidate before all other creditors are paid. The Commission invites comment on this proposal.

H. Proposed 11 CFR 113.1(g)(6)(vii)—Evidence of Earned Income

Currently, any candidate receiving a salary from campaign funds must provide income tax records and other

evidence of earned income upon request of the Commission.⁸⁴ Proposed 11 CFR 113.1(g)(6)(vii) would maintain this requirement under Compensation Cap Alternatives D, E, and F—the alternatives that permit a candidate to receive compensation from campaign funds as limited by the candidate's prior earned income—and additionally require such evidence of earned income to be maintained and preserved for three years after the report disclosing the disbursement has been filed, pursuant to 11 CFR 102.9 and 104.14(b).⁸⁵ This record preservation requirement would not apply under Compensation Cap Alternatives A, B, or C, because they are not based on a candidate's prior earned income. Should the Commission require principal campaign committees to maintain and produce the information they use to calculate candidate compensation for all alternatives? Should a principal campaign committee be required to provide evidence demonstrating a candidate's lack of earned income for the purpose of complying with proposed 11 CFR 113.1(g)(6)(iv) (requiring reduction of a candidate's compensation by the amount of other income earned by the candidate)?

Certification of No Effect Pursuant to 5 U.S.C. 605(b) (Regulatory Flexibility Act)

The Commission certifies that the proposed rules, if adopted, would not have a significant economic impact on a substantial number of small entities. The proposed rules would provide flexibility to principal campaign committees that choose to use campaign funds to pay their candidates a salary. Any proposed rule that could be construed as placing an obligation on a principal campaign committee would apply only to campaigns that choose to pay their candidates compensation. The proposed rules would not impose any new recordkeeping, reporting, or financial obligations on principal campaign committees that do not choose to pay their candidates compensation, and any such new obligations that may be imposed on principal campaign committees that do choose to pay compensation to their candidates would be minimal. Thus, to the extent that any entities affected by these proposed rules might fall within the definition of "small businesses" or "small organizations," the economic

⁸¹ 11 CFR 113.1(g)(1)(i)(I).

⁸² *Id.*

⁸³ Instructions for Debt Settlement Plan, Part I (FEC Form 8) at 1, [https://www.fec.gov/resources/cms-content/documents/fecfrm8i.pdf#:~:text=Every%20terminating%20committee%20that%20settles%20a%20debt%20for,not%20be%20made%20until%20completion%20of%20Commission%20review.](https://www.fec.gov/resources/cms-content/documents/fecfrm8i.pdf#:~:text=Every%20terminating%20committee%20that%20settles%20a%20debt%20for,not%20be%20made%20until%20completion%20of%20Commission%20review.;); see also 11 CFR 116.7(a), 116.7(b) (describing debts subject to settlement).

⁸⁴ 11 CFR 113.1(g)(1)(i)(I).

⁸⁵ Sections 102.9 and 104.14(b) require certain records and accounts of contributions and expenditures to be preserved for three years after the report to which the records and accounts relate has been filed.

⁸⁰ Petition at 4; Comment, Issue One (June 29, 2021) at 2; Comment, Campaign Legal Center (June 30, 2021) at 2.

impact of complying with these rules would not be significant.

List of Subjects in 11 CFR Part 113

Campaign funds.

For the reasons set out in the preamble, the Federal Election Commission proposes to amend 11 CFR part 113 as follows:

PART 113—PERMITTED AND PROHIBITED USES OF CAMPAIGN ACCOUNTS

■ 1. The authority citation for part 113 continues to read as follows:

Authority: 52 U.S.C. 30102(h), 30111(a)(8), 30114, and 30116.

■ 2. In § 113.1:

■ a. Remove and reserve paragraph (g)(1)(i)(I);

■ b. Redesignate paragraphs (g)(6) through (8) as paragraphs (g)(7) through (9);

■ c. Add new paragraph (g)(6) to read as follows:

§ 113.1 Definitions (52 U.S.C. 30114).

* * * * *

(g) * * *

(6) *Candidate compensation.*

(i) A Federal officeholder, as defined in paragraph (c) of this section, must not receive compensation as a candidate from campaign funds.

Compensation Cap Alternative A

(ii) The use of campaign funds by a candidate's principal campaign committee to pay compensation to the candidate is not personal use, provided that the amount of compensation paid to the candidate does not exceed 50% of the minimum annual salary paid to a Federal officeholder holding the Federal office that the candidate seeks, when calculated at the daily rate, rounded to the nearest dollar.

Compensation Cap Alternative B

(ii) The use of campaign funds by a candidate's principal campaign committee to pay compensation to the candidate is not personal use, provided that the amount of compensation paid to the candidate does not exceed the amount of the annualized hourly minimum wage, when calculated at the daily rate. *Annualized hourly minimum wage* means the amount an individual receiving the Federal minimum wage would earn by working 40 hours a week for 52 weeks, except that an individual residing in a State that has a higher minimum wage than the Federal minimum wage shall calculate the annualized hourly minimum wage based on the State minimum wage, rounded to the nearest dollar.

Compensation Cap Alternative C

(ii) The use of campaign funds by a candidate's principal campaign committee to pay compensation to the candidate is not personal use, provided that the amount of compensation paid to the candidate does not exceed the amount of an annualized hourly minimum wage of \$15 per hour, when calculated at the daily rate. *Annualized hourly minimum wage* means the amount an individual receiving a minimum wage of \$15 per hour would earn by working 40 hours a week for 52 weeks, rounded to the nearest dollar. The hourly minimum wage established in this section (\$15) shall be increased subject to the following conditions:

(A) Increases shall take place in odd-numbered years and shall remain in effect for the 2-year period beginning on the first day following the date of the last general election in the year preceding the year in which the amount is increased and ending on the date of the next general election.

(B) The amount shall be increased by the percent difference between the price index as defined in 11 CFR 110.17(d), as certified to the Commission by the Secretary of Labor, for the 12 months preceding the beginning of the calendar year and the price index for the base period.

(C) For purposes of this paragraph (ii), the term base period means calendar year 2022.

(D) If any amount after the increases under this paragraph (ii) is not a multiple of \$0.01, such amount shall be rounded to the nearest multiple of \$0.01.

Compensation Cap Alternative D

(ii) The use of campaign funds by a candidate's principal campaign committee to pay compensation to the candidate is not personal use, provided that the compensation does not exceed the earned income that the candidate received during the 12-month period prior to becoming a candidate or the annualized hourly minimum wage, whichever is greater. Compensation may not exceed the minimum annual salary paid to a Federal officeholder holding the Federal office that the candidate seeks. *Annualized hourly minimum wage* means the amount an individual receiving the Federal minimum wage would earn by working 40 hours a week for 52 weeks, except that an individual residing in a State that has a higher minimum wage than the Federal minimum wage shall calculate the annualized hourly minimum wage based on the State minimum wage. The committee must calculate

compensation, earned income, annualized hourly minimum wage, and minimum annual salary at the daily rate, rounded to the nearest dollar.

Compensation Cap Alternative E

(ii) The use of campaign funds by a candidate's principal campaign committee to pay compensation to the candidate is not personal use, provided that the compensation does not exceed the lesser of: the minimum annual salary paid to a Federal officeholder holding the Federal office that the candidate seeks, and the average annual income that the candidate earned during the most recent three calendar years in which the candidate earned income prior to becoming a candidate. The committee must calculate compensation, minimum annual salary, and average annual income at the daily rate, rounded to the nearest dollar.

Compensation Cap Alternative F

(ii) The use of campaign funds by a candidate's principal campaign committee to pay compensation to the candidate is not personal use, provided that the compensation does not exceed the annualized hourly minimum wage or the average annual income that the candidate earned during the most recent three calendar years in which the candidate earned income prior to becoming a candidate, whichever is greater. Compensation must not exceed the minimum annual salary paid to a Federal officeholder holding the Federal office that the candidate seeks for the same period of time. *Annualized hourly minimum wage* means the amount an individual receiving the Federal minimum wage would earn by working 40 hours a week for 52 weeks, except that an individual residing in a State that has a higher minimum wage than the Federal minimum wage shall calculate the annualized hourly minimum wage based on the State minimum wage. The principal campaign committee must calculate compensation, earned income, minimum annual salary, and annualized hourly minimum wage at the daily rate, rounded to the nearest dollar.

Compensation Definition Alternative A

(iii) For the purposes of this paragraph, *compensation* means direct payments to the candidate and payments for any employment-related benefit that the campaign also provides to its staff, including, but not limited to, health insurance premiums and dependent care costs.

Compensation Definition Alternative B

(iii) For the purposes of this paragraph, *compensation* means direct payments to the candidate and payments for any employment-related benefit that the campaign also provides to its staff, including, but not limited to, health insurance premiums and dependent care costs. *Compensation* also includes payments for the candidate's dependent care expenses when such payments are not included as a benefit to staff, if the expenses are incurred as a direct result of the candidate's campaign activities; the use of campaign funds to pay any incremental dependent care expenses that result from non-campaign activities is personal use, unless the candidate reimburses the campaign account within thirty days for the incremental expenses.

Compensation Definition Alternative C

(iii) For the purposes of this paragraph, *compensation* means direct payments to the candidate and payments for any employment-related benefit including, but not limited to, health insurance premiums and dependent care costs. If a committee uses campaign funds to pay for dependent care expenses incurred from both campaign and non-campaign activities, the incremental expenses that result from the non-campaign activities are personal use, unless the candidate reimburses the campaign account within thirty days for the incremental expenses.

(iv) The candidate's principal campaign committee must reduce the maximum amount of candidate compensation permissible under this paragraph by the amount of any earned income the candidate receives from any other source while the candidate receives compensation from campaign funds.

(v) *Period of eligibility.* (A) Compensation shall not accrue or be paid to a candidate before the date the candidate's principal campaign committee files a Statement of Organization with the Commission. See 11 CFR 102.1(a).

(B) If the candidate wins the general election, a general election runoff, a special election, or a special election runoff, the candidate's principal campaign committee may pay the candidate compensation from campaign funds up to the date the candidate is sworn into the office to which the candidate has been elected. In all other situations in which an individual ceases to be a candidate, such as by losing the primary election or withdrawing from

the race, no compensation may be paid beyond the date the individual is no longer a candidate.

(C) In the case of a special election for a Federal office, the principal campaign committee of a candidate for that office may pay the candidate compensation from campaign funds starting on the date the special election is set. See 11 CFR 100.24(a)(1)(ii).

(vi) *Candidate compensation in relation to debts.* Any principal campaign committee seeking to settle debts for less than the full value may not pay compensation to the candidate or satisfy a debt to a candidate for compensation. Additionally, any debt settlement plan created under 11 CFR 116.7 must not provide for the payment of compensation to the candidate before all other creditors are paid.

For Compensation Cap Alternatives D, E, and F

(vii) The candidate must provide evidence of earned income from the relevant years upon the request of the Commission. Any such evidence of earned income must be maintained and preserved for three years after the report disclosing the disbursement is filed, pursuant to 11 CFR 102.9 and 104.14(b).

* * * * *

Dated: December 1, 2022.

On behalf of the Commission,

Allen J. Dickerson,

Chairman, Federal Election Commission.

[FR Doc. 2022-26778 Filed 12-9-22; 8:45 am]

BILLING CODE 6715-01-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Parts 61, 63, and 65**

[Docket No. FAA-2022-1463; Notice No. 23-02]

RIN 2120-AL74

Airman Certification Standards and Practical Test Standards for Airmen; Incorporation by Reference

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to revise certain regulations governing airman certification. Specifically, the FAA Airman Certification Standards and Practical Test Standards are currently utilized as the testing standard for practical tests and proficiency checks

for persons seeking or holding an airman certificate or rating. The FAA proposes to incorporate these Airman Certification Standards and Practical Test Standards by reference into the certification requirements for pilots, flight instructors, flight engineers, aircraft dispatchers, and parachute riggers.

DATES: Send comments on or before January 11, 2023.

ADDRESSES: Send comments identified by docket number FAA-2022-1463 using any of the following methods:

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

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

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

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

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

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

FOR FURTHER INFORMATION CONTACT: Daron Malmberg, Airman Testing Standards Branch, AFS-630, Federal Aviation Administration, P.O. Box 25082, Oklahoma City, OK 73125; (405) 954-4151; AFS630comments@faa.gov.

SUPPLEMENTARY INFORMATION:**List of Abbreviations and Acronyms Frequently Used in This Document**

Administrative Procedure Act (APA)
Airman Certification Standards (ACS)
Airline Transport Pilot (ATP)
Instrument Proficiency Check (IPC)
Instrument Flight Rules (IFR)

Incorporation by Reference (IBR)
 Pilot-in-Command Proficiency Check (PIC
 PC)
 Practical Test Standards (PTS)
 Visual Flight Rules (VFR)

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I. Executive Summary

This rulemaking proposes several amendments to parts 61, 63, and 65 of Title 14 of the Code of Federal Regulations (14 CFR) by incorporating by reference (IBR) the Airman Certification Standards (ACS) and Practical Test Standards (PTS). The ACSs and PTSs are currently utilized as the practical test testing standard for airman certificates and ratings. The FAA notes that there are no major substantive changes proposed to the testing standards that are already in use or the process by which the practical test is conducted. Rather, the FAA proposes this rulemaking to bring the ACSs and PTSs into the FAA regulations through the proper notice and comment process required by the Administrative Procedure Act (APA),¹ as discussed in section III.A. of this preamble.

As explained in section III.B. of this preamble, the FAA proposes to IBR thirty (30) pilot and flight instructor ACSs and PTSs in part 61 by adding a centralized IBR section in new § 61.14. The FAA proposes to direct compliance on the respective practical tests and proficiency checks with the appropriate ACSs and PTSs through proposed revisions in §§ 61.43, 61.57, 61.58, 61.321, and 61.419. Additionally, the FAA proposes to add an appendix to part 61, which will concisely set forth

which ACS or PTS is applicable to the certificate and/or rating sought or proficiency check to be conducted. The FAA is also proposing a nonsubstantive conforming amendment to § 61.157 to align the Airline Transport Pilot (ATP) airplane and powered-lift flight proficiency areas of operation with the areas of operation contained in the ATP and Type Rating for Airplane Category ACS and ATP and Type Rating for Powered-Lift Category ACS, respectively.

As explained in section III.C. of this preamble, the FAA proposes to revise part 63 to IBR the Flight Engineer PTS by revising § 63.39. Additionally, the FAA proposes minor editorial revisions to remove gender references.

As explained in section III.D. of this preamble, the FAA proposes to revise part 65 to IBR the Aircraft Dispatcher and Parachute Rigger PTSs. Specifically, the FAA proposes to add both PTSs to the existing centralized IBR section, § 65.23. The FAA proposes to revise the appropriate sections in subpart C and subpart F of part 65 (*i.e.*, §§ 65.59, 65.115, 65.119, 65.123) to require compliance with the respective PTS.

II. 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 to promulgate regulations and rules. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

This proposed rulemaking is promulgated under the authority granted to the Administrator in 49 U.S.C. Subtitle VII, Part A, Subpart iii, Chapter 401, Section 40113 (prescribing general authority of the Administrator of the FAA with respect to aviation safety duties and powers to prescribe regulations) and Subpart III, Chapter 447, Sections 44701 (general authority of the Administrator to promote safe flight of civil aircraft in air commerce by prescribing regulations and setting minimum standards for other practices, methods, and procedures necessary for safety in air commerce and national security), 44702 (general authority of the Administrator to issue airman certificates), and 44703 (general authority of the Administrator to prescribe regulations for the issuance of airman certificates when the Administrator finds, after investigation, that an individual is qualified for and physically able to perform the duties related to the position authorized by the certificate). This rulemaking proposal is within the scope of that authority.

III. Discussion of the Proposal

A. Background and Incorporation by Reference

Under 49 U.S.C. 44703, the Administrator of the FAA possesses the authority to issue airman certificates when the Administrator finds, after investigation, that an individual is qualified for and able to perform the duties related to the position authorized by the certificate.² The Administrator carries out this investigative authority through 14 CFR parts 61, 63, and 65, which prescribe the requirements for airmen to obtain a certificate and a rating.³ Each respective part contains the general requirements for eligibility, which include aeronautical knowledge, flight proficiency, and aeronautical experience, as applicable, for each certificate and/or rating sought. This generally includes the requirement to pass a practical test⁴ specific to the certificate or rating sought.⁵

Prior to 1997, the FAA set forth certain items to be included on the practical test⁶ directly in the regulations of part 61 through flight proficiency requirements. Specifically, § 61.43 set forth broad areas required to be included in practical tests,⁷ and the individual subparts applicable to the

² By statute, a person may not serve in any capacity as an airman with respect to a civil aircraft, aircraft engine, propeller, or appliance used, or intended for use, in air commerce without an airman certificate authorizing the airman to serve in the capacity for which the certificate was issued. 49 U.S.C. 44711. The duties of airman are identified in the definition of airman in 49 U.S.C. 40102.

³ Part 61 prescribes certification requirements for pilots, flight instructors, and ground instructors; part 63 prescribes certification requirements for flight crewmembers other than pilots; part 65 prescribes certification requirements for airmen other than flight crewmembers.

⁴ A practical test is "a test on the areas of operations for an airman certificate, rating, or authorization that is conducted by having the applicant respond to questions and demonstrate maneuvers in flight, in a flight simulator, or in a flight training device." 14 CFR 61.1. Practical tests are administered by FAA inspectors or private persons designated by the Administrator. *See* 49 U.S.C. 44702(d).

⁵ Certain certificates do not require the successful completion of a practical test to obtain the certificate. For example, a certificate on the basis of military competency requires only a military competency aeronautical knowledge test, pursuant to § 61.73(b); a ground instructor certificate requires only a knowledge test on fundamentals of instructing and certain aeronautical knowledge areas, pursuant to § 61.213.

⁶ Prior to 1997, the FAA referred to "practical tests" as both "practical test" and "flight test."

⁷ For example, these broad areas included: executing procedures and maneuvers within the aircraft's performance capability and limitations, exercising judgment, applying aeronautical knowledge. Before 1997, these broad areas only applied to private and commercial certificates; the practical test flight proficiency areas for ATP certificates and/or additional type ratings were set forth in then-appendices A and B of part 61.

¹ 5 U.S.C. 551-559.

certificate sought required the practical test to include procedures and maneuvers selected by an FAA inspector or evaluator from the flight proficiency provisions of that subpart. This resulted in an unclear, broad, and discretionary testing framework. In 1995,⁸ the FAA proposed to replace the flight proficiency requirements for flight training and practical tests with approved areas of operation, more general in character than the flight proficiency procedures and maneuvers, and simplify the practical test general procedures regulations to require performance of the areas of operation. The FAA also proposed to remove appendix A and appendix B from part 61, which contained the practical test requirements for airplane ATP certificates and associated class and type ratings and rotorcraft ATP certificates and associated class and type ratings, respectively. The FAA stated that the specific tasks for training and practical tests within the new areas of operation would then be established through the appropriate practical test standard, with the purpose of permitting greater flexibility in updating the training and testing maneuvers and procedures required of pilot and flight instructor applicants. Commenters generally opposed this change, stating that the FAA would be able to revise the requirements for certificates and ratings through the practical test standards without issuing an NPRM and soliciting public comments. Commenters also questioned the compliance of the proposal with the APA.⁹ Nevertheless, the FAA adopted the proposal and assured the public that the FAA would actively seek public comments on future revisions of the PTSs.¹⁰

In the implementation of the areas of operation, the FAA established the Practical Test Standards (PTS) to define acceptable performance of the flight proficiency required to obtain a certificate and/or rating. The PTSs were specific to certain certificates and/or ratings sought and incorporated the areas of operation set forth in the applicable regulations.¹¹ Within the

PTS, the areas of operation were designated as phases of the practical test, which were further extrapolated into tasks comprised of knowledge areas, flight procedures, or maneuvers appropriate to the overarching area of operation. An evaluator¹² is responsible for determining whether the applicant meets the standards outlined in the objective of each required task evaluated in accordance with the respective PTS. While developed primarily in response to part 61 revisions, PTSs were also published and utilized for testing under parts 63 and 65.¹³

In collaboration with the aviation industry and the FAA's routine review processes, the FAA identified the need for a new, systematic approach to testing that would (1) provide clearer standards, (2) consolidate redundant tasks, and (3) connect the standards for knowledge, risk management, and skills to the knowledge and practical tests. Therefore, the FAA began to establish the ACSs in 2011 to enhance the testing standard for the knowledge and practical tests. The goal in creating the ACS was to drive a systematic approach to the airman certification process, including knowledge test question development and the conduct of the practical test. In cooperation with the ACS Working Group, established through the Aviation Rulemaking Advisory Committee (ARAC),¹⁴ the FAA integrated "aeronautical knowledge" and "risk management" elements into the existing areas of operations and tasks set forth in the PTS. Therefore, the ACS is a comprehensive presentation integrating the standards for what an applicant must know, consider, and do to demonstrate proficiency to pass the tests required for issuance of the applicable airman certificate or rating.

proficiency areas of operation for rotorcraft category rating with a helicopter class rating and rotorcraft category rating with a gyroplane class rating, respectively.

¹² As it applies to the particular evaluation, an evaluator is considered: an aviation safety inspector; pilot examiner (other than administrative pilot examiners); training center evaluator (TCE); chief instructor, assistant chief instructor, or check instructor of a pilot school holding examining authority; an instrument flight instructor conducting an instrument proficiency check; or an authorized sport pilot instructor.

¹³ Specifically, PTSs were developed for Flight Engineers in part 63 and Aircraft Dispatchers, Mechanic Technicians, and Parachute Riggers in part 65. Because these regulations do not specifically set out the areas of operation in the same manner as part 61, these PTSs are further described in their respective sections of this preamble.

¹⁴ The ARAC is a body established under the Federal Advisory Committee Act, 5 U.S.C. app. 2. The ARAC ACS Working Group is comprised of the FAA, advocacy groups, instructor groups, training providers, academic institutions, and labor organizations.

The FAA notes that some PTSs have fully transitioned to ACSs, rendering those corresponding PTSs obsolete. While FAA continues to actively convert the remaining PTSs to ACSs in collaboration with the ACS Working Group, FAA will continue to use the PTS for some certificates and ratings until the corresponding ACS is completed.

In 2018,¹⁵ the FAA removed the reference to the practical test standards in § 61.43 and broadened the regulatory language to encompass the standards set forth in the airman certification standards, where applicable (*i.e.*, where ACSs were developed and actively utilized for practical tests of certain certificates). The regulatory language adopted in 2018 that requires applicants to perform the tasks specified in the areas of operation for the airman certificate or rating sought is how the regulation is situated today.

While FAA did not consider the content of the PTSs and ACSs regulatory requirements, as stated in the 2018 final rule,¹⁶ the PTS and the ACS are purposed to impose requirements on all persons seeking an airman certificate or rating in parts 61, 63, and 65. As previously discussed, the PTS and ACS require an applicant seeking a certificate or rating to complete specific tasks and maneuvers to a minimum prescribed standard to obtain the applicable certificate or rating.¹⁷ As such, if an applicant does not perform a task to the standard in the applicable ACS or PTS, the applicant cannot obtain the applicable certificate and rating. Unsatisfactory performance results in a notice of disapproval and/or denial of the certificate or rating.

Because of the regulatory nature that the PTSs and ACSs are purposed for, through this proposed rulemaking, the FAA is proposing to IBR the ACSs and PTSs into parts 61, 63, and 65 so that the standards carry the full force and effect of regulation. Due to the unique nature of the PTS and ACS documents, which are lengthy and contain complex and technical tables, the FAA proposes to IBR these standards rather than

¹⁵ Final Rule, *Regulatory Relief: Aviation Training Devices; Pilot Certification, Training, and Pilot Schools; and Other Provisions*, 83 FR 30232 (June 27, 2018).

¹⁶ 83 FR at 30269.

¹⁷ Examiners are directed to conduct practical tests in accordance with the appropriate ACS or PTS pursuant to FAA Order 8900.1, Vol. 5, Chap. 1, Sec. 4. Additional direction is found in the appropriate FAA Order 8900.1 volume, chapter, and section pursuant to the applicable certificate or rating sought (*e.g.*, Vol. 1, Chap. 2, Sec. 7, Conduct a Private Pilot Certification, Including Additional Category/Class Ratings, directs an examiner to conduct the practical test in accordance with the private pilot PTS in paragraph 5-382).

⁸ NPRM, *Pilot, Flight Instructor, Ground Instructor, and Pilot School Certification Rules*, 60 FR 41160 (Aug. 11, 1995).

⁹ The APA includes requirements for publishing notices and providing opportunities for public comment on proposed and final rules in the **Federal Register**. See 5 U.S.C. 553(b).

¹⁰ Final Rule, *Pilot, Flight Instructor, Ground Instructor, and Pilot School Certification Rules*, 62 FR 16220 (Apr. 4, 1997).

¹¹ As an example, a PTS was authored for the Commercial Pilot—Rotorcraft Category, Helicopter and Gyroplane Class. Within the PTS, the areas of operation correspond with the areas of operation set forth in 14 CFR 61.127(b)(3) and (4), flight

reproduce the documents in their entirety into the Code of Federal Regulations (CFR), as is subsequently discussed.

IBR is a mechanism that allows Federal agencies to comply with the requirements of the APA to publish rules in the **Federal Register** and the CFR by referring to material published elsewhere.¹⁸ Material that is incorporated by reference has the same legal status as if it were published in full in the **Federal Register**.

In accordance with 5 U.S.C. 552(a) and 1 CFR part 51,¹⁹ the FAA makes the ACSs and PTSs reasonably available to interested parties by providing free online public access to view on the FAA Training and Testing website at www.faa.gov/training_testing. The ACSs and PTSs are available for download, free of charge, at the provided web address. The FAA will continue to provide the ACSs and PTSs to interested parties in this manner. In addition to the free online material on the FAA's website, hard copies and printable versions are available from the FAA. Additionally, all ACSs and PTSs proposed to be incorporated by reference are contained in the docket for this NPRM for inspection.

The FAA emphasizes that, in practice, practical tests and proficiency checks are already conducted in accordance with the applicable ACS or PTS, and there are no changes proposed to current testing processes or procedures. Additional information regarding each PTS and ACS (including summaries of each publication), revisions to the PTSs, transition of PTSs to ACSs, and ACSs introduced in this proposed rule may be found in section III.B.1 of this preamble.

B. Part 61: Pilots and Flight Instructors

1. Centralized Incorporation by Reference

The FAA proposes to IBR thirty (30) PTSs and ACSs into part 61. Rather than listing the standard, publishing

¹⁸ 5 U.S.C. 552(a), which states, "except to the extent that a person has actual or timely notice of the terms thereof, a person may not in any manner be required to resort to, or be adversely affected by, a matter required to be published in the **Federal Register** and not so published. For the purpose of this paragraph, matter reasonably available to the class of persons affected thereby is deemed published in the **Federal Register** when incorporated by reference therein with the approval of the Director of the Federal Register.

¹⁹ 5 U.S.C. 552(a) requires that matter incorporated by reference be "reasonably available" as a condition of its eligibility. Further, 1 CFR 51.5(a)(2) requires that agencies seeking to incorporate material by reference discuss in the preamble of the proposed rule the ways that the material it proposes to incorporate by reference is reasonably available to interested parties and how interested parties can obtain the material.

information, and approval language in each affected section of part 61, the FAA proposes the creation of a centralized IBR section in new § 61.14 to streamline the regulatory text and avoid repetitive information in the regulations. The centralized IBR section would contain the IBR approval language and the standards' publishing information.²⁰ Section 61.14(a) would set forth the list of ACSs and PTSs to be incorporated by reference.

The centralized IBR section in new § 61.14 would not contain instructions for using the standards; rather, § 61.43, as subsequently discussed, would set forth the compliance requirements with the standards as they pertain to the practical test and §§ 61.57, 61.58, 61.321, and 61.419 would set forth the compliance requirements with the standards as they pertain to certain proficiency checks. The sections promulgating compliance would cross-reference to the centralized IBR section, § 61.14.

The standards contained in the centralized IBR section include 15 ACSs and 15 PTSs, as follows:²¹

- Airline Transport Pilot and Type Rating for Airplane Category Airman Certification Standards; FAA-S-ACS-11A.
 - This ACS communicates the aeronautical knowledge, risk management, and flight proficiency standards for airline transport pilot and type rating certification in the airplane category.
 - This ACS contains the following Areas of Operation: Preflight Preparation; Preflight Procedures; Takeoffs and Landings; In-flight Maneuvers; Stall Prevention; Instrument Procedures; Emergency Operations; and Postflight Procedures.
- Airline Transport Pilot and Type Rating Practical Test Standards for Rotorcraft Category Helicopter Rating; FAA-S-8081-20A.
 - This PTS establishes the aeronautical knowledge, special emphasis areas considered critical to flight safety, and proficiency standards for the airline transport pilot and type rating practical tests for helicopters.
 - This PTS contains the following Areas of Operation: Preflight Preparation; Preflight Procedures;

²⁰ 1 CFR 51.9 sets forth the language required to IBR a standard. While this language is only formally approved at the final rule stage, this proposed rule includes all required final rule language for transparency and consistency.

²¹ The FAA notes that dates will be added to the regulatory text to aid with version and document identification at the Final Rule stage, which will precisely reflect the effectivity date of the PTSs and ACSs.

Takeoff and Departure Phase; Inflight Maneuvers; Instrument Procedures; Landings and Approaches to Landings; Normal and Abnormal Procedures; Emergency Procedures; and Postflight Procedures.

- Airline Transport Pilot and Type Rating for Powered-Lift Category Airman Certification Standards; FAA-S-ACS-17.
 - This ACS communicates the aeronautical knowledge, risk management, and flight proficiency standards for airline transport pilot and type rating certification in the powered-lift category.
 - This ACS contains the following Areas of Operation: Preflight Preparation; Preflight Procedures; Takeoffs and Departure Phase; In-flight Maneuvers; Instrument Procedures; Landings and Approaches to Landings; Emergency Operations; and Postflight Procedures.
- Commercial Pilot for Airplane Category Airman Certification Standards; FAA-S-ACS-7B.
 - This ACS communicates the aeronautical knowledge, risk management, and flight proficiency standards for the commercial rating in the airplane category, single-engine land and sea; and multiengine land and sea classes.
 - This ACS contains the following Areas of Operation: Preflight Preparation; Preflight Procedures; Airport and Seaplane Base Operations; Takeoffs, Landings, and Go-Arounds; Performance Maneuvers and Ground Reference Maneuvers; Navigation; Slow Flight and Stalls; High-Altitude Operations; Emergency Operations; Multiengine Operations; and Postflight Procedures.
- Commercial Pilot for Rotorcraft Category Helicopter Rating Airman Certification Standards; FAA-S-ACS-16.
 - This ACS communicates the aeronautical knowledge, risk management, and flight proficiency standards for a commercial pilot certification in the rotorcraft category helicopter rating.
 - This ACS contains the following Areas of Operation: Preflight Preparation; Preflight Procedures; Airport and Heliport Operations; Hovering Maneuvers; Takeoffs, Landings, and Go-Arounds; Performance Maneuvers; Navigation; Emergency Operations; Special Operations; and Postflight Procedures.
- Commercial Pilot Practical Test Standards for Rotorcraft Category Gyroplane Rating; FAA-S-8081-16C.
 - This PTS establishes the aeronautical knowledge, special

emphasis areas considered critical to flight safety, and proficiency standards for the commercial pilot practical test for the rotorcraft category gyroplane class.

- This PTS contains the following Areas of Operation: Preflight Preparation; Preflight Procedures; Airport Operations; Takeoffs, Landings, and Go-Arounds; Performance Maneuvers, Navigation; Flight at Slow Airspeeds; Emergency Procedures; and Postflight Procedures.

- Commercial Pilot for Powered-Lift Category Airman Certification Standards; FAA-S-ACS-2.

- This ACS communicates the aeronautical knowledge, risk management, and flight proficiency standards for commercial pilot certification in the powered-lift category.

- This ACS contains the following Areas of Operation: Preflight Preparation; Preflight Procedures; Airport and Heliport Operations; Hovering Maneuvers; Takeoffs, Landings, and Go-Arounds; Performance Maneuvers; Navigation; Slow Flight and Stalls; Emergency Operations; High-Altitude Operations; Special Operations; and Postflight Procedures.

- Commercial Pilot Practical Test Standards for Glider Category; FAA-S-8081-23B.

- This PTS establishes the aeronautical knowledge, special emphasis areas considered critical to flight safety, and proficiency standards for the commercial pilot certification practical test for the glider category.

- This PTS contains the following Areas of Operation: Preflight Preparation; Preflight Procedures; Airport and Gliderport Operations; Launches and Landings; Performance Maneuvers; Soaring Techniques; Performance Maneuvers; Navigation; Slow Flight and Stalls; Emergency Operations; and Postflight Procedures.

- Commercial Pilot Practical Test Standards for Lighter-Than-Air Category; FAA-S-8081-18A.

- This PTS establishes the aeronautical knowledge, special emphasis areas considered critical to flight safety, and proficiency standards for the commercial pilot certification practical tests for the lighter-than-air category, balloon and airship classes.

- This PTS contains the following Areas of Operation: Fundamentals of Instructing; Technical Subjects; Preflight Preparation; Preflight Lesson on a Maneuver to be Performed in Flight; Preflight Procedures; Airport Operations; Launches and Landings; Performance Maneuvers; Navigation;

Emergency Operations; and Postflight Procedures.

- Private Pilot for Airplane Category Airman Certification Standards; FAA-S-ACS-6C.

- This ACS communicates the aeronautical knowledge, risk management, and flight proficiency standards for the private pilot certification in airplane category, single-engine land and sea; and multiengine land and sea classes.

- This ACS contains the following Areas of Operation: Preflight Preparation; Preflight Procedures; Airport and Seaplane Base Operations; Takeoffs, Landings, and Go-Arounds; Performance Maneuvers and Ground Reference Maneuvers; Navigation; Slow Flight and Stalls; Basic Instrument Maneuvers; Emergency Operations; Multiengine Operations; Night Operations; and Postflight Procedures.

- Private Pilot for Rotorcraft Category Helicopter Rating Airman Certification Standards; FAA-S-ACS-15.

- This ACS communicates the aeronautical knowledge, risk management, and flight proficiency standards for private pilot certification in the Rotorcraft category helicopter rating.

- This ACS contains the following Areas of Operation: Preflight Preparation; Preflight Procedures; Airport and Heliport Operations; Hovering Maneuvers; Takeoffs, Landings, and Go-Arounds; Performance Maneuvers; Navigation; Emergency Operations; Night Operations; and Postflight Procedures.

- Private Pilot Practical Test Standards for Rotorcraft Category Gyroplane Rating; FAA-S-8081-15B.

- This PTS establishes the aeronautical knowledge, special emphasis areas considered critical to flight safety, and proficiency standards for the rotorcraft category, gyroplane class.

- This PTS contains the following Areas of Operation: Preflight Preparation; Preflight Procedures; Airport Operations; Takeoffs, Landings, and Go-Arounds; Performance Maneuver, Ground Reference Maneuvers; Navigation; Flight at Slow Airspeeds; Emergency Operations; and Postflight Procedures.

- Private Pilot for Powered-Lift Category Airman Certification Standards; FAA-S-ACS-13.

- This ACS communicates the aeronautical knowledge, risk management, and flight proficiency standards for private pilot certification in the powered-lift category.

- This ACS contains the following Areas of Operation: Preflight

Preparation; Preflight Procedures; Airport and Heliport Operations; Hovering Maneuvers; Takeoffs, Landings, and Go-Arounds; Performance Maneuvers; Ground Reference Maneuvers; Navigation; Slow Flight and Stalls; Basic Instrument Maneuvers; Emergency Operations; Night Operations; and Postflight Procedures.

- Private Pilot Practical Test Standards for Glider Category; FAA-S-8081-22A.

- This PTS establishes the aeronautical knowledge, special emphasis areas considered critical to flight safety, and proficiency standards for the private pilot certification practical test for the glider category.

- This PTS contains the following Areas of Operation: Preflight Preparation; Preflight Procedures; Airport and Gliderport Operations; Launches and Landings; Performance Airspeeds; Soaring Techniques; Performance Maneuvers; Navigation; Slow Flight and Stalls; Emergency Operations; and Postflight Procedures.

- Private Pilot Practical Test Standards for Lighter-Than-Air Category; FAA-S-8081-17A.

- This PTS establishes the aeronautical knowledge, special emphasis areas considered critical to flight safety, and proficiency standards for the private pilot certification practical tests for the lighter-than-air category, balloon and airship classes.

- This PTS contains the following Areas of Operation: Preflight Preparation; Preflight Procedures; Airport Operations; Launches and Landings; Performance Maneuvers; Navigation; Emergency Operations; and Postflight Procedures.

- Private Pilot Practical Test Standards for Powered Parachute Category and Weight-Shift-Control Category; FAA-S-8081-32A.

- This PTS establishes the aeronautical knowledge, special emphasis areas considered critical to flight safety, and proficiency standards for the private pilot practical tests for powered parachute and weight shift control.

- This PTS contains the following Areas of Operation: Preflight Preparation; Preflight Procedures; Airport and Seaplane Base Operations; Takeoffs, Landings, and Go-Arounds; Performance Maneuver; Ground Reference Maneuvers; Navigation; Emergency Operations; Night Operations; and Postflight Procedures.

- Recreational Pilot Practical Test Standards for Airplane Category and Rotorcraft Category; FAA-S-8081-3B.

- This PTS establishes the aeronautical knowledge, special emphasis areas considered critical to flight safety, and proficiency standards for the recreational pilot practical tests for airplane, rotorcraft/helicopter, and rotorcraft/gyroplane.

- This PTS contains the following Areas of Operation: Preflight Preparation; Preflight Procedures; Airport and Seaplane Base Operations; Takeoffs, Landing, and Go-Arounds; Performance Maneuvers; Ground Reference Maneuvers; Navigation; Slow Flight and Stalls; Emergency Operations; and Postflight Procedures.

- Sport Pilot and Sport Pilot Flight Instructor Practical Test Standards for Airplane Category, Rotorcraft Category, and Glider Category; FAA–S–8081–29A.

- This PTS establishes the aeronautical knowledge, special emphasis areas considered critical to flight safety, and proficiency standards for the sport pilot practical tests and proficiency checks for the airplane, gyroplane, glider, and flight instructor.

- This PTS contains the following Areas of Operation: Preflight Preparation; Preflight Procedures; Airport and Seaplane Base Operations; Takeoffs, Landings, and Go-Arounds; Performance Maneuver; Ground Reference Maneuvers; Navigation; Slow Flight and Stalls; Emergency Operations; and Postflight Procedures.

- Sport Pilot and Sport Pilot Flight Instructor Practical Test Standards for Lighter-Than-Air Category; FAA–S–8081–30A.

- This PTS establishes the aeronautical knowledge, special emphasis areas considered critical to flight safety, and proficiency standards for the sport pilot practical tests and proficiency checks for the airship, balloon, flight instructor.

- This PTS contains the following Areas of Operation: Preflight Preparation; Preflight Procedures; Airport Operations; Takeoffs, Landings, and Go-Arounds; Performance Maneuver; Ground Reference Maneuvers; Navigation; Emergency Operations; and Postflight Procedures.

- Sport Pilot and Sport Pilot Flight Instructor Practical Test Standards for Powered Parachute Category and Weight-Shift Control Category; FAA–S–8081–31A.

- This PTS establishes the aeronautical knowledge, special emphasis areas considered critical to flight safety, and proficiency standards for the sport pilot practical tests and proficiency checks for the weight-shift control, powered parachute, and flight instructor.

- This PTS contains the following Areas of Operation: Preflight Preparation; Preflight Procedures; Airport and Seaplane Base Operations; Takeoffs, Landings, and Go-Arounds; Performance Maneuver; Ground Reference Maneuvers; Navigation; Slow Flight and Stalls; Emergency Operations; and Postflight Procedures.

- Instrument Rating—Airplane Airman Certification Standards; FAA–S–ACS–8C.

- This ACS communicates the aeronautical knowledge, risk management, and flight proficiency standards for private pilot certification in the instrument rating in the airplane category.

- This ACS contains the following Areas of Operation: Preflight Preparation; Preflight Procedures; Air Traffic Control Clearances and Procedures; Flight by Reference to Instruments; Navigation Systems; Instrument Approach Procedures; Emergency Operations; and Postflight Procedures.

- Instrument Rating—Helicopter Airman Certification Standards; FAA–S–ACS–14.

- This ACS communicates the aeronautical knowledge, risk management, and flight proficiency standards for the instrument rating helicopter.

- This ACS contains the following Areas of Operation: Preflight Preparation; Preflight Procedures; Air Traffic Control Clearances and Procedures; Flight by Reference to Instruments; Navigation Systems; Instrument Approach Procedures; Emergency Operations; and Postflight Procedures.

- Instrument Rating—Powered-Lift Airman Certification Standards; FAA–S–ACS–3.

- This ACS communicates the aeronautical knowledge, risk management, and flight proficiency standards for private pilot certification in the instrument rating in the powered-lift category.

- This ACS contains the following Areas of Operation: Preflight Preparation; Preflight Procedures; Air Traffic Control Clearances and Procedures; Flight by Reference to Instruments; Navigation Systems; Instrument Approach Procedures; Emergency Operations; and Postflight Procedures.

- Flight Instructor for Airplane Category Airman Certification Standards; FAA–S–ACS–25.

- This ACS communicates the aeronautical knowledge, risk management, and flight proficiency

standards for the flight instructor certificate in the airplane category.

- This ACS contains the following Areas of Operation: Fundamentals of Instructing; Technical Subject Areas; Preflight Preparation; Preflight Lesson on a Maneuver to be Performed in Flight; Preflight Procedures; Airport and Seaplane Base Operations; Takeoffs, Landings, and Go-Arounds; Fundamentals of Flight; Performance and Ground Maneuvers, Slow Flight, Stalls, and Spins; Basic Instrument Maneuvers; Emergency Operations; Multiengine Operations; and Postflight Procedures.

- Flight Instructor for Rotorcraft Category Helicopter Rating Airman Certification Standards; FAA–S–ACS–29.

- This ACS communicates the aeronautical knowledge, risk management, and flight proficiency standards for the flight instructor certificate in the rotorcraft category helicopter rating.

- This ACS contains the following Areas of Operation: Fundamentals of Instructing; Technical Subject Areas; Preflight Preparation; Preflight Lesson on a Maneuver to be Performed in Flight; Preflight Procedures; Airport and Helicopter Operations; Hovering Maneuvers; Takeoffs, Landings, and Go-Arounds; Fundamentals of Flight; Performance Maneuvers, Emergency Operations; Special Operations; and Postflight Procedures.

- Flight Instructor Practical Test Standards for Rotorcraft Category Gyroplane Rating; FAA–S–8081–7C.

- This PTS establishes the aeronautical knowledge, special emphasis areas considered critical to flight safety, and proficiency standards for the flight instructor certification practical tests for the rotorcraft category, gyroplane class.

- This PTS contains the following Areas of Operation: Fundamentals of Instructing; Technical Subjects; Preflight Preparation; Preflight Lesson on a Maneuver to be Performed in Flight; Preflight Procedures; Airport Operations; Takeoffs, Landings, and Go-Arounds; Fundamentals of Flight; Performance Maneuvers; Flight at Slow Airspeeds; Ground Reference Maneuvers; Emergency Operations; and Postflight Procedures.

- Flight Instructor for Powered-Lift Category Airman Certification Standards; FAA–S–ACS–27.

- This ACS communicates the aeronautical knowledge, risk management, and flight proficiency standards for the flight instructor certificate in the powered-lift category.

○ This ACS contains the following Areas of Operation: Fundamentals of Instructing; Technical Subject Areas; Preflight Preparation; Preflight Lesson on a Maneuver to be Performed in Flight; Preflight Procedures; Airport and Heliport Operations; Hovering Maneuvers; Takeoffs, Landings, and Go-Arounds; Fundamentals of Flight; Performance Maneuvers; Ground Reference Maneuvers; Slow Flight and Stalls; Basic Instrument Maneuvers; Emergency Operations; Special Operations; and Postflight Procedures.

• Flight Instructor Practical Test Standards for Glider Category; FAA-S-8081-8C.

○ This PTS establishes the aeronautical knowledge, special emphasis areas considered critical to flight safety, and proficiency standards for the flight instructor certification practical tests for the glider category.

○ This PTS contains the following Areas of Operation: Fundamentals of Instructing; Technical Subject Areas; Preflight Preparation; Preflight Lesson on a Maneuver to be Performed in Flight; Preflight Procedures; Airport and Gliderport Operations; Launches and Landings; Fundamentals of Flight; Performance Airspeeds; Soaring Techniques; Performance Maneuvers; Slow Flight, Stalls, and Spins; Emergency Operations; and Postflight Procedures.

• Flight Instructor Instrument Practical Test Standards for Airplane Rating and Helicopter Rating; FAA-S-8081-9E.

○ This PTS establishes the aeronautical knowledge, special emphasis areas considered critical to flight safety, and proficiency standards for the flight instructor certification practical tests for airplane and helicopter ratings.

○ This PTS contains the following Areas of Operation: Fundamentals of Instructing; Technical Subject Areas; Preflight Preparation; Preflight Lesson on a Maneuver to be Performed in Flight; Air Traffic Control Clearances and Procedures; Flight by Reference to Instruments; Navigation Aids; Instrument Approach Procedures; Emergency Operations; and Postflight Procedures.

• Flight Instructor Instrument Powered-Lift Airman Certification Standards; FAA-S-ACS-28.

○ This ACS communicates the aeronautical knowledge, risk management, and flight proficiency standards for the flight instructor instrument rating in the powered-lift category.

○ This ACS contains the following Areas of Operation: Fundamentals of

Instructing; Technical Subject Areas; Preflight Preparation; Preflight Lesson on a Maneuver to be Performed in Flight; Air Traffic Control Clearances and Procedures; Flight by Reference to Instruments; Navigation Aids; Instrument Approach procedures; Emergency Operations; and Postflight Procedure.

The FAA notes that the ACSs and PTSs that the agency proposes to IBR may be categorized into three groups, described herein. First, for the majority of the ACSs and PTSs, the FAA has updated version numbers from the versions that are currently in use by the regulated community (e.g., applicants and examiners). The ACSs and PTSs with updated version numbers reflect minor updates, including grammatical or clerical corrections, updated regulatory citations, and organizational revisions.²² However, there are no major substantive revisions or additional requirements in the updated ACSs and PTSs incorporated by reference that the regulated community must resort to with this proposed rulemaking.

Additionally, the FAA has updated the titles to certain ACSs and PTSs to more consistently reflect the precise category and/or rating that the ACS and PTS applies to. The FAA has also drafted an ACS companion guide providing guidance on certain nonregulatory and technical information removed from the ACSs during the update, which may be found in the docket to this rulemaking.

Second, as discussed in section III.A., the FAA is actively converting the PTSs to ACSs across all airman certificates and ratings. Therefore, several ACSs proposed to be incorporated by reference as part of this rulemaking are currently not used as the FAA testing standard. The FAA is proposing that these ACSs would replace the existing PTSs as part of the final rule.

In the interest of transparency, the FAA does note four ACSs that added tasks during the transition from PTS to ACS. Specifically, the four ACSs affected are: (1) the Commercial Pilot for Airplane Category ACS, which adds the Forward Slip to the Landing task in accordance with the Private Pilot for Airplane Category ACS, Area of Operation IV, Task M for applicants who do not hold an airman certificate with an airplane category rating and a single-engine class rating and are applying for a commercial certificate in the airplane category with a single engine rating

(land or sea); (2) the Private Pilot for Rotorcraft Category Helicopter Rating ACS, which adds the Approach and Landing with One Engine Inoperative task, Area of Operation VII, Task C; (3) the Commercial Pilot for Rotorcraft Category Helicopter Rating ACS, which adds three tasks: first, the Anti-Torque System Failure (Oral Only) task, Area of Operation VIII, Task G; second, the Recovery from Unusual Flight Attitudes task, Area of Operation VIII, Task L; and, third, Night Operations task, Area of Operation IX, Task C; and (4) Flight Instructor for Rotorcraft Category Helicopter Rating ACS, which adds the Recovery from Unusual Flight Attitudes task, Area of Operation XI, Task D. The FAA has evaluated these tasks in terms of substantive additions to the practical test, and has determined these additions are of minimal impact. In other words, these added tasks, which have been determined as crucial to evaluation in the interest of safety, may be completed concurrently with tasks already required on the transitioned ACSs and, therefore, only add a negligible amount of time to the requisite practical test.

Notwithstanding these minimal additions, the conversion of PTS to ACS does not markedly change the substantive material to be tested on the practical test. The ACS is intended to more concisely capture the testing elements contained in the PTS, and the coding structure of the ACS provides greater detailed information for instructors and evaluators, particularly in areas missed on a knowledge test or not satisfactorily completed on a practical test. In sum, while the specific elements of the ACS and PTS may not precisely align (e.g., broad topics of managing risk and situational awareness in the PTS have been put in context of risk management elements on the ACS), the performance of tasks required, as well as the standard for satisfactory completion, remains generally unchanged, unless otherwise noted in the ACS.

Third, the FAA notes that there are six (6) new powered-lift ACSs proposed to be incorporated by reference, including: (1) ATP and Type Rating for Powered-Lift Category, (2) Commercial Pilot for Powered-Lift Category, (3) Private Pilot for Powered-Lift Category, (4) Instrument Rating—Powered-Lift, (5) Flight Instructor for Powered-Lift Category, and (6) Flight Instructor Instrument Powered-Lift. As with the other ACSs, most of the Powered-Lift ACSs were drafted based on input from

²² The FAA notes that each PTS and ACS contains front matter that provides revision history and a record of changes, which are available for inspection in the docket for this proposed rule.

industry and the ACS Working Group,²³ and align with the areas of operation promulgated by the regulations for the respective certificates and/or ratings.²⁴ Because these ACSs are newly drafted, the FAA invites comments in particular on the six powered-lift ACSs.

2. Pilot and Flight Instructor Practical Tests

Section 61.43 contains the general procedures for the practical test, including the parameters for the successful completion of a practical test.²⁵ As discussed in section III.A., completion of the practical test for a certificate or rating consists of performing the tasks specified in the areas of operation for the airman certificate or rating sought,²⁶ among other requirements. The FAA proposes to revise the language in § 61.43(a)(1) to direct compliance with the applicable PTS or ACS.²⁷ Specifically, completion of the practical test for a certificate or rating would consist of performing the tasks specified in the areas of operation contained in the applicable ACS or PTS for the airman certificate or rating sought. Additionally, the FAA proposes to revise § 61.43(a)(2) and (3) to clarify that the tasks and standards referred to in each respective subparagraph are those delineated in § 61.43(a)(1).

Additionally, in order to clearly define which ACS or PTS an applicant is subject to, the FAA proposes to add an appendix (Appendix A) to part 61. The appendix will function to aid applicants and evaluators in identifying which ACS or PTS must be utilized for the certificate and/or rating the applicant seeks. Therefore, proposed appendix A to part 61 provides a table containing an list of all part 61 certificates, ratings, and proficiency

checks, and directs which PTS or ACS is applicable. The proposed revision to § 61.43(a)(1) contains both a reference to the centralized IBR section in § 61.14 and a reference to appendix A for PTS/ACS applicability.

3. Proficiency Checks

Proficiency checks are a type of review of a pilot's proficiency that is generally required to maintain existing privileges, but also required to add privileges in the case of sport pilot certificates. Although a proficiency check differs from an initial test for certification (*i.e.*, a practical test), which determines a pilot's qualification to hold a certificate or rating, pilots completing proficiency checks are similarly evaluated against ACSs and PTSs; therefore, the FAA finds that conforming amendments are necessary to proficiency checks as well. Specifically, the FAA proposes to require that instrument proficiency checks (IPC) under § 61.57(d), pilot-in-command proficiency checks (PIC PC) under § 61.58, and sport pilot proficiency checks under §§ 61.321 and 61.419 be conducted according to the appropriate ACS or PTS, respectively, through minor revisions to the applicable section and cross-references to the centralized IBR section.

i. Instrument Proficiency Check

Section 61.57 sets forth the requirements of recent flight experience to act as pilot in command of an aircraft. To act as PIC under Instrument Flight Rules (IFR) or weather conditions less than the minimums prescribed for Visual Flight Rules (VFR), a PIC must complete certain instrument experience within a specified time.²⁸ A person who has failed to meet these instrument experience requirements for more than six calendar months²⁹ may only reestablish currency by completing an IPC, pursuant to § 61.57(d).³⁰ Prior to 1997, an IPC³¹ was broadly referred to in the regulations and did not require

any specific checking areas, tasks, or operational characteristics. In 1997, the FAA clarified the tasks and maneuvers upon which IPC were to be conducted. Specifically, the FAA revised § 61.57(d) to require that the IPC include a representative number of the tasks required by the instrument rating practical test. The reference to "tasks required by the instrument rating practical test" was understood to embody the tasks that were referred to in § 61.43(a)(1), which referred to those tasks contained in the practical test standards.³²

As discussed in section III.A. of this preamble, in 2018, the FAA removed references to the practical test standards in the regulations.³³ Likewise, the FAA found that, for consistency, it was inappropriate to reference the areas of operation and instrument tasks in the instrument rating PTS. Therefore, in the 2018 rulemaking, the FAA revised § 61.57(d) to list the areas of operation for an IPC³⁴ and noted that the proficiency check would still be driven by the standards for the initial issuance of an instrument rating.³⁵

In practice, the person administering an IPC³⁶ utilizes the appropriate instrument PTS or ACS.³⁷ Currently, there is both an active PTS and ACS for instrument rating practical tests. Airplane Instrument Rating practical tests are conducted via the Instrument Rating—Airplane ACS (FAA-S-ACS-8B), while Helicopter Instrument Rating and Powered-Lift Instrument Rating practical tests are conducted via the Instrument Rating Practical Test Standards for Airplane, Helicopter, and Powered-Lift (FAA-S-8081-4E with Changes 1, 2, 3, 4 & 5). The FAA notes that the current PTS still contains the Airplane portion; however, this portion has been superseded by the ACS. While previously stated that the IPC in practice currently utilizes the PTS or ACS dependent on the rating held, as part of this rulemaking, the FAA proposes to transition to an Instrument Rating—Helicopter ACS and Instrument Rating—Powered-Lift ACS; therefore, all IPCs would use an ACS. The instrument ACSs contain a table that sets forth the minimum number of tasks that must be selected during a check to ensure the instrument proficiency of the pilot to operate under IFR or in weather

²³ The FAA notes the Private Powered-Lift ACS and Flight Instructor Instrument Powered-Lift ACS were drafted prior to the receipt of an ACS from the ACS Working Group. The FAA emphasizes that these two ACSs were largely informed by Powered-Lift ACSs that the ACS Working Group had submitted.

²⁴ For example, the private pilot powered-lift ACS areas of operation align with the flight proficiency areas of operation for a private pilot powered-lift category rating in 14 CFR 61.107(b)(5).

²⁵ 14 CFR 61.43(a).

²⁶ 14 CFR 61.43(a)(1).

²⁷ Section 14 CFR 141.67(c) requires tests given by pilot schools with examining authority to be approved by the Administrator and be at least equal in scope, depth, and difficulty to the comparable knowledge and practical tests prescribed by the Administrator under 14 CFR part 61. The FAA is not proposing a corresponding change to part 141 in light of the changes to § 61.43(a). However, the FAA notes that the reference in § 141.67(c) to part 61 means that for a test to be at least equal in scope, depth, and difficulty to the FAA practical test, the test must have requirements and standards that are at least equivalent to those in the applicable ACS or PTS (as already occurs in practice).

²⁸ 14 CFR 61.57(c).

²⁹ A person who has failed to meet the experience requirements for fewer than six months may not act as PIC under IFR or the weather conditions less than the minimums prescribed for VFR but may reestablish instrument privileges by performing the required instrument experience in § 61.57(c) in an aircraft in actual instrument conditions with someone qualified to act as PIC, in simulated instrument conditions with a safety pilot, or in a full flight simulator, flight training device, or aviation training device as permitted in § 61.57(c)(2).

³⁰ There are certain exceptions to the general requirements of establishing instrument proficiency, which are provided in 14 CFR 61.57(e).

³¹ Instrument proficiency checks were termed as "instrument competency checks" prior to the 1997 final rule. See 62 FR at 16253.

³² 62 FR at 16253.

³³ 83 FR at 30269.

³⁴ The areas of operation listed in the regulation for an IPC were consistent with six of the eight areas of operation for an initial instrument rating in § 61.65(c). 83 FR 30232.

³⁵ *Id.*

³⁶ See 14 CFR 61.57(d)(3).

³⁷ See FAA Order 8900.1, Vol. 5, Chap. 2, Sec. 3.

conditions less than the minimums for VFR.³⁸

Therefore, the FAA proposes to revise § 61.57(d)(1) to precisely reflect the standards that an IPC must consist of by stating that the IPC must consist of the areas of operation contained in the applicable ACS as appropriate to the rating held. The authorized instructor will utilize the aforementioned tables within the appropriate ACS to check the pilot, and the pilot will have notice and understanding of which tasks the pilot is expected to perform. The proposed revision to § 61.57(d)(1) contains both a cross-reference to the centralized IBR section in § 61.14 and a cross-reference to appendix A for ACS applicability. The FAA emphasizes that there are no major substantive changes to the proficiency check process or tasks required to be conducted during an IPC as a result of this proposal.

ii. Pilot-in-Command Proficiency Check

Section 61.58 sets forth the requirements for a PIC PC for the operation of an aircraft that requires more than one pilot flight crewmember or is turbojet-powered. With certain exceptions,³⁹ to serve as PIC of these aircraft, a person must complete a PIC PC in the aircraft within the preceding 12 calendar months and also complete a PIC PC in the particular type of aircraft in which the person will serve as PIC within the preceding 24 calendar months.⁴⁰ One manner by which the PIC PC may be accomplished is through satisfactory completion of a PIC PC consisting of the aeronautical knowledge areas, areas of operations, and tasks required for a type rating in an aircraft that is type certificated for more than one pilot flight crewmember or is turbojet powered.⁴¹

The FAA has required proficiency checks for PICs operating aircraft that require more than one pilot since 1973.⁴² At that time, the PIC PCs were required to include the maneuvers, procedures, and standards required for

the original issuance of a type rating for the aircraft used in the check.⁴³ In 2011, the FAA revised § 61.58 to also require a PIC of a turbojet-powered aircraft to receive an annual pilot proficiency check and revised the proficiency check parameters to consist of the aeronautical knowledge areas, areas of operation, and tasks required for a type rating.⁴⁴ Today, in practice, a person authorized by the Administrator conducts the PIC PC under § 61.58(d)(1) by checking the pilot's performance of specified maneuvers and procedures in the applicable ACS or PTS, based on the pilot's certificates and ratings held (*i.e.*, because the ACS or PTS is used to delineate the tasks required for a type rating on a practical test, the ACS or PTS is also used for the proficiency check).⁴⁵

Because the FAA conducts the PIC PC in accordance with the ACS or PTS the FAA proposes a corresponding revision to § 61.58(d)(1). Rather than broadly refer to the proficiency check requirements as aeronautical knowledge areas, areas of operation, and tasks required for a type rating, the FAA proposes to require that the PIC PC specifically consist of the areas of operation contained in the applicable ACS or PTS. The FAA emphasizes that there are no substantive changes to the maneuvers and procedures on the PIC PC in this proposal. The proposed revision contains both a cross-reference to the centralized IBR section in § 61.14 and a cross-reference to appendix A to determine ACS or PTS applicability.

iii. Sport Pilot Proficiency Checks

The final group of proficiency checks in part 61 are those for certificated sport pilots seeking to operate an additional category or class of light-sport aircraft, and certificated flight instructors with a sport pilot rating seeking to provide training in an additional category or class of light-sport aircraft. A certificated sport pilot must, among other requirements,⁴⁶ successfully complete a proficiency check on the aeronautical knowledge areas and areas of operation specified in §§ 61.309 and 61.311⁴⁷ for the additional light-sport

aircraft privilege sought. A certificated flight instructor must, among other requirements,⁴⁸ successfully complete a proficiency check on the areas of operation specified in § 61.409 for the additional category and class of flight instructor privilege sought. The FAA stated that these areas of operation were consistent with and based upon the existing flight proficiency requirements established for higher certificate levels under part 61⁴⁹ and drafted the Sport Pilot PTSs to align with these areas of operation. For the aforementioned certificated sport pilots and certificated flight instructors, in practice, the proficiency checks are conducted in accordance with the respective Sport Pilot PTS,⁵⁰ which incorporate the aeronautical knowledge areas and areas of operation provided in §§ 61.309, 61.311, and 61.409, applicable to the additional privileges sought.

Therefore, the FAA proposes to revise § 61.321(b) to precisely reflect the standards that the proficiency check aligns with by stating that the proficiency check must consist of the appropriate areas of operation contained in the applicable PTS for the additional light-sport aircraft privilege sought. Likewise, the FAA proposes to revise § 61.419(b) to require the flight instructor to successfully complete a proficiency check consisting of the appropriate areas of operation contained in the applicable PTS for the additional category and class flight instructor privilege sought. The proposed revisions to both §§ 61.321 and 61.419 contain a cross-reference to the centralized IBR section in § 61.14 and a cross-reference to appendix A to determine PTS⁵¹ applicability. The FAA emphasizes that there are no substantive changes to the tasks required to be conducted in the proficiency check to add additional sport pilot privileges in this proposal.

4. Conforming Amendment to ATP Flight Proficiency Areas of Operation

As part of the FAA's routine review of the testing standards, the FAA noticed that the areas of operation in the ATP and Type Rating for Airplane

³⁸ For example, in the Instrument Rating—Airplane ACS, a proficiency check must consist of, at the minimum: Task B in Area of Operation III; Task B in Area of Operation IV; Task A in Area of Operation V; all Tasks in Area of Operation VI; Tasks B, C, and D in Area of Operation VII; and all tasks in Area of Operation VIII.

³⁹ See 14 CFR 61.58(b), which excepts persons conducting operations under subpart K of part 91, part 121, 125, 133, 135, or 137, or persons maintaining continuing qualification under an Advanced Qualification program approved under subpart Y of part 121 from the requirements of § 61.58.

⁴⁰ 14 CFR 61.58.

⁴¹ 14 CFR 61.58(d)(1).

⁴² Final Rule, *Miscellaneous Amendments*, 38 FR 3161 (Feb. 1, 1973). 14 CFR 61.58(d)(1) was originally promulgated in 1973 as § 61.58(c)(1).

⁴³ In 1997, the FAA revised § 61.58(c)(1) to become § 61.58(d)(1) and delineated that the proficiency check must consist of the maneuvers and procedures required for a type rating. 62 FR 16220.

⁴⁴ Final Rule, *Pilot in Command Proficiency Check and Other Changes to Pilot and Pilot School Certification Rules*, 76 FR 54095 (Aug. 31, 2011).

⁴⁵ See FAA Order 8900.1, Volume 5, Chapter 1, Section 20.

⁴⁶ See 14 CFR 61.321.

⁴⁷ Section 61.309 contains the aeronautical knowledge areas, while § 61.311 contains the areas of operation.

⁴⁸ See 14 CFR 61.419.

⁴⁹ NPRM, *Certification of Aircraft and Airmen for Operation of Light-Sport Aircraft*, 67 FR 5367 (Feb. 5, 2002).

⁵⁰ Sport Pilot PTS for Airplane, Gyroplane, Glider, and Flight Instructor; Sport Pilot PTS for Airship, Balloon, and Flight Instructor; Sport Pilot PTS for Weight Shift Control, Powered Parachute, and Flight Instructor. See FAA Order 8900.1, Vol. 5, Chap. 2, Sec. 12.

⁵¹ The FAA notes that, currently, only PTSs exist for sport pilots; however, as discussed in section III.A. of this preamble, the FAA continues work to convert all PTSs to ACSs.

Category ACS⁵² do not precisely align with the flight proficiency areas of operation set forth in § 61.157(e)(1) and (2).⁵³ Similarly, while reviewing the ATP and Type Rating for Powered-Lift Category ACS, the FAA noted similar discrepancies between the draft ACS and the requirements of § 61.157(e)(3). Specifically, § 61.157(e)(1), airplane category with single engine class rating, § 61.157(e)(2), airplane category with multiengine class rating, and § 61.157(e)(3), powered-lift category rating, each list *Normal and abnormal procedures*, which is not an independent area of operation in the ACS. Further, the ACS appears to combine the regulatory independent areas of operation *Takeoff and departure phase* and *Landings and approaches to landings* in a single area of operation, *Takeoffs and landings*, in § 61.157(e)(1) and (2). Additionally, the ACS contains *Stall prevention* as an area of operation, which is not delineated as an area of operation in § 61.157(e)(1) and (2). Finally, a terminology discrepancy exists in one area of operation where *Emergency procedures* is stated in the regulations but referred to as *Emergency operations* in the ACS.

Therefore, the FAA proposes to revise the areas of operation in § 61.157(e)(1) and (2) to align with the areas of operation in the ACS, as subsequently explained, and similarly proposes two minor revisions to § 61.157(e)(3).

First, the FAA proposes to add *Stall prevention* as an area of operation in

§ 61.157(e)(1) and (2). The FAA notes that because practical tests are conducted in accordance with the ACS, the addition of *Stall prevention* in § 61.157(e)(1) and (2) does not add tasks that an applicant is expected to demonstrate, as *Stall prevention* was already an area of operation within the ACS⁵⁴ and, therefore, is currently evaluated on the practical test. The FAA also proposes to revise § 61.57(e)(1) and (2) to combine *Takeoff and departure phase* with *Landings and approaches to landings* to become *Takeoffs and landings*, which encompasses the former two areas of operation.

Additionally, the FAA proposes to remove *Normal and abnormal procedures* as an area of operation within the airplane category and powered-lift category areas of operation from § 61.157(e)(1), (2), and (3). Instead, the FAA proposes to add language to the introductory text of § 61.157(e) to specify that normal and abnormal procedures by characteristic are inherently integrated in the tasks and maneuvers in the ACSs for airplane category single engine class rating, airplane category multiengine class rating, and powered-lift category rating (i.e., § 61.157(e)(1), (2), and (3)). Because the two ACSs (i.e., ATP and Type Rating for Airplane Category ACS and ATP and Type Rating for Powered-Lift ACS) integrate the demonstration of normal and abnormal procedures within their fundamental task structures, there is no need for a separate area of operation

addressing normal and abnormal procedures in isolation in the ACS. For example, in the ATP and Type Rating for Airplane Category ACS, Area of Operation II. Preflight Procedures, Task B. Powerplant Start requires an applicant to demonstrate understanding of normal and abnormal powerplant start procedures and limitations, including the use of an auxiliary power unit or external power source, if applicable.⁵⁵

Finally, as previously noted, the regulations (i.e., §§ 61.157(e)(1)(viii), (e)(2)(viii), and (e)(3)(viii)) utilize the phrase *Emergency procedures*, while the ATP and Type Rating for Airplane Category ACS and ATP and Type Rating for Powered-Lift Category ACS use the phrase *Emergency operations*. Therefore, for standardization purposes, FAA proposes a minor nomenclature change to §§ 61.157(e)(1)(viii), (e)(2)(viii), and (e)(3)(viii), which are proposed as §§ 61.157(e)(1)(vii), (e)(2)(vii), and (e)(3)(vii), to the area of operation *Emergency operations*.

The FAA again emphasizes that there are no substantive changes being made to the tasks and maneuvers that an applicant for an ATP certificate must demonstrate in these changes. These proposed revisions are simply editorial and organizational changes to align the regulations and ACSs for ease in functional application. As a result of the organizational changes, some areas of operation have been renumbered. Table 1 summarizes these changes as follows:

TABLE 1—REVISIONS TO § 61.157(e)(1), (2), AND (3)

Current areas of operation in § 61.157(e)(1), (2), and (3)	Proposed revision
(i) Preflight Preparation	No proposed revision.
(ii) Preflight Procedures	No proposed revision.
(iii) Takeoff and Departure Phase	Combine (iii) and (vi) in § 61.157(e)(1) and (2).
(iv) In-Flight Maneuvers	No proposed revision.
(v) Instrument Procedures	No proposed revision.
(vi) Landings and Approaches to Landings	Combine (iii) and (vi) in § 61.157(e)(1) and (2).
(vii) Normal and Abnormal Procedures	Remove in § 61.157(e)(1), (2), and (3).
(viii) Emergency Procedures	Rename in § 61.157(e)(1), (2), and (3).
(ix) Postflight Procedures	No proposed revision.
	Addition of Stall Prevention in § 61.157(e)(1) and (e)(2).

The FAA notes that part 141 sets forth certain areas of operation for ATP certification courses in appendix E.⁵⁶ Specifically, appendix E prescribes the minimum training curriculum for an ATP certification course for an airplane

category single-engine rating, airplane category multiengine rating, rotorcraft category helicopter rating, and powered-lift category rating. Section 4.(c) requires that an approved course must include flight training on the areas of operation

listed in that section. These areas of operation align with the areas of operation set forth by § 61.157(e) as currently situated.

While the FAA proposes revisions to the areas of operation listed in

⁵² FAA-S-ACS-11 (June 2019).

⁵³ The FAA notes that this deviation is only present in the ATP Airplane ACS for single engine and multiengine class ratings; the areas of operation in the ATP Helicopter PTS concisely correspond with the areas of operation set forth in

§ 61.157(e)(4). Therefore, no revisions are proposed to § 61.157(e)(4).

⁵⁴ *Stall Prevention* was previously tested under area of operation IV, *Inflight Maneuvers*, before the ATP Airplane PTS transitioned to the ACS. The ACS moved stall tasks into an independent area of operation to place special emphasis on its

importance in airman training and testing and the prevention of stall-related aviation accidents.

⁵⁶ 14 CFR 141.55 requires that each training course for which approval is requested must meet the minimum curriculum requirements in accordance with the appropriate appendix of part 141.

§ 61.157(e)(1), (2), and (3), as previously described, the FAA is not proposing to revise the areas of operation set forth in part 141, appendix E, section 4.(c). Thus, the FAA acknowledges that these areas of operation for training courses in part 141 will not precisely align with the proposed areas of operation set forth by § 61.157(e)(1), (2), and (3). However, the areas of operation for testing, whether under part 61 or part 141 will be governed by areas of operation in the ATP ACS or PTS, which align to the areas of operation in proposed § 61.157(e).⁵⁷

C. Part 63: Flight Engineers

Part 63 contains the certification requirements for flight crewmembers other than pilots, specifically, flight engineers and flight navigators. Both flight engineers and flight navigators are required to pass a practical test to obtain a certificate. Currently, the flight engineer practical test utilizes the Flight Engineer Practical Test Standards, whereas the flight navigator practical test is based on part 63, appendix A, which sets forth the prescribed subjects to be tested on the flight navigator practical test.⁵⁸ In light of the prescribed subjects contained in appendix A, there is no developed PTS or ACS for flight navigators at this time.⁵⁹ Therefore, the FAA proposes to only IBR one PTS (*i.e.*, the Flight Engineer PTS) into part 63.

The requirements to obtain a flight engineer certificate have remained largely unchanged since the establishment of the flight engineer certificate in 1947.⁶⁰ Since the inception of the certificate, the regulations have set forth the delineated subjects the practical test would cover with little revision of subject areas.⁶¹ Unlike parts 61 and 65, which were revised in tandem to make general references to the PTS in 1997,⁶² part 63 did not

⁵⁷ In other words, applicants from a pilot school or provisional pilot school will either take (1) the FAA practical test, which aligns to the ATP ACS or PTS via § 61.43(a), or (2) take an end-of-course test given by a pilot school who holds examining authority for the training course. Per § 141.67(c), this end-of-course test must have requirements and standards that are at least equivalent to those in the applicable ATP ACS or PTS because this end-of-course test must be equal in scope, depth and difficulty to the comparable practical test prescribed by the Administrator under part 61.

⁵⁸ 14 CFR 63.57(c).

⁵⁹ The FAA estimates there are only 30 active flight navigator certificates during 2021. https://www.faa.gov/data_research/aviation_data_statistics/civil_airmen_statistics.

⁶⁰ Final Rule, Part 35—Flight Engineer Certificates, 12 FR 40 (Jan. 3, 1947).

⁶¹ The regulations promulgating the subject areas as they exist today were adopted in 1962. Final Rule, Flight Engineer Certificates and Training Courses, 30 FR 14558 (Nov. 23, 1965).

⁶² 62 FR 16220.

follow suit and retained the specific subject areas in the regulations. These subject areas are fashioned as areas of operation in the Flight Engineer PTS,⁶³ which are further expanded into tasks that list the required knowledge and skills appropriate to the area of operation. Each task lists an objective, which consist of the important elements that must be satisfactorily performed to demonstrate competency. Specifically, the objective includes what the applicant must be able to do, the conditions under which the task is to be performed, and the minimum acceptable standards of performance. The Flight Engineer PTS is to be used for the initial issuance of a Flight Engineer Certificate and for the addition of class ratings to that certificate.

Because the flight engineer practical test is conducted in accordance with the Flight Engineer PTS, the FAA proposes to revise § 63.39 to IBR the Flight Engineer PTS. Section 63.39(a) would be revised to conform to current practice and specify that, in order to pass the practical test for a flight engineer certificate, an applicant must satisfactorily demonstrate the objectives in the areas of operation contained in the Flight Engineer PTS. Accordingly, § 63.39(c) would be added to IBR the Flight Engineer PTS. The FAA is also proposing minor editorial revisions in § 63.39(b) to remove gender references.

D. Part 65: Aircraft Dispatchers and Parachute Riggers

1. Centralized Incorporation by Reference

Part 65 contains the certification requirements for airmen other than flight crewmembers, including aircraft dispatchers and parachute riggers. Both aircraft dispatchers and parachute riggers are required to pass a practical test⁶⁴ to obtain a certificate and/or rating. The FAA proposes to incorporate the applicable PTSs for aircraft dispatchers and parachute riggers by reference, as discussed in sections III.D.2. and III.D.3 of this preamble. Part 65 currently contains a centralized IBR section in § 65.23, which houses the Aviation Mechanic General, Airframe, and Powerplant Practical Test Standards and the Aviation Mechanic General, Airframe, and Powerplant Airman

⁶³ For example, § 63.39(b)(1) requires the applicant to show that the applicant can satisfactorily perform preflight inspection. Preflight Inspection is implemented in the Flight Engineer PTS as area of operation II: Preflight Procedures, divided into Task A: Preflight Inspection and Flight Deck Setup and Task B: Preflight Inspection—Exterior.

⁶⁴ 14 CFR 65.53(b)(4), 65.115, 65.119, and 65.123.

Certification Standards.⁶⁵ The FAA proposes to revise the centralized IBR section in part 65 to include the Aircraft Dispatcher Practical Test Standards and Parachute Rigger Practical Test Standards. Specifically, to organize the PTSs and ACSs in alphanumeric order by version number, the FAA proposes to redesignate current § 65.23(a)(1) and (2) as § 65.23(a)(3) and (4). The Aircraft Dispatcher PTS, which is summarized in section III.D.2. of this preamble, would be contained in revised § 65.23(a)(1); the Parachute Rigger PTS, which is summarized in section III.D.3. of this preamble, would be contained in revised § 65.23(a)(2). The centralized IBR section does not contain instructions for compliance with the standards. Rather, part 65 sections, as subsequently discussed, require compliance with these respective standards (*i.e.*, §§ 65.59, 65.115, 65.119, and 65.123) and refer to § 65.23 for identification information and the IBR language required by 1 CFR part 51.

2. Aircraft Dispatchers

Subpart C of part 65 promulgates the requirements to obtain an aircraft dispatcher certificate. Currently, § 65.59 requires an applicant for an aircraft dispatcher certificate to pass a practical test by demonstrating skill in applying the areas of knowledge and topics in appendix A of part 65 to preflight and all phases of flight, including abnormal and emergency procedures. Appendix A contains the areas of knowledge necessary to perform dispatcher functions, and indicates the minimum set of topics that must be covered in a training course for aircraft dispatcher certification required by § 65.61, *Aircraft dispatcher certification courses: Content and minimum hours*.

Similar to part 61, the FAA set forth the specific topics to be tested on the aircraft dispatcher practical test directly in the regulations governing such crewmembers in part 65 until 1999.⁶⁶ In 1999,⁶⁷ the FAA amended the eligibility and certification requirements for aircraft dispatchers, to include removal of the specific topics in § 65.59 to be tested on the practical test. Instead, the FAA tethered the practical test to the aircraft dispatcher practical test standards, as published by the FAA, on

⁶⁵ Interim Final Rule, *Aviation Maintenance Technician Schools*, 87 FR 31391 (May 24, 2022).

⁶⁶ Before 1962, § 27.33 promulgated the skill requirements and listed subject areas the practical test covered. In 1962, § 27.33 was relocated to § 65.59, with no substantive revisions to the list of practical test subject areas. Final Rule, *Addition of Subchapter*, 27 FR 7954 (Aug. 10, 1962).

⁶⁷ Final Rule, *Revision of Certification Requirements: Aircraft Dispatchers*, 64 FR 68916 (Apr. 6, 2000).

the items specified in appendix A of part 65.⁶⁸ This aligned with the FAA's general disposition in part 61 to remove specific topics and instead broadly reference the practical test standards. In 2018, the FAA removed the reference to the aircraft dispatcher PTS to be consistent with editorial changes made to other parts⁶⁹ pertaining to the certification of airman. In its place, the FAA required an applicant to demonstrate skill in applying the areas of knowledge and topics provided in appendix A of part 65 in the regulations, but explained in the final rule preamble that the practical test would continue to be based on the aircraft dispatcher PTS.⁷⁰

Currently, FAA inspectors and designated examiners conduct aircraft dispatcher tests in accordance with the Aircraft Dispatcher PTS; however, the Aircraft Dispatcher PTS is not a regulatory standard for the practical test. The Aircraft Dispatcher PTS contains knowledge and skill tasks that an applicant must demonstrate to pass the practical test for an Aircraft Dispatcher certificate. Specifically, the Aircraft Dispatcher PTS contains areas of operation, which are divided into tasks (e.g., navigation and aircraft navigation systems, practical dispatch applications). Each task lists an objective, which consists of the elements that must be satisfactorily performed to demonstrate competency. Specifically, the objective includes what the applicant must be able to do, the conditions under which the task is to be performed, and the minimum acceptable standards of performance. The FAA notes that the Aircraft Dispatcher PTS objectives within the Tasks of the areas of operation generally align to the topics set forth in appendix A. This proposed revision to require compliance with the PTS rather than appendix A would not add topics or substantive changes to what is currently contained on the practical test.⁷¹

Therefore, the FAA proposes to revise § 65.59 to direct compliance with the Aircraft Dispatcher PTS in practical

testing. Specifically, proposed § 65.59 will require an aircraft dispatcher to satisfactorily demonstrate the objectives in the areas of operation specified in the Aircraft Dispatcher PTS. Proposed § 65.59 would cross reference the centralized IBR section, § 65.23, for publication information on the PTS.

3. Parachute Riggers

Subpart F of part 65 governs the requirements to obtain a senior parachute rigger and master parachute rigger certificate. Both a senior parachute rigger and a master parachute rigger require the passage of an oral and practical test for the issuance of a certificate.⁷² Likewise, the addition of a type rating to a parachute rigger certificate (i.e., seat, back, chest, and/or lap type rating) requires the certificated parachute rigger to pass a practical test.⁷³ Due to the unique nature of the job duties of a parachute rigger, the regulations have broadly required that the oral and practical test must examine the applicant's ability to pack and maintain a parachute.⁷⁴ In practice, the Parachute Rigger PTS is utilized to conduct the oral and practical test for obtaining a senior parachute rigger certificate and master parachute rigger certificate and is also utilized for the practical test for obtaining type ratings for seat, back, chest, and lap. Specifically, the Parachute Rigger PTS contains areas of operation (e.g., packing parachutes, parachute operation and care), which are divided into tasks that are specified as applicable to the certificate and/or rating sought. For example, a task that is only involved in a seat type rating is delineated as such (i.e., Task A: Packing Seat Type Parachute (Seat Type Rating)). Each task lists an objective, which consists of the elements that must be satisfactorily performed to demonstrate competency. Specifically, the objective includes what the applicant must be able to do, the conditions under which the task is to be performed, and the minimum acceptable standards of performance.

The FAA proposes to revise §§ 65.115 and 65.119 to require the applicant to pass the oral and practical test by satisfactorily demonstrating the objectives in the areas of operation in the Parachute Rigger PTS applicable as appropriate to the respective certificate (i.e., senior parachute rigger, master parachute rigger) and type rating sought. Further, should a certificated parachute rigger apply for an additional type rating (i.e., seat, back, chest, lap), that applicant must pass a practical test appropriate to the type rating sought, pursuant to § 65.123. Because the testing standards for each type rating are contained and specified in the Parachute Rigger PTS, the FAA proposes to revise § 65.123(b) to require that, in order to pass a practical test for an additional type rating, an applicant must satisfactorily demonstrate the objectives in the area of operation applicable to the type rating sought, which are specified in the Parachute Rigger PTS. Sections 65.115, 65.119, and 65.123 will each cross reference the centralized IBR section, § 65.23, for publication information on the Parachute Rigger PTS.

The FAA is also proposing minor editorial revisions in §§ 65.115, 65.119, and 65.123 to remove gender references.

IV. Regulatory Notices and Analyses

Federal agencies consider impacts of regulatory actions under a variety of executive orders and other requirements. First, Executive Order 12866 and Executive Order 13563 direct that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify the costs. Second, the Regulatory Flexibility Act of 1980 (Pub. L. 96–354) requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act (Pub. L. 96–39) prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. Fourth, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more (adjusted annually for inflation) in any one year. The current threshold after adjustment for inflation is \$164,000,000, using the most current (2021) Implicit Price Deflator for the Gross Domestic Product. This portion of the preamble

⁶⁸ 14 CFR 61.115, 61.119.

⁶⁹ 14 CFR 65.123(b).

⁷⁰ Pursuant to 14 CFR 65.115, the oral and practical test for a senior parachute rigger certificate requires the applicant to show the ability to pack and maintain at least one type of parachute in common use, appropriate to the type rating sought. Pursuant to 14 CFR 65.119, the oral and practical test for a master parachute rigger certificate requires the applicant to show the ability to pack and maintain two types of parachutes in common use, appropriate to the type rating sought. Pursuant to 14 CFR 65.123, a certificated parachute rigger who applies for an additional type rating must pass a practical test showing the ability to pack and maintain the type of parachute applicable to the type rating sought.

⁶⁸ Appendix A of part 65 sets forth the areas of knowledge necessary to perform dispatcher functions, which function as the minimum set of topics that must be covered in a training course for aircraft dispatcher certification.

⁶⁹ As discussed in section III.A. of this preamble, the FAA removed direct references to the PTS in part 61 as well.

⁷⁰ 83 FR at 30269.

⁷¹ The FAA is not inclined to remove Appendix A due to possible unforeseen effects on aircraft dispatcher course curriculum that are already in use and has determined that requiring an aircraft dispatcher course to align their curriculum with the Aircraft Dispatcher PTS would be out of the scope of this rule at this time.

summarizes the FAA's analysis of the economic impacts of this rule.

In conducting these analyses, the FAA has determined that this rule: will result in benefits that justify costs; is not an economically "significant regulatory action" as defined in section 3(f) of Executive Order 12866; will not have a significant economic impact on a substantial number of small entities; will not create unnecessary obstacles to the foreign commerce of the United States; and will not impose an unfunded mandate on State, local, or tribal governments, or on the private sector.

A. Regulatory Evaluation

1. Need for the Regulation

Through this rulemaking, the FAA is proposing to incorporate by reference (IBR) certain PTSs and ACSs into parts 61, 63, and 65 so the standards carry the full force and effect of regulation. Because of the unique nature of the PTS and ACS documents, which are lengthy and contain complex and technical tables, the FAA proposes the mechanism of IBR. IBR allows Federal agencies to comply with the requirements of the APA to publish rules in the **Federal Register** and the Code of Federal Regulations by referring to material published elsewhere. Material that is incorporated by reference has the same legal status as if it were published in full in the **Federal Register**.

2. Baseline for the Analysis

Title 14 Code of Federal Regulations (14 CFR) parts 61, 63, and 65 prescribe the requirements for airmen to obtain a certificate and/or rating. Each part contains the general requirements for eligibility, aeronautical knowledge, flight proficiency, and aeronautical experience requirements, as applicable, for each certificate and/or rating sought. This generally includes the requirement to pass a practical test specific to the certificate or rating sought.

The PTS and the ACS impose requirements on all persons seeking an airman certificate or rating. The PTS and ACS require an applicant seeking a certificate or rating to complete specific tasks and maneuvers to a minimum given standard in order to obtain the applicable certificate or rating. As such, if an applicant does not perform a task to the prescribed standard, found in the applicable ACS or PTS, the applicant cannot obtain the applicable certificate and rating. Unsatisfactory performance results in a notice of disapproval and/or denial of the certificate or rating. The PTSs and the ACSs, which are proposed by this rule to be incorporated by

reference, are the testing standards that are already in use or the process by which the practical test is conducted.

3. Benefits

The mechanism of IBR allows Federal Agencies to comply with the requirement to publish rules in the **Federal Register** and the CFR by referring to material already published elsewhere.⁷⁵ IBR functions to substantially reduce the size of the 14 CFR part 61, 63 and 65, which would otherwise require the PTSs and ACSs to be replicated in their entirety into the regulations, resulting in hundreds of additional pages including complex and technical tables that would be unsuitable for the CFR. The FAA would continue to draw on the expertise and resources of the aviation industry to develop and update the testing standards and strengthen private-public collaboration and transparency. IBR would maintain public and private industry collaboration. Additionally, while the practical tests are currently conducted in accordance with the PTSs and ACSs, applicants for a certificate and/or rating, and pilots completing proficiency checks, would be better informed about the exact tasks and objectives required to successfully complete each area of operation because evaluators would be required to test on the exact tasks contained in the applicable PTS and/or ACS. Further, instructors are encouraged to utilize the applicable ACS and/or PTS during training to ensure applicants are equipped with the knowledge and proficiency to successfully complete a practical test or proficiency check. Applicants and instructors are, therefore, benefitted by transparency and specificity in test preparation.

4. Costs

The FAA has evaluated the cost impacts to the stakeholders involved in this proposed rulemaking, which includes airmen and the FAA. As discussed in the preceding preamble section, the FAA noted the addition of tasks within four ACSs (Commercial Pilot for Airplane Category ACS, Private Pilot for Rotorcraft Category Helicopter Rating ACS, Commercial Pilot for Rotorcraft Category Helicopter Rating ACS, and Flight Instructor for Rotorcraft Category Helicopter Rating ACS) and determined these additions would have minimal impact. These added tasks may be completed concurrently with tasks already required on the transitioned ACSs and add a negligible amount of

⁷⁵ IBR Handbook, Office of the Federal Register (July, 2018).

time to the requisite practical test. In sum, the FAA anticipates this proposed rule would result in minimal additional cost impacts to airmen and the FAA.

Applicants and Airmen

The FAA does not anticipate new costs to applicants for an initial certificate and/or rating and existing airmen (e.g., pilots completing proficiency checks, pilots seeking additional certificates and/or ratings) because there are no substantive changes proposed to the testing processes, areas of operation, or elements upon which airmen are currently tested in order to obtain a certificate, as the practical tests are already conducted in accordance with the applicable PTS/ACS. Rather, the FAA is simply incorporating the documents by reference into the regulations to ensure compliance with the APA and provide the public with requisite notice and an opportunity to comment. Therefore, applicants seeking a certificate and/or rating and currently certificated pilots performing proficiency checks will not incur additional costs.

The FAA

The FAA does not anticipate new costs to the agency because the FAA is not changing the process by which testing is conducted or the manner in which PTSs and ACSs are currently implemented.

5. Regulatory Alternatives

The FAA did not consider regulatory alternatives for this proposed rulemaking as there are no legally supportable alternatives to mandating the requirements for airman certification and ensuring consistent standards for airman certificates and ratings.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) of 1980, Public Law 96-354, 94 Stat. 1164 (5 U.S.C. 601-612), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121, 110 Stat. 857, Mar. 29, 1996) and the Small Business Jobs Act of 2010 (Pub. L. 111-240, 124 Stat. 2504 Sept. 27, 2010), requires Federal agencies to consider the effects of the regulatory action on small business and other small entities and to minimize any significant economic impact. The term "small entities" comprises small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The FAA has not identified any small entities that would be affected by the proposed rule because this rule does not affect the content of the practical test or how the practical test is currently conducted. While there are many small entities that employ persons who conduct practical tests on behalf of the Administrator and administer proficiency checks for airmen, there are no changes proposed to these existing procedures and exams, in practice (*i.e.*, evaluators already utilize the applicable ACS and/or PTS). Therefore, for the reasons provided, the FAA certifies that the rule will not have a significant economic impact on a substantial number of small entities. The FAA welcomes comments on the basis for this certification.

C. International Trade Impact Assessment

The Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. Pursuant to these Acts, the establishment of standards is not considered an unnecessary obstacle to the foreign commerce of the United States, so long as the standard has a legitimate domestic objective, such as the protection of safety, and does not operate in a manner that excludes imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. The FAA has assessed the potential effects of this proposed rule and finds it does not create an unnecessary obstacle to foreign commerce.

D. Unfunded Mandates Assessment

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in an expenditure of \$100 million or more (in 1995 dollars) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a “significant regulatory action.” The FAA currently uses an inflation-adjusted value of \$164.0 million in lieu of \$100 million. The FAA has determined that the proposed rulemaking would not result in the expenditure of \$164.0 million or more by State, local, or tribal

governments, in the aggregate, or the private sector, in any one year.

E. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that the FAA consider the impact of paperwork and other information collection burdens imposed on the public. The FAA has determined that there would be no new requirement for information collection associated with this proposed rule.

F. International Compatibility

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to conform to International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA has reviewed the corresponding ICAO Standards and Recommended Practices and has identified no substantive differences with these proposed regulations.

G. Environmental Analysis

FAA Order 1050.1F identifies FAA actions that are categorically excluded from preparation of an environmental assessment or environmental impact statement under the National Environmental Policy Act in the absence of extraordinary circumstances. The FAA has determined this rulemaking action qualifies for the categorical exclusion identified in paragraph 5–6.6f for regulations and involves no extraordinary circumstances.

V. Executive Order Determinations

A. Executive Order 13132, Federalism

The FAA has analyzed this proposed rule under the principles and criteria of Executive Order (E.O.) 13132, Federalism. The agency has determined that this action would not have a substantial direct effect on the States, or the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government, and, therefore, would not have federalism implications.

B. Executive Order 13211, Regulations That Significantly Affect Energy Supply, Distribution, or Use

The FAA analyzed this proposed rule under E.O. 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (May 18, 2001). The agency has determined that it would not be a “significant energy action” under the executive order and would not be likely

to have a significant adverse effect on the supply, distribution, or use of energy.

C. Executive Order 13609, International Cooperation

Executive Order 13609, Promoting International Regulatory Cooperation, promotes international regulatory cooperation to meet shared challenges involving health, safety, labor, security, environmental, and other issues and to reduce, eliminate, or prevent unnecessary differences in regulatory requirements. The FAA has analyzed this action under the policies and agency responsibilities of E.O. 13609, and has determined that this action would have no effect on international regulatory cooperation.

VI. Additional Information

A. Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. The agency also invites comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit only one time.

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments it receives on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The agency may change this proposal in light of the comments it receives.

Confidential Business Information: Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to 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 the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this document. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

B. Electronic Access and Filing

A copy of the notice of proposed rulemaking (NPRM), all comments received, any final rule, and all background material may be viewed online at <https://www.regulations.gov> using the docket number listed above. A copy of this rule will be placed in the docket. Electronic retrieval help and guidelines are available on the website. It is available 24 hours each day, 365 days each year. An electronic copy of this document may also be downloaded from the Office of the Federal Register's website at <https://www.federalregister.gov> and the Government Publishing Office's website at <https://www.govinfo.gov>. A copy may also be found at the FAA's Regulations and Policies website at https://www.faa.gov/regulations_policies.

Copies may also be obtained by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM-1, 800 Independence Avenue SW, Washington, DC 20591, or by calling (202) 267-9677. Commenters must identify the docket or notice number of this rulemaking.

All documents the FAA considered in developing this proposed rule, including economic analyses and technical reports, may be accessed in the electronic docket for this rulemaking.

List of Subjects

14 CFR Part 61

Aircraft, Airmen, Alcohol abuse, Aviation safety, Drug abuse, Incorporation by reference, Recreation and recreation areas, Reporting and recordkeeping requirements, Security measures, Teachers.

14 CFR Part 63

Aircraft, Airmen, Alcohol abuse, Aviation safety, Drug abuse, Incorporation by reference, Navigation (air), Reporting and recordkeeping requirements, Security measures.

14 CFR Part 65

Air traffic controllers, Aircraft, Airmen, Airports, Alcohol abuse, Aviation safety, Drug abuse, Incorporation by reference, Reporting and recordkeeping requirements, Security measures.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend chapter I of title 14, Code of Federal Regulations as follows:

PART 61—CERTIFICATION: PILOTS, FLIGHT INSTRUCTORS, AND GROUND INSTRUCTORS

- 1. The authority section for part 61 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40113, 44701–44703, 44707, 44709–44711, 44729, 44903, 45102–45103, 45301–45302; Sec. 2307 Pub. L. 114–190, 130 Stat. 615 (49 U.S.C. 44703 note).

- 2. Add § 61.14 to read as follows:

§ 61.14 Incorporation by Reference.

Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. All approved incorporation by reference (IBR) material is available for inspection at the Federal Aviation Administration (FAA) and at the National Archives and Records Administration (NARA). Contact FAA at: Airman Testing Standards Branch/Regulatory Support Division, 405–954–4151, AFS630Comments@faa.gov. For information on the availability of this material at 1NARA, visit: www.archives.gov/federal-register/cfr/ibr-locations.html or email: fr.inspection@nara.gov. The material may be obtained from the Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, 866–835–5322, www.faa.gov/training/testing.

(a) Practical Test Standards.

(1) FAA–S–8081–3B, Recreational Pilot Practical Test Standards for Airplane Category and Rotorcraft Category; (date to be included); IBR approved for §§ 61.43(a), 61.58(d), 61.321(b), and 61.419(b), and Appendix A to this part.

(2) FAA–S–8081–7C, Flight Instructor Practical Test Standards for Rotorcraft Category Gyroplane Rating; (date to be included); IBR approved for §§ 61.43(a), 61.58(d), 61.321(b), and 61.419(b), and Appendix A to this part.

(3) FAA–S–8081–8C, Flight Instructor Practical Test Standards for Glider Category; (date to be included); IBR

approved for §§ 61.43(a), 61.58(d), 61.321(b), and 61.419(b), and Appendix A to this part.

(4) FAA–S–8081–9E, Flight Instructor Instrument Practical Test Standards for Airplane Rating and Helicopter Rating; (date to be included); IBR approved for §§ 61.43(a), 61.58(d), 61.321(b), and 61.419(b), and Appendix A to this part.

(5) FAA–S–8081–15B, Private Pilot Practical Test Standards for Rotorcraft Category Gyroplane Rating; (date to be included); IBR approved for §§ 61.43(a), 61.58(d), 61.321(b), and 61.419(b), and Appendix A to this part.

(5) FAA–S–8081–16C, Commercial Pilot Practical Test Standards for Rotorcraft Category Gyroplane Rating; (date to be included); IBR approved for §§ 61.43(a), 61.58(d), 61.321(b), and 61.419(b), and Appendix A to this part.

(6) FAA–S–8081–17A, Private Pilot Practical Test Standards for Lighter-Than-Air Category; (date to be included); IBR approved for §§ 61.43(a), 61.58(d), 61.321(b), and 61.419(b), and Appendix A to this part.

(7) FAA–S–8081–18A, Commercial Pilot Practical Test Standards for Lighter-Than-Air Category; (date to be included); IBR approved for §§ 61.43(a), 61.58(d), 61.321(b), and 61.419(b), and Appendix A to this part.

(8) FAA–S–8081–20A, Airline Transport Pilot and Type Rating Practical Test Standards for Rotorcraft Category Helicopter Rating; (date to be included); IBR approved for §§ 61.43(a), 61.58(d), 61.321(b), and 61.419(b), and Appendix A to this part.

(9) FAA–S–8081–22A, Private Pilot Practical Test Standards for Glider Category; (date to be included); IBR approved for §§ 61.43(a), 61.58(d), 61.321(b), and 61.419(b), and Appendix A to this part.

(10) FAA–S–8081–23B, Commercial Pilot Practical Test Standards for Glider Category; (date to be included); IBR approved for §§ 61.43(a), 61.58(d), 61.321(b), and 61.419(b), and Appendix A to this part.

(11) FAA–S–8081–29A, Sport Pilot and Sport Pilot Flight Instructor Rating Practical Test Standards for Airplane Category, Rotorcraft Category, and Glider Category; (date to be included); IBR approved for §§ 61.43(a), 61.58(d), 61.321(b), and 61.419(b), and Appendix A to this part.

(12) FAA–S–8081–30A, Sport Pilot and Sport Pilot Flight Instructor Rating Practical Test Standards for Lighter-Than-Air Category; (date to be included); IBR approved for §§ 61.43(a), 61.58(d), 61.321(b), and 61.419(b), and Appendix A to this part.

(13) FAA–S–8081–31A, Sport Pilot and Sport Pilot Flight Instructor

Practical Test Standards for Powered Parachute Category and Weight-Shift-Control Category; (date to be included); IBR approved for §§ 61.43(a), 61.58(d), 61.321(b), and 61.419(b), and Appendix A to this part.

(14) FAA-S-8081-32A, Private Pilot Practical Test Standards for Powered Parachute Category and Weight-Shift-Control Category; (date to be included); IBR approved for §§ 61.43(a), 61.58(d), 61.321(b), and 61.419(b), and Appendix A to this part.

(b) *Airman Certification Standards.*

(1) FAA-S-ACS-2, Commercial Pilot for Powered-Lift Category Airman Certification Standards; (date to be included); IBR approved for §§ 61.43(a), 61.57, 61.58, and Appendix A to this part.

(2) FAA-S-ACS-3, Instrument Rating—Powered-Lift Airman Certification Standards; (date to be included); IBR approved for §§ 61.43(a), 61.57, 61.58, and Appendix A to this part.

(3) FAA-S-ACS-6C, Private Pilot for Airplane Category Airman Certification Standards; (date to be included); IBR approved for §§ 61.43(a), 61.57, 61.58, and Appendix A to this part.

(4) FAA-S-ACS-7B, Commercial Pilot for Airplane Category Airman Certification Standards; (date to be included); IBR approved for §§ 61.43(a), 61.57, 61.58, and Appendix A to this part.

(5) FAA-S-ACS-8C, Instrument Rating—Airplane Airman Certification Standards; (date to be included); IBR approved for §§ 61.43(a), 61.57, 61.58, and Appendix A to this part.

(6) FAA-S-ACS-11A, Airline Transport Pilot and Type Rating for Airplane Category Airman Certification Standards; (date to be included); IBR approved for §§ 61.43(a), 61.57, 61.58, and Appendix A to this part.

(7) FAA-S-ACS-13, Private Pilot for Powered-Lift Category Airman Certification Standards; (date to be included); IBR approved for §§ 61.43(a), 61.57, 61.58, and Appendix A to this part.

(8) FAA-S-ACS-14, Instrument Rating—Helicopter Airman Certification Standards; (date to be included); IBR approved for §§ 61.43(a), 61.57, 61.58, and Appendix A to this part.

(9) FAA-S-ACS-15, Private Pilot for Rotorcraft Category Helicopter Rating Airman Certification Standards; (date to be included); IBR approved for §§ 61.43(a), 61.57, 61.58, and Appendix A to this part.

(10) FAA-S-ACS-16, Commercial Pilot for Rotorcraft Category Helicopter Rating Airman Certification Standards; (date to be included); IBR approved for

§§ 61.43(a), 61.57, 61.58, and Appendix A to this part.

(11) FAA-S-ACS-17, Airline Transport Pilot and Type Rating for Powered-Lift Category Airman Certification Standards; (date to be included); IBR approved for §§ 61.43(a), 61.57, 61.58, and Appendix A to this part.

(12) FAA-S-ACS-25, Flight Instructor for Airplane Category Airman Certification Standards; (date to be included); IBR approved for §§ 61.43(a), 61.57, 61.58, and Appendix A to this part.

(13) FAA-S-ACS-27, Flight Instructor for Powered-Lift Category Airman Certification Standards; FAA-S-ACS-27; (date to be included); IBR approved for §§ 61.43(a), 61.57, 61.58, and Appendix A to this part.

(14) FAA-S-ACS-28, Flight Instructor Instrument Powered-Lift Airman Certification Standards; (date to be included); IBR approved for §§ 61.43(a), 61.57, 61.58, and Appendix A to this part.

(15) FAA-S-ACS-29, Flight Instructor for Rotorcraft Category Helicopter Rating Airman Certification Standards; (date to be included); IBR approved for §§ 61.43(a), 61.57, 61.58, and Appendix A to this part.

■ 3. Amend § 61.43 by revising paragraphs (a)(1), (a)(2), and (a)(3) to read as follows:

§ 61.43 Practical tests: General procedures.

(a) * * *

(1) Performing the tasks specified in the areas of operation contained in the applicable Airman Certification Standards or Practical Test Standards (incorporated by reference, see § 61.14) as listed in appendix A of this part for the airman certificate or rating sought;

(2) Demonstrating mastery of the aircraft by performing each task required by paragraph (a)(1) of this section successfully,

(3) Demonstrating proficiency and competency of the tasks required by paragraph (a)(1) of this section within the approved standards; and

* * * * *

■ 4. Amend § 61.57 by revising paragraph (d)(1) to read as follows:

§ 61.57 Recent flight experience: Pilot in command.

* * * * *

(d) * * *

(1) Except as provided in paragraph (e) of this section, a person who has failed to meet the instrument experience requirements of paragraph (c) of this section for more than six calendar months may reestablish instrument

currency only by completing an instrument proficiency check. The instrument proficiency check must consist of the areas of operation contained in the applicable Airman Certification Standards (incorporated by reference, see § 61.14); as listed in appendix A of this part as appropriate to the rating held.

* * * * *

■ 5. Amend § 61.58 by revising paragraph (d)(1) to read as follows:

§ 61.58 Pilot-in-command proficiency check: Operation of an aircraft that requires more than one pilot flight crewmember or is turbojet-powered.

* * * * *

(d) * * *

(1) A pilot-in-command proficiency check conducted by a person authorized by the Administrator, consisting of the areas of operation contained in the applicable Airman Certification Standards or Practical Test Standards (incorporated by reference, see § 61.14) as listed in appendix A of this part appropriate to the rating held, in an aircraft that is type certificated for more than one pilot flight crewmember or is turbojet powered;

* * * * *

■ 6. Amend § 61.157 by revising paragraphs (e), (e)(1), (e)(2), and (e)(3) to read as follows.

§ 61.157 Flight Proficiency.

* * * * *

(e) *Areas of Operation.* A practical test will include normal and abnormal procedures, as applicable, within the areas of operation for practical tests for an airplane category and powered-lift category rating.

(1) For an airplane category—single engine class rating:

- (i) Preflight preparation;
- (ii) Preflight procedures;
- (iii) Takeoffs and Landings;
- (iv) In-flight maneuvers;
- (v) Stall Prevention
- (vi) Instrument procedures;
- (vii) Emergency operations; and
- (viii) Postflight procedures.

(2) For an airplane category—multiengine class rating:

- (i) Preflight preparation;
- (ii) Preflight procedures;
- (iii) Takeoffs and Landings;
- (iv) In-flight maneuvers;
- (v) Stall Prevention
- (vi) Instrument procedures;
- (vii) Emergency operations; and
- (viii) Postflight procedures.

(3) For a powered-lift category rating:

- (i) Preflight preparation;
- (ii) Preflight procedures;
- (iii) Takeoffs and Departure phase;
- (iv) In-flight maneuvers;

- (v) Instrument procedures;
- (vi) Landings and approaches to landings;
- (vii) Emergency operations; and
- (viii) Postflight procedures.

* * * * *

■ 7. Amend § 61.321 by revising paragraph (b) to read as follows:

§ 61.321 How do I obtain privileges to operate an additional category or class of light-sport aircraft?

* * * * *

(b) Successfully complete a proficiency check from an authorized instructor, other than the instructor who trained you, consisting of the tasks in

the appropriate areas of operation contained in the applicable Practical Test Standards (incorporated by reference, see § 61.14) as listed in appendix A of this part for the additional light-sport aircraft privilege you seek;

* * * * *

■ 8. Amend § 61.419 by revising paragraph (b) to read as follows:

§ 61.419 How do I obtain privileges to provide training in an additional category or class of light-sport aircraft?

* * * * *

(b) Successfully complete a proficiency check from an authorized

instructor, other than the instructor who trained you, consisting of the tasks in the appropriate areas of operation contained in the applicable Practical Test Standards (incorporated by reference, see § 61.14) as listed in appendix A of this part for the additional category and class flight instructor privilege you seek;

* * * * *

■ 9. Add Appendix A to part 61 to read as follows:

Appendix A to Part 61—Airman Certification Standards and Practical Test Standards

If you are seeking this certificate, rating, and/or privilege. . .	Then this PTS/ACS (incorporated by reference, see § 61.14) is applicable:
Airline Transport Pilot Certificate; Airplane Category—Single-Engine Land Rating, Airplane Category—Single-Engine Sea Rating, Airplane Category—Multiengine Land Rating, Airplane Category—Multiengine Sea Rating.	Airline Transport Pilot and Type Rating for Airplane Category Airman Certification Standards; (date to be included).
Airline Transport Pilot Certificate; Rotorcraft Category—Helicopter Rating.	Airline Transport Pilot and Type Rating Practical Test Standards for Rotorcraft Category Helicopter Rating; (date to be included).
Airline Transport Pilot Certificate; Powered-Lift Category	Airline Transport Pilot and Type Rating for Powered-Lift Category Airman Certification Standards; (date to be included).
Commercial Pilot Certificate; Airplane Category—Single-Engine Land Rating, Airplane Category—Single-Engine Sea Rating, Airplane Category—Multiengine Land Rating, Airplane Category—Multiengine Sea Rating.	Commercial Pilot for Airplane Category Airman Certification Standards; (date to be included).
Commercial Pilot Certificate; Rotorcraft Category—Helicopter Rating	Commercial Pilot for Rotorcraft Category Helicopter Rating Airman Certification Standards; (date to be included).
Commercial Pilot Certificate; Rotorcraft Category—Gyroplane Rating ...	Commercial Pilot Practical Test Standards for Rotorcraft Category Gyroplane Rating; (date to be included).
Commercial Pilot Certificate; Powered-Lift Category	Commercial Pilot for Powered-Lift Category Airman Certification Standards; (date to be included).
Commercial Pilot Certificate; Glider Category	Commercial Pilot Practical Test Standards for Glider Category; (date to be included).
Commercial Pilot Certificate; Lighter-Than-Air Category—Airship Rating, Lighter-Than-Air Category—Balloon Rating.	Commercial Pilot Practical Test Standards for Lighter-Than-Air Category; (date to be included).
Private Pilot Certificate; Airplane Category—Single-Engine Land Rating, Airplane Category—Single-Engine Sea Rating, Airplane Category—Multiengine Land Rating, Airplane Category—Multiengine Sea.	Private Pilot for Airplane Category Airman Certification Standards; (date to be included).
Private Pilot Certificate; Rotorcraft Category—Helicopter Rating	Private Pilot for Rotorcraft Category Helicopter Rating Airman Certification Standards; (date to be included).
Private Pilot Certificate; Rotorcraft Category—Gyroplane Rating	Private Pilot Practical Test Standards for Rotorcraft Category Gyroplane Rating; (date to be included).
Private Pilot Certificate; Powered-Lift Category	Private Pilot for Powered-Lift Category Airman Certification Standards; (date to be included).
Private Pilot Certificate; Glider Category	Private Pilot Practical Test Standards for Glider Category; (date to be included).
Private Pilot Certificate; Lighter-Than-Air Category—Airship Rating, Lighter-Than-Air Category—Balloon Rating.	Private Pilot Practical Test Standards for Lighter-Than-Air Category; (date to be included).
Private Pilot Certificate; Powered Parachute Category—Land Rating, Powered Parachute Category—Sea Rating, Weight-Shift-Control Aircraft Category—Land Rating, Weight-Shift-Control Aircraft Category—Sea Rating.	Private Pilot Practical Test Standards for Powered Parachute Category and Weight-Shift-Control Category; (date to be included).
Recreational Pilot Certificate; Airplane Category—Single-Engine Land Rating, Airplane Category—Single-Engine Sea Rating, Rotorcraft Category—Helicopter Rating, Rotorcraft Category—Gyroplane Rating.	Recreational Pilot Practical Test Standards for Airplane Category and Rotorcraft Category; (date to be included).
Sport Pilot Certificate; Airplane Category—Single-Engine Land Privileges, Airplane Category—Single-Engine Sea Privileges, Rotorcraft Category—Gyroplane Privileges, Glider Category.	Sport Pilot and Sport Pilot Flight Instructor Rating Practical Test Standards for Airplane Category, Rotorcraft Category, and Glider Category; (date to be included).
Flight Instructor Certificate with a Sport Pilot Rating; Airplane Category—Single-Engine Privileges, Rotorcraft Category—Gyroplane Privileges, Glider Category.	
Sport Pilot Certificate; Lighter-Than-Air Category—Airship Privileges, Lighter-Than-Air Category—Balloon Privileges.	Sport Pilot and Sport Pilot Flight Instructor Rating Practical Test Standards for Lighter-Than-Air Category; (date to be included).

If you are seeking this certificate, rating, and/or privilege. . .	Then this PTS/ACS (incorporated by reference, see § 61.14) is applicable:
Flight Instructor Certificate with a Sport Pilot Rating; Lighter-Than-Air Category—Airship Privileges, Lighter-Than-Air Category—Balloon Privileges.	
Sport Pilot Certificate; Powered Parachute Category—Land Privileges, Powered Parachute Category—Sea Privileges, Weight-Shift-Control Aircraft Category—Land Privileges, Weight-Shift-Control Aircraft Category—Sea Privileges.	Sport Pilot and Sport Pilot Flight Instructor Rating Practical Test Standards for Powered Parachute Category and Weight-Shift-Control Category; (date to be included).
Flight Instructor Certificate with a Sport Pilot Rating; Powered Parachute Category Privileges, Weight-Shift-Control Aircraft Category Privileges.	
Instrument Rating—Airplane, Instrument Proficiency Check—Airplane ..	Instrument Rating—Airplane Airman Certification Standards; (date to be included).
Instrument Rating—Helicopter, Instrument Proficiency Check—Helicopter.	Instrument Rating—Helicopter Airman Certification Standards; (date to be included).
Instrument Rating—Powered-Lift, Instrument Proficiency Check—Powered-Lift.	Instrument Rating—Powered-Lift Airman Certification Standards; (date to be included).
Flight Instructor Certificate; Airplane Category—Single Engine Rating, Airplane Category—Multiengine Rating.	Flight Instructor for Airplane Category Airman Certification Standards; (date to be included).
Flight Instructor Certificate; Rotorcraft Category—Helicopter Rating	Flight Instructor for Rotorcraft Category Helicopter Rating Airman Certification Standards; (date to be included).
Flight Instructor Certificate; Rotorcraft Category—Gyroplane Rating	Flight Instructor Practical Test Standards for Rotorcraft Category Gyroplane Rating; (date to be included).
Flight Instructor Certificate; Powered-lift Category	Flight Instructor for Powered-Lift Category Airman Certification Standards; (date to be included).
Flight Instructor Certificate; Glider Category	Flight Instructor Practical Test Standards for Glider Category; (date to be included).
Flight Instructor Certificate; Instrument—Airplane Rating	Flight Instructor Instrument Practical Test Standards for Airplane Rating and Helicopter Rating; (date to be included).
Instrument—Helicopter Rating	Flight Instructor Instrument Powered-Lift Rating Airman Certification Standards; (date to be included).
Flight Instructor Certificate; Instrument—Powered-Lift Rating	Flight Instructor Instrument Powered-Lift Rating Airman Certification Standards; (date to be included).
Aircraft Type Rating—Airplane	Airline Transport Pilot and Type Rating for Airplane Category Airman Certification Standards; (date to be included).
Aircraft Type Rating—Helicopter	Airline Transport Pilot and Type Rating Practical Test Standards for Rotorcraft Category Helicopter Rating; (date to be included).
Aircraft Type Rating—Powered-Lift	Airline Transport Pilot and Type Rating for Powered-Lift Category Airman Certification Standards; (date to be included).
Pilot-in-Command Proficiency Check—Airplane	Airline Transport Pilot and Type Rating for Airplane Category Airman Certification Standards; (date to be included).
Pilot-in-Command Proficiency Check—Helicopter	Airline Transport Pilot and Type Rating Practical Test Standards for Rotorcraft Category Helicopter Rating; (date to be included).
Pilot-in-Command Proficiency Check—Powered-Lift	Airline Transport Pilot and Type Rating for Powered-Lift Category Airman Certification Standards; (date to be included).

PART 63—CERTIFICATION: FLIGHT CREWMEMBERS OTHER THAN PILOTS

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

Authority: 49 U.S.C. 106(f), 106(g), 40113, 44701–44703, 44707, 44709–44711, 45102–45103, 45301–45302.

■ 11. Revise § 63.39 to read as follows:

§ 63.39 Skill requirements.

(a) An applicant for a flight engineer certificate with a class rating must pass a practical test in the class of airplane for which a rating is sought. To pass the practical test for a flight engineer certificate, the applicant must satisfactorily demonstrate the objectives in the areas of operation specified in the Flight Engineer Practical Test Standards, referenced in paragraph (c) of this section. The test may only be given on an airplane specified in § 63.37(a).

(b) The applicant must—

(1) Show that the applicant can satisfactorily perform preflight inspection, servicing, starting, pretakeoff, and postlanding procedures;

(2) In flight, show that the applicant can satisfactorily perform the normal duties and procedures relating to the airplane, airplane engines, propellers (if appropriate), systems, and appliances; and

(3) In flight, in an airplane simulator, or in an approved flight engineer training device, show that the applicant can satisfactorily perform emergency duties and procedures and recognize and take appropriate action for malfunctions of the airplane, engines, propellers (if appropriate), systems and appliances.

(c) FAA–S–8081–21A, Flight Engineer Practical Test Standards, [date to be included], is incorporated by reference into this section with the approval of the Director of the Federal Register

under 5 U.S.C. 552(a) and 1 CFR part 51. This material is available for inspection at the Federal Aviation Administration (FAA) and the National Archives and Records Administration (NARA). Contact FAA at: Airman Testing Standards Branch/Regulatory Support Division, 405–954–4151, AFS630Comments@faa.gov, www.faa.gov/training_testing. For information on the availability of this material at NARA, visit: www.archives.gov/federal-register/cfr/ibr-locations.html, or email: fr.inspection@nara.gov. The material may be obtained from FAA, 800 Independence Avenue SW, Washington, DC 20591, 866–835–5322, www.faa.gov/training_testing.

PART 65—CERTIFICATION: AIRMEN OTHER THAN FLIGHT CREWMEMBERS

■ 12. The authority citation for part 65 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40113, 44701–44703, 44707, 44709–44711, 45102–45103, 45301–45302.

- 13. Amend § 65.23 by:
 - a. Redesignating paragraphs (a)(1) and (2) as paragraphs (a)(3) and (4), respectively; and
 - b. Adding new paragraphs (a)(1) and (2) to read as follows:

§ 65.23 Incorporation by reference.

* * * * *

(a) * * *
(1) FAA–S–8081–10E, Aircraft Dispatcher Practical Test Standards; (date to be included); IBR approved for § 65.59.

(2) FAA–S–8081–25C, Parachute Riggers Practical Test Standards; (date to be included); IBR approved for §§ 65.115(c), 65.119(c), and 65.123(b).

* * * * *

- 14. Revise § 65.59 to read as follows:

§ 65.59 Skill requirements.

An applicant for an aircraft dispatcher certificate must pass a practical test given by the Administrator, with respect to any one type of large aircraft used in air carrier operations. To pass the practical test for an aircraft dispatcher certificate, the applicant must satisfactorily demonstrate the objectives in the areas of operation specified in the Aircraft Dispatcher Practical Test Standards (incorporated by reference, see § 65.23).

- 15. Amend § 65.115 by revising paragraph (c) to read as follows:

§ 65.115 Senior parachute rigger certificate: Experience, knowledge, and skill requirements.

* * * * *

(c) Pass an oral and practical test showing the applicant's ability to pack and maintain at least one type of parachute in common use, appropriate to the type rating the applicant seeks. To pass the oral and practical test for a senior parachute rigger certificate, the applicant must satisfactorily demonstrate the objectives in the areas of operation applicable to a senior parachute rigger specified in the Parachute Rigger Practical Test Standards (incorporated by reference, see § 65.23), appropriate to the type rating sought.

- 16. Amend § 65.119 by revising paragraph (c) to read as follows:

§ 65.119 Master parachute rigger certificate: Experience, knowledge, and skill requirements.

* * * * *

(c) Pass an oral and practical test showing the applicant's ability to pack and maintain two types of parachutes in common use, appropriate to the type

ratings the applicant seeks. To pass the oral and practical test for a master parachute rigger certificate, the applicant must satisfactorily demonstrate the objectives in the areas of operation applicable to a master parachute rigger specified in the Parachute Rigger Practical Test Standards (incorporated by reference, see § 65.23), as appropriate to the type rating sought.

- 17. Amend § 65.123 by revising paragraph (b) to read as follows:

§ 65.123 Additional type ratings: Requirements.

* * * * *

(b) Pass a practical test, to the satisfaction of the Administrator, showing the applicant's ability to pack and maintain the type of parachute, appropriate to the type rating sought. To pass the practical test for an additional type rating, the applicant must satisfactorily demonstrate the objectives in the area of operation specified in the Parachute Rigger Practical Test Standards (incorporated by reference, see § 65.23), applicable to the type rating sought.

Issued under authority provided by 49 U.S.C. 106(f), 44701(a), and 44703 in Washington, DC, on or about December 2, 2022.

Caitlin Locke,

Acting Deputy Executive Director, Flight Standards Service.

[FR Doc. 2022–26762 Filed 12–9–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

Proposed Modification of Class C Airspace at Luis Munoz Marin International Airport, San Juan, PR; Informal Airspace Meeting

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

ACTION: Notice of meeting.

SUMMARY: This notice announces a fact-finding informal airspace meeting regarding a plan to modify the Class C Airspace at Luis Munoz Marin International Airport (TJSJ), San Juan, PR. The meeting will be a virtual format via the Zoom platform. The purpose of the meeting is to solicit aeronautical comments on the proposal's effects on local aviation operations. All comments received during the meeting, and the subsequent comment period, will be

considered prior to the issuance of a notice of proposed rulemaking.

DATES: The meeting will be held on Tuesday, February 28, 2023, from 5 to 7 p.m. Atlantic Standard Time (4 to 6 p.m. Eastern Standard Time). Comments must be received on or before March 28, 2023.

ADDRESSES: Send comments on the proposal, in triplicate, to: Matthew Cathcart, Acting Manager, Operations Support Group, Eastern Service Area, Air Traffic Organization, Federal Aviation Administration, 1701 Columbia Avenue, College Park, Georgia 30337 or via email to: 9-AJO-ZSU-Class-C-Comments@faa.gov.

FOR FURTHER INFORMATION CONTACT: John Melecio, Air Traffic Manager, San Juan CERAP, 5000 Carretera 190, Carolina, Puerto Rico 00979. Telephone Number 787–253–8790. Email: John.Melecio@faa.gov.

SUPPLEMENTARY INFORMATION:

Meeting Procedures

(a) *Registration:* To attend the meeting, the public can register here: https://us06web.zoom.us/webinar/register/WN_dX3NizSvQV-ab1vzFbxn-Q.

(b) The meeting will be open to all persons on a space-available basis. There is no admission fee or other charge to attend and participate. The meeting will be informal in nature and will be conducted by one or more representatives of the FAA Eastern Service Area.

(c) Each participant will be given an opportunity to deliver comments or make a presentation, although a time limit may be imposed. Only comments concerning the plan to modify the San Juan Class C airspace area will be accepted.

(d) Each person wishing to make a presentation will be asked to note their intent when registering for the meeting so those time frames can be established. This meeting will not be adjourned until everyone registered to speak has had an opportunity to address the panel. This meeting may be adjourned at any time if all persons present have had an opportunity to speak.

(e) Position papers or other handout material relating to the substance of the meeting will be accepted. Participants submitting papers or handout materials should send them to the mail or email address noted in the COMMENTS section, above.

(f) The meeting will be available on the FAA YouTube channel. A summary of the comments made at the meeting will be filed in the rulemaking docket.

Information gathered through this meeting will assist the FAA in drafting a notice of proposed rulemaking (NPRM) that would be published in the **Federal Register**. The public will be afforded the opportunity to comment on any NPRM published on this matter.

A graphic depiction of the proposed airspace modifications may be viewed at the following URL: www.faa.gov/air_traffic/community_engagement/sju.

Agenda for the Meeting

- Presentation of Meeting Procedures
- Informal Presentation of the Planned Class C Airspace Area Modification
- Public Presentations
- Discussion and Questions
- Closing Comments

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.

Issued in Washington DC, on December 6, 2022.

Scott M. Rosenbloom,

Manager, Airspace Rules and Regulations.

[FR Doc. 2022–26910 Filed 12–9–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2022–1586; Airspace Docket No. 22–AGL–19]

RIN 2120–AA66

Proposed Amendment of V–171 in the Vicinity of Roseau, MN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend VHF Omnidirectional Range (VOR) Federal airway V–171 in the vicinity of Roseau, MN. The amendment is due to the planned decommissioning of the VOR portion of the Roseau, MN (ROX), VOR/Distance Measuring Equipment (VOR/DME) navigational aid (NAVAID) which provides navigation guidance for portions of the affected airway. The Roseau VOR is being decommissioned as part of the FAA’s VOR Minimum Operational Network (MON) program.

DATES: Comments must be received on or before January 26, 2023.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140,

Washington, DC 20590; telephone: 1(800) 647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2022–1586; Airspace Docket No. 22–AGL–19 at the beginning of your comments. You may also submit comments through the internet at www.regulations.gov.

FAA Order 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 would modify the Air Traffic Service (ATS) route structure as necessary to preserve the safe and efficient flow of air traffic within the National Airspace System.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA–2022–1586; Airspace Docket No. 22–AGL–19) and be submitted in triplicate to the Docket Management Facility (see

ADDRESSES section for address and phone number). You may also submit comments through the internet at www.regulations.gov.

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: “Comments to FAA Docket No. FAA–2022–1586; Airspace Docket No. 22–AGL–19.” The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified comment closing date will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the comment closing date. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at www.regulations.gov. Recently published rulemaking documents can also be accessed through the FAA’s web page at www.faa.gov/air_traffic/publications/airspace_amendments/.

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Operations Support Group, Central Service Center, Federal Aviation Administration, 10101 Hillwood Blvd., Fort Worth, TX, 76177.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend 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.

Background

The FAA is planning to decommission the VOR portion of the Roseau, MN, VOR/DME in August, 2023. The Roseau VOR was one of the candidate VORs identified for discontinuance by the FAA's VOR MON program and listed in the Final policy statement notice, "Provision of Navigation Services for the Next Generation Air Transportation System (NextGen) Transition to Performance-Based Navigation (PBN) (Plan for Establishing a VOR Minimum Operational Network)," published in the **Federal Register** of July 26, 2016 (81 FR 48694), Docket No. FAA-2011-1082.

Although the VOR portion of the Roseau VOR/DME NAVAID is planned for decommissioning, the co-located DME portion of the NAVAID is being retained to support NextGen PBN flight procedure requirements.

The VOR Federal airway affected by the Roseau VOR decommissioning is V-171. With the planned decommissioning of the Roseau VOR, the remaining ground-based NAVAID coverage in the area is insufficient to enable the continuity of the affected airway. As such, the proposed modification to V-171 would result in the airway being shortened due to the Roseau VOR/DME end point being removed.

To overcome the proposed modification, instrument flight rules (IFR) traffic could use the adjacent VOR Federal airway V-430 for conventional navigation or Area Navigation (RNAV) routes T-383 and T-407 for GPS navigation by properly equipped aircraft. Additionally, pilots equipped with RNAV capabilities could also navigate point to point using the existing fixes that would remain in place to support continued operations though the affected area. IFR aircraft may also receive air traffic control (ATC) radar vectors to fly around or through the affected area. Visual flight rules (VFR) pilots who elect to navigate via the affected VOR Federal airways could also take advantage of the adjacent ATS routes or ATC services listed previously.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 to amend VOR Federal airway V-171 due to the planned decommissioning of the VOR portion of the Roseau, MN, VOR/DME. The proposed airway action is described below.

V-171: V-171 currently extends between the Lexington, KY, VOR/DME and the Joliet, IL, VOR/DME; and between the Nodine, MN, VOR/Tactical

Air Navigation (VORTAC) and the Roseau, MN, VOR/DME. The FAA proposes to remove the airway segment between the Grand Forks, ND, VOR/DME and the Roseau, MN, VOR/DME. As amended, the airway would be changed to extend between the Lexington VOR/DME and the Joliet VOR/DME; and between the Nodine VORTAC and the Grand Forks VOR/DME.

The NAVAID radials contained in the airway description below are unchanged and stated in True degrees.

VOR Federal airways are published in paragraph 6010(a) 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 VOR Federal airway listed in this document would be published subsequently in FAA Order JO 7400.11.

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

Regulatory Notices and Analyses

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

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures" prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11G, 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-171 [Amended]

From Lexington, KY; INT Lexington 251° and Louisville, KY, 114° radials; Louisville; Terre Haute, IN; Danville, IL; Peotone, IL; INT Peotone 281° and Joliet, IL, 173° radials; to Joliet. From Nodine, MN; INT Nodine 298° and Farmington, MN, 124° radials; Farmington; Darwin, MN; Alexandria, MN; INT Alexandria 321° and Grand Forks, ND, 152° radials; to Grand Forks.

* * * * *

Issued in Washington, DC, on December 6, 2022.

Scott M. Rosenbloom,

Manager, Airspace Rules and Regulations.

[FR Doc. 2022-26881 Filed 12-9-22; 8:45 am]

BILLING CODE 4910-13-P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 229, 232, 240, 249, and 274

[Release Nos. 34-96458; IC-34768; File No. S7-21-21]

RIN 3235-AM94

Reopening of Comment Period for Share Repurchase Disclosure Modernization

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: The Securities and Exchange Commission ("Commission") is reopening the comment period for its proposal, *Share Repurchase Disclosure Modernization*, Exchange Act Release No. 34-93783 (Dec. 15, 2021) ("Proposing Release"). The Commission proposed amendments to modernize and improve disclosure about

repurchases of an issuer's equity securities that are registered under the Securities Exchange Act of 1934. Specifically, the proposed amendments would require an issuer to provide more timely disclosure on a new Form SR regarding purchases of its equity securities for each day that it, or an affiliated purchaser, makes a share repurchase. The proposed amendments would also enhance the existing periodic disclosure requirements about these purchases. The Commission subsequently reopened the comment period for the Proposing Release in *Resubmission of Comments and Reopening of Comment Periods for Several Rulemaking Releases Due to a Technological Error in Receiving Certain Comments*, Exchange Act Release No. 34-96005 (Oct. 7, 2022). In addition, after the proposed amendments were published for public comment, an excise tax on share repurchases was signed into law. A staff memorandum was added to the public comment file on December 7, 2022 to analyze the impact of the new excise tax on the potential economic effects of the proposed amendments. The Commission is reopening the comment period to allow interested persons the opportunity to analyze and comment on the additional analysis.

DATES: The comment period for the proposed amendments published February 15, 2022, at 87 FR 8443, which was initially reopened on October 7, 2022, at 87 FR 63016, is again reopened. Comments should be received on or before January 11, 2023.

ADDRESSES: Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/how-to-submit-comments>); or

Paper Comments

- Send paper comments to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to File Number S7-21-21. This file number should be included on the subject line if email is used. To help us process and review your comments more efficiently, please use only one method of submission. The Commission will post all comments on the Commission's website (<http://www.sec.gov/rules/proposed.shtml>). Comments also are available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE,

Washington, DC 20549-1090, on official business days between the hours of 10 a.m. and 3 p.m. Operating conditions may limit access to the Commission's public reference room. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly.

Studies, memoranda, or other substantive items may be added by the Commission or staff to the comment file during this rulemaking. A notification of the inclusion in the comment file of any such materials will be made available on our website. To ensure direct electronic receipt of such notifications, sign up through the "Stay Connected" option at www.sec.gov to receive notifications by email.

FOR FURTHER INFORMATION CONTACT: John Fieldsend, Special Counsel, Office of Rulemaking, at (202) 551-3460, Division of Corporation Finance; and, with respect to the application of the proposal to investment companies, Quinn Kane, Special Counsel, at (202) 551-6792, Investment Company Regulation Office, Division of Investment Management; U.S. Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

SUPPLEMENTARY INFORMATION: As described more fully in the Proposing Release, the Commission proposed changes to the requirements for disclosure of purchases of equity securities made by or on behalf of an issuer or any affiliated purchaser.¹ The proposed amendments were intended to improve the quality, relevance, and timeliness of information related to issuer share repurchases. The proposed amendments would modernize and improve the disclosure required about repurchases of an issuer's equity securities by:

- Requiring daily repurchase disclosure on a new Form SR, which would be furnished to the Commission one business day after execution of an issuer's share repurchase order;
- Amending Item 703² of Regulation S-K,³ with corresponding changes to Item 16E of Form 20-F⁴ for foreign private issuers and Item 9 of Form N-CSR for certain registered-closed end

¹ In the Proposing Release, the term "issuer" included affiliated purchasers and any person acting on behalf of the issuer or an affiliated purchaser. The term "affiliated purchaser" as used in Item 703 is defined in 17 CFR 10b-18(a)(3).

² 17 CFR 229.703.

³ 17 CFR 229.10 through 229.1305.

⁴ 17 CFR 249.220f.

investment management companies,⁵ to require additional detail regarding the structure of an issuer's repurchase program and its share repurchases; and

- Requiring information disclosed pursuant to Item 703, Item 16E of Form 20-F, Item 9 of Form N-CSR, and new Form SR to be reported using a structured data language (specifically, Inline eXtensible Business Reporting Language).

After the proposed amendments were published for public comment, The Inflation Reduction Act of 2022 ("Act") was signed into law on August 16, 2022.⁶ Section 10201 of the Act adds new section 4501 of the Internal Revenue Code of 1986 ("Internal Revenue Code"),⁷ which imposes upon "covered corporations" a non-deductible excise tax equal to one percent of the fair market value of any stock of the corporation which is repurchased by such corporation during the taxable year. Under the Act, a "covered corporation" is any domestic corporation⁸ the stock of which is traded on an "established securities market" (within the meaning of section 7704(b)(1) of the Internal Revenue Code⁹). The excise tax applies to share repurchases after December 31, 2022.¹⁰

The staff of the Division of Economic and Risk Analysis has prepared a memorandum that discusses potential economic effects of the new excise tax

⁵ 17 CFR 249.331 and 17 CFR 274.128.

⁶ See Public Law 117-169, 136 Stat. 1818 (2022).

⁷ See 26 U.S.C. 4501.

⁸ A domestic corporation means a corporation created or organized in the U.S. or under the law of the U.S. or of any State or the District of Columbia. See 26 U.S.C. 7701(a)(4). Section 4501(d) of the Act also applies to certain domestic subsidiaries that purchase the stock of their non-U.S. corporate parents, the shares of which are traded on an established securities market.

⁹ See 26 U.S.C. 7704(b)(1). The use of "established securities market" in section 7704(b)(1) is defined in 26 CFR 1.7704-1(b). The definition includes national securities exchanges registered under Section 6 of the Securities Exchange Act of 1934, 15 U.S.C. 78a *et seq.*, national securities exchanges exempt from registration because of the limited volume of transactions, certain foreign securities exchanges, regional or local exchanges, and certain interdealer quotation systems.

¹⁰ Additionally, Section 10201(e) of the Act sets forth certain exceptions to the applicability of the excise tax. Among these exceptions are repurchases that are treated as a dividend under the Internal Revenue Code and repurchases made by a real estate investment trust or by a "regulated investment company." Section 851(a) of the Internal Revenue Code generally defines "regulated investment companies" as domestic corporations that are registered under the Investment Company Act of 1940 ("Investment Company Act"), 15 U.S.C. 80a-2(c), as management companies or unit investment trusts, have in effect an election under the Investment Company Act to be treated as business development companies, or are certain common trust funds or similar funds. See 26 U.S.C. 851(a).

on the incidence and level of share repurchases,¹¹ which are a part of the market baseline for the proposed amendments. We believe that the information presented in the Staff Memorandum has the potential to be informative for evaluating the proposed amendments in light of this recently enacted legislation. We are, therefore, reopening the comment period for an additional 30 days to permit interested parties to comment on the Staff Memorandum, which has been included in the comment file. In addition to the requests for comment included in the Proposing Release, the Commission specifically seeks comments on the following:

Requests for Comment

1. Would the Act's new excise tax affect the proposed amendments' potential economic effects?¹² If so, what would the specific impact (or impacts) of the new excise tax be? How would the new excise tax interact with the effects of the direct and indirect costs of the proposed amendments on issuers and investors?

2. The Staff Memorandum estimates that,¹³ based on year 2020 (2021) data, of the approximately 3,300 (3,600) issuers engaged in repurchases and subject to the proposed amendments, approximately 2,000 (2,300) issuers would be affected by the excise tax. Do you agree with these estimates? If you do not agree with these estimates, please explain why. Please also provide alternative estimates and explain why you believe those alternatives would be more accurate.

3. Do you agree with the qualitative analysis in the Staff Memorandum of the likely directional effects of the new excise tax on share repurchases?¹⁴ Is there other, additional research the staff should consider? If so, please discuss this research and why you believe it is relevant to the analysis.

4. What is the likelihood, if any, given the Act's new excise tax that issuers will replace share repurchases with dividends, including special dividends?¹⁵ Is it administratively more costly to distribute a dividend, or special dividend, as a means to return

cash to shareholders as compared to repurchases? If so, please discuss how the costs differ.

5. The Staff Memorandum states that issuers subject to the proposed amendments, but that are exempted from the new excise tax, would not be directly affected by the new excise tax (but they may incur indirect effects).¹⁶ Are there any additional impacts that the staff should consider? Would these issuers incur any indirect effects? For example, the Staff Memorandum includes as possible indirect effects competitive spillovers of a decrease in repurchases among issuers subject to the excise tax, or changes in investor sentiment regarding repurchases in response to the decline in share repurchases among a considerable number of issuers. Would competitive spillovers or changes in investor sentiment affect share repurchase activity by issuers subject to the proposed amendments, but that are exempted from the new tax? If so, what would these impacts be? What other indirect effects would occur?

6. The Staff Memorandum states that the excise tax is not expected to change the direction of the expected economic effects of the proposed amendments with respect to any particular share repurchase that takes place, but that it may affect the total number of share repurchases that occur, and thus may affect the aggregate impact of the proposed amendments.¹⁷ Do you agree? Please provide the reasoning for your response.

7. The Staff Memorandum states that the categories of costs and benefits described in the Proposing Release would likely remain the same, but the magnitude may change as a result of the excise tax.¹⁸ Do you agree with this assessment? If not, what other costs or benefits should be considered in assessing the potential economic effects of the proposed amendments?

8. Do you agree with the conclusion in the Staff Memorandum that the general efficiency, competition, and capital formation considerations discussed in the Proposing Release are expected to continue to apply except for the potential competitive effects discussed in the Staff Memorandum?¹⁹

We request and encourage any interested person to submit comments regarding the proposed amendments, specific issues discussed in this release, the Staff Memorandum, or the Proposing Release, and other matters

that may have an effect on the proposed amendments. Commenters are urged to be as specific as possible; when commenting, it would be most helpful if you include the reasoning behind your position or recommendation. All comments received to date on the proposed amendments will be considered and need not be resubmitted.

By the Commission.

Dated: December 7, 2022.

J. Mathew DeLesDernier,

Deputy Secretary.

[FR Doc. 2022-26898 Filed 12-9-22; 8:45 am]

BILLING CODE 8011-01-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Parts 10, 17, and 21

[Docket No. FWS-HQ-MB-2022-0036; FXMB1232090000//223//FF09M30000]

RIN 1018-BG04

General Provisions; Revised List of Migratory Birds

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), propose to revise the List of Birds protected by the Migratory Bird Treaty Act (MBTA) by both adding and removing species. Reasons for the changes to the list include adding species based on new taxonomy and new evidence of natural occurrence in the United States or U.S. territories, removing species no longer known to occur within the United States or U.S. territories, and changing names to conform to accepted use. The net increase of 13 species (16 added and three removed) would bring the total number of species protected by the MBTA to 1,106. We also propose to revise the scientific name of a species subject to specific migratory-bird-permit regulations and to revise corresponding entries for several migratory bird species that are also listed on the List of Endangered and Threatened Wildlife under the Endangered Species Act to reflect currently accepted taxonomy and nomenclature.

We regulate the taking, possession, transportation, sale, purchase, barter, exportation, and importation of migratory birds. An accurate and up-to-date list of species protected by the MBTA is essential for public notification, regulatory, and law-

¹¹ Memorandum of the Staff of the Division of Economic and Risk Analysis, *Supplemental Analysis of the Potential Implications of the Recently Enacted Excise Tax on Share Repurchases for the Economic Effects of Share Repurchase Disclosure Modernization Amendments* (Dec. 7, 2022) ("Staff Memorandum"), available at <https://www.sec.gov/comments/s7-21-21/s72121.htm>.

¹² See Staff Memorandum, *supra* note 11, Section II.

¹³ See *id.*, *supra* note 11, Section II.A.

¹⁴ See *id.*, *supra* note 11, Section II.C.

¹⁵ See *id.*, *supra* note 11.

¹⁶ See *id.*, *supra* note 11.

¹⁷ See *id.*, *supra* note 11, Section III.A.

¹⁸ See *id.*, *supra* note 11, Section III.B.

¹⁹ See *id.*, *supra* note 11, Section III.D.

enforcement purposes. These revisions would also ensure consistency in the use of common and scientific names across Service regulations.

DATES: We will accept comments received or postmarked on or before February 10, 2023. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES**, below) must be received by 11:59 p.m. Eastern Time on the closing date.

ADDRESSES: You may submit comments by one of the following methods: (1) *Electronically:* Go to the Federal eRulemaking Portal: <https://www.regulations.gov>. In the Search box, enter FWS-HQ-MB-2022-0036, which is the docket number for this rulemaking. Then, click on the Search button. On the resulting page, in the Search panel on the left side of the screen, under the Document Type heading, click on the Proposed Rule box to locate this document. You may submit a comment by clicking on "Comment."

(2) *By hard copy:* Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS-HQ-MB-2022-0036, U.S. Fish and Wildlife Service, MS: PRB/3W, 5275 Leesburg Pike, Falls Church, VA 22041-3803.

We request that you send comments only by the methods described above. We will post all comments on <https://www.regulations.gov>. This generally means that we will post any personal information you provide us (see IV. Public Comments, below, for more information).

FOR FURTHER INFORMATION CONTACT: Eric L. Kershner, Chief, Division of Bird Conservation, Permits, and Regulations; Migratory Bird Program; U.S. Fish and Wildlife Service; MS: MB; 5275 Leesburg Pike, Falls Church, VA 22041-3803; (703) 358-2376; or Lisa Ellis, Chief, Branch of Recovery and Conservation; Ecological Services; U.S. Fish and Wildlife Service; MS: ES; 5275 Leesburg Pike, Falls Church, VA 22041-3803; (703) 358-2307. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION:

I. List of Migratory Birds (50 CFR 10.13)

Statutory Authority of the Service for Maintaining and Revising the List of Birds Protected by the MBTA

We have statutory authority and responsibility for implementing and enforcing the MBTA (16 U.S.C. 703-712), the Fish and Wildlife Improvement Act of 1978 (Pub. L. 95-616; 16 U.S.C. 742l), and the Fish and Wildlife Act of 1956 (16 U.S.C. 742a-742j), not including 742d-1). The MBTA implements Conventions between the United States and four neighboring countries for the protection of migratory birds, as follows:

(1) *Canada:* Convention between the United States and Great Britain [on behalf of Canada] for the Protection of Migratory Birds, August 16, 1916, 39 Stat. 1702 (T.S. No. 628), as amended by Protocol between the Government of the United States and the Government of Canada Amending the 1916 Convention between the United Kingdom and the United States of America for the Protection of Migratory Birds, Sen. Treaty Doc. 104-28 (December 14, 1995);

(2) *Mexico:* Convention between the United States and Mexico for the Protection of Migratory Birds and Game Mammals, February 7, 1936, 50 Stat. 1311 (T.S. No. 912), as amended March 10, 1972 (23 U.S.T. 260; T.I.A.S. 7302) and by Protocol with Mexico amending Convention for Protection of Migratory Birds and Game Mammals, Sen. Treaty Doc. 105-26 (May 5, 1997);

(3) *Japan:* Convention between the Government of the United States of America and the Government of Japan for the Protection of Migratory Birds and Birds in Danger of Extinction, and Their Environment, March 4, 1972, 25 U.S.T. 3329 (T.I.A.S. No. 7990); and

(4) *Russia:* Convention between the United States of America and the Union of Soviet Socialist Republics Concerning the Conservation of Migratory Birds and Their Environment (Russia), November 19, 1976, 29 U.S.T. 4647 (T.I.A.S. No. 9073).

What is the purpose of this rulemaking?

Our purpose is to inform the public of updates to the list of species protected by the MBTA and its implementing regulations. These regulations are found in title 50 of the Code of Federal Regulations (CFR) at parts 10, 20, 21, and 92. We regulate the taking, possession, transportation, sale, purchase, barter, exportation, and importation of birds protected by the MBTA. An accurate and up-to-date list of species protected by the MBTA is essential for notifying the public and

other federal, state, and tribal agencies of which species are subject to regulatory protections.

Why is this amendment of the List of Birds protected by the MBTA necessary?

The amendments we are proposing are needed to:

(1) Add 11 species based on new distributional records documenting their natural occurrence in the United States or U.S. territories since 2019;

(2) Add five species newly recognized as a result of recent taxonomic changes;

(3) Remove three species not known to occur within the boundaries of the United States or U.S. territories as a result of recent taxonomic changes;

(4) Change the common (English) names of eight species to conform to accepted use; and

(5) Change the scientific names of 22 species to conform to accepted use.

The List of Birds Protected by the MBTA (50 CFR 10.13) was last revised on April 16, 2020 (85 FR 21282). The amendments proposed in this rule were necessitated by two published supplements and one published addendum to a supplement to the 7th (1998) edition of the American Ornithologists' Union (AOU, now recognized as the American Ornithological Society (AOS)) Checklist of North American Birds (AOS 2020a, 2020b, 2021 and 2022) and the 2019 and 2021 publications of the Clements Checklist of Birds of the World (Clements et al. 2019, 2021).

What scientific authorities are used to amend the List of Birds protected by the MBTA?

Although bird names (common and scientific) are relatively stable, staying current with standardized use is necessary to avoid confusion in communications. In making our determinations, we primarily relied on the AOS's Checklist of North American birds (AOU 1998), as amended annually (AOS 2020a, 2020b, 2021, and 2022), on matters of taxonomy, nomenclature, and the sequence of species and other higher taxonomic categories (Orders, Families, Subfamilies) for species that occur in North America. The AOU (now AOS) Checklist of North American Birds (Checklist), developed by the AOU Committee on Classification and Nomenclature, has been the recognized taxonomic authority for North American birds since publication of the first edition of the Checklist in 1886. The committee compiles the taxonomic foundation for ornithology in North America; they evaluate and publish the latest scientific developments in the systematics, classification,

nomenclature, and distribution of North American birds. Thus, the AOS's Checklist represents the best scientific information available for developing the North American component of this List of Birds Protected by the MBTA. In keeping with the increasing numbers of study areas on which taxonomy relies, the committee incorporates expertise in phylogenetics, genomics, vocalizations, morphology, behavior, and geographical distribution, as well as general ornithological knowledge. The AOS Checklist contains all bird species that have occurred in North America from the Arctic through Panama, including the West Indies and the Hawaiian Islands, and includes distributional information for each species, which specifies whether the species is known to occur in the United States. The committee also keeps and updates a list of species known to occur in the United States.

For the species that occur in the U.S. territories outside the geographic area covered by the AOS Checklist, we relied primarily on the Clements Checklist of Birds of the World (Clements Checklist) (Clements et al. 2007), the Clements Checklist 2019 and 2021 installment of updates and corrections (Clements et al. 2019, 2021), and other peer-reviewed literature where appropriate. The Clements Checklist is a list of all known bird species in the world and is maintained and updated annually by the Cornell Laboratory of Ornithology (CLO). The CLO relies on different regional ornithological authorities to compile the Clements Checklist, using the AOS for the western hemisphere. Taxonomy and nomenclature are the primary focus of the Clements Checklist, but range descriptions are maintained and updated based on the best available information and do not include records of vagrancy. Although we primarily rely on the above sources, when informed taxonomic opinion is inconsistent or controversial, we evaluate available published and unpublished information and come to our own conclusion regarding the validity of taxa and whether to include taxonomic changes. We also evaluate available documentation for new species documented to occur naturally in the United States or U.S. territories and come to our own conclusion regarding addition to the List of Birds Protected by the MBTA.

For this update, we reviewed 13 species that were added to the AOS Checklist based on new natural distribution in the United States or U.S. territories (AOS 2020a, 2021, and 2022). Based on the available evidence and criteria to identify individual species

that qualify for protection by the MBTA (see below), we propose to add 11 of the 13 species. We elected not to add two of the 13 species, Red-backed Shrike, *Lanius collurio*, and Graylag Goose, *Anser anser*. When we reviewed the evidence for the record of Red-backed Shrike that was accepted by AOS, along with an analysis from an AOS committee member, we learned the shrike in question was a juvenile. It is unknown how reliably juveniles of Red-backed Shrike can be distinguished from juvenile Red-tailed Shrikes, *Lanius phoenicuroides*, and the two species are known to commonly hybridize as well. While there are descriptions available in the literature of adult hybrids of these two shrike species, this is not the case for juvenile hybrids. Therefore, due to the challenges in identification, we decided not to include this record at this time. Regarding the Graylag Goose, we considered the regulatory implications of adding it to the list because the species intermixes with other goose species that may be hunted under the Service's and State hunting regulations. We decided not to add the species at this time while we consider those regulatory implications, similar to how we treated the split of Cackling Goose, *Branta hutchinsii*, from Canada Goose, *Branta canadensis*, in 2013 (78 FR 65844), later adding the species to the 10.13 list in 2020 (85 FR 21282). We may reconsider adding this species in a subsequent update to the list once the frequency of the species occurring in the U.S. is better understood and what the implications to hunting regulations in 50 CFR part 20 would be. We reserve the right to revisit these decisions if additional information becomes available.

As is customary with species subject to our hunting regulations at 50 CFR part 20, we consulted with the Pacific, Central, Mississippi, and Atlantic Flyway Councils in our review of the taxonomic split of Mexican Duck from Mallard. We also reviewed published scientific literature regarding the Mallard split (Bellrose 1976; Hubbard 1977; Brown 1985; Lavretsky et al. 2015, 2019; Chesser et al. 2020). Ultimately, we concluded to propose adding Mexican Duck to the list.

What criteria are used to identify individual species protected by the MBTA?

A species qualifies for protection under the MBTA by meeting one or more of the following criteria:

(1) It occurs in the United States or U.S. territories as the result of natural biological or ecological processes and is currently, or was previously listed as, a

species or part of a family protected by one of the four international treaties or their amendments. A naturally occurring species is protected by the MBTA as a member of a protected family even if the species is ecologically nonmigratory, meaning it does not exhibit seasonal movements (also known as a resident species). For example, the Bushtit (*Psaltriparus minimus*) is a resident, non-migratory species and is included in 50 CFR 10.13 because it occurs in a family (Aegithalidae) that is protected by the bilateral treaty with Canada. Any species that occurs in the United States or U.S. territories solely as a result of intentional or unintentional human-assisted introduction does not qualify for the MBTA list, regardless of whether the family the species belongs to is listed in any of the treaties, unless:

- It was either native to the United States or its territories and extant in 1918; or
- It was extirpated after 1918 throughout its range in the United States and its territories, and, after such extirpation, it was reintroduced in the United States or its territories as part of a program carried out by a federal agency.

(2) Revised taxonomy results in it being newly split from a species that was previously on the list, and the new species occurs in the United States or U.S. territories as the result of natural biological or ecological processes. If a newly recognized native species is considered extinct (following the classification of the American Ornithological Society (AOS) or, for species not covered by the AOS, the Clements Checklist or peer-reviewed literature), that species will still be included if either of the following criteria apply:

- The species resembles extant species included in the list that may be affected by trade or other commercial activities if the species is not included; or
- Not including the species may create difficulties implementing the MBTA and its underlying Conventions.

(3) New evidence exists for its natural occurrence in the United States or U.S. territories resulting from new or natural distributional changes and the species belongs to a protected family. Records must be documented, accepted, and published by the AOS committee. For the U.S. Pacific territories that fall outside the geographic scope of the AOS and for which there is no identified ornithological authority, new evidence of a species' natural occurrence will be based on the Clements Checklist and then published peer-reviewed literature,

in that order. Records and the evidence supporting their acceptance by the AOS, Clements Checklist, or peer-reviewed literature are reviewed independently by the Service before we proposed adding the species to the list.

In accordance with the Migratory Bird Treaty Reform Act of 2004 (MBTRA) (Pub. L. 108-447, December 8, 2004, 118 Stat. 2809, 3071-72), we only include migratory bird species that are native to the United States or U.S. territories. A native migratory bird species is one that is present as a result of natural biological or ecological processes. The list at 50 CFR 10.13 does not include nonnative species that occur in the United States or U.S. territories solely as a result of intentional or unintentional human-assisted introduction(s). An amended list of the nonnative bird species that have been introduced by humans into the United States or U.S. territories and to which the MBTA does not apply was published in the **Federal Register** on April 16, 2020 (85 FR 21262), with a correction published on May 3, 2021 (86 FR 23422).

What species are not protected by the Migratory Bird Treaty Act?

The MBTA does not apply to:

(1) Nonnative species introduced into the United States or U.S. territories by means of intentional or unintentional human assistance that belong to families or groups covered by the Canadian, Mexican, or Russian Conventions. Note, though, that native species that are introduced into parts of the United States where they are not native are still protected under the MBTA regardless of where they occur in the United States or U.S. territories.

(2) Species native or nonnative to the United States or U.S. territories that either belong to families or groups not referred to in the Canada, Mexico, and Russia Conventions or are not included by species name in the Japan Convention. This includes the Tinamidae (tinamous), Megapodiidae (megapodes), Cracidae (chachalacas), Odontophoridae (New World quail), Phasianidae (grouse, ptarmigan, and turkeys), Pteroclididae (sandgrouse), Heliornithidae (finfoots), Burhinidae (thick-knees), Glareolidae (pratincoles), Todidae (todies), Psittacidae (parrots), Psittaculidae (Old World parrots), Meliphagidae (honeyeaters), Dicruridae (drongos), Monarchidae (monarchs), Pycnonotidae (bulbuls), Scotocercidae (bush warblers and allies), Zosteropidae (white-eyes), Sturnidae (starlings, except as listed in Japanese treaty), Ploceidae (weavers), Estrildidae (estrildid finches), and Passeridae (Old World sparrows, including house or

English sparrow), as well as numerous other families not represented in the United States or U.S. territories.

How would the proposed changes affect the List of Birds protected by the MBTA?

The proposed amendments (16 additions, three removals, and 30 name changes) would affect a total of 47 species and would result in a net addition of 13 species to the List of Migratory Birds Protected by the MBTA, increasing the number of species on the list from 1,093 to 1,106. Five of the 16 species that we would add to the list are new species that have been recognized as a result of a taxonomic split and occur in the U.S. or U.S. territories and were previously covered under the MBTA as members of listed species (conspecific). These proposed amendments can be logically arranged in the following five categories:

(1) Add 11 species based on review and acceptance by the AOS (since 2019), or by other appropriate ornithological authorities, and the Service of new distributional records documenting their occurrence in the United States or U.S. territories. These species belong to families covered by at least one of the four international conventions, and all are considered to be of accidental or casual occurrence. For each species, we list the State or U.S. territory in which it has been recorded plus the relevant publication:

Chestnut-winged Cuckoo, *Clamator coromandus*—Guam (Kastner et al, 2018);
Dark-billed Cuckoo, *Coccyzus melacoryphus*—Texas and Florida (AOS 2020a);

Hooded Crane, *Grus monacha*—Alaska (AOS 2022);

Northern Giant-Petrel, *Macronectes halli*—Washington (AOS 2022);

Long-legged Buzzard, *Buteo rufinus*—Alaska (AOS 2020a);

Pallas's Gull, *Ichthyaetus ichthyaetus*—Alaska (AOS 2021);

Inca Tern, *Larosterna inca*—Hawaii (AOS 2022);

Small-billed Elaenia, *Elaenia parvirostris*—Illinois (AOS 2022);

Pallas's Grasshopper Warbler, *Helopsaltes certhiola*—Alaska (AOS 2021);

Blue-and-white Swallow, *Pygochelidon cyanoleuca*—Texas (AOS 2022); and

Naumann's Thrush, *Turdus naumanni*—Alaska (AOS 2022).

(2) Add five species because of recent taxonomic changes in which taxa formerly treated as conspecific have been determined to be distinct species (*i.e.*, a taxonomic split). Given that each of these species was formerly treated as

conspecific with a listed species, these additions would not change the protective status of any of these taxa, only the names by which they are known. In each case, we reference the AOS or relevant publication supporting the change:

Mexican Duck, *Anas diazi*—formerly considered conspecific with Mallard, *Anas platyrhynchos* (AOS 2020a);

Short-billed Gull, *Larus brachyrhynchus*—formerly named Mew Gull and considered

conspecific with *Larus canus*, which now has the English name of Common Gull and

remains on the list based on prior occurrences of the Common Gull taxon in the United

States (AOS 2021);

Puerto Rican Mango, *Anthracothorax aurulentus*—formerly considered conspecific with

Antillean Mango, *Anthracothorax dominicus* (AOS 2022);

Asian Stonechat, *Saxicola maurus*—formerly considered conspecific with Stonechat, *Saxicola*

torquatus (AOS 2022); and

Chihuahuan Meadowlark, *Sturnella liliana*—formerly considered

conspecific with Eastern Meadowlark, *Sturnella magna* (AOS 2022).

(3) Remove three species based on revised taxonomic treatments, either because a species is taxonomically merged with another species, either on or off the list; a species previously on the list is taxonomically split into multiple species and the new species is not known to occur within the United States or U.S. territories; or the species is considered extinct (following the classification of the AOS or, for species not covered by the AOS, the Clements Checklist or peer-reviewed literature) unless any of the following criteria apply: It is protected under the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), or the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES; 27 U.S.T. 1087); it resembles extant species included in the list that may be affected by its removal; or its removal would create difficulties implementing the MBTA and its underlying Conventions. In each case, we reference the publication supporting these changes:

Northwestern Crow, *Corvus caurinus*, is lumped with American Crow, *Corvus brachyrhynchus* (AOS 2020a);

Antillean Mango, *Anthracothorax dominicus* (AOS 2022); and

Stonechat, *Saxicola torquatus* (AOS 2022).

(4) Revise the common (English) names of eight species to conform to the

most recent nomenclatural treatment as described in AOS publications 2020a, 2020b, and 2021 and Clements et al. 2011, 2019, and 2021. These revisions do not change the protective status of any of these taxa, only the names by

which they are known. In each case, the update is described in the table, below.
 (5) Revise the scientific names of 22 species to conform to the most recent nomenclatural treatment as described in AOS publications 2020a and 2021 and

Clements et al. 2016, 2021. These revisions do not change the protective status of any of these taxa, only the names by which they are known. In each case, the update is described in the table, below.

TABLE OF PROPOSED NAME CHANGES, AS DESCRIBED IN CATEGORIES 4 AND 5, ABOVE
 [The table is organized following AOS (2021) taxonomic order. The relevant AOS or Clements publication is provided.]

Publication source and year	Previous common name	Current common name
Clements et al. 2019	Shy Ground-Dove, <i>Alopecoenas stairi</i>	Shy Ground Dove, <i>Alopecoenas stairi</i> .
Clements et al. 2019	White-throated Ground-Dove, <i>Alopecoenas xanthonurus</i>	White-throated Ground Dove, <i>Alopecoenas xanthonurus</i> .
Clements et al. 2011	Common Moorhen, <i>Gallinula chloropus</i>	Eurasian Moorhen, <i>Gallinula chloropus</i> .
AOS 2021	Mew Gull, <i>Larus canus</i>	Common Gull, <i>Larus canus</i> .
Clements et al. 2021	Rufous Night-Heron, <i>Nycticorax caledonicus</i>	Nankeen Night-Heron, <i>Nycticorax caledonicus</i> .
AOS 2020b	McCown's Longspur, <i>Rhynchophanes mccownii</i>	Thick-billed Longspur, <i>Rhynchophanes mccownii</i> .
Publication source and year	Previous scientific name	Current scientific name
AOS 2020a	Bumblebee Hummingbird, <i>Atthis heloisa</i>	Bumblebee Hummingbird, <i>Selasphorus heloisa</i> .
AOS 2020a	Puerto Rican Emerald, <i>Chlorostilbon maugaeus</i>	Puerto Rican Emerald, <i>Riccordia maugaeus</i> .
AOS 2020a	White-eared Hummingbird, <i>Hylocharis leucotis</i>	White-eared Hummingbird, <i>Basilinna leucotis</i> .
AOS 2020a	Xantus's Hummingbird, <i>Hylocharis xantusii</i>	Xantus's Hummingbird, <i>Basilinna xantusii</i> .
AOS 2022	Violet-crowned Hummingbird, <i>Amazilia violiceps</i>	Violet-crowned Hummingbird, <i>Ramosomyia violiceps</i> .
AOS 2020a	Berylline Hummingbird, <i>Amazilia beryllina</i>	Berylline Hummingbird, <i>Saucerottia beryllina</i> .
Clements et al. 2021	Matsudaira's Storm-Petrel, <i>Oceanodroma matsudairae</i>	Matsudaira's Storm-Petrel, <i>Hydrobates matsudairae</i> .
Clements et al. 2016	Little Pied Cormorant, <i>Phalacrocorax melanoleucos</i>	Little Pied Cormorant, <i>Microcarbo melanoleucos</i> .
AOS 2021	Brandt's Cormorant, <i>Phalacrocorax penicillatus</i>	Brandt's Cormorant, <i>Urile penicillatus</i> .
AOS 2021	Red-faced Cormorant, <i>Phalacrocorax urile</i>	Red-faced Cormorant, <i>Urile urile</i> .
AOS 2021	Pelagic Cormorant, <i>Phalacrocorax pelagicus</i>	Pelagic Cormorant, <i>Urile pelagicus</i> .
AOS 2021	Double-crested Cormorant, <i>Phalacrocorax auritus</i>	Double-crested Cormorant, <i>Nannopterum auritum</i> .
AOS 2021	Neotropic Cormorant, <i>Phalacrocorax brasilianus</i>	Neotropic Cormorant, <i>Nannopterum brasilianum</i> .
AOS 2022	Mottled Owl, <i>Ciccaba virgata</i>	Mottled Owl, <i>Strix virgata</i> .
AOS 2021	Crested Caracara, <i>Caracara cheriway</i>	Crested Caracara, <i>Caracara plancus</i> .
AOS 2021	Ruby-crowned Kinglet, <i>Regulus calendula</i>	Ruby-crowned Kinglet, <i>Corthylio calendula</i> .
AOS 2021	Sedge Wren, <i>Cistothorus platensis</i>	Sedge Wren, <i>Cistothorus stellaris</i> .
AOS 2020a	Dusky Thrush, <i>Turdus naumanni</i>	Dusky Thrush, <i>Turdus eunomus</i> .
AOS 2021	Antillean Euphonia, <i>Euphonia musica</i>	Antillean Euphonia, <i>Chlorophonia musica</i> .
AOS 2021	Five-striped Sparrow, <i>Amphispiza quinquestriata</i>	Five-striped Sparrow, <i>Amphispizopsis quinquestriata</i> .
Publication source and year	Previous common and scientific name	Current common and scientific name
AOS 2020a	Puerto Rican Screech-Owl, <i>Megascops nudipes</i>	Puerto Rican Owl, <i>Gymnasio nudipes</i> .
AOS 2020a, AOS 2021 ..	Middendorff's Grasshopper-Warbler, <i>Locustella ochotensis</i> .	Middendorff's Grasshopper Warbler, <i>Helopsaltes ochotensis</i> .

How is the List of Birds protected by the MBTA organized?

The species are listed in two formats to suit the needs of different segments of the public: alphabetically in 50 CFR 10.13(c)(1) and taxonomically in 50 CFR 10.13(c)(2). In the alphabetical listing, species are listed by common (English) group names, with the scientific name of each species following the English group name. This format is most useful to members of the lay public. In the taxonomic listing, species are listed in phylogenetic sequence by scientific name, with the English name following the scientific name. To help clarify species relationships, we also list the higher-level taxonomic categories of Order, Family, and Subfamily. This format follows the sequence adopted by

the AOS (1998, 2021) and is most useful to ornithologists and other scientists.

In this proposed rule, we present a new proposed table format for the alphabetical and taxonomic listings at 50 CFR 10.13(c)(1) and (c)(2), respectively. We propose this change in presentation of these listings to conform to Office of the Federal Register formatting standards and to make information on the lists clearer and easier to locate. For clarity, we also propose a new section heading for 50 CFR 10.13; rather than the current "List of Migratory Birds," we propose to title this section of the regulations, "List of Birds Protected by the Migratory Bird Treaty Act."

II. Special Double-Crested Cormorant Permit (50 CFR 21.123)

Because we propose to adopt the revised scientific name for the Double-crested Cormorant on the List of Birds Protected by the MBTA at 50 CFR 10.13, as described above, we also propose to reflect the revised scientific name for that species (*Nannopterum auritum*) in our special permit regulations related to that species at 50 CFR 21.123. This is purely an administrative action that does not amend the purpose of, eligibility for, application procedures for, conditions of, information-collection requirements associated with, or any other regulatory provisions associated with that permit.

III. List of Endangered and Threatened Wildlife (50 CFR 17.11(h))

We also propose to revise the corresponding entries on the List of Endangered and Threatened Wildlife of several migratory bird species that are also listed as endangered or threatened species under the ESA to reflect the currently accepted taxonomy and nomenclature. These revisions would ensure consistency in the use of common and scientific names across Service regulations. Some ESA-listed migratory bird species' names are not included in this proposed rule because they are being corrected in other documents that have published, or will publish, in the **Federal Register** concurrently with this rulemaking.

Background

The List of Endangered and Threatened Wildlife and the List of

Endangered and Threatened Plants ("the ESA Lists"), set forth in title 50 of the CFR at §§ 17.11 and 17.12, respectively, contain the names of endangered species and threatened species federally listed pursuant to the ESA.

The regulations at 50 CFR 17.11(c) and 17.12(b) direct us to use the most recently accepted scientific name of any wildlife or plant species, respectively, that we have determined to be an endangered or threatened species.

Purpose

We propose to revise the ESA List at 50 CFR 17.11(h) to reflect the scientifically accepted taxonomy and nomenclature of nine bird species under section 4 of the ESA. These revisions reflect the most recently accepted scientific nomenclature in accordance with 50 CFR 17.11(c).

None of the taxonomic changes to migratory bird species listed as endangered or threatened species under the ESA are regulatory in nature; they are for accuracy and clarity. These revisions would not alter species' protections or status in any way. Any actions altering a species' protection or status would require a separate rulemaking action following the procedures of 50 CFR part 424.

Taxonomic Changes to the List of Endangered and Threatened Wildlife

The table below lists the taxonomic changes we propose here to reflect the revised taxonomy and nomenclature for nine bird species listed under section 4 of the ESA. These changes reflect the most recently accepted scientific nomenclature in accordance with 50 CFR 17.11(c).

TABLE OF PROPOSED TAXONOMIC REVISIONS TO THE ESA LIST AT § 17.11(h) REFLECTING THE CURRENT SCIENTIFICALLY ACCEPTED TAXONOMY AND NOMENCLATURE FOR THESE SPECIES

Species name as currently listed	Corrected species name
Caracara, crested, (Audubon's) [FL DPS] (<i>Polyborus plancus audubonii</i>).	Caracara, crested, (Audubon's) [FL DPS] (<i>Caracara plancus audubonii</i>).
Crane, Mississippi sandhill (<i>Grus canadensis pulla</i>)	Crane, Mississippi sandhill (<i>Antigone canadensis pulla</i>).
Nightjar, Puerto Rican (<i>Caprimulgus noctitherus</i>)	Nightjar, Puerto Rican (<i>Antrostomus noctitherus</i>).
Pigeon, Puerto Rican plain (<i>Columba inornata wetmorei</i>)	Pigeon, Puerto Rican plain (<i>Patagioenas inornata wetmorei</i>).
Rail, California clapper (<i>Rallus longirostris obsoletus</i>)	Rail, California Ridgway's (<i>Rallus obsoletus obsoletus</i>).
Rail, light-footed clapper (<i>Rallus longirostris levipes</i>)	Rail, light-footed Ridgway's (<i>Rallus obsoletus levipes</i>).
Sparrow, Cape Sable seaside (<i>Ammodramus maritimus mirabilis</i>)	Sparrow, Cape Sable seaside (<i>Ammodramus maritimus mirabilis</i>).
Tern, California least (<i>Sterna antillarum browni</i>)	Tern, California least (<i>Sterna antillarum browni</i>).
Towhee, Inyo California (<i>Pipilo crissalis eremophilus</i>)	Towhee, Inyo California (<i>Melospiza crissalis eremophilus</i>).

Using the best available scientific information, this proposed rule would document taxonomic changes of the scientific names for nine birds in their entries on the ESA List. To the extent practicable, the Service relies on the Integrated Taxonomic Information System (ITIS) to determine a species' scientific name for inclusion on the List. ITIS incorporates the naming principles established by the International Code of Zoological Nomenclature, produced by the International Commission on Zoological Nomenclature, an organization that provides and regulates a uniform system of zoological nomenclature. While ITIS is a reliable database source of taxonomic information, in some of these instances, ITIS is incomplete and does not yet reflect the most recently accepted scientific names for some species. As noted above, the scientific names for the nine listed bird species are supported by AOS's Checklist of North American birds (AOU 1998), as amended annually (AOU 2006, 2010, 2012, 2014, 2016, AOS 2018, 2020a, 2020b, and 2021).

The AOU (now AOS) Checklist of North American Birds (Checklist), developed by the AOU Committee on Classification and Nomenclature, has been the recognized taxonomic authority for North American birds since publication of the first edition of the Checklist in 1886. The Service finds that the scientific and common names should be recognized as presented in the table above. Accordingly, we propose to revise the scientific names of these species under section 4 of the ESA and in accordance with 50 CFR 17.11(c).

Of the nine species that are the subjects of the taxonomic revisions to the ESA List in this proposed rule, three have designated critical habitat. For clarity and consistency, we propose to revise the headings of the critical habitat designations at 50 CFR 17.95(b) to reflect the corrected scientific names for the following species: Mississippi sandhill crane, Cape Sable seaside sparrow, and Inyo California towhee.

These changes do not affect the range or endangered or threatened status for any of these nine listed migratory bird

species, or any designated critical habitat.

IV. Public Comments

Any final action resulting from this proposed rule must be based on the best scientific and commercial data available and be as accurate and as effective as possible. We request comments or information from other concerned governmental agencies, the scientific community, industry, or any other interested parties concerning this proposed rule.

Please include sufficient information with your submission (such as electronic copies of scientific journal articles or other publications, preferably in English) to allow us to verify any scientific or commercial information you include.

You may submit your comments and materials concerning this proposed rule by one of the methods listed in **ADDRESSES**. We request that you send comments only by the methods described in **ADDRESSES**.

If you submit information via <https://www.regulations.gov>, your entire submission—including any personal identifying information—will be posted on the website. If your submission is made via a hardcopy that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy submissions on <https://www.regulations.gov>.

Comments and materials we receive, as well as supporting documentation we used in preparing this proposed rule, will be available for public inspection on <https://www.regulations.gov>, or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Migratory Bird Program or Ecological Services (see **FOR FURTHER INFORMATION CONTACT**).

V. Required Determinations

Regulatory Planning and Review

Executive Order (E.O.) 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget will review all significant rules. OIRA has determined that this proposed rule is not significant.

E.O. 13563 reaffirms the principles of E.O. 12866, while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. E.O. 13563 directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this proposed rule in a manner consistent with these requirements.

Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 (5 U.S.C. 804(2)), whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small

businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of an agency certifies the rule does not have a significant economic impact on a substantial number of small entities.

SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide the statement of the factual basis for certifying that a rule will not have a significant economic impact on a substantial number of small entities. We have examined this proposed rule's potential effects on small entities as required by the Regulatory Flexibility Act, and have determined that, if adopted as proposed, this action would not have a significant economic impact on a substantial number of small entities. This proposed rule is an administrative action to update the list of migratory bird species protected under the Conventions and make certain corresponding updates on the ESA List. Consequently, we certify that, if adopted as proposed, this rule would not have a significant economic impact on a substantial number of small entities; therefore, a regulatory flexibility analysis is not required.

This proposed rule is not a major rule under SBREFA (5 U.S.C. 804(2)). It would not have a significant impact on a substantial number of small entities.

a. This proposed rule would not have an annual effect on the economy of \$100 million or more.

b. This proposed rule would not cause a major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions.

c. This proposed rule would not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Unfunded Mandates Reform Act

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*), we have determined the following:

a. This proposed rule would not "significantly or uniquely" affect small governments. A small government agency plan is not required. This proposed rule is an administrative action to update the list of migratory bird species protected under the Conventions and make certain corresponding updates on the ESA List; it would not affect small government activities in any significant way.

b. This proposed rule would not produce a federal mandate of \$100 million or greater in any year; *i.e.*, it is not a "significant regulatory action"

under the Unfunded Mandates Reform Act.

Takings

In accordance with Executive Order 12630, this proposed rule does not have significant takings implications. This proposed rule does not contain a provision for taking of private property. Therefore, a takings implication assessment is not required.

Federalism

This proposed rule does not have sufficient Federalism effects to warrant preparation of a federalism summary impact statement under Executive Order 13132. It does not interfere with the States' ability to manage themselves or their funds. No significant economic impacts are expected to result from the updating of the list of migratory bird species and certain entries on the ESA List.

Civil Justice Reform

In accordance with Executive Order 12988, the Office of the Solicitor has determined that this proposed rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order.

Paperwork Reduction Act

This proposed rule does not contain information collection requirements, and a submission to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) is not required. 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.

National Environmental Policy Act (NEPA)

Given that the proposed revisions in this document are strictly administrative in nature, this action is categorically excluded from further NEPA requirements (43 CFR 46.210(i)—applying to "policies, directives, regulations, and guidelines that are of an administrative, financial, legal, technical, or procedural nature").

Endangered Species Act (ESA)

Of the species on the List of Migratory Birds, 89 species, subspecies, or distinct population segments are also listed as endangered or threatened under section 4 of the ESA of 1973, as amended (16 U.S.C. 1531 *et seq.*). No legal complications arise from the dual listing as the two lists are developed under separate authorities and for different purposes. Because this proposed rule is

strictly administrative in nature, it has no effect on endangered or threatened species or their designated critical habitat. Thus, it does not require consultation under section 7 of the ESA.

Government-to-Government Relationship With Tribes

In accordance with the President’s memorandum of April 29, 1994, “Government-to-Government Relations with Native American tribal Governments” (59 FR 22951), Executive Order 13175, and 512 DM 2, we have evaluated potential effects on federally recognized Indian Tribes and have determined that there are no potential effects. The proposed revisions to existing regulations in this rule are purely administrative in nature and do not interfere with or affect the Tribes’ ability to manage themselves or their funds or to regulate migratory bird activities on Tribal lands.

Energy Supply, Distribution, or Use (Executive Order 13211)

On May 18, 2001, the President issued Executive Order 13211 addressing regulations that significantly affect energy supply, distribution, or use. Executive Order 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. Because this proposed rule is an administrative action to update the list of migratory bird species protected under the Conventions and make certain corresponding updates on the ESA List, it is not a significant regulatory action under Executive Order 12866, and it does not significantly affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action, and no Statement of Energy Effects is required.

Clarity of the Proposed Rule

We are required by Executive Orders 12866 and 12988 and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

- (1) Be logically organized;
- (2) Use the active voice to address readers directly;
- (3) Use clear language rather than jargon;
- (4) Be divided into short sections and sentences; and
- (5) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in **ADDRESSES**. To better help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that are unclearly written, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

References Cited

A complete list of all references cited is available on <https://www.regulations.gov> under Docket No. FWS–HQ–MB–2022–0036, and upon request (see **FOR FURTHER INFORMATION CONTACT**, above).

List of Subjects

50 CFR Part 10

Exports, Fish, Imports, Law enforcement, Plants, Transportation, Wildlife.

50 CFR Part 17

Endangered and threatened species, Exports, Imports, Plants, Reporting and recordkeeping requirements, Transportation, Wildlife.

50 CFR Part 21

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

Proposed Regulation Promulgation

For the reasons discussed in the preamble, we propose to amend title 50, chapter I, subchapter B of the Code of Federal Regulations, as follows:

PART 10—GENERAL PROVISIONS

- 1. The authority citation for part 10 continues to read as follows:

Authority: 16 U.S.C. 668a–d, 703–712, 742a–j–1, 1361–1384, 1401–1407, 1531–1543, 3371–3378; 18 U.S.C. 42; 19 U.S.C. 1202.

- 2. Amend § 10.13 by revising the section heading and paragraph (c) to read as follows:

§ 10.13 List of Birds Protected by the Migratory Bird Treaty Act.

* * * * *

(c) *What species are protected by the Migratory Bird Treaty Act?* Species protected as migratory birds are listed in two formats to suit the varying needs of the user: Alphabetically in paragraph (c)(1) of this section and taxonomically in paragraph (c)(2) of this section. Taxonomy and nomenclature generally follow the 7th edition of the American Ornithologists’ Union’s (AOU, now recognized as American Ornithological Society (AOS)) *Checklist of North American birds* (1998, as amended through 2021). For species not treated by the AOS *Checklist*, we generally follow *Clements Checklist of Birds of the World* (Clements et al. 2007, as updated through 2021).

(1) *Alphabetical listing.* The table lists species alphabetically by common (English) group names, with the scientific name of each species following the common name.

TABLE 1 TO PARAGRAPH (c)—ALPHABETICAL LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT

Common name group	Species common name	Species scientific name
Accentor	Siberian Accentor	<i>Prunella montanella</i> .
‘Akeke’e	‘Akeke’e	<i>Loxops caeruleirostris</i> .
‘Akepa	Hawaii ‘Akepa	<i>Loxops coccineus</i> .
	Maui ‘Akepa	<i>Loxops ochraceus</i> .
	O’ahu ‘Akepa	<i>Loxops wolstenholmei</i> .
‘Akialoa	Kauai ‘Akialoa	<i>Akialoa stejnegeri</i> .
	Maui Nui ‘Akialoa	<i>Akialoa lanaiensis</i> .
	O’ahu ‘Akialoa	<i>Akialoa ellisiana</i> .
‘Akiapola’au	‘Akiapola’au	<i>Hemignathus wilsoni</i> .
‘Akikiki	‘Akikiki	<i>Oreomystis bairdi</i> .
‘Akohekohe	‘Akohekohe	<i>Palmeria dolei</i> .
‘Alauahio	Maui ‘Alauahio	<i>Paroreomyza montana</i> .
	O’ahu ‘Alauahio	<i>Paroreomyza maculata</i> .
Albatross	Black-browed Albatross	<i>Thalassarche melanophris</i> .
	Black-footed Albatross	<i>Phoebastria nigripes</i> .
	Chatham Albatross	<i>Thalassarche eremita</i> .
	Laysan Albatross	<i>Phoebastria immutabilis</i> .

TABLE 1 TO PARAGRAPH (c)—ALPHABETICAL LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—
Continued

Common name group	Species common name	Species scientific name
	Light-mantled Albatross	<i>Phoebastria palpebrata</i> .
	Salvin's Albatross	<i>Thalassarche salvini</i> .
	Short-tailed Albatross	<i>Phoebastria albatrus</i> .
	Wandering Albatross	<i>Diomedea exulans</i> .
	White-capped Albatross	<i>Thalassarche cauta</i> .
	Yellow-nosed Albatross	<i>Thalassarche chlororhynchos</i> .
'Amakihi	Hawaii 'Amakihi	<i>Chlorodrepanis virens</i> .
	Kaua'i 'Amakihi	<i>Chlorodrepanis stejnegeri</i> .
	O'ahu 'Amakihi	<i>Chlorodrepanis flava</i> .
Anhinga	Anhinga	<i>Anhinga anhinga</i> .
Ani	Groove-billed Ani	<i>Crotophaga sulcirostris</i> .
	Smooth-billed Ani	<i>Crotophaga ani</i> .
'Anianiau	'Anianiau	<i>Magnumma parva</i> .
'Apapane	'Apapane	<i>Himatione sanguinea</i> .
Auklet	Cassin's Auklet	<i>Ptychoramphus aleuticus</i> .
	Crested Auklet	<i>Aethia cristatella</i> .
	Least Auklet	<i>Aethia pusilla</i> .
	Parakeet Auklet	<i>Aethia psittacula</i> .
	Rhinoceros Auklet	<i>Cerorhinca monocerata</i> .
	Whiskered Auklet	<i>Aethia pygmaea</i> .
Avocet	American Avocet	<i>Recurvirostra americana</i> .
Bananaquit	Bananaquit	<i>Coereba flaveola</i> .
Bean-Goose	Taiga Bean-Goose	<i>Anser fabalis</i> .
	Tundra Bean-Goose	<i>Anser serrirostris</i> .
Beardless-Tyrannulet	Northern Beardless-Tyrannulet	<i>Camptostoma imberbe</i> .
Becard	Gray-collared Becard	<i>Pachyramphus major</i> .
	Rose-throated Becard	<i>Pachyramphus aglaiae</i> .
Bittern	American Bittern	<i>Botaurus lentiginosus</i> .
	Black Bittern	<i>Ixobrychus flavicollis</i> .
	Least Bittern	<i>Ixobrychus exilis</i> .
	Schrenck's Bittern	<i>Ixobrychus eurhythmus</i> .
	Yellow Bittern	<i>Ixobrychus sinensis</i> .
Blackbird	Brewer's Blackbird	<i>Euphagus cyanocephalus</i> .
	Red-winged Blackbird	<i>Agelaius phoeniceus</i> .
	Rusty Blackbird	<i>Euphagus carolinus</i> .
	Tawny-shouldered Blackbird	<i>Agelaius humeralis</i> .
	Tricolored Blackbird	<i>Agelaius tricolor</i> .
	Yellow-headed Blackbird	<i>Xanthocephalus xanthocephalus</i> .
	Yellow-shouldered Blackbird	<i>Agelaius xanthomus</i> .
Bluebird	Eastern Bluebird	<i>Sialia sialis</i> .
	Mountain Bluebird	<i>Sialia currucoides</i> .
	Western Bluebird	<i>Sialia mexicana</i> .
Bluetail	Red-flanked Bluetail	<i>Tarsiger cyanurus</i> .
Bluethroat	Bluethroat	<i>Cyanecula svecica</i> .
Bobolink	Bobolink	<i>Dolichonyx oryzivorus</i> .
Boobook	Northern Boobook	<i>Ninox japonica</i> .
Booby	Abbott's Booby	<i>Papasula abbotti</i> .
	Blue-footed Booby	<i>Sula nebouxii</i> .
	Brown Booby	<i>Sula leucogaster</i> .
	Masked Booby	<i>Sula dactylatra</i> .
	Nazca Booby	<i>Sula granti</i> .
	Red-footed Booby	<i>Sula sula</i> .
Brambling	Brambling	<i>Fringilla montifringilla</i> .
Brant	Brant	<i>Branta bernicla</i> .
Bufflehead	Bufflehead	<i>Bucephala albeola</i> .
Bullfinch	Eurasian Bullfinch	<i>Pyrrhula pyrrhula</i> .
	Puerto Rican Bullfinch	<i>Melopyrrha portoricensis</i> .
Bunting	Blue Bunting	<i>Cyanocompsa parellina</i> .
	Gray Bunting	<i>Emberiza variabilis</i> .
	Indigo Bunting	<i>Passerina cyanea</i> .
	Lark Bunting	<i>Calamospiza melanocorys</i> .
	Lazuli Bunting	<i>Passerina amoena</i> .
	Little Bunting	<i>Emberiza pusilla</i> .
	McKay's Bunting	<i>Plectrophenax hyperboreus</i> .
	Painted Bunting	<i>Passerina ciris</i> .
	Pallas's Bunting	<i>Emberiza pallasii</i> .
	Pine Bunting	<i>Emberiza leucocephalos</i> .
	Reed Bunting	<i>Emberiza schoeniclus</i> .
	Rustic Bunting	<i>Emberiza rustica</i> .
	Snow Bunting	<i>Plectrophenax nivalis</i> .
	Varied Bunting	<i>Passerina versicolor</i> .

TABLE 1 TO PARAGRAPH (c)—ALPHABETICAL LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—
Continued

Common name group	Species common name	Species scientific name
	Yellow-breasted Bunting	<i>Emberiza aureola.</i>
	Yellow-browed Bunting	<i>Emberiza chrysophrys.</i>
	Yellow-throated Bunting	<i>Emberiza elegans.</i>
Bushtit	Bushtit	<i>Psaltriparus minimus.</i>
Buzzard	Gray-faced Buzzard	<i>Butastur indicus.</i>
	Long-legged Buzzard	<i>Buteo rufinus.</i>
Canvasback	Canvasback	<i>Aythya valisineria.</i>
Caracara	Crested Caracara	<i>Caracara plancus.</i>
Cardinal	Northern Cardinal	<i>Cardinalis cardinalis.</i>
Carib	Green-throated Carib	<i>Eulampis holosericeus.</i>
	Purple-throated Carib	<i>Eulampis jugularis.</i>
Catbird	Black Catbird	<i>Melanoptila glabrirostris.</i>
	Gray Catbird	<i>Dumetella carolinensis.</i>
Chaffinch	Common Chaffinch	<i>Fringilla coelebs.</i>
Chat	Yellow-breasted Chat	<i>Icteria virens.</i>
Chickadee	Black-capped Chickadee	<i>Poecile atricapillus.</i>
	Boreal Chickadee	<i>Poecile hudsonicus.</i>
	Carolina Chickadee	<i>Poecile carolinensis.</i>
	Chestnut-backed Chickadee	<i>Poecile rufescens.</i>
	Gray-headed Chickadee	<i>Poecile cinctus.</i>
	Mexican Chickadee	<i>Poecile sclateri.</i>
	Mountain Chickadee	<i>Poecile gambeli.</i>
Chiffchaff	Common Chiffchaff	<i>Phylloscopus collybita.</i>
Chuck-will's-widow	Chuck-will's-widow	<i>Antrostomus carolinensis.</i>
Condor	California Condor	<i>Gymnogyps californianus.</i>
Coot	American Coot	<i>Fulica americana.</i>
	Eurasian Coot	<i>Fulica atra.</i>
	Hawaiian Coot	<i>Fulica alai.</i>
Cormorant	Brandt's Cormorant	<i>Urile penicillatus.</i>
	Double-crested Cormorant	<i>Nannopterum auritum.</i>
	Great Cormorant	<i>Phalacrocorax carbo.</i>
	Little Pied Cormorant	<i>Microcarbo melanoleucos.</i>
	Neotropic Cormorant	<i>Nannopterum brasilianum.</i>
	Pelagic Cormorant	<i>Urile pelagicus.</i>
	Red-faced Cormorant	<i>Urile urile.</i>
Cowbird	Bronzed Cowbird	<i>Molothrus aeneus.</i>
	Brown-headed Cowbird	<i>Molothrus ater.</i>
	Shiny Cowbird	<i>Molothrus bonariensis.</i>
Crake	Corn Crake	<i>Crex crex.</i>
	Paint-billed Crake	<i>Neocrex erythrops.</i>
	Spotless Crake	<i>Porzana tabuensis.</i>
	Yellow-breasted Crake	<i>Hapalocrex flaviventer.</i>
Crane	Common Crane	<i>Grus grus.</i>
	Hooded Crane	<i>Grus monacha.</i>
	Sandhill Crane	<i>Antigone canadensis.</i>
	Whooping Crane	<i>Grus americana.</i>
Creepers	Brown Creeper	<i>Certhia americana.</i>
	Hawaii Creeper	<i>Loxops mana.</i>
Crossbill	Cassia Crossbill	<i>Loxia sinesciuris.</i>
	Red Crossbill	<i>Loxia curvirostra.</i>
	White-winged Crossbill	<i>Loxia leucoptera.</i>
Crow	American Crow	<i>Corvus brachyrhynchos.</i>
	Fish Crow	<i>Corvus ossifragus.</i>
	Hawaiian Crow	<i>Corvus hawaiiensis.</i>
	Mariana Crow	<i>Corvus kubaryi.</i>
	Tamaulipas Crow	<i>Corvus imparatus.</i>
	White-necked Crow	<i>Corvus leucognaphalus.</i>
Cuckoo	Black-billed Cuckoo	<i>Coccyzus erythrophthalmus.</i>
	Chestnut-winged Cuckoo	<i>Clamator coromandus.</i>
	Common Cuckoo	<i>Cuculus canorus.</i>
	Dark-billed Cuckoo	<i>Coccyzus melacoryphus.</i>
	Mangrove Cuckoo	<i>Coccyzus minor.</i>
	Oriental Cuckoo	<i>Cuculus optatus.</i>
	Yellow-billed Cuckoo	<i>Coccyzus americanus.</i>
Curlew	Bristle-thighed Curlew	<i>Numenius tahitiensis.</i>
	Eskimo Curlew	<i>Numenius borealis.</i>
	Eurasian Curlew	<i>Numenius arquata.</i>
	Far Eastern Curlew	<i>Numenius madagascariensis.</i>
	Little Curlew	<i>Numenius minutus.</i>
	Long-billed Curlew	<i>Numenius americanus.</i>
Dickcissel	Dickcissel	<i>Spiza americana.</i>

TABLE 1 TO PARAGRAPH (c)—ALPHABETICAL LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—
Continued

Common name group	Species common name	Species scientific name
Dipper	American Dipper	<i>Cinclus mexicanus</i> .
Dotterel	Eurasian Dotterel	<i>Charadrius morinellus</i> .
Dove	Common Ground Dove	<i>Columbina passerina</i> .
	Inca Dove	<i>Columbina inca</i> .
	Mourning Dove	<i>Zenaida macroura</i> .
	Ruddy Ground Dove	<i>Columbina talpacoti</i> .
	Shy Ground Dove	<i>Alopecoenas stairi</i> .
	White-throated Ground Dove	<i>Alopecoenas xanthonurus</i> .
	White-tipped Dove	<i>Leptotila verreauxi</i> .
	White-winged Dove	<i>Zenaida asiatica</i> .
	Zenaida Dove	<i>Zenaida aurita</i> .
Dovekie	Dovekie	<i>Alle alle</i> .
Dowitcher	Long-billed Dowitcher	<i>Limnodromus scolopaceus</i> .
	Short-billed Dowitcher	<i>Limnodromus griseus</i> .
Duck	American Black Duck	<i>Anas rubripes</i> .
	Eastern Spot-billed Duck	<i>Anas zonorhyncha</i> .
	Falcated Duck	<i>Mareca falcata</i> .
	Harlequin Duck	<i>Histrionicus histrionicus</i> .
	Hawaiian Duck	<i>Anas wyvilliana</i> .
	Laysan Duck	<i>Anas laysanensis</i> .
	Long-tailed Duck	<i>Clangula hyemalis</i> .
	Masked Duck	<i>Nomonyx dominicus</i> .
	Mexican Duck	<i>Anas diazi</i> .
	Mottled Duck	<i>Anas fulvigula</i> .
	Muscovy Duck	<i>Cairina moschata</i> .
	Pacific Black Duck	<i>Anas superciliosa</i> .
	Ring-necked Duck	<i>Aythya collaris</i> .
	Ruddy Duck	<i>Oxyura jamaicensis</i> .
	Tufted Duck	<i>Aythya fuligula</i> .
	Wood Duck	<i>Aix sponsa</i> .
Dunlin	Dunlin	<i>Calidris alpina</i> .
Eagle	Bald Eagle	<i>Haliaeetus leucocephalus</i> .
	Golden Eagle	<i>Aquila chrysaetos</i> .
	White-tailed Eagle	<i>Haliaeetus albicilla</i> .
Egret	Cattle Egret	<i>Bubulcus ibis</i> .
	Chinese Egret	<i>Egretta eulophotes</i> .
	Great Egret	<i>Ardea alba</i> .
	Intermediate Egret	<i>Ardea intermedia</i> .
	Little Egret	<i>Egretta garzetta</i> .
	Reddish Egret	<i>Egretta rufescens</i> .
	Snowy Egret	<i>Egretta thula</i> .
Eider	Common Eider	<i>Somateria mollissima</i> .
	King Eider	<i>Somateria spectabilis</i> .
	Spectacled Eider	<i>Somateria fischeri</i> .
	Steller's Eider	<i>Polysticta stelleri</i> .
Elaenia	Caribbean Elaenia	<i>Elaenia martinica</i> .
	Greenish Elaenia	<i>Myiopagis viridicata</i> .
	Small-billed Elaenia	<i>Elaenia parvirostris</i> .
	White-crested Elaenia	<i>Elaenia albiceps</i> .
Emerald	Puerto Rican Emerald	<i>Riccordia maugaeus</i> .
Euphonia	Antillean Euphonia	<i>Chlorophonia musica</i> .
Falcon	Amur Falcon	<i>Falco amurensis</i> .
	Aplomado Falcon	<i>Falco femoralis</i> .
	Peregrine Falcon	<i>Falco peregrinus</i> .
	Prairie Falcon	<i>Falco mexicanus</i> .
	Red-footed Falcon	<i>Falco vespertinus</i> .
Fieldfare	Fieldfare	<i>Turdus pilaris</i> .
Finch	Cassin's Finch	<i>Haemorhous cassinii</i> .
	House Finch	<i>Haemorhous mexicanus</i> .
	Laysan Finch	<i>Telespiza cantans</i> .
	Nihoa Finch	<i>Telespiza ultima</i> .
	Purple Finch	<i>Haemorhous purpureus</i> .
Flamingo	American Flamingo	<i>Phoenicopterus ruber</i> .
Flicker	Gilded Flicker	<i>Colaptes chrysoides</i> .
	Northern Flicker	<i>Colaptes auratus</i> .
Flycatcher	Acadian Flycatcher	<i>Empidonax virescens</i> .
	Alder Flycatcher	<i>Empidonax alnorum</i> .
	Ash-throated Flycatcher	<i>Myiarchus cinerascens</i> .
	Asian Brown Flycatcher	<i>Muscicapa dauurica</i> .
	Brown-crested Flycatcher	<i>Myiarchus tyrannulus</i> .
	Buff-breasted Flycatcher	<i>Empidonax fulvifrons</i> .

TABLE 1 TO PARAGRAPH (c)—ALPHABETICAL LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—
Continued

Common name group	Species common name	Species scientific name
	Cordilleran Flycatcher	<i>Empidonax occidentalis</i> .
	Crowned Slaty Flycatcher	<i>Empidonax aurantioatrocristatus</i> .
	Dark-sided Flycatcher	<i>Muscicapa sibirica</i> .
	Dusky Flycatcher	<i>Empidonax oberholseri</i> .
	Dusky-capped Flycatcher	<i>Myiarchus tuberculifer</i> .
	Fork-tailed Flycatcher	<i>Tyrannus savana</i> .
	Gray Flycatcher	<i>Empidonax wrightii</i> .
	Gray-streaked Flycatcher	<i>Muscicapa griseisticta</i> .
	Great Crested Flycatcher	<i>Myiarchus crinitus</i> .
	Hammond's Flycatcher	<i>Empidonax hammondii</i> .
	La Sagra's Flycatcher	<i>Myiarchus sagrae</i> .
	Least Flycatcher	<i>Empidonax minimus</i> .
	Mugimaki Flycatcher	<i>Ficedula mugimaki</i> .
	Narcissus Flycatcher	<i>Ficedula narcissina</i> .
	Nutting's Flycatcher	<i>Myiarchus nuttingi</i> .
	Olive-sided Flycatcher	<i>Contopus cooperi</i> .
	Pacific-slope Flycatcher	<i>Empidonax difficilis</i> .
	Pine Flycatcher	<i>Empidonax affinis</i> .
	Piratic Flycatcher	<i>Legatus leucophaius</i> .
	Puerto Rican Flycatcher	<i>Myiarchus antillarum</i> .
	Scissor-tailed Flycatcher	<i>Tyrannus forficatus</i> .
	Social Flycatcher	<i>Myiozetetes similis</i> .
	Spotted Flycatcher	<i>Muscicapa striata</i> .
	Sulphur-bellied Flycatcher	<i>Myiodynastes luteiventris</i> .
	Taiga Flycatcher	<i>Ficedula albicilla</i> .
	Tufted Flycatcher	<i>Mitrephanes phaeocercus</i> .
	Variiegated Flycatcher	<i>Empidonax varius</i> .
	Vermilion Flycatcher	<i>Pyrocephalus rubinus</i> .
	Willow Flycatcher	<i>Empidonax traillii</i> .
	Yellow-bellied Flycatcher	<i>Empidonax flaviventris</i> .
Forest-Falcon	Collared Forest-Falcon	<i>Micrastur semitorquatus</i> .
Frigatebird	Great Frigatebird	<i>Fregata minor</i> .
	Lesser Frigatebird	<i>Fregata ariel</i> .
	Magnificent Frigatebird	<i>Fregata magnificens</i> .
Fruit-Dove	Crimson-crowned Fruit-Dove	<i>Ptilinopus porphyraceus</i> .
	Many-colored Fruit-Dove	<i>Ptilinopus perousii</i> .
	Mariana Fruit-Dove	<i>Ptilinopus roseicapilla</i> .
Fulmar	Northern Fulmar	<i>Fulmarus glacialis</i> .
Gadwall	Gadwall	<i>Mareca strepera</i> .
Gallinule	Azure Gallinule	<i>Porphyrio flavirostris</i> .
	Common Gallinule	<i>Gallinula galeata</i> .
	Purple Gallinule	<i>Porphyrio martinicus</i> .
Gannet	Northern Gannet	<i>Morus bassanus</i> .
Garganey	Garganey	<i>Spatula querquedula</i> .
Giant-Petrel	Northern Giant-Petrel	<i>Macronectes halli</i> .
Gnatcatcher	Black-capped Gnatcatcher	<i>Polioptila nigriceps</i> .
	Black-tailed Gnatcatcher	<i>Polioptila melanura</i> .
	Blue-Gray Gnatcatcher	<i>Polioptila caerulea</i> .
	California Gnatcatcher	<i>Polioptila californica</i> .
Godwit	Bar-tailed Godwit	<i>Limosa lapponica</i> .
	Black-tailed Godwit	<i>Limosa limosa</i> .
	Hudsonian Godwit	<i>Limosa haemastica</i> .
	Marbled Godwit	<i>Limosa fedoa</i> .
Goldeneye	Barrow's Goldeneye	<i>Bucephala islandica</i> .
	Common Goldeneye	<i>Bucephala clangula</i> .
Golden-Plover	American Golden-Plover	<i>Pluvialis dominica</i> .
	European Golden-Plover	<i>Pluvialis apricaria</i> .
	Pacific Golden-Plover	<i>Pluvialis fulva</i> .
Goldfinch	American Goldfinch	<i>Spinus tristis</i> .
	Lawrence's Goldfinch	<i>Spinus lawrencei</i> .
	Lesser Goldfinch	<i>Spinus psaltria</i> .
Goose	Barnacle Goose	<i>Branta leucopsis</i> .
	Cackling Goose	<i>Branta hutchinsii</i> .
	Canada Goose	<i>Branta canadensis</i> .
	Emperor Goose	<i>Anser canagicus</i> .
	Greater White-fronted Goose	<i>Anser albifrons</i> .
	Hawaiian Goose	<i>Branta sandvicensis</i> .
	Lesser White-fronted Goose	<i>Anser erythropus</i> .
	Pink-footed Goose	<i>Anser brachyrhynchus</i> .
	Ross's Goose	<i>Anser rossii</i> .
	Snow Goose	<i>Anser caerulescens</i> .

TABLE 1 TO PARAGRAPH (c)—ALPHABETICAL LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—
Continued

Common name group	Species common name	Species scientific name
Goshawk	Northern Goshawk	<i>Accipiter gentilis</i> .
Grackle	Boat-tailed Grackle	<i>Quiscalus major</i> .
	Common Grackle	<i>Quiscalus quiscula</i> .
	Greater Antillean Grackle	<i>Quiscalus niger</i> .
	Great-tailed Grackle	<i>Quiscalus mexicanus</i> .
Grassquit	Black-faced Grassquit	<i>Melanospiza bicolor</i> .
	Yellow-faced Grassquit	<i>Tiaris olivaceus</i> .
Grebe	Clark's Grebe	<i>Aechmophorus clarkii</i> .
	Eared Grebe	<i>Podiceps nigricollis</i> .
	Horned Grebe	<i>Podiceps auritus</i> .
	Least Grebe	<i>Tachybaptus dominicus</i> .
	Pied-billed Grebe	<i>Podilymbus podiceps</i> .
	Red-necked Grebe	<i>Podiceps grisegena</i> .
	Western Grebe	<i>Aechmophorus occidentalis</i> .
Greenfinch	Oriental Greenfinch	<i>Chloris sinica</i> .
Greenshank	Common Greenshank	<i>Tringa nebularia</i> .
	Nordmann's Greenshank	<i>Tringa guttifer</i> .
Grosbeak	Black-headed Grosbeak	<i>Pheucticus melanocephalus</i> .
	Blue Grosbeak	<i>Passerina caerulea</i> .
	Crimson-collared Grosbeak	<i>Rhodothraupis celaeno</i> .
	Evening Grosbeak	<i>Coccothraustes vespertinus</i> .
	Pine Grosbeak	<i>Pinicola enucleator</i> .
	Rose-breasted Grosbeak	<i>Pheucticus ludovicianus</i> .
	Yellow Grosbeak	<i>Pheucticus chrysopleus</i> .
Guillemot	Black Guillemot	<i>Cepphus grylle</i> .
	Pigeon Guillemot	<i>Cepphus columba</i> .
Gull	Belcher's Gull	<i>Larus belcheri</i> .
	Black-headed Gull	<i>Chroicocephalus ridibundus</i> .
	Black-tailed Gull	<i>Larus crassirostris</i> .
	Bonaparte's Gull	<i>Chroicocephalus philadelphia</i> .
	California Gull	<i>Larus californicus</i> .
	Common Gull	<i>Larus canus</i> .
	Franklin's Gull	<i>Leucophaeus pipixcan</i> .
	Glaucous Gull	<i>Larus hyperboreus</i> .
	Glaucous-winged Gull	<i>Larus glaucescens</i> .
	Gray-hooded Gull	<i>Chroicocephalus cirrocephalus</i> .
	Great Black-backed Gull	<i>Larus marinus</i> .
	Heermann's Gull	<i>Larus heermanni</i> .
	Herring Gull	<i>Larus argentatus</i> .
	Iceland Gull	<i>Larus glaucoides</i> .
	Ivory Gull	<i>Pagophila eburnea</i> .
	Kelp Gull	<i>Larus dominicanus</i> .
	Laughing Gull	<i>Leucophaeus atricilla</i> .
	Lesser Black-backed Gull	<i>Larus fuscus</i> .
	Little Gull	<i>Hydrocoloeus minutus</i> .
	Pallas's Gull	<i>Ichthyaeetus ichthyaeetus</i> .
	Ring-billed Gull	<i>Larus delawarensis</i> .
	Ross's Gull	<i>Rhodostethia rosea</i> .
	Sabine's Gull	<i>Xema sabini</i> .
	Short-billed Gull	<i>Larus brachyrhynchus</i> .
	Slaty-backed Gull	<i>Larus schistisagus</i> .
	Swallow-tailed Gull	<i>Creagrus furcatus</i> .
	Western Gull	<i>Larus occidentalis</i> .
	Yellow-footed Gull	<i>Larus livens</i> .
	Yellow-legged Gull	<i>Larus michahellis</i> .
Gyrfalcon	Gyrfalcon	<i>Falco rusticolus</i> .
Harrier	Northern Harrier	<i>Circus hudsonius</i> .
Hawfinch	Hawfinch	<i>Coccothraustes coccothraustes</i> .
Hawk	Broad-winged Hawk	<i>Buteo platypterus</i> .
	Common Black Hawk	<i>Buteogallus anthracinus</i> .
	Cooper's Hawk	<i>Accipiter cooperii</i> .
	Crane Hawk	<i>Geranospiza caerulescens</i> .
	Ferruginous Hawk	<i>Buteo regalis</i> .
	Gray Hawk	<i>Buteo plagiatus</i> .
	Great Black Hawk	<i>Buteogallus urubitinga</i> .
	Harris's Hawk	<i>Parabuteo unicinctus</i> .
	Hawaiian Hawk	<i>Buteo solitarius</i> .
	Red-shouldered Hawk	<i>Buteo lineatus</i> .
	Red-tailed Hawk	<i>Buteo jamaicensis</i> .
	Roadside Hawk	<i>Rupornis magnirostris</i> .
	Rough-legged Hawk	<i>Buteo lagopus</i> .

TABLE 1 TO PARAGRAPH (c)—ALPHABETICAL LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—
Continued

Common name group	Species common name	Species scientific name
	Sharp-shinned Hawk	<i>Accipiter striatus</i> .
	Short-tailed Hawk	<i>Buteo brachyurus</i> .
	Swainson's Hawk	<i>Buteo swainsoni</i> .
	White-tailed Hawk	<i>Geranoaetus albicaudatus</i> .
	Zone-tailed Hawk	<i>Buteo albonotatus</i> .
Hawk-Cuckoo	Hodgson's Hawk-Cuckoo	<i>Hierococcyx nasicolor</i> .
Heron	Gray Heron	<i>Ardea cinerea</i> .
	Great Blue Heron	<i>Ardea herodias</i> .
	Green Heron	<i>Butorides virescens</i> .
	Little Blue Heron	<i>Egretta caerulea</i> .
	Tricolored Heron	<i>Egretta tricolor</i> .
Hobby	Eurasian Hobby	<i>Falco subbuteo</i> .
Honeycreeper	Laysan Honeycreeper	<i>Himatione fraithii</i> .
	Red-legged Honeycreeper	<i>Cyanerpes cyaneus</i> .
Hoopoe	Eurasian Hoopoe	<i>Upupa epops</i> .
House-Martin	Common House-Martin	<i>Delichon urbicum</i> .
Hummingbird	Allen's Hummingbird	<i>Selasphorus sasin</i> .
	Anna's Hummingbird	<i>Calypte anna</i> .
	Antillean Crested Hummingbird	<i>Orthorhynchus cristatus</i> .
	Berylline Hummingbird	<i>Saucerottia beryllina</i> .
	Black-chinned Hummingbird	<i>Archilochus alexandri</i> .
	Broad-billed Hummingbird	<i>Cyananthus latirostris</i> .
	Broad-tailed Hummingbird	<i>Selasphorus platycercus</i> .
	Buff-bellied Hummingbird	<i>Amazilia yucatanensis</i> .
	Bumblebee Hummingbird	<i>Selasphorus heloisa</i> .
	Calliope Hummingbird	<i>Selasphorus calliope</i> .
	Cinnamon Hummingbird	<i>Amazilia rutila</i> .
	Costa's Hummingbird	<i>Calypte costae</i> .
	Lucifer Hummingbird	<i>Calothorax lucifer</i> .
	Rivoli's Hummingbird	<i>Eugenes fulgens</i> .
	Ruby-throated Hummingbird	<i>Archilochus colubris</i> .
	Rufous Hummingbird	<i>Selasphorus rufus</i> .
	Vervain Hummingbird	<i>Mellisuga minima</i> .
	Violet-crowned Hummingbird	<i>Ramosomyia violiceps</i> .
	White-eared Hummingbird	<i>Basilinna leucotis</i> .
	Xantus's Hummingbird	<i>Basilinna xantusii</i> .
Ibis	Glossy Ibis	<i>Plegadis falcinellus</i> .
	Scarlet Ibis	<i>Eudocimus ruber</i> .
	White Ibis	<i>Eudocimus albus</i> .
	White-faced Ibis	<i>Plegadis chihi</i> .
'I'iwi	'I'iwi	<i>Drepanis coccinea</i> .
Imperial-Pigeon	Pacific Imperial-Pigeon	<i>Ducula pacifica</i> .
Jabiru	Jabiru	<i>Jabiru mycteria</i> .
Jacana	Northern Jacana	<i>Jacana spinosa</i> .
Jackdaw	Eurasian Jackdaw	<i>Corvus monedula</i> .
Jaeger	Long-tailed Jaeger	<i>Stercorarius longicaudus</i> .
	Parasitic Jaeger	<i>Stercorarius parasiticus</i> .
	Pomarine Jaeger	<i>Stercorarius pomarinus</i> .
Jay	Blue Jay	<i>Cyanocitta cristata</i> .
	Brown Jay	<i>Psilorhinus morio</i> .
	Canada Jay	<i>Perisoreus canadensis</i> .
	Green Jay	<i>Cyanocorax yncas</i> .
	Mexican Jay	<i>Aphelocoma wollweberi</i> .
	Pinyon Jay	<i>Gymnorhinus cyanocephalus</i> .
	Steller's Jay	<i>Cyanocitta stelleri</i> .
Junco	Dark-eyed Junco	<i>Junco hyemalis</i> .
	Yellow-eyed Junco	<i>Junco phaeonotus</i> .
Kākāwahie	Kākāwahie	<i>Paroreomyza flammea</i> .
Kāma'o	Kāma'o	<i>Myadestes myadestinus</i> .
Kestrel	American Kestrel	<i>Falco sparverius</i> .
	Eurasian Kestrel	<i>Falco tinnunculus</i> .
Killdeer	Killdeer	<i>Charadrius vociferus</i> .
Kingbird	Cassin's Kingbird	<i>Tyrannus vociferans</i> .
	Couch's Kingbird	<i>Tyrannus couchii</i> .
	Eastern Kingbird	<i>Tyrannus tyrannus</i> .
	Gray Kingbird	<i>Tyrannus dominicensis</i> .
	Loggerhead Kingbird	<i>Tyrannus caudifasciatus</i> .
	Thick-billed Kingbird	<i>Tyrannus crassirostris</i> .
	Tropical Kingbird	<i>Tyrannus melancholicus</i> .
	Western Kingbird	<i>Tyrannus verticalis</i> .
Kingfisher	Amazon Kingfisher	<i>Chloroceryle amazona</i> .

TABLE 1 TO PARAGRAPH (c)—ALPHABETICAL LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—
Continued

Common name group	Species common name	Species scientific name
	Belted Kingfisher	<i>Megaceryle alcyon</i> .
	Common Kingfisher	<i>Alcedo atthis</i> .
	Green Kingfisher	<i>Chloroceryle americana</i> .
	Guam Kingfisher	<i>Todiramphus cinnamominus</i> .
	Mariana Kingfisher	<i>Todiramphus albicilla</i> .
	Pacific Kingfisher	<i>Todiramphus sacer</i> .
	Ringed Kingfisher	<i>Megaceryle torquata</i> .
Kinglet	Golden-crowned Kinglet	<i>Regulus satrapa</i> .
	Ruby-crowned Kinglet	<i>Corthylio calendula</i> .
Kiskadee	Great Kiskadee	<i>Pitangus sulphuratus</i> .
Kite	Black Kite	<i>Milvus migrans</i> .
	Double-toothed Kite	<i>Harpagus bidentatus</i> .
	Hook-billed Kite	<i>Chondrohierax uncinatus</i> .
	Mississippi Kite	<i>Ictinia mississippiensis</i> .
	Snail Kite	<i>Rostrhamus sociabilis</i> .
	Swallow-tailed Kite	<i>Elanoides forficatus</i> .
	White-tailed Kite	<i>Elanus leucurus</i> .
Kittiwake	Black-legged Kittiwake	<i>Rissa tridactyla</i> .
	Red-legged Kittiwake	<i>Rissa brevirostris</i> .
Knot	Great Knot	<i>Calidris tenuirostris</i> .
	Red Knot	<i>Calidris canutus</i> .
Koel	Long-tailed Koel	<i>Urodynamis taitensis</i> .
Lapwing	Northern Lapwing	<i>Vanellus vanellus</i> .
Lark	Horned Lark	<i>Eremophila alpestris</i> .
Limpkin	Limpkin	<i>Aramus guarana</i> .
Lizard-Cuckoo	Puerto Rican Lizard-Cuckoo	<i>Coccyzus vieilloti</i> .
Longspur	Chestnut-collared Longspur	<i>Calcarius ornatus</i> .
	Lapland Longspur	<i>Calcarius lapponicus</i> .
	Smith's Longspur	<i>Calcarius pictus</i> .
	Thick-billed Longspur	<i>Rhynchophanes mccownii</i> .
Loon	Arctic Loon	<i>Gavia arctica</i> .
	Common Loon	<i>Gavia immer</i> .
	Pacific Loon	<i>Gavia pacifica</i> .
	Red-throated Loon	<i>Gavia stellata</i> .
	Yellow-billed Loon	<i>Gavia adamsii</i> .
Magpie	Black-billed Magpie	<i>Pica hudsonia</i> .
	Yellow-billed Magpie	<i>Pica nuttalli</i> .
Mallard	Mallard	<i>Anas platyrhynchos</i> .
Mango	Puerto Rican Mango	<i>Anthracothorax aurulentus</i> .
	Green Mango	<i>Anthracothorax viridis</i> .
	Green-breasted Mango	<i>Anthracothorax prevostii</i> .
Marsh-Harrier	Eastern Marsh-Harrier	<i>Circus spilonotus</i> .
Martin	Brown-chested Martin	<i>Progne tapera</i> .
	Caribbean Martin	<i>Progne dominicensis</i> .
	Cuban Martin	<i>Progne cryptoleuca</i> .
	Gray-breasted Martin	<i>Progne chalybea</i> .
	Purple Martin	<i>Progne subis</i> .
	Southern Martin	<i>Progne elegans</i> .
Meadowlark	Chihuahuan Meadowlark	<i>Sturnella liliana</i> .
	Eastern Meadowlark	<i>Sturnella magna</i> .
	Western Meadowlark	<i>Sturnella neglecta</i> .
Merganser	Common Merganser	<i>Mergus merganser</i> .
	Hooded Merganser	<i>Lophodytes cucullatus</i> .
	Red-breasted Merganser	<i>Mergus serrator</i> .
Merlin	Merlin	<i>Falco columbarius</i> .
Millerbird	Millerbird	<i>Acrocephalus familiaris</i> .
Mockingbird	Bahama Mockingbird	<i>Mimus gundlachii</i> .
	Blue Mockingbird	<i>Melanotis caerulescens</i> .
	Northern Mockingbird	<i>Mimus polyglottos</i> .
Moorhen	Eurasian Moorhen	<i>Gallinula chloropus</i> .
Mountain-gem	Amethyst-throated Mountain-gem	<i>Lampornis amethystinus</i> .
	Blue-throated Mountain-gem	<i>Lampornis clemenciae</i> .
Murre	Common Murre	<i>Uria aalge</i> .
	Thick-billed Murre	<i>Uria lomvia</i> .
Murrelet	Ancient Murrelet	<i>Synthliboramphus antiquus</i> .
	Craveri's Murrelet	<i>Synthliboramphus craveri</i> .
	Guadalupe Murrelet	<i>Synthliboramphus hypoleucus</i> .
	Kittlitz's Murrelet	<i>Brachyramphus brevirostris</i> .
	Long-billed Murrelet	<i>Brachyramphus perdix</i> .
	Marbled Murrelet	<i>Brachyramphus marmoratus</i> .
	Scripps's Murrelet	<i>Synthliboramphus scrippsi</i> .

TABLE 1 TO PARAGRAPH (c)—ALPHABETICAL LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—
Continued

Common name group	Species common name	Species scientific name
Needletail	White-throated Needletail	<i>Hirundapus caudacutus</i> .
Nighthawk	Antillean Nighthawk	<i>Chordeiles gundlachi</i> .
	Common Nighthawk	<i>Chordeiles minor</i> .
	Lesser Nighthawk	<i>Chordeiles acutipennis</i> .
Night-Heron	Black-crowned Night-Heron	<i>Nycticorax nycticorax</i> .
	Japanese Night-Heron	<i>Gorsachius goisagi</i> .
	Malayan Night-Heron	<i>Gorsachius melanolophus</i> .
	Nankeen Night-Heron	<i>Nycticorax caledonicus</i> .
	Yellow-crowned Night-Heron	<i>Nyctanassa violacea</i> .
Nightingale-Thrush	Black-headed Nightingale-Thrush	<i>Catharus mexicanus</i> .
	Orange-billed Nightingale-Thrush	<i>Catharus aurantiirostris</i> .
Nightjar	Buff-collared Nightjar	<i>Antrostomus ridgwayi</i> .
	Gray Nightjar	<i>Caprimulgus jotaka</i> .
	Puerto Rican Nightjar	<i>Antrostomus noctitherus</i> .
	White-tailed Nightjar	<i>Hydropsalis cayennensis</i> .
Noddy	Black Noddy	<i>Anous minutus</i> .
	Blue-gray Noddy	<i>Anous ceruleus</i> .
	Brown Noddy	<i>Anous stolidus</i> .
Nukupu'u	Kauai Nukupu'u	<i>Hemignathus hanapepe</i> .
	Maui Nukupu'u	<i>Hemignathus affinis</i> .
	O'ahu Nukupu'u	<i>Hemignathus lucidus</i> .
Nutcracker	Clark's Nutcracker	<i>Nucifraga columbiana</i> .
Nuthatch	Brown-headed Nuthatch	<i>Sitta pusilla</i> .
	Pygmy Nuthatch	<i>Sitta pygmaea</i> .
	Red-breasted Nuthatch	<i>Sitta canadensis</i> .
	White-breasted Nuthatch	<i>Sitta carolinensis</i> .
Oloma'o	Oloma'o	<i>Myadestes lanaiensis</i> .
'Oma'o	'Oma'o	<i>Myadestes obscurus</i> .
Oriole	Altamira Oriole	<i>Icterus gularis</i> .
	Audubon's Oriole	<i>Icterus graduacauda</i> .
	Baltimore Oriole	<i>Icterus galbula</i> .
	Black-backed Oriole	<i>Icterus abeillei</i> .
	Black-vented Oriole	<i>Icterus wagleri</i> .
	Bullock's Oriole	<i>Icterus bullockii</i> .
	Hooded Oriole	<i>Icterus cucullatus</i> .
	Orchard Oriole	<i>Icterus spurius</i> .
	Puerto Rican Oriole	<i>Icterus portoricensis</i> .
	Scott's Oriole	<i>Icterus parisorum</i> .
	Streak-backed Oriole	<i>Icterus pustulatus</i> .
Osprey	Osprey	<i>Pandion haliaetus</i> .
'O'u	'O'u	<i>Psittirostra psittacea</i> .
Ovenbird	Ovenbird	<i>Seiurus aurocapilla</i> .
Owl	Barn Owl	<i>Tyto alba</i> .
	Barred Owl	<i>Strix varia</i> .
	Boreal Owl	<i>Aegolius funereus</i> .
	Burrowing Owl	<i>Athene cucularia</i> .
	Elf Owl	<i>Micrathene whitneyi</i> .
	Flammulated Owl	<i>Psilosops flammeolus</i> .
	Great Gray Owl	<i>Strix nebulosa</i> .
	Great Horned Owl	<i>Bubo virginianus</i> .
	Long-eared Owl	<i>Asio otus</i> .
	Mottled Owl	<i>Strix virgata</i> .
	Northern Hawk Owl	<i>Sumia ulula</i> .
	Northern Saw-whet Owl	<i>Aegolius acadicus</i> .
	Puerto Rican Owl	<i>Gymnasio nudipes</i> .
	Short-eared Owl	<i>Asio flammeus</i> .
	Snowy Owl	<i>Bubo scandiacus</i> .
	Spotted Owl	<i>Strix occidentalis</i> .
	Stygian Owl	<i>Asio stygius</i> .
Oystercatcher	American Oystercatcher	<i>Haematopus palliatus</i> .
	Black Oystercatcher	<i>Haematopus bachmani</i> .
	Eurasian Oystercatcher	<i>Haematopus ostralegus</i> .
Palila	Palila	<i>Loxioides bailleui</i> .
Palm-Swift	Antillean Palm-Swift	<i>Tachornis phoenicobia</i> .
Parrotbill	Maui Parrotbill	<i>Pseudonestor xanthophrys</i> .
Parula	Northern Parula	<i>Setophaga americana</i> .
	Tropical Parula	<i>Setophaga pitiayumi</i> .
Pauraque	Common Pauraque	<i>Nyctidromus albicollis</i> .
Pelican	American White Pelican	<i>Pelecanus erythrorhynchos</i> .
	Brown Pelican	<i>Pelecanus occidentalis</i> .
Petrel	Bermuda Petrel	<i>Pterodroma cahow</i> .

TABLE 1 TO PARAGRAPH (c)—ALPHABETICAL LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—
Continued

Common name group	Species common name	Species scientific name
	Black-capped Petrel	<i>Pterodroma hasitata</i> .
	Black-winged Petrel	<i>Pterodroma nigripennis</i> .
	Bonin Petrel	<i>Pterodroma hypoleuca</i> .
	Bulwer's Petrel	<i>Bulweria bulwerii</i> .
	Cook's Petrel	<i>Pterodroma cookii</i> .
	Fea's Petrel	<i>Pterodroma feae</i> .
	Gould's Petrel	<i>Pterodroma leucoptera</i> .
	Gray-faced Petrel	<i>Pterodroma gouldi</i> .
	Hawaiian Petrel	<i>Pterodroma sandwichensis</i> .
	Herald Petrel	<i>Pterodroma heraldica</i> .
	Jouanin's Petrel	<i>Bulweria fallax</i> .
	Juan Fernandez Petrel	<i>Pterodroma externa</i> .
	Kermadec Petrel	<i>Pterodroma neglecta</i> .
	Mottled Petrel	<i>Pterodroma inexpectata</i> .
	Murphy's Petrel	<i>Pterodroma ultima</i> .
	Parkinson's Petrel	<i>Procellaria parkinsoni</i> .
	Phoenix Petrel	<i>Pterodroma alba</i> .
	Providence Petrel	<i>Pterodroma solandri</i> .
	Stejneger's Petrel	<i>Pterodroma longirostris</i> .
	Tahiti Petrel	<i>Pseudobulweria rostrata</i> .
	Trindade Petrel	<i>Pterodroma arminjoniana</i> .
	White-chinned Petrel	<i>Procellaria aequinoctialis</i> .
	White-necked Petrel	<i>Pterodroma cervicalis</i> .
	Zino's Petrel	<i>Pterodroma madeira</i> .
Pewee	Cuban Pewee	<i>Contopus caribaeus</i> .
	Greater Pewee	<i>Contopus pertinax</i> .
	Hispaniolan Pewee	<i>Contopus hispaniolensis</i> .
	Lesser Antillean Pewee	<i>Contopus latirostris</i> .
Phainopepla	Phainopepla	<i>Phainopepla nitens</i> .
Phalarope	Red Phalarope	<i>Phalaropus fulicarius</i> .
	Red-necked Phalarope	<i>Phalaropus lobatus</i> .
	Wilson's Phalarope	<i>Phalaropus tricolor</i> .
Phoebe	Black Phoebe	<i>Sayornis nigricans</i> .
	Eastern Phoebe	<i>Sayornis phoebe</i> .
	Say's Phoebe	<i>Sayornis saya</i> .
Pigeon	Band-tailed Pigeon	<i>Patagioenas fasciata</i> .
	Plain Pigeon	<i>Patagioenas inornata</i> .
	Red-billed Pigeon	<i>Patagioenas flavirostris</i> .
	Scaly-naped Pigeon	<i>Patagioenas squamosa</i> .
	White-crowned Pigeon	<i>Patagioenas leucocephala</i> .
Pintail	Northern Pintail	<i>Anas acuta</i> .
	White-cheeked Pintail	<i>Anas bahamensis</i> .
Pipit	American Pipit	<i>Anthus rubescens</i> .
	Olive-backed Pipit	<i>Anthus hodgsoni</i> .
	Pechora Pipit	<i>Anthus gustavi</i> .
	Red-throated Pipit	<i>Anthus cervinus</i> .
	Sprague's Pipit	<i>Anthus spragueii</i> .
	Tree Pipit	<i>Anthus trivialis</i> .
Plover	Black-bellied Plover	<i>Pluvialis squatarola</i> .
	Collared Plover	<i>Charadrius collaris</i> .
	Common Ringed Plover	<i>Charadrius hiaticula</i> .
	Kentish Plover	<i>Charadrius alexandrinus</i> .
	Little Ringed Plover	<i>Charadrius dubius</i> .
	Mountain Plover	<i>Charadrius montanus</i> .
	Piping Plover	<i>Charadrius melodus</i> .
	Semipalmated Plover	<i>Charadrius semipalmatus</i> .
	Snowy Plover	<i>Charadrius nivosus</i> .
	Wilson's Plover	<i>Charadrius wilsonia</i> .
Pochard	Baer's Pochard	<i>Aythya baeri</i> .
	Common Pochard	<i>Aythya ferina</i> .
Pond-Heron	Chinese Pond-Heron	<i>Ardeola bacchus</i> .
Poorwill	Common Poorwill	<i>Phalaenoptilus nuttallii</i> .
Po'ouli	Po'ouli	<i>Melamprosops phaeosoma</i> .
Puaiohi	Puaiohi	<i>Myadestes palmeri</i> .
Puffin	Atlantic Puffin	<i>Fratercula arctica</i> .
	Horned Puffin	<i>Fratercula corniculata</i> .
	Tufted Puffin	<i>Fratercula cirrhata</i> .
Pygmy-Owl	Ferruginous Pygmy-Owl	<i>Glaucidium brasilianum</i> .
	Northern Pygmy-Owl	<i>Glaucidium gnoma</i> .
Pyrrhuloxia	Pyrrhuloxia	<i>Cardinalis sinuatus</i> .
Quail-Dove	Bridled Quail-Dove	<i>Geotrygon mystacea</i> .

TABLE 1 TO PARAGRAPH (c)—ALPHABETICAL LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—
Continued

Common name group	Species common name	Species scientific name
	Key West Quail-Dove	<i>Geotrygon chrysis</i> .
	Ruddy Quail-Dove	<i>Geotrygon montana</i> .
Quetzal	Eared Quetzal	<i>Euptilotis neoxenus</i> .
Rail	Black Rail	<i>Laterallus jamaicensis</i> .
	Buff-banded Rail	<i>Gallirallus philippensis</i> .
	Clapper Rail	<i>Rallus crepitans</i> .
	Guam Rail	<i>Gallirallus owstoni</i> .
	King Rail	<i>Rallus elegans</i> .
	Ridgway's Rail	<i>Rallus obsoletus</i> .
	Spotted Rail	<i>Pardirallus maculatus</i> .
	Virginia Rail	<i>Rallus limicola</i> .
	Yellow Rail	<i>Coturnicops noveboracensis</i> .
Raven	Chihuahuan Raven	<i>Corvus cryptoleucus</i> .
	Common Raven	<i>Corvus corax</i> .
Razorbill	Razorbill	<i>Alca torda</i> .
Redhead	Redhead	<i>Aythya americana</i> .
Redpoll	Common Redpoll	<i>Acanthis flammea</i> .
	Hoary Redpoll	<i>Acanthis hornemanni</i> .
Redshank	Common Redshank	<i>Tringa totanus</i> .
	Spotted Redshank	<i>Tringa erythropus</i> .
Redstart	American Redstart	<i>Setophaga ruticilla</i> .
	Common Redstart	<i>Phoenicurus phoenicurus</i> .
	Painted Redstart	<i>Myioborus pictus</i> .
	Slate-throated Redstart	<i>Myioborus miniatus</i> .
Redwing	Redwing	<i>Turdus iliacus</i> .
Reef-Heron	Pacific Reef-Heron	<i>Egretta sacra</i> .
	Western Reef-Heron	<i>Egretta gularis</i> .
Roadrunner	Greater Roadrunner	<i>Geococcyx californianus</i> .
Robin	American Robin	<i>Turdus migratorius</i> .
	European Robin	<i>Erithacus rubecula</i> .
	Rufous-backed Robin	<i>Turdus rufopalliatu</i> s.
	Rufous-tailed Robin	<i>Larvivora sibilans</i> .
	Siberian Blue Robin	<i>Larvivora cyane</i> .
Rock-Thrush	Blue Rock-Thrush	<i>Monticola solitarius</i> .
Rosefinch	Common Rosefinch	<i>Carpodacus erythrinus</i> .
	Pallas's Rosefinch	<i>Carpodacus roseus</i> .
Rosy-Finch	Asian Rosy-Finch	<i>Leucosticte arctoa</i> .
	Black Rosy-Finch	<i>Leucosticte atrata</i> .
	Brown-capped Rosy-Finch	<i>Leucosticte australis</i> .
	Gray-crowned Rosy-Finch	<i>Leucosticte tephrocotis</i> .
Rubythroat	Siberian Rubythroat	<i>Calliope calliope</i> .
Ruff	Ruff	<i>Calidris pugnax</i> .
Sanderling	Sanderling	<i>Calidris alba</i> .
Sandpiper	Baird's Sandpiper	<i>Calidris bairdii</i> .
	Broad-billed Sandpiper	<i>Calidris falcinellus</i> .
	Buff-breasted Sandpiper	<i>Calidris subruficollis</i> .
	Common Sandpiper	<i>Actitis hypoleucos</i> .
	Curlew Sandpiper	<i>Calidris ferruginea</i> .
	Green Sandpiper	<i>Tringa ochropus</i> .
	Least Sandpiper	<i>Calidris minutilla</i> .
	Marsh Sandpiper	<i>Tringa stagnatilis</i> .
	Pectoral Sandpiper	<i>Calidris melanotos</i> .
	Purple Sandpiper	<i>Calidris maritima</i> .
	Rock Sandpiper	<i>Calidris ptilocnemis</i> .
	Semipalmated Sandpiper	<i>Calidris pusilla</i> .
	Sharp-tailed Sandpiper	<i>Calidris acuminata</i> .
	Solitary Sandpiper	<i>Tringa solitaria</i> .
	Spoon-billed Sandpiper	<i>Calidris pygmaea</i> .
	Spotted Sandpiper	<i>Actitis macularius</i> .
	Stilt Sandpiper	<i>Calidris himantopus</i> .
	Terek Sandpiper	<i>Xenus cinereus</i> .
	Upland Sandpiper	<i>Bartramia longicauda</i> .
	Western Sandpiper	<i>Calidris mauri</i> .
	White-rumped Sandpiper	<i>Calidris fuscicollis</i> .
	Wood Sandpiper	<i>Tringa glareola</i> .
Sand-Plover	Greater Sand-Plover	<i>Charadrius leschenaultii</i> .
	Lesser Sand-Plover	<i>Charadrius mongolus</i> .
Sapsucker	Red-breasted Sapsucker	<i>Sphyrapicus ruber</i> .
	Red-naped Sapsucker	<i>Sphyrapicus nuchalis</i> .
	Williamson's Sapsucker	<i>Sphyrapicus thyroideus</i> .
	Yellow-bellied Sapsucker	<i>Sphyrapicus varius</i> .

TABLE 1 TO PARAGRAPH (c)—ALPHABETICAL LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—
Continued

Common name group	Species common name	Species scientific name		
Scaup	Greater Scaup	<i>Aythya marila</i> .		
	Lesser Scaup	<i>Aythya affinis</i> .		
	Oriental Scops-Owl	<i>Otus sunia</i> .		
Scops-Owl	Black Scoter	<i>Melanitta americana</i> .		
	Common Scoter	<i>Melanitta nigra</i> .		
Scoter	Stejneger's Scoter	<i>Melanitta stejnegeri</i> .		
	Surf Scoter	<i>Melanitta perspicillata</i> .		
	White-winged Scoter	<i>Melanitta deglandi</i> .		
	Eastern Screech-Owl	<i>Megascops asio</i> .		
	Western Screech-Owl	<i>Megascops kennicottii</i> .		
Screech-Owl	Whiskered Screech-Owl	<i>Megascops trichopsis</i> .		
	California Scrub-Jay	<i>Aphelocoma californica</i> .		
	Florida Scrub-Jay	<i>Aphelocoma coerulescens</i> .		
Scrub-Jay	Island Scrub-Jay	<i>Aphelocoma insularis</i> .		
	Woodhouse's Scrub-Jay	<i>Aphelocoma woodhouseii</i> .		
	Steller's Sea-Eagle	<i>Haliaeetus pelagicus</i> .		
	Morelet's Seedeater	<i>Sporophila moreletii</i> .		
Sea-Eagle	Audubon's Shearwater	<i>Puffinus lherminieri</i> .		
Seedeater	Barolo Shearwater	<i>Puffinus baroli</i> .		
	Black-vented Shearwater	<i>Puffinus opisthomelas</i> .		
	Bryan's Shearwater	<i>Puffinus bryani</i> .		
	Buller's Shearwater	<i>Ardenna bulleri</i> .		
	Cape Verde Shearwater	<i>Calonectris edwardsii</i> .		
	Christmas Shearwater	<i>Puffinus nativitatis</i> .		
	Cory's Shearwater	<i>Calonectris diomedea</i> .		
	Flesh-footed Shearwater	<i>Ardenna carneipes</i> .		
	Great Shearwater	<i>Ardenna gravis</i> .		
	Manx Shearwater	<i>Puffinus puffinus</i> .		
	Newell's Shearwater	<i>Puffinus newelli</i> .		
	Pink-footed Shearwater	<i>Ardenna creatopus</i> .		
	Short-tailed Shearwater	<i>Ardenna tenuirostris</i> .		
	Sooty Shearwater	<i>Ardenna grisea</i> .		
	Streaked Shearwater	<i>Calonectris leucomelas</i> .		
	Wedge-tailed Shearwater	<i>Ardenna pacifica</i> .		
	Shoveler	Northern Shoveler	<i>Spatula clypeata</i> .	
		Shrike	Brown Shrike	<i>Lanius cristatus</i> .
			Loggerhead Shrike	<i>Lanius ludovicianus</i> .
	Silky-Flycatcher	Northern Shrike	<i>Lanius borealis</i> .	
Gray Silky-Flycatcher		<i>Ptiliogonys cinereus</i> .		
Siskin	Eurasian Siskin	<i>Spinus spinus</i> .		
	Pine Siskin	<i>Spinus pinus</i> .		
Skimmer	Black Skimmer	<i>Rynchops niger</i> .		
Skua	Great Skua	<i>Stercorarius skua</i> .		
	South Polar Skua	<i>Stercorarius maccormicki</i> .		
Skylark	Eurasian Skylark	<i>Alauda arvensis</i> .		
Smew	Smew	<i>Mergellus albellus</i> .		
Snipe	Common Snipe	<i>Gallinago gallinago</i> .		
	Jack Snipe	<i>Lymnocyptes minimus</i> .		
	Pin-tailed Snipe	<i>Gallinago stenura</i> .		
	Solitary Snipe	<i>Gallinago solitaria</i> .		
	Swinhoe's Snipe	<i>Gallinago megala</i> .		
	Wilson's Snipe	<i>Gallinago delicata</i> .		
	Wilson's Snipe	<i>Gallinago delicata</i> .		
Solitaire	Brown-backed Solitaire	<i>Myadestes occidentalis</i> .		
	Townsend's Solitaire	<i>Myadestes townsendi</i> .		
Sora	Sora	<i>Porzana carolina</i> .		
Sparrow	American Tree Sparrow	<i>Spizelloides arborea</i> .		
	Bachman's Sparrow	<i>Peucaea aestivalis</i> .		
	Baird's Sparrow	<i>Centronyx bairdii</i> .		
	Bell's Sparrow	<i>Artemisiospiza belli</i> .		
	Black-chinned Sparrow	<i>Spizella atrogularis</i> .		
	Black-throated Sparrow	<i>Amphispiza bilineata</i> .		
	Botteri's Sparrow	<i>Peucaea botterii</i> .		
	Brewer's Sparrow	<i>Spizella breweri</i> .		
	Cassin's Sparrow	<i>Peucaea cassinii</i> .		
	Chipping Sparrow	<i>Spizella passerina</i> .		
	Clay-colored Sparrow	<i>Spizella pallida</i> .		
	Field Sparrow	<i>Spizella pusilla</i> .		
	Five-striped Sparrow	<i>Amphispizopsis quinquestriata</i> .		
	Fox Sparrow	<i>Passerella iliaca</i> .		
	Golden-crowned Sparrow	<i>Zonotrichia atricapilla</i> .		
	Grasshopper Sparrow	<i>Ammodramus savannarum</i> .		

TABLE 1 TO PARAGRAPH (c)—ALPHABETICAL LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—
Continued

Common name group	Species common name	Species scientific name
	Harris's Sparrow	<i>Zonotrichia querula</i> .
	Henslow's Sparrow	<i>Centronyx henslowii</i> .
	Lark Sparrow	<i>Chondestes grammacus</i> .
	LeConte's Sparrow	<i>Ammospiza leconteii</i> .
	Lincoln's Sparrow	<i>Melospiza lincolni</i> .
	Nelson's Sparrow	<i>Ammospiza nelsoni</i> .
	Olive Sparrow	<i>Arremonops rufivirgatus</i> .
	Rufous-crowned Sparrow	<i>Aimophila ruficeps</i> .
	Rufous-winged Sparrow	<i>Peucaea carpalis</i> .
	Sagebrush Sparrow	<i>Artemisiospiza nevadensis</i> .
	Saltmarsh Sparrow	<i>Ammospiza caudacuta</i> .
	Savannah Sparrow	<i>Passerculus sandwichensis</i> .
	Seaside Sparrow	<i>Ammospiza maritima</i> .
	Song Sparrow	<i>Melospiza melodia</i> .
	Swamp Sparrow	<i>Melospiza georgiana</i> .
	Vesper Sparrow	<i>Poocetes gramineus</i> .
	White-crowned Sparrow	<i>Zonotrichia leucophrys</i> .
	White-throated Sparrow	<i>Zonotrichia albicollis</i> .
	Worthen's Sparrow	<i>Spizella wortheni</i> .
Sparrowhawk	Chinese Sparrowhawk	<i>Accipiter soloensis</i> .
	Japanese Sparrowhawk	<i>Accipiter gularis</i> .
Spindalis	Puerto Rican Spindalis	<i>Spindalis portoricensis</i> .
	Western Spindalis	<i>Spindalis zena</i> .
Spoonbill	Roseate Spoonbill	<i>Platalea ajaja</i> .
Starling	Chestnut-cheeked Starling	<i>Agropsar philippensis</i> .
	White-cheeked Starling	<i>Spodiopsar cineraceus</i> .
Starthroat	Plain-capped Starthroat	<i>Heliomaster constantii</i> .
Stilt	Black-necked Stilt	<i>Himantopus mexicanus</i> .
	Black-winged Stilt	<i>Himantopus himantopus</i> .
Stint	Little Stint	<i>Calidris minuta</i> .
	Long-toed Stint	<i>Calidris subminuta</i> .
	Red-necked Stint	<i>Calidris ruficollis</i> .
	Temminck's Stint	<i>Calidris temminckii</i> .
Stonechat	Asian Stonechat	<i>Saxicola maurus</i> .
Stork	Wood Stork	<i>Mycteria americana</i> .
Storm-Petrel	Ashy Storm-Petrel	<i>Hydrobates homochroa</i> .
	Band-rumped Storm-Petrel	<i>Hydrobates castro</i> .
	Black Storm-Petrel	<i>Hydrobates melania</i> .
	Black-bellied Storm-Petrel	<i>Fregetta tropica</i> .
	European Storm-Petrel	<i>Hydrobates pelagicus</i> .
	Fork-tailed Storm-Petrel	<i>Hydrobates furcatus</i> .
	Leach's Storm-Petrel	<i>Hydrobates leucorhous</i> .
	Least Storm-Petrel	<i>Hydrobates microsoma</i> .
	Matsudaira's Storm-Petrel	<i>Hydrobates matsudairae</i> .
	Polynesian Storm-Petrel	<i>Nesofregetta fuliginosa</i> .
	Ringed Storm-Petrel	<i>Hydrobates hornbyi</i> .
	Swinhoe's Storm-Petrel	<i>Hydrobates monorhis</i> .
	Townsend's Storm-Petrel	<i>Hydrobates socorroensis</i> .
	Tristram's Storm-Petrel	<i>Hydrobates tristrami</i> .
	Wedge-rumped Storm-Petrel	<i>Hydrobates tethys</i> .
	White-bellied Storm-Petrel	<i>Fregetta grallaria</i> .
	White-faced Storm-Petrel	<i>Pelagodroma marina</i> .
	Wilson's Storm-Petrel	<i>Oceanites oceanicus</i> .
Surfbird	Surfbird	<i>Calidris virgata</i> .
Swallow	Bahama Swallow	<i>Tachycineta cyaneoviridis</i> .
	Bank Swallow	<i>Riparia riparia</i> .
	Barn Swallow	<i>Hirundo rustica</i> .
	Blue-and-white Swallow	<i>Pygochelidon cyanoleuca</i> .
	Cave Swallow	<i>Petrochelidon fulva</i> .
	Cliff Swallow	<i>Petrochelidon pyrrhonota</i> .
	Mangrove Swallow	<i>Tachycineta albilinea</i> .
	Northern Rough-winged Swallow	<i>Stelgidopteryx serripennis</i> .
	Tree Swallow	<i>Tachycineta bicolor</i> .
	Violet-green Swallow	<i>Tachycineta thalassina</i> .
Swamphen	Purple Swamphen	<i>Porphyrio porphyrio</i> .
Swan	Trumpeter Swan	<i>Cygnus buccinator</i> .
	Tundra Swan	<i>Cygnus columbianus</i> .
	Whooper Swan	<i>Cygnus cygnus</i> .
Swift	Alpine Swift	<i>Apus melba</i> .
	Black Swift	<i>Cypseloides niger</i> .
	Chimney Swift	<i>Chaetura pelagica</i> .

TABLE 1 TO PARAGRAPH (c)—ALPHABETICAL LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—
Continued

Common name group	Species common name	Species scientific name
	Common Swift	<i>Apus apus.</i>
	Fork-tailed Swift	<i>Apus pacificus.</i>
	Short-tailed Swift	<i>Chaetura brachyura.</i>
	Vaux's Swift	<i>Chaetura vauxi.</i>
	White-collared Swift	<i>Streptoprocne zonoris.</i>
Swiftlet	White-throated Swift	<i>Aeronautes saxatalis.</i>
	Mariana Swiftlet	<i>Aerodramus bartschi.</i>
Tanager	White-rumped Swiftlet	<i>Aerodramus spodiopygius.</i>
	Flame-colored Tanager	<i>Piranga bidentata.</i>
	Hepatic Tanager	<i>Piranga flava.</i>
	Puerto Rican Tanager	<i>Nesospingus speculiferus.</i>
	Scarlet Tanager	<i>Piranga olivacea.</i>
	Summer Tanager	<i>Piranga rubra.</i>
Tattler	Western Tanager	<i>Piranga ludoviciana.</i>
	Gray-tailed Tattler	<i>Tringa brevipes.</i>
Teal	Wandering Tattler	<i>Tringa incana.</i>
	Baikal Teal	<i>Sibirionetta formosa.</i>
	Blue-winged Teal	<i>Spatula discors.</i>
	Cinnamon Teal	<i>Spatula cyanoptera.</i>
	Green-winged Teal	<i>Anas crecca.</i>
Tern	Aleutian Tern	<i>Onychoprion aleuticus.</i>
	Arctic Tern	<i>Sterna paradisaea.</i>
	Black Tern	<i>Chlidonias niger.</i>
	Black-naped Tern	<i>Sterna sumatrana.</i>
	Bridled Tern	<i>Onychoprion anaethetus.</i>
	Caspian Tern	<i>Hydroprogne caspia.</i>
	Common Tern	<i>Sterna hirundo.</i>
	Elegant Tern	<i>Thalasseus elegans.</i>
	Forster's Tern	<i>Sterna forsteri.</i>
	Gray-backed Tern	<i>Onychoprion lunatus.</i>
	Great Crested Tern	<i>Thalasseus bergii.</i>
	Gull-billed Tern	<i>Gelochelidon nilotica.</i>
	Inca Tern	<i>Larosterna inca.</i>
	Large-billed Tern	<i>Phaetusa simplex.</i>
	Least Tern	<i>Sternula antillarum.</i>
	Little Tern	<i>Sternula albifrons.</i>
	Roseate Tern	<i>Sterna dougallii.</i>
	Royal Tern	<i>Thalasseus maximus.</i>
	Sandwich Tern	<i>Thalasseus sandvicensis.</i>
	Sooty Tern	<i>Onychoprion fuscatus.</i>
	Whiskered Tern	<i>Chlidonias hybrida.</i>
	White Tern	<i>Gygis alba.</i>
Thrasher	White-winged Tern	<i>Chlidonias leucopterus.</i>
	Bendire's Thrasher	<i>Toxostoma bendirei.</i>
	Brown Thrasher	<i>Toxostoma rufum.</i>
	California Thrasher	<i>Toxostoma redivivum.</i>
	Crissal Thrasher	<i>Toxostoma crissale.</i>
	Curve-billed Thrasher	<i>Toxostoma curvirostre.</i>
	LeConte's Thrasher	<i>Toxostoma lecontei.</i>
	Long-billed Thrasher	<i>Toxostoma longirostre.</i>
	Pearly-eyed Thrasher	<i>Margarops fuscatus.</i>
Thrush	Sage Thrasher	<i>Oreoscoptes montanus.</i>
	Aztec Thrush	<i>Ridgwayia pinicola.</i>
	Bicknell's Thrush	<i>Catharus bicknelli.</i>
	Clay-colored Thrush	<i>Turdus grayi.</i>
	Dusky Thrush	<i>Turdus eunomus.</i>
	Eyebrowed Thrush	<i>Turdus obscurus.</i>
	Gray-cheeked Thrush	<i>Catharus minimus.</i>
	Hermit Thrush	<i>Catharus guttatus.</i>
	Naumann's Thrush	<i>Turdus naumanni.</i>
	Red-legged Thrush	<i>Turdus plumbeus.</i>
	Swainson's Thrush	<i>Catharus ustulatus.</i>
	Varied Thrush	<i>Ixoreus naevius.</i>
	White-throated Thrush	<i>Turdus assimilis.</i>
	Wood Thrush	<i>Hylocichla mustelina.</i>
Tiger-Heron	Bare-throated Tiger-Heron	<i>Tigrisoma mexicanum.</i>
Titmouse	Black-crested Titmouse	<i>Baeolophus atricristatus.</i>
	Bridled Titmouse	<i>Baeolophus wollweberi.</i>
	Juniper Titmouse	<i>Baeolophus ridgwayi.</i>
	Oak Titmouse	<i>Baeolophus inornatus.</i>
	Tufted Titmouse	<i>Baeolophus bicolor.</i>

TABLE 1 TO PARAGRAPH (c)—ALPHABETICAL LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—
Continued

Common name group	Species common name	Species scientific name
Tityra	Masked Tityra	<i>Tityra semifasciata</i> .
Towhee	Abert's Towhee	<i>Melospiza aberti</i> .
	California Towhee	<i>Melospiza crissalis</i> .
	Canyon Towhee	<i>Melospiza fusca</i> .
	Eastern Towhee	<i>Pipilo erythrophthalmus</i> .
	Green-tailed Towhee	<i>Pipilo chlorurus</i> .
	Spotted Towhee	<i>Pipilo maculatus</i> .
Trogon	Elegant Trogon	<i>Trogon elegans</i> .
Tropicbird	Red-billed Tropicbird	<i>Phaethon aethereus</i> .
	Red-tailed Tropicbird	<i>Phaethon rubricauda</i> .
	White-tailed Tropicbird	<i>Phaethon lepturus</i> .
Turnstone	Black Turnstone	<i>Arenaria melanocephala</i> .
	Ruddy Turnstone	<i>Arenaria interpres</i> .
Turtle-Dove	Oriental Turtle-Dove	<i>Streptopelia orientalis</i> .
Veery	Veery	<i>Catharus fuscescens</i> .
Verdin	Verdin	<i>Auriparus flaviceps</i> .
Violetear	Mexican Violetear	<i>Colibri thalassinus</i> .
Vireo	Bell's Vireo	<i>Vireo bellii</i> .
	Black-capped Vireo	<i>Vireo atricapilla</i> .
	Black-whiskered Vireo	<i>Vireo altiloquus</i> .
	Blue-headed Vireo	<i>Vireo solitarius</i> .
	Cassin's Vireo	<i>Vireo cassinii</i> .
	Cuban Vireo	<i>Vireo gundlachi</i> .
	Gray Vireo	<i>Vireo vicinior</i> .
	Hutton's Vireo	<i>Vireo huttoni</i> .
	Philadelphia Vireo	<i>Vireo philadelphicus</i> .
	Plumbeous Vireo	<i>Vireo plumbeus</i> .
	Puerto Rican Vireo	<i>Vireo latimeri</i> .
	Red-eyed Vireo	<i>Vireo olivaceus</i> .
	Thick-billed Vireo	<i>Vireo crassirostris</i> .
	Warbling Vireo	<i>Vireo gilvus</i> .
	White-eyed Vireo	<i>Vireo griseus</i> .
	Yellow-green Vireo	<i>Vireo flavoviridis</i> .
	Yellow-throated Vireo	<i>Vireo flavifrons</i> .
	Yucatan Vireo	<i>Vireo magister</i> .
Vulture	Black Vulture	<i>Coragyps atratus</i> .
	Turkey Vulture	<i>Cathartes aura</i> .
Wagtail	Citrine Wagtail	<i>Motacilla citreola</i> .
	Eastern Yellow Wagtail	<i>Motacilla tschutschensis</i> .
	Gray Wagtail	<i>Motacilla cinerea</i> .
	White Wagtail	<i>Motacilla alba</i> .
Warbler	Adelaide's Warbler	<i>Setophaga adelaidae</i> .
	Aguiguan Reed Warbler	<i>Acrocephalus nijoi</i> .
	Arctic Warbler	<i>Phylloscopus borealis</i> .
	Bachman's Warbler	<i>Vermivora bachmanii</i> .
	Bay-breasted Warbler	<i>Setophaga castanea</i> .
	Black-and-white Warbler	<i>Mniotilta varia</i> .
	Blackburnian Warbler	<i>Setophaga fusca</i> .
	Blackpoll Warbler	<i>Setophaga striata</i> .
	Black-throated Blue Warbler	<i>Setophaga caerulescens</i> .
	Black-throated Gray Warbler	<i>Setophaga nigrescens</i> .
	Black-throated Green Warbler	<i>Setophaga virens</i> .
	Blue-winged Warbler	<i>Vermivora cyanoptera</i> .
	Blyth's Reed Warbler	<i>Acrocephalus dumetorum</i> .
	Canada Warbler	<i>Cardellina canadensis</i> .
	Cape May Warbler	<i>Setophaga tigrina</i> .
	Cerulean Warbler	<i>Setophaga cerulea</i> .
	Chestnut-sided Warbler	<i>Setophaga pensylvanica</i> .
	Colima Warbler	<i>Leiothlypis crissalis</i> .
	Connecticut Warbler	<i>Oporornis agilis</i> .
	Crescent-chested Warbler	<i>Oreothlypis superciliosa</i> .
	Dusky Warbler	<i>Phylloscopus fuscatus</i> .
	Elfin-woods Warbler	<i>Setophaga angelae</i> .
	Fan-tailed Warbler	<i>Basileuterus lachrymosus</i> .
	Golden-cheeked Warbler	<i>Setophaga chrysoparia</i> .
	Golden-crowned Warbler	<i>Basileuterus culicivorus</i> .
	Golden-winged Warbler	<i>Vermivora chrysoptera</i> .
	Grace's Warbler	<i>Setophaga graciae</i> .
	Hermit Warbler	<i>Setophaga occidentalis</i> .
	Hooded Warbler	<i>Setophaga citrina</i> .
	Kamchatka Leaf Warbler	<i>Phylloscopus examinandus</i> .

TABLE 1 TO PARAGRAPH (c)—ALPHABETICAL LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—
Continued

Common name group	Species common name	Species scientific name
	Kentucky Warbler	<i>Geothlypis formosa</i> .
	Kirtland's Warbler	<i>Setophaga kirtlandii</i> .
	Lanceolated Warbler	<i>Locustella lanceolata</i> .
	Lucy's Warbler	<i>Leiothlypis luciae</i> .
	MacGillivray's Warbler	<i>Geothlypis tolmiei</i> .
	Magnolia Warbler	<i>Setophaga magnolia</i> .
	Middendorff's Grasshopper Warbler	<i>Helopsaltes ochotensis</i> .
	Mourning Warbler	<i>Geothlypis philadelphia</i> .
	Nashville Warbler	<i>Leiothlypis ruficapilla</i> .
	Nightingale Reed Warbler	<i>Acrocephalus luscinius</i> .
	Olive Warbler	<i>Peucedramus taeniatus</i> .
	Orange-crowned Warbler	<i>Leiothlypis celata</i> .
	Pagan Reed Warbler	<i>Acrocephalus yamashinae</i> .
	Pallas's Grasshopper Warbler	<i>Helopsaltes certhiola</i> .
	Pallas's Leaf Warbler	<i>Phylloscopus proregulus</i> .
	Palm Warbler	<i>Setophaga palmarum</i> .
	Pine Warbler	<i>Setophaga pinus</i> .
	Prairie Warbler	<i>Setophaga discolor</i> .
	Prothonotary Warbler	<i>Protonotaria citrea</i> .
	Red-faced Warbler	<i>Cardellina rubrifrons</i> .
	River Warbler	<i>Locustella fluviatilis</i> .
	Rufous-capped Warbler	<i>Basileuterus rufifrons</i> .
	Saipan Reed warbler	<i>Acrocephalus hiwae</i> .
	Sedge Warbler	<i>Acrocephalus schoenobaenus</i> .
	Swainson's Warbler	<i>Limnithlypis swainsonii</i> .
	Tennessee Warbler	<i>Leiothlypis peregrina</i> .
	Thick-billed Warbler	<i>Arundinax aedon</i> .
	Townsend's Warbler	<i>Setophaga townsendi</i> .
	Virginia's Warbler	<i>Leiothlypis virginiae</i> .
	Willow Warbler	<i>Phylloscopus trochilus</i> .
	Wilson's Warbler	<i>Cardellina pusilla</i> .
	Wood Warbler	<i>Phylloscopus sibilatrix</i> .
	Worm-eating Warbler	<i>Helmitheros vermivorum</i> .
	Yellow Warbler	<i>Setophaga petechia</i> .
	Yellow-browed Warbler	<i>Phylloscopus inornatus</i> .
	Yellow-rumped Warbler	<i>Setophaga coronata</i> .
	Yellow-throated Warbler	<i>Setophaga dominica</i> .
Waterthrush	Louisiana Waterthrush	<i>Parkesia motacilla</i> .
	Northern Waterthrush	<i>Parkesia noveboracensis</i> .
Waxwing	Bohemian Waxwing	<i>Bombycilla garrulus</i> .
	Cedar Waxwing	<i>Bombycilla cedrorum</i> .
Wheatear	Northern Wheatear	<i>Oenanthe oenanthe</i> .
	Pied Wheatear	<i>Oenanthe pleschanka</i> .
Whimbrel	Whimbrel	<i>Numenius phaeopus</i> .
Whip-poor-will	Eastern Whip-poor-will	<i>Antrostomus vociferus</i> .
	Mexican Whip-poor-will	<i>Antrostomus arizonae</i> .
Whistling-Duck	Black-bellied Whistling-Duck	<i>Dendrocygna autumnalis</i> .
	Fulvous Whistling-Duck	<i>Dendrocygna bicolor</i> .
	West Indian Whistling-Duck	<i>Dendrocygna arborea</i> .
Whitethroat	Lesser Whitethroat	<i>Sylvia curruca</i> .
Wigeon	American Wigeon	<i>Mareca americana</i> .
	Eurasian Wigeon	<i>Mareca penelope</i> .
Willet	Willet	<i>Tringa semipalmata</i> .
Woodcock	American Woodcock	<i>Scolopax minor</i> .
	Eurasian Woodcock	<i>Scolopax rusticola</i> .
Woodpecker	Acorn Woodpecker	<i>Melanerpes formicivorus</i> .
	American Three-toed Woodpecker	<i>Picoides dorsalis</i> .
	Arizona Woodpecker	<i>Dryobates arizonae</i> .
	Black-backed Woodpecker	<i>Picoides arcticus</i> .
	Downy Woodpecker	<i>Dryobates pubescens</i> .
	Gila Woodpecker	<i>Melanerpes uropygialis</i> .
	Golden-fronted Woodpecker	<i>Melanerpes aurifrons</i> .
	Great Spotted Woodpecker	<i>Dendrocopos major</i> .
	Hairy Woodpecker	<i>Dryobates villosus</i> .
	Ivory-billed Woodpecker	<i>Campephilus principalis</i> .
	Ladder-backed Woodpecker	<i>Dryobates scalaris</i> .
	Lewis's Woodpecker	<i>Melanerpes lewis</i> .
	Nuttall's Woodpecker	<i>Dryobates nuttallii</i> .
	Pileated Woodpecker	<i>Dryocopus pileatus</i> .
	Puerto Rican Woodpecker	<i>Melanerpes portoricensis</i> .
	Red-bellied Woodpecker	<i>Melanerpes carolinus</i> .

TABLE 1 TO PARAGRAPH (C)—ALPHABETICAL LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Common name group	Species common name	Species scientific name	
Wood-Pewee	Red-cockaded Woodpecker	<i>Dryobates borealis</i> .	
	Red-headed Woodpecker	<i>Melanerpes erythrocephalus</i> .	
	White-headed Woodpecker	<i>Dryobates albolarvatus</i> .	
	Eastern Wood-Pewee	<i>Contopus virens</i> .	
	Western Wood-Pewee	<i>Contopus sordidulus</i> .	
	Wood-Rail	Rufous-necked Wood-Rail	<i>Aramides axillaris</i> .
		Bahama Woodstar	<i>Nesophlox evelynae</i> .
	Wren	Bewick's Wren	<i>Thryomanes bewickii</i> .
		Cactus Wren	<i>Campylorhynchus brunneicapillus</i> .
		Canyon Wren	<i>Catherpes mexicanus</i> .
Carolina Wren		<i>Thryothorus ludovicianus</i> .	
House Wren		<i>Troglodytes aedon</i> .	
Marsh Wren		<i>Cistothorus palustris</i> .	
Pacific Wren		<i>Troglodytes pacificus</i> .	
Rock Wren		<i>Salpinctes obsoletus</i> .	
Sedge Wren		<i>Cistothorus stellaris</i> .	
Sinaloa Wren		<i>Thryophilus sinaloa</i> .	
Winter Wren		<i>Troglodytes hiemalis</i> .	
Wrentit		<i>Chamaea fasciata</i> .	
Wryneck		<i>Jynx torquilla</i> .	
Yellowlegs		Greater Yellowlegs	<i>Tringa melanoleuca</i> .
	Lesser Yellowlegs	<i>Tringa flavipes</i> .	
Yellowthroat	Common Yellowthroat	<i>Geothlypis trichas</i> .	
	Gray-crowned Yellowthroat	<i>Geothlypis poliocephala</i> .	

(2) *Taxonomic listing.* The table lists species in phylogenetic sequence by scientific name, with the common

(English) name following the scientific name. To help clarify species relationships, we also provide the

higher-level taxonomic categories of Order, Family, and Subfamily.

TABLE 2 TO PARAGRAPH (C)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT

Species scientific name	Species common name
(i) Order Anseriformes	
Family Anatidae	
Subfamily Dendrocyginae	
<i>Dendrocygna autumnalis</i>	Black-bellied Whistling-Duck.
<i>Dendrocygna arborea</i>	West Indian Whistling-Duck.
<i>Dendrocygna bicolor</i>	Fulvous Whistling-Duck.
(2) Subfamily Anserinae	
<i>Anser canagicus</i>	Emperor Goose.
<i>Anser caerulescens</i>	Snow Goose.
<i>Anser rossii</i>	Ross's Goose.
<i>Anser albifrons</i>	Greater White-fronted Goose.
<i>Anser erythropus</i>	Lesser White-fronted Goose.
<i>Anser fabalis</i>	Taiga Bean-Goose.
<i>Anser serrirostris</i>	Tundra Bean-Goose.
<i>Anser brachyrhynchus</i>	Pink-footed Goose.
<i>Branta bernicla</i>	Brant.
<i>Branta leucopsis</i>	Barnacle Goose.
<i>Branta hutchinsii</i>	Cackling Goose.
<i>Branta canadensis</i>	Canada Goose.
<i>Branta sandvicensis</i>	Hawaiian Goose.
<i>Cygnus buccinator</i>	Trumpeter Swan.
<i>Cygnus columbianus</i>	Tundra Swan.
<i>Cygnus cygnus</i>	Whooper Swan.
(3) Subfamily Anatinae	
<i>Cairina moschata</i>	Muscovy Duck.
<i>Aix sponsa</i>	Wood Duck.
<i>Sibirionetta formosa</i>	Baikal Teal.
<i>Spatula querquedula</i>	Garganey.
<i>Spatula discors</i>	Blue-winged Teal.

TABLE 2 TO PARAGRAPH (C)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—
Continued

Species scientific name	Species common name
<i>Spatula cyanoptera</i>	Cinnamon Teal.
<i>Spatula clypeata</i>	Northern Shoveler.
<i>Mareca strepera</i>	Gadwall.
<i>Mareca falcata</i>	Falcated Duck.
<i>Mareca penelope</i>	Eurasian Wigeon.
<i>Mareca americana</i>	American Wigeon.
<i>Anas laysanensis</i>	Laysan Duck.
<i>Anas wyvilliana</i>	Hawaiian Duck.
<i>Anas zonorhyncha</i>	Eastern Spot-billed Duck.
<i>Anas platyrhynchos</i>	Mallard.
<i>Anas diazi</i>	Mexican Duck.
<i>Anas rubripes</i>	American Black Duck.
<i>Anas fulvigula</i>	Mottled Duck.
<i>Anas superciliosa</i>	Pacific Black Duck.
<i>Anas bahamensis</i>	White-cheeked Pintail.
<i>Anas acuta</i>	Northern Pintail.
<i>Anas crecca</i>	Green-winged Teal.
<i>Aythya valisineria</i>	Canvasback.
<i>Aythya americana</i>	Redhead.
<i>Aythya ferina</i>	Common Pochard.
<i>Aythya baeri</i>	Baer's Pochard.
<i>Aythya collaris</i>	Ring-necked Duck.
<i>Aythya fuligula</i>	Tufted Duck.
<i>Aythya marila</i>	Greater Scaup.
<i>Aythya affinis</i>	Lesser Scaup.
<i>Polysticta stelleri</i>	Steller's Eider.
<i>Somateria fischeri</i>	Spectacled Eider.
<i>Somateria spectabilis</i>	King Eider.
<i>Somateria mollissima</i>	Common Eider.
<i>Histrionicus histrionicus</i>	Harlequin Duck.
<i>Melanitta perspicillata</i>	Surf Scoter.
<i>Melanitta deglandi</i>	White-winged Scoter.
<i>Melanitta stejneger</i>	Stejneger's Scoter.
<i>Melanitta nigra</i>	Common Scoter.
<i>Melanitta americana</i>	Black Scoter.
<i>Clangula hyemalis</i>	Long-tailed Duck.
<i>Bucephala albeola</i>	Bufflehead.
<i>Bucephala clangula</i>	Common Goldeneye.
<i>Bucephala islandica</i>	Barrow's Goldeneye.
<i>Mergellus albellus</i>	Smew.
<i>Lophodytes cucullatus</i>	Hooded Merganser.
<i>Mergus merganser</i>	Common Merganser.
<i>Mergus serrator</i>	Red-breasted Merganser.
<i>Nomonyx dominicus</i>	Masked Duck.
<i>Oxyura jamaicensis</i>	Ruddy Duck.

(ii) Order Phoenicopteriformes**Family Phoenicopteridae**

<i>Phoenicopus ruber</i>	American Flamingo.
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(iii) Order Podicipediformes**Family Podicipedidae**

<i>Tachybaptus dominicus</i>	Least Grebe.
<i>Podilymbus podiceps</i>	Pied-billed Grebe.
<i>Podiceps auritus</i>	Horned Grebe.
<i>Podiceps grisegena</i>	Red-necked Grebe.
<i>Podiceps nigricollis</i>	Eared Grebe.
<i>Aechmophorus occidentalis</i>	Western Grebe.
<i>Aechmophorus clarkii</i>	Clark's Grebe.

(iv) Order Columbiformes**Family Columbidae**

<i>Patagioenas squamosa</i>	Scaly-naped Pigeon.
<i>Patagioenas leucocephala</i>	White-crowned Pigeon.
<i>Patagioenas flavirostris</i>	Red-billed Pigeon.

TABLE 2 TO PARAGRAPH (C)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Species scientific name	Species common name
<i>Patagioenas inornata</i>	Plain Pigeon.
<i>Patagioenas fasciata</i>	Band-tailed Pigeon.
<i>Streptopelia orientalis</i>	Oriental Turtle-Dove.
<i>Alopecoenas stairi</i>	Shy Ground Dove.
<i>Alopecoenas xanthonurus</i>	White-throated Ground Dove.
<i>Columbina inca</i>	Inca Dove.
<i>Columbina passerina</i>	Common Ground Dove.
<i>Columbina talpacoti</i>	Ruddy Ground Dove.
<i>Geotrygon montana</i>	Ruddy Quail-Dove.
<i>Geotrygon chrysia</i>	Key West Quail-Dove.
<i>Geotrygon mystacea</i>	Bridled Quail-Dove.
<i>Leptotila verreauxi</i>	White-tipped Dove.
<i>Zenaida asiatica</i>	White-winged Dove.
<i>Zenaida aurita</i>	Zenaida Dove.
<i>Zenaida macroura</i>	Mourning Dove.
<i>Ptilinopus perousii</i>	Many-colored Fruit-Dove.
<i>Ptilinopus porphyraceus</i>	Crimson-crowned Fruit-Dove.
<i>Ptilinopus roseicapilla</i>	Mariana Fruit-Dove.
<i>Ducula pacifica</i>	Pacific Imperial-Pigeon.
(v) Order Cuculiformes	
Family Cuculidae	
(1) Subfamily Crotophaginae	
<i>Crotophaga ani</i>	Smooth-billed Ani.
<i>Crotophaga sulcirostris</i>	Groove-billed Ani.
(2) Subfamily Neomorphinae	
<i>Geococcyx californianus</i>	Greater Roadrunner.
(3) Subfamily Cuculinae	
<i>Urodynamis taitensis</i>	Long-tailed Koel.
<i>Hierococcyx nasicolor</i>	Hodgson's Hawk-Cuckoo.
<i>Cuculus canorus</i>	Common Cuckoo.
<i>Cuculus optatus</i>	Oriental Cuckoo.
<i>Clamator coromandus</i>	Chestnut-winged Cuckoo.
<i>Coccyzus melacoryphus</i>	Dark-billed Cuckoo.
<i>Coccyzus americanus</i>	Yellow-billed Cuckoo.
<i>Coccyzus minor</i>	Mangrove Cuckoo.
<i>Coccyzus erythrophthalmus</i>	Black-billed Cuckoo.
<i>Coccyzus vieilloti</i>	Puerto Rican Lizard-Cuckoo.
(vi) Order Caprimulgiformes	
Family Caprimulgidae	
(1) Subfamily Chordeilinae	
<i>Chordeiles acutipennis</i>	Lesser Nighthawk.
<i>Chordeiles minor</i>	Common Nighthawk.
<i>Chordeiles gundlachi</i>	Antillean Nighthawk.
(2) Subfamily Caprimulginae	
<i>Nyctidromus albicollis</i>	Common Pauraque.
<i>Phalaenoptilus nuttallii</i>	Common Poorwill.
<i>Antrostomus carolinensis</i>	Chuck-will's-widow.
<i>Antrostomus ridgwayi</i>	Buff-collared Nightjar.
<i>Antrostomus vociferus</i>	Eastern Whip-poor-will.
<i>Antrostomus arizonae</i>	Mexican Whip-poor-will.
<i>Antrostomus noctitherus</i>	Puerto Rican Nightjar.
<i>Hydropsalis cayennensis</i>	White-tailed Nightjar.
<i>Caprimulgus jotaka</i>	Gray Nightjar.

TABLE 2 TO PARAGRAPH (C)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—
Continued

Species scientific name	Species common name
(vii) Order Apodiformes	
(A) Family Apodidae	
(1) Subfamily Cypseloidinae	
<i>Cypseloides niger</i>	Black Swift.
<i>Streptoprocne zonaris</i>	White-collared Swift.
(2) Subfamily Chaeturinae	
<i>Chaetura pelagica</i>	Chimney Swift.
<i>Chaetura vauxi</i>	Vaux's Swift.
<i>Chaetura brachyura</i>	Short-tailed Swift.
<i>Hirundapus caudacutus</i>	White-throated Needletail.
<i>Aerodramus spodiopygius</i>	White-rumped Swiftlet.
<i>Aerodramus bartschi</i>	Mariana Swiftlet.
(3) Subfamily Apodinae	
<i>Apus apus</i>	Common Swift.
<i>Apus pacificus</i>	Fork-tailed Swift.
<i>Apus melba</i>	Alpine Swift.
<i>Aeronautes saxatalis</i>	White-throated Swift.
<i>Tachornis phoenicobia</i>	Antillean Palm-Swift.
(B) Family Trochilidae	
Subfamily Trochilinae	
<i>Colibri thalassinus</i>	Mexican Violetear.
<i>Anthracothorax prevostii</i>	Green-breasted Mango.
<i>Anthracothorax aurulentus</i>	Puerto Rican Mango.
<i>Anthracothorax viridis</i>	Green Mango.
<i>Eulampis jugularis</i>	Purple-throated Carib.
<i>Eulampis holosericeus</i>	Green-throated Carib.
<i>Eugenes fulgens</i>	Rivoli's Hummingbird.
<i>Heliomaster constantii</i>	Plain-capped Starthroat.
<i>Lampornis amethystinus</i>	Amethyst-throated Mountain-gem.
<i>Lampornis clemenciae</i>	Blue-throated Mountain-gem.
<i>Calothorax lucifer</i>	Lucifer Hummingbird.
<i>Archilochus colubris</i>	Ruby-throated Hummingbird.
<i>Archilochus alexandri</i>	Black-chinned Hummingbird.
<i>Mellisuga minima</i>	Vervain Hummingbird.
<i>Nesophlox evelynae</i>	Bahama Woodstar.
<i>Calypte anna</i>	Anna's Hummingbird.
<i>Calypte costae</i>	Costa's Hummingbird.
<i>Selasphorus calliope</i>	Calliope Hummingbird.
<i>Selasphorus rufus</i>	Rufous Hummingbird.
<i>Selasphorus sasin</i>	Allen's Hummingbird.
<i>Selasphorus platycercus</i>	Broad-tailed Hummingbird.
<i>Selasphorus heloisa</i>	Bumblebee Hummingbird.
<i>Riccordia maugaeus</i>	Puerto Rican Emerald.
<i>Cynanthus latirostris</i>	Broad-billed Hummingbird.
<i>Basilinna leucotis</i>	White-eared Hummingbird.
<i>Basilinna xantusii</i>	Xantus's Hummingbird.
<i>Orthorhyncus cristatus</i>	Antillean Crested Hummingbird.
<i>Ramosomyia violiceps</i>	Violet-crowned Hummingbird.
<i>Saucerottia beryllina</i>	Berylline Hummingbird.
<i>Amazilia rutila</i>	Cinnamon Hummingbird.
<i>Amazilia yucatanensis</i>	Buff-bellied Hummingbird.
(viii) Order Gruiformes	
(A) Family Rallidae	
<i>Gallirallus philippensis</i>	Buff-banded Rail.
<i>Gallirallus owstoni</i>	Guam Rail.
<i>Neocrex erythrops</i>	Paint-billed Crake.
<i>Pardirallus maculatus</i>	Spotted Rail.
<i>Aramides axillaris</i>	Rufous-necked Wood-Rail.
<i>Rallus obsoletus</i>	Ridgway's Rail.

TABLE 2 TO PARAGRAPH (C)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—
Continued

Species scientific name	Species common name
<i>Rallus elegans</i>	King Rail.
<i>Rallus crepitans</i>	Clapper Rail.
<i>Rallus limicola</i>	Virginia Rail.
<i>Crex crex</i>	Corn Crake.
<i>Porzana carolina</i>	Sora.
<i>Gallinula galeata</i>	Common Gallinule.
<i>Gallinula chloropus</i>	Eurasian Moorhen.
<i>Fulica atra</i>	Eurasian Coot.
<i>Fulica alai</i>	Hawaiian Coot.
<i>Fulica americana</i>	American Coot.
<i>Porphyrio martinicus</i>	Purple Gallinule.
<i>Porphyrio flavirostris</i>	Azure Gallinule.
<i>Porphyrio porphyrio</i>	Purple Swamphen.
<i>Porzana tabuensis</i>	Spotless Crake.
<i>Coturnicops noveboracensis</i>	Yellow Rail.
<i>Hapalocrex flaviventer</i>	Yellow-breasted Crake.
<i>Laterallus jamaicensis</i>	Black Rail.
(B) Family Aramididae	
<i>Aramus guarauna</i>	Limpkin.
(C) Family Gruidae	
Subfamily Gruinae	
<i>Antigone canadensis</i>	Sandhill Crane.
<i>Grus grus</i>	Common Crane.
<i>Grus monacha</i>	Hooded Crane.
<i>Grus americana</i>	Whooping Crane.
(ix) Order Charadriiformes	
(A) Family Recurvirostridae	
<i>Himantopus himantopus</i>	Black-winged Stilt.
<i>Himantopus mexicanus</i>	Black-necked Stilt.
<i>Recurvirostra americana</i>	American Avocet.
(B) Family Haematopodidae	
<i>Haematopus ostralegus</i>	Eurasian Oystercatcher.
<i>Haematopus palliatus</i>	American Oystercatcher.
<i>Haematopus bachmani</i>	Black Oystercatcher.
(C) Family Charadriidae	
(1) Subfamily Vanellinae	
<i>Vanellus vanellus</i>	Northern Lapwing.
(2) Subfamily Charadriinae	
<i>Pluvialis squatarola</i>	Black-bellied Plover.
<i>Pluvialis apricaria</i>	European Golden-Plover.
<i>Pluvialis dominica</i>	American Golden-Plover.
<i>Pluvialis fulva</i>	Pacific Golden-Plover.
<i>Charadrius morinellus</i>	Eurasian Dotterel.
<i>Charadrius vociferus</i>	Killdeer.
<i>Charadrius hiaticula</i>	Common Ringed Plover.
<i>Charadrius semipalmatus</i>	Semipalmated Plover.
<i>Charadrius melodus</i>	Piping Plover.
<i>Charadrius dubius</i>	Little Ringed Plover.
<i>Charadrius mongolus</i>	Lesser Sand-Plover.
<i>Charadrius leschenaultii</i>	Greater Sand-Plover.
<i>Charadrius wilsonia</i>	Wilson's Plover.
<i>Charadrius collaris</i>	Collared Plover.
<i>Charadrius alexandrinus</i>	Kentish Plover.
<i>Charadrius montanus</i>	Mountain Plover.
<i>Charadrius nivosus</i>	Snowy Plover.

TABLE 2 TO PARAGRAPH (C)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—
Continued

Species scientific name	Species common name
(D) Family Jacanidae	
<i>Jacana spinosa</i>	Northern Jacana.
(E) Family Scolopacidae	
(1) Subfamily Numeniinae	
<i>Bartramia longicauda</i>	Upland Sandpiper.
<i>Numenius tahitiensis</i>	Bristle-thighed Curlew.
<i>Numenius phaeopus</i>	Whimbrel.
<i>Numenius minutus</i>	Little Curlew.
<i>Numenius borealis</i>	Eskimo Curlew.
<i>Numenius americanus</i>	Long-billed Curlew.
<i>Numenius madagascariensis</i>	Far Eastern Curlew.
<i>Numenius arquata</i>	Eurasian Curlew.
(2) Subfamily Limosinae	
<i>Limosa lapponica</i>	Bar-tailed Godwit.
<i>Limosa limosa</i>	Black-tailed Godwit.
<i>Limosa haemastica</i>	Hudsonian Godwit.
<i>Limosa fedoa</i>	Marbled Godwit.
(3) Subfamily Arenariinae	
<i>Arenaria interpres</i>	Ruddy Turnstone.
<i>Arenaria melanocephala</i>	Black Turnstone.
<i>Calidris tenuirostris</i>	Great Knot.
<i>Calidris canutus</i>	Red Knot.
<i>Calidris virgata</i>	Surfbird.
<i>Calidris pugnax</i>	Ruff.
<i>Calidris falcinellus</i>	Broad-billed Sandpiper.
<i>Calidris acuminata</i>	Sharp-tailed Sandpiper.
<i>Calidris himantopus</i>	Stilt Sandpiper.
<i>Calidris ferruginea</i>	Curlew Sandpiper.
<i>Calidris temminckii</i>	Temminck's Stint.
<i>Calidris subminuta</i>	Long-toed Stint.
<i>Calidris pygmaea</i>	Spoon-billed Sandpiper.
<i>Calidris ruficollis</i>	Red-necked Stint.
<i>Calidris alba</i>	Sanderling.
<i>Calidris alpina</i>	Dunlin.
<i>Calidris ptilocnemis</i>	Rock Sandpiper.
<i>Calidris maritima</i>	Purple Sandpiper.
<i>Calidris bairdii</i>	Baird's Sandpiper.
<i>Calidris minuta</i>	Little Stint.
<i>Calidris minutilla</i>	Least Sandpiper.
<i>Calidris fuscicollis</i>	White-rumped Sandpiper.
<i>Calidris subruficollis</i>	Buff-breasted Sandpiper.
<i>Calidris melanotos</i>	Pectoral Sandpiper.
<i>Calidris pusilla</i>	Semipalmated Sandpiper.
<i>Calidris mauri</i>	Western Sandpiper.
(4) Subfamily Scolopacinae	
<i>Limnodromus griseus</i>	Short-billed Dowitcher.
<i>Limnodromus scolopaceus</i>	Long-billed Dowitcher.
<i>Lymnocryptes minimus</i>	Jack Snipe.
<i>Scolopax rusticola</i>	Eurasian Woodcock.
<i>Scolopax minor</i>	American Woodcock.
<i>Gallinago solitaria</i>	Solitary Snipe.
<i>Gallinago stenura</i>	Pin-tailed Snipe.
<i>Gallinago megala</i>	Swinhoe's Snipe.
<i>Gallinago gallinago</i>	Common Snipe.
<i>Gallinago delicata</i>	Wilson's Snipe.
(5) Subfamily Tringinae	
<i>Xenus cinereus</i>	Terek Sandpiper.
<i>Actitis hypoleucos</i>	Common Sandpiper.
<i>Actitis macularius</i>	Spotted Sandpiper.
<i>Tringa ochropus</i>	Green Sandpiper.

TABLE 2 TO PARAGRAPH (C)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—
Continued

Species scientific name	Species common name
<i>Tringa solitaria</i>	Solitary Sandpiper.
<i>Tringa brevipes</i>	Gray-tailed Tattler.
<i>Tringa incana</i>	Wandering Tattler.
<i>Tringa flavipes</i>	Lesser Yellowlegs.
<i>Tringa semipalmata</i>	Willet.
<i>Tringa erythropus</i>	Spotted Redshank.
<i>Tringa nebularia</i>	Common Greenshank.
<i>Tringa guttifer</i>	Nordmann's Greenshank.
<i>Tringa melanoleuca</i>	Greater Yellowlegs.
<i>Tringa totanus</i>	Common Redshank.
<i>Tringa glareola</i>	Wood Sandpiper.
<i>Tringa stagnatilis</i>	Marsh Sandpiper.
<i>Phalaropus tricolor</i>	Wilson's Phalarope.
<i>Phalaropus lobatus</i>	Red-necked Phalarope.
<i>Phalaropus fulicarius</i>	Red Phalarope.
(F) Family Stercorariidae	
<i>Stercorarius skua</i>	Great Skua.
<i>Stercorarius maccormicki</i>	South Polar Skua.
<i>Stercorarius pomarinus</i>	Pomarine Jaeger.
<i>Stercorarius parasiticus</i>	Parasitic Jaeger.
<i>Stercorarius longicaudus</i>	Long-tailed Jaeger.
(G) Family Alcidae	
<i>Alle alle</i>	Dovekie.
<i>Uria aalge</i>	Common Murre.
<i>Uria lomvia</i>	Thick-billed Murre.
<i>Alca torda</i>	Razorbill.
<i>Cepphus grylle</i>	Black Guillemot.
<i>Cepphus columba</i>	Pigeon Guillemot.
<i>Brachyramphus perdix</i>	Long-billed Murrelet.
<i>Brachyramphus marmoratus</i>	Marbled Murrelet.
<i>Brachyramphus brevirostris</i>	Kittlitz's Murrelet.
<i>Synthliboramphus scrippsi</i>	Scripps's Murrelet.
<i>Synthliboramphus hypoleucus</i>	Guadalupe Murrelet.
<i>Synthliboramphus craveri</i>	Craveri's Murrelet.
<i>Synthliboramphus antiquus</i>	Ancient Murrelet.
<i>Ptychoramphus aleuticus</i>	Cassin's Auklet.
<i>Aethia psittacula</i>	Parakeet Auklet.
<i>Aethia pusilla</i>	Least Auklet.
<i>Aethia pygmaea</i>	Whiskered Auklet.
<i>Aethia cristatella</i>	Crested Auklet.
<i>Cerorhinca monocerata</i>	Rhinoceros Auklet.
<i>Fratercula arctica</i>	Atlantic Puffin.
<i>Fratercula corniculata</i>	Horned Puffin.
<i>Fratercula cirrhata</i>	Tufted Puffin.
(H) Family Laridae	
(1) Subfamily Larinae	
<i>Creagrus furcatus</i>	Swallow-tailed Gull.
<i>Rissa tridactyla</i>	Black-legged Kittiwake.
<i>Rissa brevirostris</i>	Red-legged Kittiwake.
<i>Pagophila eburnea</i>	Ivory Gull.
<i>Xema sabini</i>	Sabine's Gull.
<i>Chroicocephalus philadelphia</i>	Bonaparte's Gull.
<i>Chroicocephalus cirrocephalus</i>	Gray-hooded Gull.
<i>Chroicocephalus ridibundus</i>	Black-headed Gull.
<i>Hydrocoloeus minutus</i>	Little Gull.
<i>Rhodostethia rosea</i>	Ross's Gull.
<i>Leucophaeus atricilla</i>	Laughing Gull.
<i>Leucophaeus pipixcan</i>	Franklin's Gull.
<i>Ichthyaetus ichthyaetus</i>	Pallas's Gull.
<i>Larus belcheri</i>	Belcher's Gull.
<i>Larus crassirostris</i>	Black-tailed Gull.
<i>Larus heermanni</i>	Heermann's Gull.
<i>Larus canus</i>	Common Gull.
<i>Larus brachyrhynchus</i>	Short-billed Gull.

TABLE 2 TO PARAGRAPH (C)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—
Continued

Species scientific name	Species common name
<i>Larus delawarensis</i>	Ring-billed Gull.
<i>Larus occidentalis</i>	Western Gull.
<i>Larus livens</i>	Yellow-footed Gull.
<i>Larus californicus</i>	California Gull.
<i>Larus argentatus</i>	Herring Gull.
<i>Larus michahellis</i>	Yellow-legged Gull.
<i>Larus glaucooides</i>	Iceland Gull.
<i>Larus fuscus</i>	Lesser Black-backed Gull.
<i>Larus schistisagus</i>	Slaty-backed Gull.
<i>Larus glaucescens</i>	Glaucous-winged Gull.
<i>Larus hyperboreus</i>	Glaucous Gull.
<i>Larus marinus</i>	Great Black-backed Gull.
<i>Larus dominicanus</i>	Kelp Gull.
(2) Subfamily Sterninae	
<i>Anous stolidus</i>	Brown Noddy.
<i>Anous minutus</i>	Black Noddy.
<i>Anous ceruleus</i>	Blue-gray Noddy.
<i>Gygis alba</i>	White Tern.
<i>Onychoprion fuscatus</i>	Sooty Tern.
<i>Onychoprion lunatus</i>	Gray-backed Tern.
<i>Onychoprion anaethetus</i>	Bridled Tern.
<i>Onychoprion aleuticus</i>	Aleutian Tern.
<i>Sternula albifrons</i>	Little Tern.
<i>Sternula antillarum</i>	Least Tern.
<i>Phaetusa simplex</i>	Large-billed Tern.
<i>Gelochelidon nilotica</i>	Gull-billed Tern.
<i>Hydroprogne caspia</i>	Caspian Tern.
<i>Larosterna inca</i>	Inca Tern.
<i>Chlidonias niger</i>	Black Tern.
<i>Chlidonias leucopterus</i>	White-winged Tern.
<i>Chlidonias hybrida</i>	Whiskered Tern.
<i>Sterna dougallii</i>	Roseate Tern.
<i>Sterna sumatrana</i>	Black-naped Tern.
<i>Sterna hirundo</i>	Common Tern.
<i>Sterna paradisaea</i>	Arctic Tern.
<i>Sterna forsteri</i>	Forster's Tern.
<i>Thalasseus maximus</i>	Royal Tern.
<i>Thalasseus bergii</i>	Great Crested Tern.
<i>Thalasseus sandvicensis</i>	Sandwich Tern.
<i>Thalasseus elegans</i>	Elegant Tern.
(3) Subfamily Rynchopinae	
<i>Rynchops niger</i>	Black Skimmer.
(x) Order Phaethontiformes	
Family Phaethontidae	
<i>Phaethon lepturus</i>	White-tailed Tropicbird.
<i>Phaethon aethereus</i>	Red-billed Tropicbird.
<i>Phaethon rubricauda</i>	Red-tailed Tropicbird.
(xi) Order Gaviiformes	
Family Gaviidae	
<i>Gavia stellata</i>	Red-throated Loon.
<i>Gavia arctica</i>	Arctic Loon.
<i>Gavia pacifica</i>	Pacific Loon.
<i>Gavia immer</i>	Common Loon.
<i>Gavia adamsii</i>	Yellow-billed Loon.
(xii) Order Procellariiformes	
(A) Family Diomedidae	
<i>Thalassarche chlororhynchos</i>	Yellow-nosed Albatross.
<i>Thalassarche cauta</i>	White-capped Albatross.
<i>Thalassarche eremita</i>	Chatham Albatross.

TABLE 2 TO PARAGRAPH (C)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—
Continued

Species scientific name	Species common name
<i>Thalassarche salvini</i>	Salvin's Albatross.
<i>Thalassarche melanophris</i>	Black-browed Albatross.
<i>Phoebastria palpebrata</i>	Light-mantled Albatross.
<i>Diomedea exulans</i>	Wandering Albatross.
<i>Phoebastria immutabilis</i>	Laysan Albatross.
<i>Phoebastria nigripes</i>	Black-footed Albatross.
<i>Phoebastria albatrus</i>	Short-tailed Albatross.
(B) Family Oceanitidae	
<i>Oceanites oceanicus</i>	Wilson's Storm-Petrel.
<i>Pelagodroma marina</i>	White-faced Storm-Petrel.
<i>Fregetta grallaria</i>	White-bellied Storm-Petrel.
<i>Fregetta tropica</i>	Black-bellied Storm-Petrel.
<i>Nesofregetta fuliginosa</i>	Polynesian Storm-Petrel.
(C) Family Hydrobatidae	
<i>Hydrobates pelagicus</i>	European Storm-Petrel.
<i>Hydrobates furcatus</i>	Fork-tailed Storm-Petrel.
<i>Hydrobates hornbyi</i>	Ringed Storm-Petrel.
<i>Hydrobates monorhis</i>	Swinhoe's Storm-Petrel.
<i>Hydrobates leucorhous</i>	Leach's Storm-Petrel.
<i>Hydrobates socorroensis</i>	Townsend's Storm-Petrel.
<i>Hydrobates homochroa</i>	Ashy Storm-Petrel.
<i>Hydrobates castro</i>	Band-rumped Storm-Petrel.
<i>Hydrobates tethys</i>	Wedge-rumped Storm-Petrel.
<i>Hydrobates melania</i>	Black Storm-Petrel.
<i>Hydrobates matsudairae</i>	Matsudaira's Storm-Petrel.
<i>Hydrobates tristrami</i>	Tristram's Storm-Petrel.
<i>Hydrobates microsoma</i>	Least Storm-Petrel.
(D) Family Procellariidae	
<i>Macronectes halli</i>	Northern Giant-Petrel.
<i>Fulmarus glacialis</i>	Northern Fulmar.
<i>Pterodroma gouldi</i>	Gray-faced Petrel.
<i>Pterodroma solandri</i>	Providence Petrel.
<i>Pterodroma neglecta</i>	Kermadec Petrel.
<i>Pterodroma arminjoniana</i>	Trindade Petrel.
<i>Pterodroma heraldica</i>	Herald Petrel.
<i>Pterodroma ultima</i>	Murphy's Petrel.
<i>Pterodroma inexpectata</i>	Mottled Petrel.
<i>Pterodroma cahow</i>	Bermuda Petrel.
<i>Pterodroma hasitata</i>	Black-capped Petrel.
<i>Pterodroma externa</i>	Juan Fernandez Petrel.
<i>Pterodroma sandwichensis</i>	Hawaiian Petrel.
<i>Pterodroma cervicalis</i>	White-necked Petrel.
<i>Pterodroma hypoleuca</i>	Bonin Petrel.
<i>Pterodroma nigripennis</i>	Black-winged Petrel.
<i>Pterodroma feae</i>	Fea's Petrel.
<i>Pterodroma madeira</i>	Zino's Petrel.
<i>Pterodroma cookii</i>	Cook's Petrel.
<i>Pterodroma leucoptera</i>	Gould's Petrel.
<i>Pterodroma longirostris</i>	Stejneger's Petrel.
<i>Pterodroma alba</i>	Phoenix Petrel.
<i>Pseudobulweria rostrata</i>	Tahiti Petrel.
<i>Bulweria bulwerii</i>	Bulwer's Petrel.
<i>Bulweria fallax</i>	Jouanin's Petrel.
<i>Procellaria aequinoctialis</i>	White-chinned Petrel.
<i>Procellaria parkinsoni</i>	Parkinson's Petrel.
<i>Calonectris leucomelas</i>	Streaked Shearwater.
<i>Calonectris diomedea</i>	Cory's Shearwater.
<i>Calonectris edwardsii</i>	Cape Verde Shearwater.
<i>Ardenna pacifica</i>	Wedge-tailed Shearwater.
<i>Ardenna bulleri</i>	Buller's Shearwater.
<i>Ardenna tenuirostris</i>	Short-tailed Shearwater.
<i>Ardenna grisea</i>	Sooty Shearwater.
<i>Ardenna gravis</i>	Great Shearwater.
<i>Ardenna creatopus</i>	Pink-footed Shearwater.
<i>Ardenna carneipes</i>	Flesh-footed Shearwater.

TABLE 2 TO PARAGRAPH (C)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Species scientific name	Species common name
<i>Puffinus nativitatis</i>	Christmas Shearwater.
<i>Puffinus puffinus</i>	Manx Shearwater.
<i>Puffinus newelli</i>	Newell's Shearwater.
<i>Puffinus bryani</i>	Bryan's Shearwater.
<i>Puffinus opisthomelas</i>	Black-vented Shearwater.
<i>Puffinus lherminieri</i>	Audubon's Shearwater.
<i>Puffinus baroli</i>	Barolo Shearwater.
(xiii) Order Ciconiiformes	
Family Ciconiidae	
<i>Jabiru mycteria</i>	Jabiru.
<i>Mycteria americana</i>	Wood Stork.
(xiv) Order Suliformes	
(A) Family Fregatidae	
<i>Fregata ariel</i>	Lesser Frigatebird.
<i>Fregata magnificens</i>	Magnificent Frigatebird.
<i>Fregata minor</i>	Great Frigatebird.
(B) Family Sulidae	
<i>Sula dactylatra</i>	Masked Booby.
<i>Sula granti</i>	Nazca Booby.
<i>Sula neboxii</i>	Blue-footed Booby.
<i>Sula leucogaster</i>	Brown Booby.
<i>Sula sula</i>	Red-footed Booby.
<i>Papasula abbotti</i>	Abbott's Booby.
<i>Morus bassanus</i>	Northern Gannet.
(C) Family Anhingidae	
<i>Anhinga anhinga</i>	Anhinga.
(D) Family Phalacrocoracidae	
<i>Microcarbo melanoleucos</i>	Little Pied Cormorant.
<i>Urile penicillatus</i>	Brandt's Cormorant.
<i>Urile urile</i>	Red-faced Cormorant.
<i>Urile pelagicus</i>	Pelagic Cormorant.
<i>Phalacrocorax carbo</i>	Great Cormorant.
<i>Nannopterum auritum</i>	Double-crested Cormorant.
<i>Nannopterum brasilianum</i>	Neotropic Cormorant.
(xv) Order Pelecaniformes	
(A) Family Pelecanidae	
<i>Pelecanus erythrorhynchos</i>	American White Pelican.
<i>Pelecanus occidentalis</i>	Brown Pelican.
(B) Family Ardeidae	
<i>Botaurus lentiginosus</i>	American Bittern.
<i>Ixobrychus sinensis</i>	Yellow Bittern.
<i>Ixobrychus exilis</i>	Least Bittern.
<i>Ixobrychus eurhythmus</i>	Schrenck's Bittern.
<i>Ixobrychus flavicollis</i>	Black Bittern.
<i>Tigrisoma mexicanum</i>	Bare-throated Tiger-Heron.
<i>Ardea herodias</i>	Great Blue Heron.
<i>Ardea cinerea</i>	Gray Heron.
<i>Ardea alba</i>	Great Egret.
<i>Ardea intermedia</i>	Intermediate Egret.
<i>Egretta eulophotes</i>	Chinese Egret.
<i>Egretta garzetta</i>	Little Egret.
<i>Egretta sacra</i>	Pacific Reef-Heron.
<i>Egretta gularis</i>	Western Reef-Heron.
<i>Egretta thula</i>	Snowy Egret.
<i>Egretta caerulea</i>	Little Blue Heron.

TABLE 2 TO PARAGRAPH (C)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—
Continued

Species scientific name	Species common name
<i>Egretta tricolor</i>	Tricolored Heron.
<i>Egretta rufescens</i>	Reddish Egret.
<i>Bubulcus ibis</i>	Cattle Egret.
<i>Ardeola bacchus</i>	Chinese Pond-Heron.
<i>Butorides virescens</i>	Green Heron.
<i>Nycticorax nycticorax</i>	Black-crowned Night-Heron.
<i>Nycticorax caledonicus</i>	Nankeen Night-Heron.
<i>Nyctanassa violacea</i>	Yellow-crowned Night-Heron.
<i>Gorsachius gossagi</i>	Japanese Night-Heron.
<i>Gorsachius melanolophus</i>	Malayan Night-Heron.
(C) Family Threskiornithidae	
(1) Subfamily Threskiornithinae	
<i>Eudocimus albus</i>	White Ibis.
<i>Eudocimus ruber</i>	Scarlet Ibis.
<i>Plegadis falcinellus</i>	Glossy Ibis.
<i>Plegadis chihi</i>	White-faced Ibis.
(2) Subfamily Plataleinae	
<i>Platalea ajaja</i>	Roseate Spoonbill.
(xvi) Order Carthartiformes	
Family Cathartidae	
<i>Gymnogyps californianus</i>	California Condor.
<i>Coragyps atratus</i>	Black Vulture.
<i>Cathartes aura</i>	Turkey Vulture.
(xvii) Order Accipitriformes	
(A) Family Pandionidae	
<i>Pandion haliaetus</i>	Osprey.
(B) Family Accipitridae	
(1) Subfamily Elaninae	
<i>Elanus leucurus</i>	White-tailed Kite.
(2) Subfamily Gypaetinae	
<i>Chondrohierax uncinatus</i>	Hook-billed Kite.
<i>Elanoides forficatus</i>	Swallow-tailed Kite.
(3) Subfamily Accipitrinae	
<i>Aquila chrysaetos</i>	Golden Eagle.
<i>Harpagus bidentatus</i>	Double-toothed Kite.
<i>Circus hudsonius</i>	Northern Harrier.
<i>Circus spilonotus</i>	Eastern Marsh-Harrier.
<i>Accipiter soloensis</i>	Chinese Sparrowhawk.
<i>Accipiter gularis</i>	Japanese Sparrowhawk.
<i>Accipiter striatus</i>	Sharp-shinned Hawk.
<i>Accipiter cooperii</i>	Cooper's Hawk.
<i>Accipiter gentilis</i>	Northern Goshawk.
<i>Milvus migrans</i>	Black Kite.
<i>Haliaeetus leucocephalus</i>	Bald Eagle.
<i>Haliaeetus albicilla</i>	White-tailed Eagle.
<i>Haliaeetus pelagicus</i>	Steller's Sea-Eagle.
<i>Ictinia mississippiensis</i>	Mississippi Kite.
<i>Butastur indicus</i>	Gray-faced Buzzard.
<i>Geranospiza caerulescens</i>	Crane Hawk.
<i>Rostrhamus sociabilis</i>	Snail Kite.
<i>Buteogallus anthracinus</i>	Common Black Hawk.
<i>Buteogallus urubitinga</i>	Great Black Hawk.
<i>Rupornis magnirostris</i>	Roadside Hawk.
<i>Parabuteo unicinctus</i>	Harris's Hawk.

TABLE 2 TO PARAGRAPH (C)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—
Continued

Species scientific name	Species common name
<i>Geranoaetus albicaudatus</i>	White-tailed Hawk.
<i>Buteo plagiatus</i>	Gray Hawk.
<i>Buteo lineatus</i>	Red-shouldered Hawk.
<i>Buteo platypterus</i>	Broad-winged Hawk.
<i>Buteo solitarius</i>	Hawaiian Hawk.
<i>Buteo brachyurus</i>	Short-tailed Hawk.
<i>Buteo swainsoni</i>	Swainson's Hawk.
<i>Buteo albonotatus</i>	Zone-tailed Hawk.
<i>Buteo jamaicensis</i>	Red-tailed Hawk.
<i>Buteo lagopus</i>	Rough-legged Hawk.
<i>Buteo regalis</i>	Ferruginous Hawk.
<i>Buteo rufinus</i>	Long-legged Buzzard.
(xviii) Order Strigiformes	
(A) Family Tytonidae	
<i>Tyto alba</i>	Barn Owl.
(B) Family Strigidae	
<i>Otus sunia</i>	Oriental Scops-Owl.
<i>Psiloscoops flammeolus</i>	Flammulated Owl.
<i>Gymnasio nudipes</i>	Puerto Rican Owl.
<i>Megascops trichopsis</i>	Whiskered Screech-Owl.
<i>Megascops kennicottii</i>	Western Screech-Owl.
<i>Megascops asio</i>	Eastern Screech-Owl.
<i>Bubo virginianus</i>	Great Horned Owl.
<i>Bubo scandiacus</i>	Snowy Owl.
<i>Surnia ulula</i>	Northern Hawk Owl.
<i>Glaucidium gnoma</i>	Northern Pygmy-Owl.
<i>Glaucidium brasilianum</i>	Ferruginous Pygmy-Owl.
<i>Micrathene whitneyi</i>	Elf Owl.
<i>Athene cunicularia</i>	Burrowing Owl.
<i>Strix occidentalis</i>	Spotted Owl.
<i>Strix varia</i>	Barred Owl.
<i>Strix virgata</i>	Mottled Owl.
<i>Strix nebulosa</i>	Great Gray Owl.
<i>Asio otus</i>	Long-eared Owl.
<i>Asio stygius</i>	Stygian Owl.
<i>Asio flammeus</i>	Short-eared Owl.
<i>Aegolius funereus</i>	Boreal Owl.
<i>Aegolius acadicus</i>	Northern Saw-whet Owl.
<i>Ninox japonica</i>	Northern Boobook.
(xix) Order Trogoniformes	
Family Trogonidae	
Subfamily Trogoninae	
<i>Trogon elegans</i>	Elegant Trogon.
<i>Euptilotis neoxenus</i>	Eared Quetzal.
(xx) Order Upupiformes	
Family Upupidae	
<i>Upupa epops</i>	Eurasian Hoopoe.
(xxi) Order Coraciiformes	
Family Alcedinidae	
(1) Subfamily Alcedininae	
<i>Alcedo atthis</i>	Common Kingfisher.
(2) Subfamily Halcyoninae	
<i>Todiramphus sacer</i>	Pacific Kingfisher.
<i>Todiramphus cinnamominus</i>	Guam Kingfisher.

TABLE 2 TO PARAGRAPH (C)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Species scientific name	Species common name
<i>Todiramphus albicilla</i>	Mariana Kingfisher.
(3) Subfamily Cerylinae	
<i>Megaceryle torquata</i>	Ringed Kingfisher.
<i>Megaceryle alcyon</i>	Belted Kingfisher.
<i>Chloroceryle amazona</i>	Amazon Kingfisher.
<i>Chloroceryle americana</i>	Green Kingfisher.
(xxii) Order Piciformes	
Family Picidae	
(1) Subfamily Jynginae	
<i>Jynx torquilla</i>	Eurasian Wryneck.
(2) Subfamily Picinae	
<i>Melanerpes lewis</i>	Lewis's Woodpecker.
<i>Melanerpes portoricensis</i>	Puerto Rican Woodpecker.
<i>Melanerpes erythrocephalus</i>	Red-headed Woodpecker.
<i>Melanerpes formicivorus</i>	Acorn Woodpecker.
<i>Melanerpes uropygialis</i>	Gila Woodpecker.
<i>Melanerpes aurifrons</i>	Golden-fronted Woodpecker.
<i>Melanerpes carolinus</i>	Red-bellied Woodpecker.
<i>Sphyrapicus thyroideus</i>	Williamson's Sapsucker.
<i>Sphyrapicus varius</i>	Yellow-bellied Sapsucker.
<i>Sphyrapicus nuchalis</i>	Red-naped Sapsucker.
<i>Sphyrapicus ruber</i>	Red-breasted Sapsucker.
<i>Picoides dorsalis</i>	American Three-toed Woodpecker.
<i>Picoides arcticus</i>	Black-backed Woodpecker.
<i>Dendrocopos major</i>	Great Spotted Woodpecker.
<i>Dryobates pubescens</i>	Downy Woodpecker.
<i>Dryobates nuttallii</i>	Nuttall's Woodpecker.
<i>Dryobates scalaris</i>	Ladder-backed Woodpecker.
<i>Dryobates borealis</i>	Red-cockaded Woodpecker.
<i>Dryobates villosus</i>	Hairy Woodpecker.
<i>Dryobates albolarvatus</i>	White-headed Woodpecker.
<i>Dryobates arizonae</i>	Arizona Woodpecker.
<i>Colaptes auratus</i>	Northern Flicker.
<i>Colaptes chrysoides</i>	Gilded Flicker.
<i>Dryocopus pileatus</i>	Pileated Woodpecker.
<i>Campephilus principalis</i>	Ivory-billed Woodpecker.
(xxiii) Order Falconiformes	
Family Falconidae	
(1) Subfamily Herpetotherinae	
<i>Micrastur semitorquatus</i>	Collared Forest-Falcon.
(2) Subfamily Falconinae	
<i>Caracara plancus</i>	Crested Caracara.
<i>Falco tinnunculus</i>	Eurasian Kestrel.
<i>Falco sparverius</i>	American Kestrel.
<i>Falco vespertinus</i>	Red-footed Falcon.
<i>Falco amurensis</i>	Amur Falcon.
<i>Falco columbarius</i>	Merlin.
<i>Falco subbuteo</i>	Eurasian Hobby.
<i>Falco femoralis</i>	Aplomado Falcon.
<i>Falco rusticolus</i>	Gyrfalcon.
<i>Falco peregrinus</i>	Peregrine Falcon.
<i>Falco mexicanus</i>	Prairie Falcon.
(xxiv) Order Passeriformes	
(A) Family Tityridae	
<i>Tityra semifasciata</i>	Masked Tityra.

TABLE 2 TO PARAGRAPH (C)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—
Continued

Species scientific name	Species common name
<i>Pachyrampus major</i>	Gray-collared Becard.
<i>Pachyrampus aglaiae</i>	Rose-throated Becard.
(B) Family Tyrannidae	
(1) Subfamily Elaeniinae	
<i>Camptostoma imberbe</i>	Northern Beardless-Tyrannulet.
<i>Myiopagis viridicata</i>	Greenish Elaenia.
<i>Elaenia martinica</i>	Caribbean Elaenia.
<i>Elaenia albiceps</i>	White-crested Elaenia.
<i>Elaenia parvirostris</i>	Small-billed Elaenia.
(2) Subfamily Tyranninae	
<i>Myiarchus tuberculifer</i>	Dusky-capped Flycatcher.
<i>Myiarchus cinerascens</i>	Ash-throated Flycatcher.
<i>Myiarchus nuttingi</i>	Nutting's Flycatcher.
<i>Myiarchus crinitus</i>	Great Crested Flycatcher.
<i>Myiarchus tyrannulus</i>	Brown-crested Flycatcher.
<i>Myiarchus sagrae</i>	La Sagra's Flycatcher.
<i>Myiarchus antillarum</i>	Puerto Rican Flycatcher.
<i>Pitangus sulphuratus</i>	Great Kiskadee.
<i>Myiozetetes similis</i>	Social Flycatcher.
<i>Myiodynastes luteiventris</i>	Sulphur-bellied Flycatcher.
<i>Legatus leucophaeus</i>	Piratic Flycatcher.
<i>Empidonomus varius</i>	Variegated Flycatcher.
<i>Empidonomus aurantioatrocristatus</i>	Crowned Slaty Flycatcher.
<i>Tyrannus melancholicus</i>	Tropical Kingbird.
<i>Tyrannus couchii</i>	Couch's Kingbird.
<i>Tyrannus vociferans</i>	Cassin's Kingbird.
<i>Tyrannus crassirostris</i>	Thick-billed Kingbird.
<i>Tyrannus verticalis</i>	Western Kingbird.
<i>Tyrannus tyrannus</i>	Eastern Kingbird.
<i>Tyrannus dominicensis</i>	Gray Kingbird.
<i>Tyrannus caudifasciatus</i>	Loggerhead Kingbird.
<i>Tyrannus forficatus</i>	Scissor-tailed Flycatcher.
<i>Tyrannus savana</i>	Fork-tailed Flycatcher.
(3) Subfamily Fluvicolinae	
<i>Mitrephanes phaeocercus</i>	Tufted Flycatcher.
<i>Contopus cooperi</i>	Olive-sided Flycatcher.
<i>Contopus pertinax</i>	Greater Pewee.
<i>Contopus sordidulus</i>	Western Wood-Pewee.
<i>Contopus virens</i>	Eastern Wood-Pewee.
<i>Contopus caribaeus</i>	Cuban Pewee.
<i>Contopus hispaniolensis</i>	Hispaniolan Pewee.
<i>Contopus latirostris</i>	Lesser Antillean Pewee.
<i>Empidonax flaviventris</i>	Yellow-bellied Flycatcher.
<i>Empidonax virescens</i>	Acadian Flycatcher.
<i>Empidonax alnorum</i>	Alder Flycatcher.
<i>Empidonax traillii</i>	Willow Flycatcher.
<i>Empidonax minimus</i>	Least Flycatcher.
<i>Empidonax hammondii</i>	Hammond's Flycatcher.
<i>Empidonax wrightii</i>	Gray Flycatcher.
<i>Empidonax oberholseri</i>	Dusky Flycatcher.
<i>Empidonax affinis</i>	Pine Flycatcher.
<i>Empidonax difficilis</i>	Pacific-slope Flycatcher.
<i>Empidonax occidentalis</i>	Cordilleran Flycatcher.
<i>Empidonax fulvifrons</i>	Buff-breasted Flycatcher.
<i>Sayornis nigricans</i>	Black Phoebe.
<i>Sayornis phoebe</i>	Eastern Phoebe.
<i>Sayornis saya</i>	Say's Phoebe.
<i>Pyrocephalus rubinus</i>	Vermilion Flycatcher.
(C) Family Vireonidae	
<i>Vireo atricapilla</i>	Black-capped Vireo.
<i>Vireo griseus</i>	White-eyed Vireo.
<i>Vireo crassirostris</i>	Thick-billed Vireo.

TABLE 2 TO PARAGRAPH (C)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—
Continued

Species scientific name	Species common name
<i>Vireo gundlachii</i>	Cuban Vireo.
<i>Vireo latimeri</i>	Puerto Rican Vireo.
<i>Vireo bellii</i>	Bell's Vireo.
<i>Vireo vicinior</i>	Gray Vireo.
<i>Vireo huttoni</i>	Hutton's Vireo.
<i>Vireo flavifrons</i>	Yellow-throated Vireo.
<i>Vireo cassinii</i>	Cassin's Vireo.
<i>Vireo solitarius</i>	Blue-headed Vireo.
<i>Vireo plumbeus</i>	Plumbeous Vireo.
<i>Vireo philadelphicus</i>	Philadelphia Vireo.
<i>Vireo gilvus</i>	Warbling Vireo.
<i>Vireo olivaceus</i>	Red-eyed Vireo.
<i>Vireo flavoviridis</i>	Yellow-green Vireo.
<i>Vireo altiloquus</i>	Black-whiskered Vireo.
<i>Vireo magister</i>	Yucatan Vireo.
(D) Family Laniidae	
<i>Lanius cristatus</i>	Brown Shrike.
<i>Lanius ludovicianus</i>	Loggerhead Shrike.
<i>Lanius borealis</i>	Northern Shrike.
(E) Family Corvidae	
<i>Perisoreus canadensis</i>	Canada Jay.
<i>Psilorhinus morio</i>	Brown Jay.
<i>Cyanocorax yncas</i>	Green Jay.
<i>Gymnorhinus cyanocephalus</i>	Pinyon Jay.
<i>Cyanocitta stelleri</i>	Steller's Jay.
<i>Cyanocitta cristata</i>	Blue Jay.
<i>Aphelocoma coerulescens</i>	Florida Scrub-Jay.
<i>Aphelocoma insularis</i>	Island Scrub-Jay.
<i>Aphelocoma californica</i>	California Scrub-Jay.
<i>Aphelocoma woodhouseii</i>	Woodhouse's Scrub-Jay.
<i>Aphelocoma wollweberi</i>	Mexican Jay.
<i>Nucifraga columbiana</i>	Clark's Nutcracker.
<i>Pica hudsonia</i>	Black-billed Magpie.
<i>Pica nuttalli</i>	Yellow-billed Magpie.
<i>Corvus monedula</i>	Eurasian Jackdaw.
<i>Corvus kubaryi</i>	Mariana Crow.
<i>Corvus brachyrhynchos</i>	American Crow.
<i>Corvus leucognaphalus</i>	White-necked Crow.
<i>Corvus imparatus</i>	Tamaulipas Crow.
<i>Corvus ossifragus</i>	Fish Crow.
<i>Corvus hawaiiensis</i>	Hawaiian Crow.
<i>Corvus cryptoleucus</i>	Chihuahuan Raven.
<i>Corvus corax</i>	Common Raven.
(F) Family Remizidae	
<i>Auriparus flaviceps</i>	Verdin.
(G) Family Paridae	
<i>Poecile carolinensis</i>	Carolina Chickadee.
<i>Poecile atricapillus</i>	Black-capped Chickadee.
<i>Poecile gambeli</i>	Mountain Chickadee.
<i>Poecile sclateri</i>	Mexican Chickadee.
<i>Poecile rufescens</i>	Chestnut-backed Chickadee.
<i>Poecile hudsonicus</i>	Boreal Chickadee.
<i>Poecile cinctus</i>	Gray-headed Chickadee.
<i>Baeolophus wollweberi</i>	Bridled Titmouse.
<i>Baeolophus inornatus</i>	Oak Titmouse.
<i>Baeolophus ridgwayi</i>	Juniper Titmouse.
<i>Baeolophus bicolor</i>	Tufted Titmouse.
<i>Baeolophus atricristatus</i>	Black-crested Titmouse.
(H) Family Alaudidae	
<i>Alauda arvensis</i>	Eurasian Skylark.
<i>Eremophila alpestris</i>	Horned Lark.

TABLE 2 TO PARAGRAPH (C)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Species scientific name	Species common name
(I) Family Acrocephalidae	
<i>Arundinax aedon</i>	Thick-billed Warbler.
<i>Acrocephalus luscinius</i>	Nightingale Reed Warbler.
<i>Acrocephalus hiwae</i>	Saipan Reed Warbler.
<i>Acrocephalus nijoi</i>	Aguiguan Reed Warbler.
<i>Acrocephalus yamashinae</i>	Pagan Reed Warbler.
<i>Acrocephalus familiaris</i>	Millerbird.
<i>Acrocephalus schoenobaenus</i>	Sedge Warbler.
<i>Acrocephalus dumetorum</i>	Blyth's Reed Warbler.
(J) Family Locustellidae	
<i>Helopsaltes certhiola</i>	Pallas's Grasshopper Warbler.
<i>Helopsaltes ochotensis</i>	Middendorff's Grasshopper Warbler.
<i>Locustella lanceolata</i>	Lanceolated Warbler.
<i>Locustella fluviatilis</i>	River Warbler.
(K) Family Hirundinidae	
Subfamily Hirundininae	
<i>Riparia riparia</i>	Bank Swallow.
<i>Tachycineta bicolor</i>	Tree Swallow.
<i>Tachycineta cyaneoviridis</i>	Bahama Swallow.
<i>Tachycineta thalassina</i>	Violet-green Swallow.
<i>Tachycineta albilinea</i>	Mangrove Swallow.
<i>Pygochelidon cyanoleuca</i>	Blue-and-white Swallow.
<i>Stelgidopteryx serripennis</i>	Northern Rough-winged Swallow.
<i>Progne tapera</i>	Brown-chested Martin.
<i>Progne subis</i>	Purple Martin.
<i>Progne elegans</i>	Southern Martin.
<i>Progne chalybea</i>	Gray-breasted Martin.
<i>Progne cryptoleuca</i>	Cuban Martin.
<i>Progne dominicensis</i>	Caribbean Martin.
<i>Hirundo rustica</i>	Barn Swallow.
<i>Delichon urbicum</i>	Common House-Martin.
<i>Petrochelidon pyrrhonota</i>	Cliff Swallow.
<i>Petrochelidon fulva</i>	Cave Swallow.
(L) Family Aegithalidae	
<i>Psaltriparus minimus</i>	Bushtit.
(M) Family Phylloscopidae	
<i>Phylloscopus trochilus</i>	Willow Warbler.
<i>Phylloscopus collybita</i>	Common Chiffchaff.
<i>Phylloscopus sibilatrix</i>	Wood Warbler.
<i>Phylloscopus fuscatu</i>	Dusky Warbler.
<i>Phylloscopus proregulus</i>	Pallas's Leaf Warbler.
<i>Phylloscopus inornatus</i>	Yellow-browed Warbler.
<i>Phylloscopus borealis</i>	Arctic Warbler.
<i>Phylloscopus examinandus</i>	Kamchatka Leaf Warbler.
(N) Family Sylviidae	
<i>Sylvia curruca</i>	Lesser Whitethroat.
<i>Chamaea fasciata</i>	Wrentit.
(O) Family Regulidae	
<i>Corthylio calendula</i>	Ruby-crowned Kinglet.
<i>Regulus satrapa</i>	Golden-crowned Kinglet.
(P) Family Bombycillidae	
<i>Bombycilla garrulus</i>	Bohemian Waxwing.
<i>Bombycilla cedrorum</i>	Cedar Waxwing.

TABLE 2 TO PARAGRAPH (C)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—
Continued

Species scientific name	Species common name
(Q) Family Ptiliogonatidae	
<i>Ptiliogonys cinereus</i>	Gray Silky-flycatcher.
<i>Phainopepla nitens</i>	Phainopepla.
(R) Family Sittidae	
Subfamily Sittinae	
<i>Sitta canadensis</i>	Red-breasted Nuthatch.
<i>Sitta carolinensis</i>	White-breasted Nuthatch.
<i>Sitta pygmaea</i>	Pygmy Nuthatch.
<i>Sitta pusilla</i>	Brown-headed Nuthatch.
(S) Family Certhiidae	
Subfamily Certhiinae	
<i>Certhia americana</i>	Brown Creeper.
(T) Family Polioptilidae	
<i>Polioptila caerulea</i>	Blue-Gray Gnatcatcher.
<i>Polioptila melanura</i>	Black-tailed Gnatcatcher.
<i>Polioptila californica</i>	California Gnatcatcher.
<i>Polioptila nigriceps</i>	Black-capped Gnatcatcher.
(U) Family Troglodytidae	
<i>Salpinctes obsoletus</i>	Rock Wren.
<i>Catherpes mexicanus</i>	Canyon Wren.
<i>Thryophilus sinaloa</i>	Sinaloa Wren.
<i>Campylorhynchus brunneicapillus</i>	Cactus Wren.
<i>Thryomanes bewickii</i>	Bewick's Wren.
<i>Thryothorus ludovicianus</i>	Carolina Wren.
<i>Troglodytes aedon</i>	House Wren.
<i>Troglodytes pacificus</i>	Pacific Wren.
<i>Troglodytes hiemalis</i>	Winter Wren.
<i>Cistothorus stellaris</i>	Sedge Wren.
<i>Cistothorus palustris</i>	Marsh Wren.
(V) Family Mimidae	
<i>Melanotis caerulescens</i>	Blue Mockingbird.
<i>Melanoptila glabrirostris</i>	Black Catbird.
<i>Dumetella carolinensis</i>	Gray Catbird.
<i>Margarops fuscatus</i>	Pearly-eyed Thrasher.
<i>Toxostoma curvirostre</i>	Curve-billed Thrasher.
<i>Toxostoma rufum</i>	Brown Thrasher.
<i>Toxostoma longirostre</i>	Long-billed Thrasher.
<i>Toxostoma bendirei</i>	Bendire's Thrasher.
<i>Toxostoma redivivum</i>	California Thrasher.
<i>Toxostoma lecontei</i>	LeConte's Thrasher.
<i>Toxostoma crissale</i>	Crissal Thrasher.
<i>Oreoscoptes montanus</i>	Sage Thrasher.
<i>Mimus gundlachi</i>	Bahama Mockingbird.
<i>Mimus polyglottos</i>	Northern Mockingbird.
(W) Family Sturnidae	
<i>Agropsar philippensis</i>	Chestnut-cheeked Starling.
<i>Spodiopsar cineraceus</i>	White-cheeked Starling.
(X) Family Cinclidae	
<i>Cinclus mexicanus</i>	American Dipper.
(Y) Family Turdidae	
<i>Sialia sialis</i>	Eastern Bluebird.
<i>Sialia mexicana</i>	Western Bluebird.
<i>Sialia currucoides</i>	Mountain Bluebird.

TABLE 2 TO PARAGRAPH (C)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—
Continued

Species scientific name	Species common name
<i>Myadestes townsendi</i>	Townsend's Solitaire.
<i>Myadestes occidentalis</i>	Brown-backed Solitaire.
<i>Myadestes myadestinus</i>	Kāmaò.
<i>Myadestes lanaiensis</i>	'Oloma'o.
<i>Myadestes obscurus</i>	'Oma'o.
<i>Myadestes palmeri</i>	Puaiohi.
<i>Catharus aurantiirostris</i>	Orange-billed Nightingale-Thrush.
<i>Catharus mexicanus</i>	Black-headed Nightingale-Thrush.
<i>Catharus fuscescens</i>	Veery.
<i>Catharus minimus</i>	Gray-cheeked Thrush.
<i>Catharus bicknelli</i>	Bicknell's Thrush.
<i>Catharus ustulatus</i>	Swainson's Thrush.
<i>Catharus guttatus</i>	Hermit Thrush.
<i>Hylocichla mustelina</i>	Wood Thrush.
<i>Turdus obscurus</i>	Eyebrowed Thrush.
<i>Turdus eunomus</i>	Dusky Thrush.
<i>Turdus naumanni</i>	Naumann's Thrush.
<i>Turdus pilaris</i>	Fieldfare.
<i>Turdus iliacus</i>	Redwing.
<i>Turdus grayi</i>	Clay-colored Thrush.
<i>Turdus assimilis</i>	White-throated Thrush.
<i>Turdus rufopalliatus</i>	Rufous-backed Robin.
<i>Turdus migratorius</i>	American Robin.
<i>Turdus plumbeus</i>	Red-legged Thrush.
<i>Ixoreus naevius</i>	Varied Thrush.
<i>Ridgwayia pinicola</i>	Aztec Thrush.
(Z) Family Muscicapidae	
<i>Muscicapa griseisticta</i>	Gray-streaked Flycatcher.
<i>Muscicapa dauurica</i>	Asian Brown Flycatcher.
<i>Muscicapa striata</i>	Spotted Flycatcher.
<i>Muscicapa sibirica</i>	Dark-sided Flycatcher.
<i>Erithacus rubecula</i>	European Robin.
<i>Larvivora cyane</i>	Siberian Blue Robin.
<i>Larvivora sibilans</i>	Rufous-tailed Robin.
<i>Cyanecula svecica</i>	Bluethroat.
<i>Calliope calliope</i>	Siberian Rubythroat.
<i>Tarsiger cyanurus</i>	Red-flanked Bluetail.
<i>Ficedula narcissina</i>	Narcissus Flycatcher.
<i>Ficedula mugimaki</i>	Mugimaki Flycatcher.
<i>Ficedula albicilla</i>	Taiga Flycatcher.
<i>Phoenicurus phoenicurus</i>	Common Redstart.
<i>Saxicola maurus</i>	Asian Stonechat.
<i>Oenanthe oenanthe</i>	Northern Wheatear.
<i>Oenanthe pleschanka</i>	Pied Wheatear.
<i>Monticola solitarius</i>	Blue Rock-Thrush.
(AA) Family Peucedramidae	
<i>Peucedramus taeniatus</i>	Olive Warbler.
(BB) Family Prunellidae	
<i>Prunella montanella</i>	Siberian Accentor.
(CC) Family Motacillidae	
<i>Motacilla tschutschensis</i>	Eastern Yellow Wagtail.
<i>Motacilla citreola</i>	Citrine Wagtail.
<i>Motacilla cinerea</i>	Gray Wagtail.
<i>Motacilla alba</i>	White Wagtail.
<i>Anthus trivialis</i>	Tree Pipit.
<i>Anthus hodgsoni</i>	Olive-backed Pipit.
<i>Anthus gustavi</i>	Pechora Pipit.
<i>Anthus cervinus</i>	Red-throated Pipit.
<i>Anthus rubescens</i>	American Pipit.
<i>Anthus spragueii</i>	Sprague's Pipit.

TABLE 2 TO PARAGRAPH (C)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—
Continued

Species scientific name	Species common name
<i>(DD) Family Fringillidae</i>	
(1) Subfamily Fringillinae	
<i>Fringilla coelebs</i>	Common Chaffinch.
<i>Fringilla montifringilla</i>	Brambling.
(2) Subfamily Euphoniinae	
<i>Chlorophonia musica</i>	Antillean Euphonia.
(3) Subfamily Carduelinae	
<i>Coccothraustes vespertinus</i>	Evening Grosbeak.
<i>Coccothraustes coccothraustes</i>	Hawfinch.
<i>Carpodacus erythrinus</i>	Common Rosefinch.
<i>Carpodacus roseus</i>	Pallas's Rosefinch.
<i>Melamprosops phaeosoma</i>	Po'ouli.
<i>Oreomystis bairdi</i>	'Akikik'i.
<i>Paroreomyza maculata</i>	O'ahu 'Alauahio.
<i>Paroreomyza flammaea</i>	Kākāwahie.
<i>Paroreomyza montana</i>	Maui 'Alauahio.
<i>Loxioides bailleui</i>	Palila.
<i>Telespiza cantans</i>	Laysan Finch.
<i>Telespiza ultima</i>	Nihoa Finch.
<i>Palmeria dolei</i>	'Akohekohe.
<i>Himatione fraithii</i>	Laysan Honeycreeper.
<i>Himatione sanguinea</i>	'Apapane.
<i>Drepanis coccinea</i>	'Iiwi.
<i>Psittirostra psittacea</i>	'O'ū.
<i>Pseudonestor xanthophrys</i>	Maui Parrotbill.
<i>Hemignathus hanapepe</i>	Kauai Nukupu'u.
<i>Hemignathus lucidus</i>	O'ahu Nukupu'u.
<i>Hemignathus affinis</i>	Maui Nukupu'u.
<i>Hemignathus wilsoni</i>	Akiapolaau.
<i>Akialoa stejnegeri</i>	Kauai 'Akialoa.
<i>Akialoa ellisiana</i>	O'hu 'Akialoa.
<i>Akialoa lanaiensis</i>	Maui Nui 'Akialoa.
<i>Magnumma parva</i>	'Anianiau
<i>Chlorodrepanis virens</i>	Hawaii 'Amakihi.
<i>Chlorodrepanis flava</i>	O'ahu 'Amakihi.
<i>Chlorodrepanis stejnegeri</i>	Kaua'i 'Amakihi
<i>Loxops mana</i>	Hawaii Creeper.
<i>Loxops caeruleirostris</i>	'Akeke'e.
<i>Loxops wolstenholmei</i>	O'ahu 'Akepa.
<i>Loxops ochraceus</i>	Maui 'Akepa.
<i>Loxops coccineus</i>	Hawaii 'Akepa.
<i>Pinicola enucleator</i>	Pine Grosbeak.
<i>Pyrrhula pyrrhula</i>	Eurasian Bullfinch.
<i>Leucosticte arctoa</i>	Asian Rosy-Finch.
<i>Leucosticte tephrocotis</i>	Gray-crowned Rosy-Finch.
<i>Leucosticte atrata</i>	Black Rosy-Finch.
<i>Leucosticte australis</i>	Brown-capped Rosy-Finch.
<i>Haemorhous mexicanus</i>	House Finch.
<i>Haemorhous purpureus</i>	Purple Finch
<i>Haemorhous cassinii</i>	Cassin's Finch.
<i>Chloris sinica</i>	Oriental Greenfinch.
<i>Acanthis flammea</i>	Common Redpoll.
<i>Acanthis hornemanni</i>	Hoary Redpoll.
<i>Loxia curvirostra</i>	Red Crossbill.
<i>Loxia sinesciuris</i>	Cassia Crossbill.
<i>Loxia leucoptera</i>	White-winged Crossbill.
<i>Spinus spinus</i>	Eurasian Siskin.
<i>Spinus pinus</i>	Pine Siskin.
<i>Spinus psaltria</i>	Lesser Goldfinch.
<i>Spinus lawrencei</i>	Lawrence's Goldfinch.
<i>Spinus tristis</i>	American Goldfinch.
(EE) Family Calcariidae	
<i>Calcarius lapponicus</i>	Lapland Longspur.
<i>Calcarius ornatus</i>	Chestnut-collared Longspur.

TABLE 2 TO PARAGRAPH (C)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—
Continued

Species scientific name	Species common name
<i>Calcarius pictus</i>	Smith's Longspur.
<i>Rhynchophanes mccownii</i>	Thick-billed Longspur.
<i>Plectrophenax nivalis</i>	Snow Bunting.
<i>Plectrophenax hyperboreus</i>	McKay's Bunting.
(FF) Family Emberizidae	
<i>Emberiza leucocephalos</i>	Pine Bunting.
<i>Emberiza chrysophrys</i>	Yellow-browed Bunting.
<i>Emberiza pusilla</i>	Little Bunting.
<i>Emberiza rustica</i>	Rustic Bunting.
<i>Emberiza elegans</i>	Yellow-throated Bunting.
<i>Emberiza aureola</i>	Yellow-breasted Bunting.
<i>Emberiza variabilis</i>	Gray Bunting.
<i>Emberiza pallasi</i>	Pallas's Bunting.
<i>Emberiza schoeniclus</i>	Reed Bunting.
(GG) Family Passerellidae	
<i>Peucaea carpalis</i>	Rufous-winged Sparrow.
<i>Peucaea botterii</i>	Botteri's Sparrow.
<i>Peucaea cassinii</i>	Cassin's Sparrow.
<i>Peucaea aestivalis</i>	Bachman's Sparrow.
<i>Ammodramus savannarum</i>	Grasshopper Sparrow.
<i>Arremonops rufivirgatus</i>	Olive Sparrow.
<i>Amphispizopsis quinquestrata</i>	Five-striped Sparrow.
<i>Amphispiza bilineata</i>	Black-throated Sparrow.
<i>Chondestes grammacus</i>	Lark Sparrow.
<i>Calamospiza melanocorys</i>	Lark Bunting.
<i>Spizella passerina</i>	Chipping Sparrow.
<i>Spizella pallida</i>	Clay-colored Sparrow.
<i>Spizella atrogularis</i>	Black-chinned Sparrow.
<i>Spizella pusilla</i>	Field Sparrow.
<i>Spizella breweri</i>	Brewer's Sparrow.
<i>Spizella wortheni</i>	Worthen's Sparrow.
<i>Passerella iliaca</i>	Fox Sparrow.
<i>Spizelloides arborea</i>	American Tree Sparrow.
<i>Junco hyemalis</i>	Dark-eyed Junco.
<i>Junco phaeonotus</i>	Yellow-eyed Junco.
<i>Zonotrichia leucophrys</i>	White-crowned Sparrow.
<i>Zonotrichia atricapilla</i>	Golden-crowned Sparrow.
<i>Zonotrichia querula</i>	Harris's Sparrow
<i>Zonotrichia albicollis</i>	White-throated Sparrow
<i>Artemisiospiza nevadensis</i>	Sagebrush Sparrow
<i>Artemisiospiza belli</i>	Bell's Sparrow.
<i>Poocetes gramineus</i>	Vesper Sparrow.
<i>Ammospiza leconteii</i>	LeConte's Sparrow
<i>Ammospiza maritima</i>	Seaside Sparrow.
<i>Ammospiza nelsoni</i>	Nelson's Sparrow.
<i>Ammospiza caudacuta</i>	Saltmarsh Sparrow.
<i>Centronyx bairdii</i>	Baird's Sparrow.
<i>Centronyx henslowii</i>	Henslow's Sparrow.
<i>Passerculus sandwichensis</i>	Savannah Sparrow.
<i>Melospiza melodia</i>	Song Sparrow.
<i>Melospiza lincolnii</i>	Lincoln's Sparrow.
<i>Melospiza georgiana</i>	Swamp Sparrow.
<i>Melozona fusca</i>	Canyon Towhee.
<i>Melozona aberti</i>	Abert's Towhee.
<i>Melozona crissalis</i>	California Towhee.
<i>Aimophila ruficeps</i>	Rufous-crowned Sparrow.
<i>Pipilo chlorurus</i>	Green-tailed Towhee.
<i>Pipilo maculatus</i>	Spotted Towhee.
<i>Pipilo erythrophthalmus</i>	Eastern Towhee.
(HH) Family Nesospingidae	
<i>Nesospingus speculariferus</i>	Puerto Rican Tanager.
(II) Family Spindalidae	
<i>Spindalis zena</i>	Western Spindalis.

TABLE 2 TO PARAGRAPH (C)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Species scientific name	Species common name
<i>Spindalis portoricensis</i>	Puerto Rican Spindalis.
(JJ) Family Icteridae	
<i>Icteria virens</i>	Yellow-breasted Chat.
(1) Subfamily Xanthocephalinae	
<i>Xanthocephalus xanthocephalus</i>	Yellow-headed Blackbird.
(2) Subfamily Dolichonychinae	
<i>Dolichonyx oryzivorus</i>	Bobolink.
(3) Subfamily Sturnellinae	
<i>Sturnella liliana</i>	Chihuahuan Meadowlark.
<i>Sturnella magna</i>	Eastern Meadowlark.
<i>Sturnella neglecta</i>	Western Meadowlark.
(4) Subfamily Icterinae	
<i>Icterus portoricensis</i>	Puerto Rican Oriole.
<i>Icterus wagleri</i>	Black-vented Oriole.
<i>Icterus spurius</i>	Orchard Oriole.
<i>Icterus cucullatus</i>	Hooded Oriole.
<i>Icterus pustulatus</i>	Streak-backed Oriole.
<i>Icterus bullockii</i>	Bullock's Oriole.
<i>Icterus gularis</i>	Altamira Oriole.
<i>Icterus graduacauda</i>	Audubon's Oriole.
<i>Icterus galbula</i>	Baltimore Oriole.
<i>Icterus abeillei</i>	Black-backed Oriole.
<i>Icterus parisorum</i>	Scott's Oriole.
(5) Subfamily Agelaiinae	
<i>Agelaius phoeniceus</i>	Red-winged Blackbird.
<i>Agelaius tricolor</i>	Tricolored Blackbird.
<i>Agelaius humeralis</i>	Tawny-shouldered Blackbird.
<i>Agelaius xanthomus</i>	Yellow-shouldered Blackbird.
<i>Molothrus bonariensis</i>	Shiny Cowbird.
<i>Molothrus aeneus</i>	Bronzed Cowbird.
<i>Molothrus ater</i>	Brown-headed Cowbird.
<i>Euphagus carolinus</i>	Rusty Blackbird.
<i>Euphagus cyanocephalus</i>	Brewer's Blackbird.
<i>Quiscalus quiscula</i>	Common Grackle.
<i>Quiscalus major</i>	Boat-tailed Grackle.
<i>Quiscalus mexicanus</i>	Great-tailed Grackle.
<i>Quiscalus niger</i>	Greater Antillean Grackle.
(KK) Family Parulidae	
<i>Seiurus aurocapilla</i>	Ovenbird.
<i>Helmitheros vermivorum</i>	Worm-eating Warbler.
<i>Parkesia motacilla</i>	Louisiana Waterthrush.
<i>Parkesia noveboracensis</i>	Northern Waterthrush.
<i>Vermivora bachmanii</i>	Bachman's Warbler.
<i>Vermivora chrysoptera</i>	Golden-winged Warbler.
<i>Vermivora cyanoptera</i>	Blue-winged Warbler.
<i>Mniotilta varia</i>	Black-and-white Warbler.
<i>Protonotaria citrea</i>	Prothonotary Warbler.
<i>Limothlypis swainsonii</i>	Swainson's Warbler.
<i>Oreothlypis superciliosa</i>	Crescent-chested Warbler.
<i>Leiostyris peregrina</i>	Tennessee Warbler.
<i>Leiostyris celata</i>	Orange-crowned Warbler.
<i>Leiostyris crissalis</i>	Colima Warbler.
<i>Leiostyris luciae</i>	Lucy's Warbler.
<i>Leiostyris ruficapilla</i>	Nashville Warbler.
<i>Leiostyris virginiae</i>	Virginia's Warbler.
<i>Oporornis agilis</i>	Connecticut Warbler.
<i>Geothlypis poliocephala</i>	Gray-crowned Yellowthroat.
<i>Geothlypis tolmiei</i>	MacGillivray's Warbler.
<i>Geothlypis philadelphia</i>	Mourning Warbler.

TABLE 2 TO PARAGRAPH (C)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—
Continued

Species scientific name	Species common name
<i>Geothlypis formosa</i>	Kentucky Warbler.
<i>Geothlypis trichas</i>	Common Yellowthroat.
<i>Setophaga angelae</i>	Elfin-woods Warbler.
<i>Setophaga citrina</i>	Hooded Warbler.
<i>Setophaga ruticilla</i>	American Redstart.
<i>Setophaga kirtlandii</i>	Kirtland's Warbler.
<i>Setophaga tigrina</i>	Cape May Warbler.
<i>Setophaga cerulea</i>	Cerulean Warbler.
<i>Setophaga americana</i>	Northern Parula.
<i>Setophaga pitayumi</i>	Tropical Parula.
<i>Setophaga magnolia</i>	Magnolia Warbler.
<i>Setophaga castanea</i>	Bay-breasted Warbler.
<i>Setophaga fusca</i>	Blackburnian Warbler.
<i>Setophaga petechia</i>	Yellow Warbler.
<i>Setophaga pensylvanica</i>	Chestnut-sided Warbler.
<i>Setophaga striata</i>	Blackpoll Warbler.
<i>Setophaga caerulescens</i>	Black-throated Blue Warbler.
<i>Setophaga palmarum</i>	Palm Warbler.
<i>Setophaga pinus</i>	Pine Warbler.
<i>Setophaga coronata</i>	Yellow-rumped Warbler.
<i>Setophaga dominica</i>	Yellow-throated Warbler.
<i>Setophaga discolor</i>	Prairie Warbler.
<i>Setophaga adelaidae</i>	Adelaide's Warbler.
<i>Setophaga graciae</i>	Grace's Warbler.
<i>Setophaga nigrescens</i>	Black-throated Gray Warbler.
<i>Setophaga townsendi</i>	Townsend's Warbler.
<i>Setophaga occidentalis</i>	Hermit Warbler.
<i>Setophaga chrysoparia</i>	Golden-cheeked Warbler.
<i>Setophaga virens</i>	Black-throated Green Warbler.
<i>Basileuterus lachrymosus</i>	Fan-tailed Warbler.
<i>Basileuterus rufifrons</i>	Rufous-capped Warbler.
<i>Basileuterus culicivorus</i>	Golden-crowned Warbler.
<i>Cardellina canadensis</i>	Canada Warbler.
<i>Cardellina pusilla</i>	Wilson's Warbler.
<i>Cardellina rubrifrons</i>	Red-faced Warbler.
<i>Myioborus pictus</i>	Painted Redstart.
<i>Myioborus miniatus</i>	Slate-throated Redstart.
(LL) Family Cardinalidae	
<i>Piranga flava</i>	Hepatic Tanager.
<i>Piranga rubra</i>	Summer Tanager.
<i>Piranga olivacea</i>	Scarlet Tanager.
<i>Piranga ludoviciana</i>	Western Tanager.
<i>Piranga bidentata</i>	Flame-colored Tanager.
<i>Rhodothraupis celaeno</i>	Crimson-collared Grosbeak.
<i>Cardinalis cardinalis</i>	Northern Cardinal.
<i>Cardinalis sinuatus</i>	Pyrrhuloxia.
<i>Pheucticus chrysopheplus</i>	Yellow Grosbeak.
<i>Pheucticus ludovicianus</i>	Rose-breasted Grosbeak.
<i>Pheucticus melanocephalus</i>	Black-headed Grosbeak.
<i>Cyanocompsa parellina</i>	Blue Bunting.
<i>Passerina caerulea</i>	Blue Grosbeak.
<i>Passerina amoena</i>	Lazuli Bunting.
<i>Passerina cyanea</i>	Indigo Bunting.
<i>Passerina versicolor</i>	Varied Bunting.
<i>Passerina ciris</i>	Painted Bunting.
<i>Spiza americana</i>	Dickcissel.
(MM) Family Thraupidae	
(1) Subfamily Dacninae	
<i>Cyanerpes cyaneus</i>	Red-legged Honeycreeper.
(2) Subfamily Coerebinae	
<i>Coereba flaveola</i>	Bananaquit.
<i>Tiaris olivaceus</i>	Yellow-faced Grassquit.
<i>Melopyrrha portoricensis</i>	Puerto Rican Bullfinch.
<i>Melanospiza bicolor</i>	Black-faced Grassquit.

TABLE 2 TO PARAGRAPH (C)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Species scientific name	Species common name
(3) Subfamily Sporophilinae	
Sporophila moreletii	Morelet's Seedeater.

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

■ 3. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 1531–1544; and 4201–4245, unless otherwise noted.

■ 4. Amend § 17.11, in paragraph (h), the List of Endangered and Threatened Wildlife, under BIRDS, by:

■ a. Revising the entries for “Caracara, crested, (Audubon’s) [FL DPS]”, “Crane, Mississippi sandhill”, “Nightjar, Puerto Rican”, and “Pigeon, Puerto Rican plain”;

■ b. Removing the entries for “Rail, California clapper” and “Rail, light-footed clapper”;

■ c. Adding, in alphabetical order, entries for “Rail, California Ridgway’s” and “Rail, light-footed Ridgway’s”; and

■ d. Revising the entries for “Sparrow, Cape Sable seaside”, “Tern, California least”, and “Towhee, Inyo California”.

The revisions and additions read as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Common name	Scientific name	Where listed	Status	Listing citations and applicable rules
*	*	*	*	*
BIRDS				
*	*	*	*	*
Caracara, crested, (Audubon’s) [FL DPS].	<i>Caracara plancus audubonii</i> ...	U.S.A. (FL)	T	52 FR 25229, 7/6/1987.
*	*	*	*	*
Crane, Mississippi sandhill	<i>Antigone canadensis pulla</i>	Wherever found	E	38 FR 14678, 6/4/1973; 50 CFR 17.95(b). ^{CH}
*	*	*	*	*
Nightjar, Puerto Rican	<i>Antrostomus noctitherus</i>	Wherever found	E	38 FR 14678, 6/4/1973.
*	*	*	*	*
Pigeon, Puerto Rican plain	<i>Patagioenas inornata wetmorei</i> .	Wherever found	E	35 FR 16047, 10/13/1970.
*	*	*	*	*
Rail, California Ridgway’s	<i>Rallus obsoletus obsoletus</i>	Wherever found	E	35 FR 16047, 10/13/1970.
*	*	*	*	*
Rail, light-footed Ridgway’s	<i>Rallus obsoletus levipes</i>	U.S.A. only	E	34 FR 5034, 3/8/1969; 35 FR 16047, 10/13/1970.
*	*	*	*	*
Sparrow, Cape Sable seaside	<i>Ammospiza maritima mirabilis</i>	Wherever found	E	32 FR 4001, 3/11/1967; 50 CFR 17.95(b). ^{CH}
*	*	*	*	*
Tern, California least	<i>Sternula antillarum browni</i>	Wherever found	E	35 FR 16047, 10/13/1970; 35 FR 8491, 6/2/1970.
*	*	*	*	*
Towhee, Inyo California	<i>Melospiza crissalis eremophilus</i> .	Wherever found	T	52 FR 28780, 8/3/1987; 50 CFR 17.95(b). ^{CH}
*	*	*	*	*

■ 5. Amend § 17.95, in paragraph (b), by

■ a. Revising the headings for “Mississippi Sandhill Crane (*Grus canadensis pulla*)” and “Cape Sable Seaside Sparrow (*Ammodramus maritimus mirabilis*)”; and

■ b. Removing the heading “Inyo Brown Towhee (*Pipilo fuscus eremophilus*)”

and adding in its place a heading for “Inyo California Towhee (*Melospiza crissalis eremophilus*)”.

The revisions and addition read as follows:

§ 17.95 Critical habitat—fish and wildlife.

(b) * * *

MISSISSIPPI SANDHILL CRANE
(*Antigone canadensis pulla*)

* * * * *

CAPE SABLE SEASIDE SPARROW
(*Ammospiza maritima mirabilis*)

* * * * *

INYO CALIFORNIA TOWHEE
(*Melospiza crissalis eremophilus*)
* * * * *

PART 21—MIGRATORY BIRD PERMITS

■ 6. The authority citation for part 21 continues to read as follows:

Authority: 16 U.S.C. 703–712.

§ 21.123 [Amended]

■ 7. Amend § 21.123, in the introductory text of paragraph (a), by removing the words “(*Phalacrocorax*

auritus)” and adding in their place the words “(*Nannopterum auritum*)”.

Shannon A. Estenoz,
Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2022–26733 Filed 12–9–22; 8:45 am]

BILLING CODE 4333–15–P

Notices

Federal Register

Vol. 87, No. 237

Monday, December 12, 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.

JUDICIAL CONFERENCE OF THE UNITED STATES

Advisory Committee on Civil Rules; Hearing of the Judicial Conference

AGENCY: Judicial Conference of the United States.

ACTION: Advisory Committee on Civil Rules; notice of cancellation of open hearing.

SUMMARY: The following public hearing on proposed amendments to the Federal Rules of Civil Procedure has been canceled: Civil Rules Hearing on January 5, 2023. The announcement for this hearing was previously published in the **Federal Register** on August 5, 2022.

DATES: January 5, 2023.

FOR FURTHER INFORMATION CONTACT: H. Thomas Byron III, Esq., Chief Counsel, Rules Committee Staff, Administrative Office of the U.S. Courts, Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE, Suite 7-300, Washington, DC 20544, Phone (202) 502-1820, RulesCommittee_Secretary@ao.uscourts.gov.

(Authority: 28 U.S.C. 2073.)

Dated: December 6, 2022.

Shelly L. Cox,

Management Analyst, Rules Committee Staff.

[FR Doc. 2022-26863 Filed 12-9-22; 8:45 am]

BILLING CODE 2210-55-P

JUDICIAL CONFERENCE OF THE UNITED STATES

Advisory Committee on Appellate Rules; Hearing of the Judicial Conference

AGENCY: Judicial Conference of the United States.

ACTION: Advisory Committee on Appellate Rules; notice of cancellation of open hearing.

SUMMARY: The following public hearing on proposed amendments to the Federal Rules of Appellate Procedure has been canceled: Appellate Rules Hearing on January 5, 2023. The announcement for this hearing was previously published in the **Federal Register** on August 5, 2022.

DATES: January 5, 2023.

FOR FURTHER INFORMATION CONTACT: H. Thomas Byron III, Esq., Chief Counsel, Rules Committee Staff, Administrative Office of the U.S. Courts, Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE, Suite 7-300, Washington, DC 20544, Phone (202) 502-1820, RulesCommittee_Secretary@ao.uscourts.gov.

(Authority: 28 U.S.C. 2073.)

Dated: December 6, 2022.

Shelly L. Cox,

Management Analyst, Rules Committee Staff.

[FR Doc. 2022-26861 Filed 12-9-22; 8:45 am]

BILLING CODE 2210-55-P

JUDICIAL CONFERENCE OF THE UNITED STATES

Advisory Committee on Bankruptcy Rules; Hearing of the Judicial Conference

AGENCY: Judicial Conference of the United States.

ACTION: Advisory Committee on Bankruptcy Rules; notice of cancellation of open hearing.

SUMMARY: The following public hearing on proposed amendments to the Federal Rules of Bankruptcy Procedure has been canceled: Bankruptcy Rules Hearing on January 6, 2023. The announcement for this hearing was previously published in the **Federal Register** on August 5, 2022.

DATES: January 6, 2023.

FOR FURTHER INFORMATION CONTACT: H. Thomas Byron III, Esq., Chief Counsel, Rules Committee Staff, Administrative Office of the U.S. Courts, Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE, Suite 7-300, Washington, DC 20544, Phone (202) 502-1820, RulesCommittee_Secretary@ao.uscourts.gov.

(Authority: 28 U.S.C. 2073.)

Dated: December 6, 2022.

Shelly L. Cox,

Management Analyst, Rules Committee Staff.

[FR Doc. 2022-26862 Filed 12-9-22; 8:45 am]

BILLING CODE 2210-55-P

DEPARTMENT OF COMMERCE

International Trade Administration

[C-533-825]

Polyethylene Terephthalate Film, Sheet, and Strip (PET Film) From India: Final Results of Countervailing Duty Administrative Review; 2020

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines certain producers/exporters of polyethylene terephthalate film, sheet, and strip (PET film) from India received countervailable subsidies during the period of review (POR) January 1, 2020, through December 31, 2020.

DATES: Applicable December 12, 2022.

FOR FURTHER INFORMATION CONTACT: Nicholas Czajkowski or Richard Roberts, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-1395 or (202) 482-3464, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 9, 2022, Commerce published the preliminary results of the 2020 administrative review of the countervailing duty order on PET film from India in the **Federal Register**.¹ This review covers a single mandatory respondent, SRF Limited (SRF).² We invited interested parties to comment on the *Preliminary Results*.³ On September 1, 2022, Jindal Poly Films Ltd. (Jindal) submitted a timely-filed case brief.⁴ No

¹ See *Polyethylene Terephthalate Film, Sheet and Strip from India: Preliminary Results of Countervailing Duty Administrative Review, Recission in Part*, 2020, 87 FR 48453 (August 9, 2022).

² SRF Limited is also known as SRF Limited of India, SRF Ltd., and SRF Limited Packaging Films.

³ See *Preliminary Results*, 87 FR at 48454.

⁴ See Jindal's Letter, "Case Brief," dated September 1, 2022 (Jindal's Case Brief).

rebuttal comments were filed. Commerce conducted this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order⁵

The products covered by the *Order* are CWP. A full description of the scope of the *Order* is contained in the Issues and Decision Memorandum.⁶

Analysis of Comments Received

All issues raised in the brief submitted by Jindal in this administrative review are addressed in the Issues and Decision Memorandum and are listed in Appendix I to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Changes Since the Preliminary Results

We made no changes to our calculations for the final results of review. However, we corrected Jindal's listed name (Jindal Poly Films Ltd.) that Commerce misidentified in the *Preliminary Results* published in the *Federal Register*.⁷

Rate for Non-Examined Companies

In this review, the final rate calculated for SRF, the sole mandatory respondent, was not zero, *de minimis*, or based entirely on facts available. Therefore, consistent with section 705(c)(5)(A) of the Act, for the companies for which a review was requested that were not selected as mandatory company respondents, and for which Commerce did not receive a timely request for withdrawal of review, Commerce based the final subsidy rate on the final rate calculated for SRF.

Final Results of Administrative Review

In accordance with 19 CFR 351.221(b)(5), we determine the following net countervailable subsidy rates for the period January 1, 2020, through December 31, 2020:

Producer or exporter	Subsidy rate (percent <i>ad valorem</i>)
SRF Limited ⁸	3.52
Review-Specific Average Rate Applicable to the Following Companies	
Ester Industries Limited	3.52
Garware Polyester Ltd	3.52
Jindal Poly Films Limited	3.52
Polyplex USA	3.52

Disclosure

Normally, Commerce discloses to the parties in a proceeding the calculations performed in connection with a final results of review within five days after public announcement of final results, or, if there is no public announcement, within five days of the date of publication of the notice of final results in the *Federal Register*.⁹ However, because Commerce made no adjustments to the subsidy rate calculation methodology used in the *Preliminary Results*, there are no calculations to disclose for the final results of review.

Assessment Rates

In accordance with section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(2), Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries covered by this review, for the above-listed companies at the applicable *ad valorem* assessment rates. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after publication of the final results of this review in the *Federal Register*. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

Cash Deposit Requirements

In accordance with section 751(a)(1) of the Act, Commerce also intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts shown above for the above-listed companies with regard to shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results of review. For all non-reviewed firms, CBP will continue to collect cash deposits of

estimated countervailing duties at the all-others rate or the most recent company-specific rate applicable to the company, as appropriate. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Administrative Protective Order

This notice also serves as a final 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

We are issuing and publishing these final results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: December 6, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Changes to the *Preliminary Results*
- V. Subsidies Valuation Information
- VI. Analysis of Programs
- VII. Discussion of Comment
- VIII. Recommendation

[FR Doc. 2022-26875 Filed 12-9-22; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XC597]

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The Pacific Fishery Management Council's (Pacific Council) Groundfish Management Team (GMT) will hold a week-long work session, which is open to the public.

DATES: The GMT meeting will be held Monday, January 9, 2023, from 1 p.m., Pacific Time, until business for the day

⁵ See *Countervailing Duty Order: Polyethylene Terephthalate Film, Sheet, and Strip (PET Film) from India* 67 FR 44179 (July 1, 2002) (*Order*).

⁶ See Memorandum, "Polyethylene Terephthalate Film, Sheet, and Strip (PET film) from India: Issues and Decision Memorandum for the Final Results of Antidumping Duty Administrative Review; 2020" dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

⁷ See *Preliminary Results*, 87 FR at 48454.

⁸ SRF Limited is also known as SRF Limited of India, SRF Ltd., and SRF Limited Packaging Films.

⁹ See 19 CFR 351.224(b).

is completed. The GMT will reconvene Tuesday, January 10 through Friday, January 13, 2023, from 8:30 a.m. until business for each day has been completed.

ADDRESSES: The meeting will be held at the Pacific Fishery Management Council Office, Large Conference Room, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220-1384.

The meeting will also be broadcast via webinar. Specific meeting information, including directions on how to join the meeting and system requirements will be provided in the meeting announcement on the Pacific Council's website (see www.pcouncil.org). Please contact Mr. Kris Kleinschmidt (kris.kleinschmidt@noaa.gov) or (503) 820-2412 for technical assistance.

FOR FURTHER INFORMATION CONTACT: Mr. Todd Phillips, Pacific Council; phone: (503) 820-2426.

SUPPLEMENTARY INFORMATION: The primary purpose of this week-long work session is for the GMT to prepare for 2023 Pacific Council meetings. Specific agenda items will include: Amendment 31 groundfish stock definitions, workload and new groundfish management measure prioritization, non-trawl Rockfish Conservation Area management, pot gear marking, and GMT chair/vice chair elections. The GMT may also address groundfish management actions the Pacific Council has indicated on their year-at-a-glance calendar, such as sablefish gear switching and the 2025/26 harvest specifications and management measure process. A detailed agenda will be available on the Pacific Council's website prior to the meeting. The meeting is open to the public, except for a single closed session which will be held from 1 p.m. to 1:30 p.m., on Monday, January 9, 2023.

Although nonemergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

A public listening station is physically accessible to people with disabilities. Requests for auxiliary aids should be directed to Mr. Kris Kleinschmidt (kris.kleinschmidt@noaa.gov); (503) 820-2412) at least 10 business days prior to the meeting date.

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

Dated: December 7, 2022.

Rey Israel Marquez,

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

[FR Doc. 2022-26906 Filed 12-9-22; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XC587]

Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Trawl Rationalization Program; 2023 Cost Recovery Fee Notice

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

ACTION: Notice, 2023 cost recovery fee percentages and average mothership cooperative program pricing.

SUMMARY: This action provides participants in the Pacific Coast Groundfish Trawl Rationalization Program with the 2023 cost recovery fee percentages and the average mothership (MS) price per pound to be used in the catcher/processor (C/P) Co-op program to calculate the fee amount for the upcoming calendar year. For the 2023 calendar year, NMFS announces the following fee percentages by sector specific program: 3.0 percent for the Shorebased Individual Fishing Quota (IFQ) Program; 0.1 percent for the C/P Co-op Program; and 1.7 percent for the MS Co-op Program. For 2023, the MS pricing to be used as a proxy by the C/P Co-op Program is \$0.10/pound (lb) for Pacific whiting.

DATES: Applicable January 1, 2023.

FOR FURTHER INFORMATION CONTACT: Christopher Biegel, (206) 247-8252, christopher.biegel@noaa.gov.

SUPPLEMENTARY INFORMATION: Section 304(d) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) authorizes and requires NMFS to collect fees to recover the costs directly related to the management, data collection and analysis, and enforcement directly related to and in support of a limited access privilege program (LAPP) (16 U.S.C. 1854(d)(2)), also called "cost recovery." Cost recovery fees recover the actual costs directly related to the management, data collection and analysis, and enforcement of the programs (MSA

Section 303A(e), 16 U.S.C. 1853a(e)). Section 304(d) of the MSA mandates that cost recovery fees not exceed 3 percent of the annual ex-vessel value of fish harvested by a program subject to a cost recovery fee, and that the fee be collected either at the time of landing, filing of a landing report, or sale of such fish during a fishing season or in the last quarter of the calendar year in which the fish is harvested.

The Pacific Coast Groundfish Trawl Rationalization Program is a LAPP, implemented in 2011, and consists of three sector-specific programs: the Shorebased IFQ Program, the MS Co-op Program, and the C/P Co-op Program. In accordance with the MSA, and based on a recommended structure and methodology developed in coordination with the Pacific Fishery Management Council (Council), NMFS began collecting mandatory fees of up to 3 percent of the ex-vessel value of groundfish from each program (Shorebased IFQ Program, MS Co-op Program, and C/P Co-op Program) in 2014. NMFS collects the fees to recover the incremental costs of management, data collection and analysis, and enforcement of the Groundfish Trawl Rationalization Program. Additional background can be found in the cost recovery proposed rule (78 FR 7371, February 1, 2013) and final rule (78 FR 75268, December 11, 2013). The details of cost recovery for the Groundfish Trawl Rationalization Program are in regulation at 50 CFR 660.115 (Trawl fishery—cost recovery program), § 660.140 (Shorebased IFQ Program), § 660.150 (MS Co-op Program), and § 660.160 (C/P Co-op Program).

By December 31 of each year, NMFS announces the next year's fee percentages and the applicable MS pricing for the C/P Co-op Program. To calculate the fee percentages, NMFS used the formula specified in regulation at § 660.115(b)(1), where the fee percentage by sector equals the lower of 3 percent or direct program costs (DPC) for that sector divided by total ex-vessel value (V) for that sector multiplied by 100 (Fee percentage = the lower of 3 percent or (DPC/V) × 100).

'DPC,' as defined in the regulations at § 660.115(b)(1)(i), are the actual incremental costs for the previous fiscal year directly related to the management, data collection and analysis, and enforcement of each program (Shorebased IFQ Program, MS Co-op Program, and C/P Co-op Program). Actual incremental costs means those net costs that would not have been incurred but for the implementation of the Groundfish Trawl Rationalization Program, including both increased costs

for new requirements of the program and reduced costs resulting from any program efficiencies or adjustments to costs from previous years.

'V,' as specified at § 660.115(b)(1)(ii), is the total ex-vessel value, as defined at § 660.111, for each sector from the previous calendar year. To determine the ex-vessel value for the Shorebased IFQ Program, NMFS used the ex-vessel value for calendar year 2021 as reported in the Pacific Fisheries Information Network (PacFIN) from Shorebased IFQ electronic fish tickets as this was the most recent complete set of data. To determine the ex-vessel value for the MS Co-op Program and the C/P Co-op Program, NMFS used the retained catch estimates (weight) for each sector as reported in the North Pacific Observer Program database multiplied by the average price of Pacific whiting as reported by participants in the MS Co-op program for 2021.

The fee calculations for the 2023 fee percentages are described below.

IFQ Program:

- 3.5 percent = (\$1,701,903.39/\$48,344,359.00) × 100.

C/P Co-op Program:

- 0.1 percent = (\$33,840.12/\$22,901,112.30) × 100.

MS Co-op Program:

- 1.7 percent = (\$128,758.92/\$7,674,927.60) × 100.

However, the calculated fee percentage cannot exceed the statutory limit of 3 percent. The IFQ Program fee calculation (3.5 percent) exceeds this limit; therefore, the 2023 fee percentage for the IFQ Program is 3 percent. The final 2023 fee percentages are 3.0 percent for the IFQ Program, 0.1 percent for the C/P Co-op Program, and 1.7 percent for the MS Co-op Program.

MS Average Pricing

MS pricing is the average price per pound that the C/P Co-op Program will use to determine the fee amount due for that sector. The C/P sector value (V) is calculated by multiplying the retained catch estimates (weight) of Pacific whiting harvested by the vessel registered to a C/P-endorsed limited entry trawl permit by the MS pricing. NMFS has calculated the 2023 MS pricing to be used as a proxy by the CP Co-op Program as: \$0.10/lb for Pacific whiting.

Cost recovery fees are submitted to NMFS by fish buyers via *Pay.gov* (<https://www.pay.gov/>). Fees are only accepted in *Pay.gov* by credit/debit card or bank transfers. Cash or checks cannot be accepted. Fish buyers registered with *Pay.gov* can login in the upper right-hand corner of the screen. Fish buyers not registered with *Pay.gov* can go to the

cost recovery forms directly from the website below. The links to the *Pay.gov* forms for each program (IFQ, MS, or C/P) are listed below:

IFQ: <https://www.pay.gov/public/form/start/58062865>;

MS: <https://www.pay.gov/public/form/start/58378422>; and

C/P: <https://www.pay.gov/public/form/start/58102817>.

As stated in the preamble to the cost recovery proposed and final rules, in the spring of each year, NMFS will release an annual report documenting the details and data used for the fee percentage calculations. Annual reports are available at: <https://www.fisheries.noaa.gov/west-coast/sustainable-fisheries/west-coast-groundfish-trawl-catch-share-program#cost-recovery>.

Authority: 16 U.S.C. 1801 *et seq.*, 16 U.S.C. 773 *et seq.*, and 16 U.S.C. 7001 *et seq.*

Dated: December 6, 2022.

Jennifer M. Wallace,

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

[FR Doc. 2022-26923 Filed 12-9-22; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XC601]

Pacific Fishery Management Council; Public Meetings and Hearings

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

ACTION: Notice of availability of reports; public meetings, and hearings.

SUMMARY: The Pacific Fishery Management Council (Pacific Council) has begun its annual preseason management process for the 2023 ocean salmon fisheries. This document announces the availability of Pacific Council documents, as well as the anticipated dates and locations of upcoming Pacific Council meetings and public hearings hosted by the Pacific Council. These documents and events comprise the Pacific Council's complete schedule for determining the annual proposed and final modifications to ocean salmon fishery management measures. The agendas for the March and April 2023 Pacific Council meetings will be published in subsequent **Federal Register** documents prior to the actual meetings.

DATES: Written comments on the salmon management alternatives must be submitted through the Pacific Council's e-portal (<https://pfmc.psmfc.org>) and received by the public comment deadline prior to the April 2023 Council meeting. Information will be available on the Pacific Council's website (<http://www.pcouncil.org>) as the date for the April Council meeting approaches. See **SUPPLEMENTARY INFORMATION** for specific dates.

ADDRESSES: Documents will be available upon request from the Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220-1384; telephone: (503) 820-2280 (voice) or (503) 820-2299 (fax).

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220.

FOR FURTHER INFORMATION CONTACT: Ms. Robin Ehlke, telephone: (503) 820-2280.

SUPPLEMENTARY INFORMATION:

Tentative Schedule for Document Completion and Availability

February 14, 2023: "Review of 2022 Ocean Salmon Fisheries, Stock Assessment and Fishery Evaluation Document for the Pacific Coast Salmon Fishery Management Plan" is scheduled to be posted on the Pacific Council website at <http://www.pcouncil.org>.

March 2, 2023: "Preseason Report I—Stock Abundance Analysis and Environmental Assessment Part 1 for 2023 Ocean Salmon Fishery Regulations" is scheduled to be posted on the Pacific Council website at <http://www.pcouncil.org>.

March 20, 2023: "Preseason Report II—Proposed Alternatives and Environmental Assessment Part 2 for 2023 Ocean Salmon Fishery Regulations." The report will include a description of the adopted salmon management alternatives and a summary of their biological and economic impacts. The public hearings schedule will also be included on the inside cover of the report and will be posted on the Pacific Council website at <http://www.pcouncil.org>.

April 18, 2023: "Preseason Report III—Council-Adopted Management Measures and Environmental Assessment Part 3 for 2023 Ocean Salmon Fishery Regulations" is scheduled to be posted on the Pacific Council website at <http://www.pcouncil.org>.

May 16, 2023: Federal regulations for 2023 ocean salmon regulations are published in the **Federal Register** and implemented.

Meetings and Hearings

January 17–20, 2023: The Salmon Technical Team (STT) will meet for a public work session to draft “Review of 2022 Ocean Salmon Fisheries, Stock Assessment and Fishery Evaluation Document for the Pacific Coast Salmon Fishery Management Plan” and to consider any other estimation or methodology issues pertinent to the 2023 ocean salmon fisheries. The STT may also discuss additional topics and work as time allows, including but not limited to the language for southern resident killer whale management measures in the salmon Fishery Management Plan, scoping for potential updates to the Sacramento River and Klamath River fall Chinook conservation objectives, southern Oregon/northern California Coast coho exploitation rate forecasts, and ecosystem or administrative matters on the Pacific Council’s March and April 2023 meetings. The meeting is tentatively scheduled to be held in-person at the Pacific Council office located at 7700 NE Ambassador Place, Suite 101, Portland, OR 97220; however, the venue is subject to change and may be held online. Consult the Pacific Council’s website at <http://www.pcouncil.org> as the meeting date approaches to get the most current information.

February 21–24, 2023: The STT will meet for a public work session to draft “Preseason Report I—Stock Abundance Analysis and Environmental Assessment Part 1 for 2023 Ocean Salmon Fishery Regulations” and to consider any other estimation or methodology issues pertinent to the 2023 ocean salmon fisheries. The STT may also discuss additional topics as time allows, including but not limited to those identified in the description for the January 2023 STT work session. The meeting is tentatively scheduled to be held in-person at the Pacific Council office located at 7700 NE Ambassador Place, Suite 101, Portland, OR 97220; however, the venue is subject to change and may be held online. Consult the Pacific Council’s website at <http://www.pcouncil.org> as the meeting date approaches to get the most current information.

March 20–21, 2023: Three public hearings will be held to receive comments on the proposed 2023 ocean salmon fishery management alternatives adopted by the Pacific Council. Public hearings focusing on Washington and Oregon salmon fisheries will occur simultaneously on March 20, and the public hearing for California salmon fisheries will occur on March 21. Each

public hearing will be state-specific and begin at 7 p.m. These public hearings are tentatively scheduled to be held in-person and occur in Westport, WA; Coos Bay, OR; and Santa Rosa, CA. Consult the Pacific Council’s website at <http://www.pcouncil.org> as the meeting date approaches to get the most current information, as the venue is subject to change, and the hearings may be held online. A summary of oral comments heard at the hearings will be provided to the Pacific Council at its April meeting. Written comments on the salmon management alternatives should be submitted through the Pacific Council’s e-portal (<https://pfmc.psmfc.org>).

Specific meeting information, including instructions on how to join the meeting and system requirements will be provided in meeting announcements on the Pacific Council’s website (see www.pcouncil.org). You may send an email to Mr. Kris Kleinschmidt (kris.kleinschmidt@noaa.gov) or contact him at (503) 820–2412 for technical assistance.

Although non-emergency issues not contained in the STT meeting agendas may come before the STT for discussion, those issues may not be the subject of formal STT action during these meetings. STT action will be restricted to those issues specifically listed in this document and to any issues arising after publication of this document requiring emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the STT’s intent to take final action to address the emergency.

Special Accommodations

Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt (kris.kleinschmidt@noaa.gov; (503) 820–2412) at least 10 days prior to the meeting date.

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

Dated: December 7, 2022.

Rey Israel Marquez,

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

[FR Doc. 2022–26905 Filed 12–9–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Notice of Public Listening Sessions of the Office of Science Support (OSS)

AGENCY: Office of Oceanic and Atmospheric Research (OAR), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of public listening sessions.

SUMMARY: The National Oceanic and Atmospheric Administration is organizing three virtual listening sessions to garner public comments on a draft research strategy documenting a Potential NOAA Carbon Dioxide Removal (CDR) Science Strategy as an element of NOAA’s Climate Mitigation Portfolio. Perspective gathered during the virtual listening sessions will inform the finalization of this strategy.

DATES: Virtual listening sessions will be held (all times Pacific Standard Time):

1. Monday December 12, 2022, 12 p.m. to 1 p.m.
2. Wednesday December 14, 2022, 7 a.m. to 8 a.m.
3. Wednesday December 14, 2022, 2 p.m. to 3 p.m.

ADDRESSES: The draft strategy may be downloaded or viewed on the internet at <https://sciencecouncil.noaa.gov/Draft-CDR-Strategy>. Registration details for the three listening sessions may be found here: <https://sciencecouncil.noaa.gov/Draft-CDR-Strategy>.

FOR FURTHER INFORMATION CONTACT:

Please contact Jessica Cross, 206–526–4314, jessica.cross@noaa.gov.

SUPPLEMENTARY INFORMATION: This draft research strategy was developed by the National Oceanic and Atmospheric Administration (NOAA) Carbon Dioxide Removal Task Force (CDR Task Force), a cross-NOAA interdisciplinary team with relevant expertise in climate and carbon, coastal and open ocean science, aquaculture development, and ocean conservation. In November of 2020, the Task Force was charged by the Senior Research Council of the NOAA Office of Ocean and Atmospheric Research (OAR) with devising a draft portfolio of CDR strategic research needs in support of a broader climate recovery strategy pursuant to Sect. 214 and 216 of White House Executive Order No. 14008, 86 FR 7619, which was endorsed by the NOAA Science Council in January 2022. This document also contains information relevant to White House memo M–21–32 “Multi-Agency

Research and Development Priorities for the FY 2023 Budget.”

These listening sessions are being held to gain input from NOAA stakeholders on the agency’s potential role in the emerging field of CDR research, as outlined in this draft research strategy.

Public comment is invited on the draft research strategy, with particular attention to surveying the document for accuracy and completeness, identifying key gaps, and providing feedback on the agency-described priorities. In addition, public comments may address the following questions: In what ways does CDR research intersect with NOAA’s existing mission? Does the strategy accurately reflect NOAA’s full potential in this space? How can NOAA dovetail its CDR efforts with the mission and work of other existing agencies as part of a whole-of-government approach to carbon removal research and climate mitigation? Speakers will have up to two minutes each to make a comment. As many speakers will be accommodated as the scheduled time allows.

Requests for special accommodations may be directed to jessica.cross@noaa.gov no later than three business days prior to the listening session.

NOAA staff will facilitate the meeting, which will be recorded (audio only) for use by the Task Force. Participants will be provided a Privacy Act Statement at the time of the listening session. Moderators will manage the discussion and order of remarks.

David Holst,

Chief Financial Officer and Administrative Officer, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.

[FR Doc. 2022–26860 Filed 12–9–22; 8:45 am]

BILLING CODE 3510–KD–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC591]

Determination of an Overfished Condition

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

ACTION: Notice.

SUMMARY: This action serves as a notice that NMFS, on behalf of the Secretary of Commerce (Secretary), has found that Klamath River fall-run Chinook salmon, Queets coho salmon, and Strait of Juan

de Fuca coho salmon are still overfished. NMFS, on behalf of the Secretary, notifies the appropriate regional fishery management council whenever it determines that a stock or stock complex is subject to overfishing, overfished, or approaching an overfished condition.

FOR FURTHER INFORMATION CONTACT: Regina Spallone, (301)–427–8568.

SUPPLEMENTARY INFORMATION: Pursuant to section 304(e)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1854(e)(2), NMFS, on behalf of the Secretary, must notify Councils, and publish a notice in the **Federal Register**, whenever it determines that a stock or stock complex is subject to overfishing, overfished, or approaching an overfished condition.

NMFS has determined that Klamath River fall-run Chinook salmon, Queets coho salmon, and Strait of Juan de Fuca coho salmon are still overfished. These determinations are based on the most recent assessments, completed in 2022 and using data from 2019–2021 for Klamath River fall-run Chinook salmon, and data from 2018–2020 for Queets and Juan de Fuca coho salmon. The determination of overfished for these stocks is based on the 3-year geometric mean of the annual spawning escapement for each stock falling below its respective overfished threshold.

Of these three salmon stocks, only the Klamath River fall-run Chinook stock is domestically managed. The Pacific Fishery Management Council (Council) has limited ability to control fisheries for the two internationally-managed coho stocks in waters outside its jurisdiction. NMFS continues to work with the Council to rebuild these three stocks.

Dated: December 7, 2022.

Jennifer M. Wallace,

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

[FR Doc. 2022–26909 Filed 12–9–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC598]

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Pacific Fishery Management Council’s (Pacific Council) will host an online meeting of the Area 2A Pacific halibut governmental management entities that is open to the public.

DATES: The online meeting will be held Tuesday, January 3, 2023, from 10:30 a.m. until 1 p.m. Pacific Time, or until business for the day has been completed.

ADDRESSES: This meeting will be held online. Specific meeting information, including directions on how to join the meeting and system requirements will be provided in the meeting announcement on the Pacific Council’s website (see www.pcouncil.org). You may send an email to Mr. Kris Kleinschmidt (kris.kleinschmidt@noaa.gov) or contact him at (503) 820–2412 for technical assistance.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384.

FOR FURTHER INFORMATION CONTACT: Ms. Robin Ehlke, Staff Officer, Pacific Council; telephone: (503) 820–2410.

SUPPLEMENTARY INFORMATION: The primary purpose of the online meeting is to prepare and develop recommendations for the 2023 International Pacific Halibut Commission’s (IPHC) annual meeting held in Victoria, British Columbia from January 23 through January 27, 2023. Recommendations generated from the 2A managers meeting will be communicated to the IPHC by the Pacific Council’s representatives. Attendees may also address other topics relating to Pacific halibut management.

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

Special Accommodations

Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt (kris.kleinschmidt@noaa.gov; (503) 820–2412) at least 10 days prior to the meeting date.

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

Dated: December 7, 2022.

Rey Israel Marquez,

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

[FR Doc. 2022-26907 Filed 12-9-22; 8:45 am]

BILLING CODE 3510-22-P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No. CFPB-2022-0079]

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) is publishing this notice seeking comment on a Generic Information Collection titled “Feedback Effects” prior to requesting the Office of Management and Budget’s (OMB’s) approval of this collection under the Generic Information Collection “Generic Information Collection Plan for Studies of Consumers Using Controlled Trials in Field and Economic Laboratory Settings” under OMB Control Number 3170-0048.

DATES: Written comments are encouraged and must be received on or before January 11, 2023 to be assured of consideration.

ADDRESSES: You may submit comments, identified by the title of the information collection, OMB Control Number (see below), and docket number (see above), by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Email:* PRA_Comments@cfpb.gov. Include Docket No. CFPB-2022-0079 in the subject line of the email.

- *Mail/Hand Delivery/Courier:* Comment Intake, Consumer Financial Protection Bureau (Attention: PRA Office), 1700 G Street NW, Washington, DC 20552. Because paper mail in the Washington, DC area and at the Bureau is subject to delay, commenters are encouraged to submit comments electronically.

Please note that comments submitted after the comment period will not be accepted. In general, all comments received will become public records, including any personal information provided. Sensitive personal information, such as account numbers or Social Security numbers, should not be included.

FOR FURTHER INFORMATION CONTACT:

Documentation prepared in support of this information collection request is available at www.regulations.gov. Requests for additional information should be directed to Anthony May, PRA 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: Feedback Effects.

OMB Control Number: 3170-0048.

Type of Review: Request for approval of a generic information collection under an existing Generic Information Collection Plan.

Affected Public: Individuals or households.

Estimated Number of Respondents: 6,000.

Estimated Total Annual Burden Hours: 3,000.

Abstract: This project centers on how consumers engage with measures of financial well-being and whether providing feedback to consumers about their own financial characteristics affects their subsequent choices and behaviors related to financial products, services, and information. We plan to identify how consumers’ (1) engagement with the CFPB Financial Well-Being (FWB) scale and (2) knowledge of their FWB score (relative to the FWB scores of others) influences their judgments, decisions, and behaviors. Those behaviors include the likelihood of seeking out financial information, their intentions to save, spend, or repay debt, their desire to engage in other financial goals, and their propensity to take up financial commitment devices. This research builds on the Bureau’s efforts to develop measures of consumers’ financial characteristics (such as FWB) by allowing us to identify potential effects of providing consumers with information about their own financial characteristics. The findings from this research could help the Bureau refine its approach to delivering consumer-facing tools and materials. Additionally, this study will uncover whether simply completing the FWB scale (absent any feedback about performance) affects consumers’ responses to subsequent survey questions. An important implication for the CFPB is that the FWB scale is the first series of questions participants are asked on the Bureau’s Making Ends Meet survey. This research project will reveal whether opening a survey with questions related to financial well-being can unduly influence subsequent survey responses.

We will conduct three studies as part of this project. Each study will involve unique participants. We expect to recruit about 6,000 participants across the life of the project. The CFPB will not receive PII (any PII will be scrubbed by the contractor). We will collect demographics, measures of financial well-being, consumers’ feelings about their financial well-being, and behavioral measures related to seeking out financial information or willingness to take financial-related actions.

Request for Comments: The Bureau is publishing this notice and soliciting comments on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Bureau, including whether the information will have practical utility; (b) The accuracy of the Bureau’s estimate of the burden of the collection of information, including the validity of the methods and the assumptions used; (c) Ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Comments submitted in response to this notice will be 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. 2022-26908 Filed 12-9-22; 8:45 am]

BILLING CODE 4810-AM-P

DEPARTMENT OF EDUCATION

[Docket No.: ED-2022-SCC-0115]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Ronald E. McNair Postbaccalaureate Achievement Program Annual Performance Report

AGENCY: Office of Postsecondary Education (OPE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing an extension without change of a currently approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before January 11, 2023.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be submitted within 30 days of publication of this notice. Click on this link www.reginfo.gov/public/do/PRAMain to access the site. 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 Carmen Gordon, 202–453–7311.

SUPPLEMENTARY INFORMATION: 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: Ronald E. McNair Postbaccalaureate Achievement Program Annual Performance Report.

OMB Control Number: 1840–0640.

Type of Review: An extension without change of a currently approved ICR.

Respondents/Affected Public: Private sector; State, local, and Tribal governments.

Total Estimated Number of Annual Responses: 187.

Total Estimated Number of Annual Burden Hours: 2,057.

Abstract: Ronald E. McNair Postbaccalaureate Achievement (McNair) Program grantees must submit the Annual Performance Report each year. The reports are used to evaluate grantees’ performance for substantial progress, respond to the Government Performance and Results Act (GPRA), and award prior experience points at the end of each project (budget) period. The Department also aggregates the data to

provide descriptive information on the projects and to analyze the impact of the McNair Program on the academic progress of participating students.

Dated: December 7, 2022.

Kun Mullan,

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

[FR Doc. 2022–26902 Filed 12–9–22; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Agency Information Collection Extension

AGENCY: Office of Environment, Health, Safety and Security; U.S. Department of Energy.

ACTION: Notice and request for comments.

SUMMARY: The Department of Energy (DOE or the Department), pursuant to the Paperwork Reduction Act of 1995, intends to extend for three years, an information collection request with the Office of Management and Budget (OMB). The purpose of this collection is to protect national security and other critical assets entrusted to the Department.

DATES: Comments regarding this proposed information collection must be received on or before February 10, 2023. If you anticipate difficulty in submitting comments within that period, contact the person listed below as soon as possible.

ADDRESSES: Baldev Dhillon, EHSS–74, Germantown Building, U.S. Department of Energy, 1000 Independence Ave. SW, Washington, DC 20585–1290, or by email at Baldev.Dhillon@hq.doe.gov, or information about the collection instruments may be obtained at <https://energy.gov/ehss/information-collection>.

FOR FURTHER INFORMATION CONTACT: Baldev Dhillon, EHSS–74, (301) 903–0990, Baldev.Dhillon@hq.doe.gov.

SUPPLEMENTARY INFORMATION: Comments are invited on: (a) whether the extended collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions 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.

This information collection request contains:

- (1) *OMB No.:* 1910–1800.
- (2) *Information Collection Request Title:* Security, Information Collections.
- (3) *Type of Review:* Renewal.
- (4) *Purpose:* The purpose of this collection is to protect national security and other critical assets entrusted to the Department. Information collected is for (1) foreign ownership, control or influence data from bidders on DOE contracts requiring personnel security clearances; and (2) individuals in the process of applying for a security clearance/access authorization or who already holds one. The collections instruments are: DOE Form 5631.18, Security Acknowledgement; DOE Form 5631.20, Request for Visitor Access Approval; DOE Form 5631.29, Security Termination Statement; DOE F 5631.34, Data Report on Spouse/Cohabitant; DOE Form 5631.5, The Conduct of Personnel Security Interviews; DOE Form 5639.3 Report of Security Incident/Infraction; DOE F 471.1, Security Incident Notification Report; DOE Form 472.3 Foreign Citizenship Acknowledgement; DOE Form 473.2, Security Badge Request; DOE Form 473.3, U.S. Department of Energy Clearance Access Request; Influence (e-FOCI) System (SF–328 used for entry); DOE Form 272.2, U.S. Department of Energy Personnel Security Information Reporting Form (DOE F 272.2) and the Foreign Access Central Tracking System (FACTS);

(5) *Estimated Number of Respondents:* 100,661.

(6) *Annual Estimated Number of Total Responses:* 109,621.

(7) *Annual Estimated Number of Burden Hours:* 25,751.

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* \$2,317,590.

Statutory Authority: Section 641 of the Department of Energy Organization Act, codified at 42 U.S.C. 7251, and the following additional authorities:

DOE Form 5631.34, Data Report on Spouse/Cohabitant: Section 145(b) of the Atomic Energy Act of 1954, as amended, codified at 42 U.S.C. 2165; Executive Order 12968 (August 2, 1995); Executive Order 10865 (February 20, 1960); Executive Order 10450 (April 27, 1953); DOE Order 472.2 (July 21, 2011).

Security Incident Notification Report and Report of Preliminary Security Incident/Infraction (DOE Form 471.1 and DOE Form 5639.3): Executive Order 13526 (December 29, 2009); 32 CFR part 2001; DOE Order 470.4B (July 21, 2011).

DOE Form 5631.20, Request for Visitor Access Approval: Section 145(b) of the Atomic Energy Act of 1954, as amended, codified at 42 U.S.C. 2165.

DOE Form 5631.18, Security Acknowledgement: Section 145(b) of the Atomic Energy Act of 1954, as amended, codified at 42 U.S.C. 2165; Executive Order 13526 (December 29, 2009); Executive Order 10865 (Feb. 20, 1960); Executive Order 10450 (April 27, 1953); DOE Order 5631.2C (February 17, 1994).

DOE Form 5631.29, Security Termination Statement: Section 145(b) of the Atomic Energy Act of 1954, as amended, codified at 42 U.S.C. 2165; Executive Order 13526 (December 29, 2009); Executive Order 10865 (Feb. 20, 1960); Executive Order 10450 (Apr. 27, 1953); 32 CFR part 2001; DOE O 472.2 (July 21, 2011).

DOE Form 5631.5, The Conduct of Personnel Security Interviews: 10 CFR part 710; Executive Order 12968 (Aug. 2, 1995); Executive Order 10450 (April 27, 1953); DOE Order 472.2 (July 21, 2011).

DOE Form 473.3, U.S. Department of Energy Clearance Access Request; DOE Form 471.1, Security Incident Notification Report; DOE Form 472.3 Foreign Citizenship Acknowledgement; and DOE Form 473.2, Security Badge Request; the Atomic Energy Act of 1954, as amended, and by Executive Orders 13764, 10865, and 13526.

Electronic Foreign Ownership, Control or Influence (e-FOCI) System: Executive Order 12829 (January 6, 1993); DOE Order 470.4B (July 21, 2011).

Foreign Access Central Tracking System (FACTS): Presidential Decision Directive 61 (February 1999); DOE Order 142.3A (October 14, 2010).

Signing Authority

This document of the Department of Energy was signed on December 1, 2022, by Todd N. Lapointe, Acting Director, Office of Environment, Health, Safety and Security, 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 December 7, 2022.

Treana V. Garrett,

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

[FR Doc. 2022-26882 Filed 12-9-22; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD22-12-000]

Joint FERC-DOE Supply Chain Risk Management Technical Conference; Fourth Supplemental Notice of Technical Conference

Take notice that the Federal Energy Regulatory Commission (Commission) will convene a Joint Technical Conference with the U.S. Department of Energy in the above-referenced proceeding on December 7, 2022, from approximately 8:30 a.m. to 5:00 p.m. Eastern Time. The conference will be held in-person at the Commission's headquarters at 888 First Street NE, Washington, DC 20426 in the Commission Meeting Room.

The purpose of this conference is to discuss supply chain security challenges related to the Bulk-Power System, ongoing supply chain-related activities, and potential measures to secure the supply chain for the grid's hardware, software, computer, and networking equipment. FERC Commissioners and DOE's Office of Cybersecurity, Energy Security, and Emergency Response (CESER) Director will be in attendance, and panels will involve multiple DOE program offices, the North American Electric Reliability Corporation (NERC), trade associations, leading vendors and manufacturers, and utilities.

The conference will be open for the public to attend, and there is no fee for attendance. Information on this technical conference will also be posted on the Calendar of Events on the Commission's website, www.ferc.gov, prior to the event.

Attached to this Supplemental Notice is an agenda for the technical conference, which includes the technical conference program and expected panelists.

The conference will also be transcribed. Transcripts will be available for a fee from Ace Reporting, (202) 347-3700.

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please

send an email to accessibility@ferc.gov, call toll-free (866) 208-3372 (voice) or (202) 208-8659 (TTY), or send a fax to (202) 208-2106 with the required accommodations.

For more information about this technical conference, please contact Simon Slobodnik at Simon.Slobodnik@ferc.gov or (202) 502-6707. For information related to logistics, please contact Lodie White at Lodie.White@ferc.gov or (202) 502-8453.

Dated: December 6, 2022.

Kimberly D. Bose,
Secretary.



Supply Chain Risk Management Technical Conference; Docket No. AD22-12-000; December 7, 2022, 8:30 a.m.-5:00 p.m.

8:30 a.m. Opening Remarks and Introductions

8:45 a.m. Panel I: Supply Chain Risks Facing the Bulk-Power System

The U.S. energy sector procures products and services from a globally distributed, highly complex, and increasingly interconnected set of supply chains. Information Technology (IT) and Operational Technology (OT) systems enable increased interconnectivity, process automation, and remote control. As a result, supply chain risks will continue to evolve and likely increase.¹ This panel will discuss the state of supply chain risks from a national and geopolitical perspective. Specifically, the panel will explore current supply chain risks to the security of grid's hardware, software, computer, and networking equipment and how well-resourced campaigns perpetrated by nation states, such as the SolarWinds incident, affect supply chain risk for the electric sector. Panelists will discuss the origins of

¹ See U.S. Dep't. of Energy, *America's Strategy to Secure the Supply Chain for a Robust Clean Energy Transition: Response to Executive Order 14017, America's Supply Chains*, 42, (Feb. 24, 2022), https://www.energy.gov/sites/default/files/2022-02/America%20Strategy%20to%20Secure%20the%20Supply%20Chain%20for%20a%20Robust%20Clean%20Energy%20Transition%20FINAL.docx_0.pdf.

these risks, their pervasiveness, the possible impacts they could have on Bulk-Power System reliability, and approaches to mitigating them. The panelists will also discuss challenges associated with supply chain visibility and covert embedded spyware or other compromising software or hardware in suppliers' products, parts, or services.

This panel may include a discussion of the following topics and questions:

1. Describe the types of challenges and risks associated with globally distributed, highly complex, and increasingly interconnected supply chains.
2. Describe the difficulties associated with supply chain visibility and how origins of products or components may be obscured.
3. How are foreign-supplied Bulk-Power System components being manipulated and is there a particular phase in the product lifecycle where the product is manipulated for nefarious intent?
4. How are these supply chain challenges and risks currently being managed?
5. How has the current geopolitical landscape impacted the energy sector's ability to manage supply chain challenges and risks?
6. How can Sector Risk Management Agencies and Regulators promote and/or incentivize supply chain transparency at the earlier stages of product development and manufacturing?
7. Discuss the pathways (*e.g.*, voluntary best practices and guidelines, mandatory standards) that together could address the current supply chain challenges and risks?
8. What actions can government take, both formal regulatory actions and coordination, to help identify and mitigate risks from the global supply chain for the energy sector?

Panelists

- Mara Winn, Deputy Director, Preparedness, Policy, and Risk Analysis, DOE CESER
- Jeanette McMillian, Assistant Director, Supply Chain and Cyber Directorate, National Counterintelligence and Security Center
- Manny Cancel, Senior Vice President, NERC and CEO, Electricity Information Sharing and Analysis Center
- Marty Edwards, Deputy Chief Technical Officer—OT/IoT, Tenable
- Jon Amis, Principal, Supply Chain Solutions, LMI
- Emily Frye, Director for Cyber Integration at the Homeland Security Center, MITRE Corporation

10:30 a.m. Break

10:45 a.m. Panel II: Current Supply Chain Risk Management (SCRM) Reliability Standards, Implementation Challenges, Gaps, and Opportunities for Improvement

It has now been more than six years since the Commission directed the development of mandatory standards to address supply chain risks, and more than two years since the first set of those standards became effective. As discussed in Panel 1, supply chain risks have continued to grow in that time. In light of that evolving threat, panelists will discuss the existing SCRM Reliability Standards, including: (1) their effectiveness in securing the Bulk-Power System; (2) lessons learned from implementation of the current SCRM Reliability Standards; and (3) possible gaps in the currently effective SCRM Reliability Standards. This panel will also provide an opportunity to discuss any Reliability Standards in development, and how these new standards will help enhance security and help address some of the emerging supply chain threats.

This panel may include a discussion of the following topics and questions:

1. Are the currently effective SCRM Reliability Standards sufficient to successfully ensure Bulk-Power System reliability and security in light of existing and emerging risks?
2. What requirements in the SCRM Reliability Standards present implementation challenges for registered entities and for vendors?
3. How are implementation challenges being addressed for utilities and for vendors?
4. Are there alternative methods for implementing the SCRM Reliability Standards that could eliminate challenges or enhance effectiveness moving forward?
5. Based on the current and evolving threat landscape, would the currently effective SCRM Reliability Standards benefit from additional mandatory security control requirements and how would these additional controls improve the security of the Bulk-Power System?
6. Are there currently effective SCRM criteria or standards that manufacturers must adhere to in foreign countries that may be prudent to adopt in the U.S.?

Panelists

- Lonnie Ratliff, Director of Compliance Assurance and Certification, NERC
- Adrienne Lotto, Senior Vice President of Grid Security, Technical & Operations Services, American Public Power Association

- Jeffrey Sweet, Director of Security Assessments, American Electric Power
- Shari Gribbin, Managing Partner, CNK Solutions
- Scott Aaronson, Senior Vice President of Security and Preparedness, Edison Electric Institute

12:15 p.m. Lunch

1:15 p.m. Panel III: The U.S. Department of Energy's Energy Cyber Sense Program

Through the Energy Cyber Sense Program, DOE will provide a comprehensive approach to securing the nation's critical energy infrastructure and supply chains from cyber threats with this voluntary program. The Energy Cyber Sense Program will build upon direction in Section 40122 of the Bipartisan Infrastructure Law, as well as multiple requests from industry, leveraging existing programs and technologies, while also initiating new efforts. Through Energy Cyber Sense, DOE aims to work with manufacturers and asset owners to discover, mitigate, and engineer out cyber vulnerabilities in digital components in the Energy Sector Industrial Base critical supply chains. This program will provide a better understanding of the impacts and dependencies of software and systems used in the energy sector; illuminate the digital provenance of subcomponents in energy systems, hardware, and software; apply best-in-class testing to discover and address common mode vulnerabilities; and provide education and awareness, across the sector and the broader supply chain community to optimize management of supply chain risks. This panel will discuss specific supply chain risks that Energy Cyber Sense will address as well as some of the programs and technologies DOE will bring to bear under the program to address the risks.

This panel may include a discussion of the following topics and questions:

1. How are emerging orders, standards, and process guidance, such as Executive Order 14017, Executive Order 14028, NIST Special Publication 800-161r1, ISA 62443, CIP-013-1, and others, changing how we assess our digital supply chain?
2. Given the dependence of OT on application-specific hardware, how could the inclusion and linkage of Hardware Bill of Materials (HBOMs) with Software Bill of Materials (SBOMs) increase our ability to accurately and effectively assess and mitigate supply chain risk? To what degree is this inclusion and linkage of HBOMs with SBOMs taking place today and what

steps should be taken to fill any remaining gaps?

3. Given that much of the critical technology used in the energy sector is considered legacy technology, how can manufacturers, vendors, asset owners and operators, aided by the federal government, national laboratories, and other organizations, manage the supply chain risk from legacy technology? How can this risk management be coordinated with newer technologies that are more likely to receive SBOMs, HBOMs, and attestations?

4. Where does testing, for example Cyber Testing for Resilient Industrial Control Systems (CyTRICS) and third-party testing, fit in the universe of “rigorous and predictable mechanisms for ensuring that products function securely, and as intended?”²

5. More than ever, developers are building applications on open-source software libraries. How can developers address the risks inherent with open-source software and how can asset owners work with vendors to validate that appropriate open-source risk management measures have been taken?

6. U.S. energy systems have significant dependencies on hardware components, including integrated circuits and semiconductors, most of which are manufactured outside of the US. What tools and technologies are needed to understand the provenance of hardware components used in U.S. energy systems and the risks from foreign manufacture? How will the newly passed CHIPS and Science Act change the risk landscape? What is needed in terms of regulation, standards, and other guidance to strengthen the security of the hardware component supply chain from cyber and other risks?

Panelists

- Steven Kunsman, Director Product Management and Applications, Hitachi Energy
- Ron Brash, Vice President Technical Research & Integrations, aDolus
- Zachary Tudor, Associate Laboratory Director, National and Homeland Security
- Allan Friedman, Senior Advisor and Strategist, DHS CISA
- Brian Barrios, Vice President, Cybersecurity & IT Compliance, Southern California, Edison

² See Exec. Order No. 14028, 86 FR 26633, 26646 (May 12, 2021) (The Executive Order declared that the security of software used by the Federal Government is “vital to the Federal Government’s ability to perform its critical functions.” The Executive Order further cited a “pressing need to implement more rigorous and predictable mechanisms for ensuring that products function securely, and as intended.”)

- Dick Brooks, Co-Founder & Lead Software Engineer, Reliable Energy Analytics

2:45 p.m. Break

3:00 p.m. Panel IV: Enhancing the Supply Chain Security Posture of the Bulk-Power System

This panel will discuss forward-looking initiatives that can be used to improve the supply chain security posture of the Bulk-Power System. These initiatives could include vendor accreditation programs, product and service verification, improved internal supply chain security capability, third party services, and private and public partnerships.

Vendor accreditation can be established in various ways. One of the more prominent ways is currently being explored by the North American Transmission Forum through its Supply Chain Security Assessment model and the associated questionnaire.³ The panel will also explore certain programs and practices used by utilities to verify the authenticity and effectiveness of products and services. Internal supply chain security capabilities include hiring people with the appropriate background and knowledge, while also developing relevant skills internally, through training on broad supply chain topics and applying them to the specific needs of the organization. Finally, this panel will address private and public partnerships on supply chain security and how they can facilitate timely access to information that will help better identify current and future supply chain threats to the Bulk-Power System and best practices to address those risks.

This panel may include a discussion of the following topics and questions:

1. What vendor accreditation programs currently exist or are in development? How can entities vet a vendor in the absence of a vendor accreditation program?
2. What are the challenges, benefits, and risks associated with utilizing third-party services for maintaining a supply chain risk management program?
3. What are the best practices and other guidance for security evaluation of vendors?
4. What programs and practices are currently in use to ensure product and service integrity?
5. What processes are used to test products prior to implementation?
6. What is the right balance between vendor and product security and cost? Is there a point of diminishing returns?

³ <https://www.natf.net/industry-initiatives/supply-chain-industry-coordination>.

7. What are effective strategies for recruiting personnel with the appropriate background and SCRM skills to strengthen internal security practices? How do you provide the training necessary to further develop the skills specific to your unique organizational challenges?

8. What are the best ways to meaningfully assimilate SBOM information and what subsequent analyses can be done to strengthen internal security practices?

9. How can the industry keep informed of the latest supply chain compromises? How do entities currently respond to these compromises to keep their systems secure? Are there ways to improve these responses? What actions can government take, both formal regulatory actions and coordination, to help keep industry informed of supply chain compromises and to facilitate effective responses?

10. What key risk factors do entities need to consider prior to leveraging third party services and how should those risk factors be balanced with an entity’s organizational policy? What SCRM controls do you have in place to ensure your systems and products have a reduced risk of compromise? Please discuss any challenges that you have experienced as well as successes.

11. How should government and industry prioritize and coordinate federal cross-agency and private sector collaboration and activities regarding SCRM?

Panelists

- Tobias Whitney, Vice President of Strategy and Policy, Fortress Information Security
- Valerie Agnew, General Counsel, North American Transmission Forum
- David Schleicher, President and CEO, Northern Virginia Electric Cooperative
- Ron Schoff, Director, Research & Development, Electric Power Research Institute
- Matt Dale, Cybersecurity Program Manager, Virginia State Corporation Commission
- Robert R. Scott, Commissioner, New Hampshire Department of Environmental Services. Governor’s Advisor for Utility Critical Infrastructure Cybersecurity. Managing Director, New England Utility Cybersecurity Integration Collaborative
- Joyce Corell, Senior Technology Advisor to the NCD, Office of the National Cyber Director, Executive Office of the President

4:45 p.m. Closing Remarks

5:00 p.m. Adjourn

[FR Doc. 2022-26916 Filed 12-9-22; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER23-562-000]

TGP Energy Management II, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of TGP Energy Management II, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is December 26, 2022.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>) using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID-19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at FERCOnlineSupport@ferc.gov or call toll-free, (886) 208-3676 or TTY, (202) 502-8659.

Dated: December 6, 2022.

Kimberly D. Bose,
Secretary.

[FR Doc. 2022-26917 Filed 12-9-22; 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: RP23-266-000.
Applicants: Rockies Express Pipeline LLC.
Description: § 4(d) Rate Filing: REX 2022-12-05 Negotiated Rate Agreement to be effective 12/6/2022.
Filed Date: 12/5/22.
Accession Number: 20221205-5131.
Comment Date: 5 p.m. ET 12/19/22.

Docket Numbers: RP23-267-000.
Applicants: Rover Pipeline LLC.
Description: § 4(d) Rate Filing: GT&C Section 25 Reservation Charge Credit to be effective 1/6/2023.
Filed Date: 12/6/22.
Accession Number: 20221206-5006.
Comment Date: 5 p.m. ET 12/19/22.

Docket Numbers: RP23-268-000.
Applicants: Columbia Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Vitol OPT30 & OPT60 Rev Share Negotiated Rate Agmts to be effective 12/1/2022.
Filed Date: 12/6/22.
Accession Number: 20221206-5058.
Comment Date: 5 p.m. ET 12/19/22.

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.

Filings in Existing Proceedings

Docket Numbers: RP22-501-003.
Applicants: ANR Pipeline Company.
Description: Filing Withdrawal: Withdrawal of Motion to Place Interim Settlement Rates Into Effect to be effective N/A.
Filed Date: 12/5/22.
Accession Number: 20221205-5116.
Comment Date: 5 p.m. ET 12/19/22.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

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: December 6, 2022.

Kimberly D. Bose,
Secretary.

[FR Doc. 2022-26914 Filed 12-9-22; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC22-74-000.
Applicants: Wisconsin Power and Light Company, Wisconsin Public Service Corporation, Madison Gas and Electric Company.

Description: Wisconsin Public Service Corporation submits Supplement to Response to September 8, 2022, Deficiency Letter.

Filed Date: 10/11/22.

Accession Number: 20221011-5357.

Comment Date: 5 p.m. ET 12/8/22.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER20–2878–016.

Applicants: Pacific Gas and Electric Company.

Description: Compliance filing: WDT Stipulation Compliance Filing to be effective 4/15/2021.

Filed Date: 12/5/22.

Accession Number: 20221205–5123.

Comment Date: 5 p.m. ET 12/27/22.

Docket Numbers: ER22–2933–001.

Applicants: Nevada Power Company, Sierra Pacific Power Company.

Description: Tariff Amendment: Nevada Power Company submits tariff filing per 35.17(b): Response to Deficiency Letter to be effective 12/1/2022.

Filed Date: 12/6/22.

Accession Number: 20221206–5078.

Comment Date: 5 p.m. ET 12/27/22.

Docket Numbers: ER23–52–001.

Applicants: Westlake Chemicals & Vinyls LLC.

Description: Tariff Amendment: Amendment to Notice of Succession in Docket ER23–52–000 to be effective 10/12/2022.

Filed Date: 12/6/22.

Accession Number: 20221206–5116.

Comment Date: 5 p.m. ET 12/27/22.

Docket Numbers: ER23–68–002.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment: Revised ISA, SA No. 1949; Queue No. NQ16 (Amend) Correction to Filing to be effective 4/17/2008.

Filed Date: 12/6/22.

Accession Number: 20221206–5098.

Comment Date: 5 p.m. ET 12/27/22.

Docket Numbers: ER23–456–001.

Applicants: Public Service Company of Colorado.

Description: Tariff Amendment: 2022–12–06 WAPA 359 0.2.0 Amendment filing to be effective 12/28/2022.

Filed Date: 12/6/22.

Accession Number: 20221206–5046.

Comment Date: 5 p.m. ET 12/27/22.

Docket Numbers: ER23–563–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Revisions to OA re: termination of Volunteer Energy Services, Inc. to be effective 2/4/2023.

Filed Date: 12/5/22.

Accession Number: 20221205–5122.

Comment Date: 5 p.m. ET 12/27/22.

Docket Numbers: ER23–565–000.

Applicants: Midcontinent Independent System Operator, Inc., Ameren Transmission Company of Illinois.

Description: § 205(d) Rate Filing: Midcontinent Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii): 2022–12–06_SA 3936, SA 3937 & SA 3938 ATXI-Sikeston Agreements to be effective 2/5/2023.

Filed Date: 12/6/22.

Accession Number: 20221206–5041.

Comment Date: 5 p.m. ET 12/27/22.

Docket Numbers: ER23–566–000.

Applicants: AEP Texas Inc.

Description: § 205(d) Rate Filing: AEPTX-Coleman County EC-Golden Spread EC 2nd A&R IA to be effective 11/17/2022.

Filed Date: 12/6/22.

Accession Number: 20221206–5109.

Comment Date: 5 p.m. ET 12/27/22.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES23–2–000.

Applicants: Lucky Corridor, LLC.

Description: Amendment to Application Under Section 204 of the Federal Power Act for Authorization to Issue Securities of Lucky Corridor, LLC.

Filed Date: 11/29/22.

Accession Number: 20221129–5180.

Comment Date: 5 p.m. ET 12/20/22.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercensearch.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: December 6, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–26915 Filed 12–9–22; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–10299–01–OMS]

Privacy Act of 1974; System of Records

AGENCY: Office of Mission Support (OMS), Environmental Protection Agency (EPA).

ACTION: Notice of a new system of records.

SUMMARY: The U.S. Environmental Protection Agency's (EPA) Office of Mission Support (OMS) is giving notice that it proposes to create a new system of records pursuant to the provisions of the Privacy Act of 1974. EPA is creating the Enterprise Physical Access Control System (ePACS) to collect and maintain employee and contractor information that is used to determine suitability for physical access to EPA-managed facilities and certain restricted areas within these facilities.

DATES: Persons wishing to comment on this system of records notice must do so by January 11, 2023.

Routine uses; for this new system of records will be effective January 11, 2023.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OMS–2022–0847, by one of the following methods:

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

Email: docket_oms@epa.gov. Include the Docket ID number in the subject line of the message.

Fax: (202) 566–1752.

Mail: OMS Docket, Environmental Protection Agency, Mail Code: 2822T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

Hand Delivery: OMS Docket, EPA/DC, WJC West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC 20460. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–OMS–2022–0847. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <https://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Controlled Unclassified Information (CUI) or other information for which disclosure is restricted by statute. Do not submit information that

you consider to be CUI or otherwise protected through <https://www.regulations.gov>. The <https://www.regulations.gov> website is an “anonymous access” system for the EPA, which means the EPA will not know your identity or contact information. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. If you send an email comment directly to the EPA without going through <https://www.regulations.gov>, 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. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about the EPA public docket, visit the EPA Docket Center homepage at <https://www.epa.gov/dockets>.

Docket: All documents in the docket are listed in the <https://www.regulations.gov> index. Although listed in the index, some information is not publicly available, e.g., CUI or other information for which disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in <https://www.regulations.gov> or in hard copy at the OMS Docket, EPA/DC, WJC West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC 20460. The Public Reading Room is normally open from 8:30 a.m. to 4:30 p.m., Monday through Friday excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OMS Docket is (202) 566-1752. Further information about EPA Docket Center services and current operating status is available at <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT:

James Cunningham, Information Technology (IT) Project Manager, Office of Mission Support, Environmental Protection Agency, 1301 Constitution Ave. NW, Washington, DC 20460, cunningham.james@epa.gov.

Jackie Brown, Information System Security Officer, Office of Mission Support, Environmental Protection Agency, 1301 Constitution Ave. NW,

Washington, DC 20460, brown.jackie@epa.gov.

SUPPLEMENTARY INFORMATION: Enterprise Physical Access Control System (ePACS) comprises non-traditional IT hardware such as Personal Identity Verification (PIV) card readers, control panels, closed circuit video cameras, building intrusion detection sensors, alarm keypads, and emergency door buttons that are tightly integrated into one ePACS system that is centrally managed in a virtual server environment. An employee or contractor must register their PIV card with ePACS. During the registration process, the following information is collected and stored in an ePACS centralized database: first name, last name, PIV card serial number, image, expiration date, affiliation (employee or contractor), and organization. Specific access clearances are then granted to a PIV card credential which allows access to EPA buildings, doors, rooms, elevators, and other physical access points. Information collected each time the PIV card credential is used is stored in the ePACS centralized database. This information assists EPA in monitoring its facilities, buildings, and other physical access points to ensure that only authorized personnel gain entry.

EPA is developing ePACS to comply with Homeland Security Presidential Directive-12: Policy for a Common Identification Standard for Federal Employees and Contractors (HSPD-12), and with the Office of Management and Budget (OMB) Memorandum M-11-11 Continued Implementation of HSPD-12. HSPD-12 mandates a government-wide standard for secure and reliable forms of identification issued by the Federal Government to its employees and contractors. M-11-11 requires use of a PIV credential as the common means of authentication for access to Federally-controlled facilities, networks, and information systems. To allow physical entry to EPA-controlled facilities and logical access to EPA information systems, ePACS uses PIV smartcard credentials issued to EPA employees and contractors. A PIV smartcard links an individual's identity to an identification credential that enables that person to gain physical access to federally-controlled buildings and logical access to information systems.

SYSTEM NAME AND NUMBER:

Enterprise Physical Access Control System (ePACS), EPA-99.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

The system will be managed by the Office of Mission Support, Environmental Protection Agency, 1301 Constitution Ave. NW, Washington, DC 20460.

Electronically stored information is hosted at the EPA National Computer Center (NCC), 109 TW Alexander Drive, Research Triangle Park, Durham, NC 27711.

SYSTEM MANAGER(S):

Alexandria DeLaCruz-Matthews, Program Manager, Office of Mission Support, Environmental Protection Agency, 1301 Constitution Ave. NW, Washington, DC 20460, delacruz-matthews.alexandria@epa.gov.

James Cunningham, IT Project Manager, Office of Mission Support, Environmental Protection Agency, 1301 Constitution Ave. NW, Washington, DC 20460, cunningham.james@epa.gov.

Jackie Brown, Information System Security Officer, Office of Mission Support, Environmental Protection Agency, 1301 Constitution Ave. NW, Washington, DC 20460, brown.jackie@epa.gov.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Government Organization and Employees, 5 U.S.C. 301; Management of buildings by Administrator of General Services, 40 U.S.C. 582; Lease agreements, 40 U.S.C. 585; Public Buildings under the control of Administrator of General Services, 40 U.S.C. 3101; Agency Chief Information Officer, 40 U.S.C. 11315; Federal Information Security Management Act of 2002, 44 U.S.C. 3501; 44 U.S.C. 3505, 44 U.S.C. 3506, 44 U.S.C. 3541; E-Government Act of 2002, 44 U.S.C. 101, Chapter 35; Federal Information Processing Standards Publication (FIPS) 201-3, Personal Identity Verification (PIV) of Federal Employees and Contractors, and HSPD-12.

PURPOSE(S) OF THE SYSTEM:

The Agency will use the ePACS system to collect and maintain information required for and related to authorized physical access to all EPA-managed facilities and restricted areas within these facilities across the United States.

Collection and maintenance of this information will help to:

1. Ensure the safety and security of Federal facilities, systems, and information, and of facility occupants and users.
2. Provide for interoperability between systems and locations to individuals entering EPA facilities.
3. Ensure that all personnel (employees and contractors) entering

EPA buildings have proper credentials and to protect against unauthorized access. The information will also provide an audit trail for investigations, if needed.

4. Allow logical access to Federal information systems, networks, and resources on a government-wide basis.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

EPA employees, contractor employees, interns, and volunteers that have valid credentials programmed for specific access points.

CATEGORIES OF RECORDS IN THE SYSTEM:

Full name, photographs, surveillance video recordings and camera images, Full Cardholder Unique Identifier (CHUID), credential ID, PIV card number, Public Key Infrastructure (PKI) certificate—(X509), Card Authentication Key (CAK) certificate, person classification, badge expiration date, card state, User Principal Name (UPN), Federal Agency Smart Card Number (FASC-N), and Globally Unique Identifier (GUID).

RECORD SOURCE CATEGORIES:

ePACS obtains information from employees, contractor employees, interns, and volunteers using their EPA PIV credential. This information is stored in a secure ePACS database and updated when the PIV credential is used at an access point. In addition, ePACS collects information from video cameras and video recording devices located at and within EPA facilities in the United States.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

The routine uses below are both related to and compatible with the original purpose for which the information was collected. The following general routine uses apply to this system (86 FR 62527): A, B, C, D, E, F, G, H, I, J, K, L, and M.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are stored on secure servers within the ePACS Master and Satellite Application Databases and can be accessed only by authorized users over EPA secure intranet using encryption software. These records are maintained electronically on computer storage devices located at the U.S. EPA National Computer Center, 109 T.W. Alexander Drive, Research Triangle Park, NC 27711.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Authorized user login/password credentials and administrative privileges are required to access the ePACS software application. ePACS records can only be accessed when logged in to the ePACS application that pulls these records from the ePACS database. Records may be retrieved by first name, last name, full name, email address, FACS-N, or Object ID Number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are retained and disposed of in accordance with applicable NARA retention schedules as well as EPA records schedules 089, 1008, and 1012.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

PII is safeguarded and protected in conformance with all Federal statutes and OMB requirements. Security controls used to protect personal sensitive data in ePACS are commensurate with those required for an information system rated MODERATE for confidentiality, integrity, and availability, as prescribed in National Institute of Standards and Technology (NIST) Special Publication, 800-53, "Security and Privacy Controls for Information Systems and Organizations," Revision 5.

1. *Administrative Safeguards:* Only authorized users are allowed access to ePACS. Each authorized user must complete a background investigation with favorable results, must be assigned to the appropriate security group, acknowledge agency rules of behavior, and complete annual privacy and security training. In addition, personnel are instructed to lock their computers when they leave their desks.

2. *Technical Safeguards:* All ePACS user access is limited by role-based restrictions. In addition, ePACS operators are required to enter a valid username and password to gain access to the system. Individuals granted access privileges are screened for proper credentials and added to the appropriate Microsoft Windows security group based on their Local Area Network account. EPA maintains an audit log trail for ePACS, which accounts for all instances of users accessing the system. EPA reviews audit logs periodically to identify any unauthorized access.

3. *Physical Safeguards:* All ePACS records are stored on database servers located in secure, access-controlled buildings. ePACS database and application servers are in access-controlled rooms that require PIV credentials for access. Only authorized

users are allowed access to administrative accounts for ePACS application and database servers.

RECORD ACCESS PROCEDURES:

All requests for access to personal records should cite the Privacy Act of 1974 and reference the type of request being made (*i.e.*, access). Requests must include: (1) the name and signature of the individual making the request; (2) the name of the Privacy Act system of records to which the request relates; (3) a statement whether a personal inspection of the records or a copy of them by mail is desired; and (4) proof of identity. A full description of EPA's Privacy Act procedures for requesting access to records is included in EPA's Privacy Act regulations at 40 CFR part 16.

CONTESTING RECORD PROCEDURES:

Requests for correction or amendment must include: (1) the name and signature of the individual making the request; (2) the name of the Privacy Act system of records to which the request relates; (3) a description of the information sought to be corrected or amended and the specific reasons for the correction or amendment; and (4) proof of identity. A full description of EPA's Privacy Act procedures for the correction or amendment of a record is included in EPA's Privacy Act regulations at 40 CFR part 16.

NOTIFICATION PROCEDURES:

Individuals who wish to be informed whether a Privacy Act system of records maintained by EPA contains any record pertaining to them, should make a written request to the EPA, Attn: Agency Privacy Officer, MC 2831T, 1200 Pennsylvania Ave. NW, Washington, DC 20460, or by email at: privacy@epa.gov. A full description of EPA's Privacy Act procedures is included in EPA's Privacy Act regulations at 40 CFR part 16.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

None.

Vaughn Noga,

Senior Agency Official for Privacy.

[FR Doc. 2022-26903 Filed 12-9-22; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-10479-01-OA]

Public Meeting of the Chartered Science Advisory Board**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

SUMMARY: The Environmental Protection Agency (EPA) Science Advisory Board (SAB) Staff Office announces a public meeting of the chartered Science Advisory Board. The chartered SAB will meet to: (1) deliberate on the adequacy of the scientific and technical basis of the proposed rule titled *Emission Standards for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review*; and (2) discuss recommendations received from the SAB Work Group for Review of Science Supporting EPA Decisions concerning SAB review of EPA planned regulatory actions.

DATES: The public meeting of the chartered Science Advisory Board will be held on Friday, January 20, 2023, from 12 p.m. to 6 p.m. All times listed are in Eastern Standard Time.

ADDRESSES: The meeting will be conducted virtually. Please refer to the SAB website at <https://sab.epa.gov> for information on how to attend the meeting.

FOR FURTHER INFORMATION CONTACT: Any member of the public who wants further information concerning this notice may contact Dr. Thomas Armitage, Designated Federal Officer (DFO), via telephone (202) 564-2155, or email at armitage.thomas@epa.gov. General information about the SAB, as well as any updates concerning the meetings announced in this notice can be found on the SAB website at <https://sab.epa.gov>.

SUPPLEMENTARY INFORMATION:

Background: The SAB was established pursuant to the Environmental Research, Development, and Demonstration Authorization Act (ERDDAA), codified at 42 U.S.C. 4365, to provide independent scientific and technical advice to the EPA Administrator on the scientific and technical basis for agency positions and regulations. The SAB is a Federal Advisory Committee chartered under the Federal Advisory Committee Act (FACA), 5 U.S.C., App. 2. The SAB will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies. Pursuant to FACA

and EPA policy, notice is hereby given that the chartered Science Advisory Board will hold a public meeting to discuss and deliberate on the following topics.

Under the SAB's authorizing statute, the SAB "may make available to the Administrator, within the time specified by the Administrator, its advice and comments on the adequacy of the scientific and technical basis" of proposed rules. The SAB Work Group for Review of Science Supporting EPA Decisions is charged with identifying EPA planned actions that may warrant SAB review. The SAB will discuss the scientific and technical basis of the proposed rule titled *Emission Standards for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review* (available at <https://www.regulations.gov> in Docket No. EPA-HQ-OAR-2021-0317) and also discuss recommendations received from the SAB Work Group for Review of Science Supporting EPA Decisions with regard to SAB review of other EPA planned actions.

Availability of Meeting Materials: All meeting materials, including the agenda, will be available on the SAB web page at <https://sab.epa.gov>.

Procedures for Providing Public Input: Public comment for consideration by EPA's federal advisory committees and panels has a different purpose from public comment provided to EPA program offices. Therefore, the process for submitting comments to a federal advisory committee is different from the process used to submit comments to an EPA program office. Federal advisory committees and panels, including scientific advisory committees, provide independent advice to the EPA. Members of the public can submit relevant comments pertaining to the committee's charge or meeting materials. Input from the public to the SAB will have the most impact if it provides specific scientific or technical information or analysis for the SAB to consider or if it relates to the clarity or accuracy of the technical information. Members of the public wishing to provide comment should follow the instructions below to submit comments.

Oral Statements: Individuals or groups requesting an oral presentation during the public meeting will be limited to three minutes. Each person making an oral statement should consider providing written comments as well as their oral statement so that the points presented orally can be expanded upon in writing. Persons interested in providing oral statements should contact the DFO, in writing (preferably

via email) at the contact information noted above by January 13, 2023, to be placed on the list of registered speakers.

Written Statements: Written statements will be accepted throughout the advisory process; however, for timely consideration by SAB members, statements should be submitted to the DFO by January 13, 2023, for consideration at the public meeting on January 20, 2023. Written statements should be supplied to the DFO at the contact information above. It is the SAB Staff Office general policy to post written comments on the web page for the advisory meeting or teleconference. Submitters are requested to provide an unsigned version of each document because the SAB Staff Office does not publish documents with signatures on its websites. Copyrighted material will not be posted without the explicit permission of the copyright holder.

Accessibility: For information on access or services for individuals with disabilities, please contact the DFO, at the contact information noted above, preferably at least ten days prior to the meeting, to give the EPA as much time as possible to process your request.

V. Khanna Johnston,*Deputy Director, Science Advisory Board Staff Office.*

[FR Doc. 2022-26858 Filed 12-9-22; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-0704; FR ID 117241]

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 (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the

quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before February 10, 2023. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email PRA@fcc.gov and to nicole.ongele@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele, (202) 418-2991.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060-0704.

Title: Sections 42.10, 42.11, 64.1900 and Section 254(g): Policies and Rules Concerning the Interstate, Interexchange Marketplace.

Form Number: N/A.

Type of Review: Extension of a currently-approved collection.

Respondents: Business or other for-profit.

Number of Respondents and Responses: 700 respondents; 2,800 responses.

Estimated Time per Response: 0.50-2 hours.

Frequency of Response: Annual reporting requirements, third party disclosure requirements and recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in section 254(g) of the Communications Act of 1934, as amended.

Total Annual Burden: 2,450 hours.

Total Annual Cost: No cost.

Privacy Act Impact Assessment: No impact.

Nature and Extent of Confidentiality: The Commission is not requesting that the respondents submit confidential information to the Commission. If the

Commission requests respondents to submit information which respondents believe is confidential, respondents may request confidential treatment of such information under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: The four information collection requirements under this OMB Control Number are information disclosure requirements, internet posting requirements, recordkeeping requirements, and annual certification requirements. These requirements are necessary to provide consumers ready access to information concerning the rates, terms, and conditions governing the provision of interstate, domestic, interexchange services offered by nondominant interexchange carriers (IXCs) in a detariffed and increasingly competitive environment. The information collected under the information disclosure requirement and the internet posting requirement must be disclosed to the public to ensure that consumers have access to the information they need to select a telecommunications carrier and to bring to the Commission's attention to possible violations of the Communications Act without a specific public disclosure requirement. The information collected under the recordkeeping and certification requirements will be used by the Commission to ensure that affected interexchange carriers fulfill their obligations under the Communications Act, as amended.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2022-26859 Filed 12-9-22; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-0016, OMB 3060-0017, OMB 3060-0928 and OMB 3060-0932; FR ID 117449]

Information Collections Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act 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 February 10, 2023. 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.: 3060-0016.

Title: FCC Form 2100, Application for Media Bureau Audio and Video Service Authorization, Schedule C (Former FCC Form 346); Sections 74.793(d) and 74.787, LPTV Out-of-Core Digital Displacement Application; Section 73.3700(g)(1)-(3), Post-Incentive Auction Licensing and Operations; Section 74.799, Low Power Television and TV Translator Channel Sharing.

Form No.: FCC Form 2100, Schedule C.

Type of Review: Revision of a currently approved information collection.

Respondents: Business or other for-profit entities; Not for profit institutions; State, local or Tribal government.

Number of Respondents and Responses: 805 respondents and 805 responses.

Estimated Time per Response: 4.5 hours.

Frequency of Response: On occasion reporting requirement; third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in section 154(i), 303, 307, 308 and 309 of the Communications Act of 1934, as amended.

Total Annual Burden: 3,623 hours.

Annual Cost Burden: \$4,156,288.

Needs and Uses: On January 19, 2021, the Commission adopted Amendment of section 73.3580 of the Commission's Rules Regarding Public Notice of the Filing of Applications; Modernization of Media Regulation Initiative; Revision of the Public Notice Requirements of section 73.3580, Second Report and Order, MB Docket Nos. 17–254, 17–105, & 05–6, FCC 20–65 (rel. May 13, 2020). The Commission adopted rules to allow low power television and television translator stations (collectively “low power stations”) to seek authority to construct Distributed Transmission System (DTS) operations. Pursuant to new section 74.720 of the rules, low power stations may now propose DTS operations by filing an application for construction permit for minor modification—FCC Form 2100, Schedule C. This submission is also being made to OMB for approval of the modified FCC Form 2100, Schedule C.

OMB Control Number: 3060–0017.

Title: Application for Media Bureau Audio and Video Service Authorization, FCC 2100, Schedule D.

Form Number: FCC Form 2100, Schedule D.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for profit entities; Not for profit institutions; State, local or Tribal government.

Number of Respondents/Responses: 805 respondents; 805 responses.

Estimated Hours per Response: 1.5 hours per response.

Frequency of Response: On occasion reporting requirement.

Total Annual Burden: 1,208 hours.

Total Annual Cost: \$96,600.

Obligation to Respond: Required to obtain benefits. The statutory authority for this information collection is contained in sections 154(i), 301, 303, 307, 308 and 309 of the Communications Act of 1934, as amended.

Needs and Uses: On January 19, 2021, the Commission adopted Amendment of Section 73.3580 of the Commission's Rules Regarding Public Notice of the Filing of Applications; Modernization of

Media Regulation Initiative; Revision of the Public Notice Requirements of Section 73.3580, Second Report and Order, MB Docket Nos. 17–254, 17–105, & 05–6, FCC 20–65 (rel. May 13, 2020). The Commission adopted rules to allow low power television and television translator stations (collectively “low power stations”) to seek authority to construct Distributed Transmission System (DTS) operations. Pursuant to new section 74.720 of the rules, low power stations may now propose DTS operations and when those facilities are constructed, file an application for license—FCC Form 2100, Schedule D. This submission is being made to OMB for approval of the modified FCC Form 2100, Schedule D.

OMB Control No.: 3060–0928.

Title: FCC Form 2100, Application for Media Bureau Audio and Video Service Authorization, Schedule F (Formerly FCC 302–CA); 47 CFR 73.6028; Section 73.3700(b)(3); Section 73.3700(h)(2) and Section 73.3572(h).

Form No.: FCC Form 2100, Schedule F.

Type of Review: Revision of a currently approved information collection.

Respondents: Business or other for-profit entities; Not for profit institutions; State, local or Tribal Government.

Number of Respondents and Responses: 65 respondents and 65 responses.

Estimated Time per Response: 2 hours.

Frequency of Response: On occasion reporting requirement.

Total Annual Burden: 260 hours.

Annual Cost Burden: \$20,475.

Needs and Uses: On January 19, 2021, the Commission adopted Amendment of section 73.3580 of the Commission's Rules Regarding Public Notice of the Filing of Applications; Modernization of Media Regulation Initiative; Revision of the Public Notice Requirements of section 73.3580, Second Report and Order, MB Docket Nos. 17–254, 17–105, & 05–6, FCC 20–65 (rel. May 13, 2020). The Commission adopted rules to allow Class A television stations to seek authority to construct Distributed Transmission System (DTS) operations. Pursuant to new section 73.6023 of the rules, Class A stations may now propose DTS operations and when those facilities are constructed file an application for license on FCC Form 2100, Schedule F. This submission is also being made to OMB for approval of the modified FCC Form 2100, Schedule F.

OMB Control No.: 3060–0932.

Title: FCC Form 2100, Application for Media Bureau Audio and Video Service

Authorization, Schedule E (Former FCC Form 301–CA); 47 CFR Sections 73.3700(b)(1)(i)–(v) and (vii), (b)(2)(i) and (ii); 47 CFR Section 73.6028; 47 CFR Section 74.793(d).

Form No.: FCC Form 2100, Schedule E (Application for Media Bureau Audio and Video Service Authorization) (Former FCC Form 301–CA).

Type of Review: Revision of a currently approved information collection.

Respondents: Business or other for-profit entities; Not for profit institutions; State, local or Tribal government.

Number of Respondents and Responses: 60 respondents and 60 responses.

Estimated Time per Response: 8.25 hours–6 hours.

Frequency of Response: On occasion reporting requirement; Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in 47 U.S.C. 151, 154(i), 157 and 309(j) as amended; Middle Class Tax Relief and Job Creation Act of 2012, Public Law 112–96, 6402 (codified at 47 U.S.C. 309(j)(8)(G)), 6403 (codified at 47 U.S.C. 1452), 126 Stat. 156 (2012) (Spectrum Act) and the Community Broadcasters Protection Act of 1999.

Total Annual Burden: 495 hours.

Annual Cost Burden: \$258,000.

Needs and Uses: On January 19, 2021, the Commission adopted Amendment of section 73.3580 of the Commission's Rules Regarding Public Notice of the Filing of Applications; Modernization of Media Regulation Initiative; Revision of the Public Notice Requirements of Section 73.3580, Second Report and Order, MB Docket Nos. 17–254, 17–105, & 05–6, FCC 20–65 (rel. May 13, 2020). The Commission adopted rules to allow Class A television stations to seek authority to construct Distributed Transmission System (DTS) operations. Pursuant to new section 73.6023 of the rules, Class A stations may now propose DTS operations by filing an application for construction permit for minor modification—FCC Form 2100, Schedule E. This submission is also being made to OMB for approval of the modified FCC Form 2100, Schedule E.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2022–26856 Filed 12–9–22; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meetings

TIME AND DATE: 10:00 a.m. on Tuesday, December 13, 2022.

PLACE: The meeting is open to the public. Out of an abundance of caution related to current and potential coronavirus developments, the public's means to observe this Board meeting will be via a Webcast live on the internet and subsequently made available on-demand approximately one week after the event. Visit <https://youtu.be/s7moPsvjKto> to view the meeting. If you need any technical assistance, please visit our Video Help page at: <https://www.fdic.gov/video.html>.

Observers requiring auxiliary aids (e.g., sign language interpretation) for this meeting should email DisabilityProgram@fdic.gov to make necessary arrangements.

STATUS: Open.

MATTERS TO BE CONSIDERED: Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session to consider the following matters:

Summary Agenda

No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of Minutes of a Board of Directors' Meeting Previously Distributed.

Summary reports of actions taken pursuant to authority delegated by the Board of Directors.

Discussion Agenda

Memorandum and resolution re: Proposed 2023 FDIC Operating Budget.
Memorandum and resolution re: Notice of Proposed Rulemaking on FDIC Official Sign and Advertising Rule and a Rule Relating to False Advertising, Misrepresentations, and Misuse of the FDIC's Name and Logo.

Memorandum and resolution re: Amendments to the Guidelines for Appeals of Material Supervisory Determinations.

CONTACT PERSON FOR MORE INFORMATION: Requests for further information concerning the meeting may be directed to Debra A. Decker, Executive Secretary of the Corporation, at 202-898-8748.

Dated at Washington, DC, on December 6, 2022.

Federal Deposit Insurance Corporation.

James P. Sheesley,

Assistant Executive Secretary.

[FR Doc. 2022-26868 Filed 12-8-22; 11:15 am]

BILLING CODE 6714-01-P

FEDERAL ELECTION COMMISSION

Sunshine Act Meetings

TIME AND DATE: Thursday, December 15, 2022 at 10:00 a.m.

PLACE: Hybrid Meeting: 1050 First Street NE, Washington, DC (12th floor) and virtual.

Note: For those attending the meeting in person, current COVID-19 safety protocols for visitors, which are based on the CDC COVID-19 community level in Washington, DC, will be updated on the commission's contact page by the Monday before the meeting. See the contact page at <https://www.fec.gov/contact/>. If you would like to virtually access the meeting, see the instructions below.

STATUS: This meeting will be open to the public, subject to the above-referenced guidance regarding the COVID-19 community level and corresponding health and safety procedures. To access the meeting virtually, go to the commission's website www.fec.gov and click on the banner to be taken to the meeting page.

MATTERS TO BE CONSIDERED:

Draft Advisory Opinion 2022-22:

DataVault I

Draft Advisory Opinion 2022-23:

DataVault II

REG 2022-06 (Disgorgement): Draft Notification of Availability
Draft Legislative Recommendations
2022

Election of Officers for 2023

Management and Administrative Matters

CONTACT PERSON FOR MORE INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694-1220.

Individuals who plan to attend in person and who require special assistance, such as sign language interpretation or other reasonable accommodations, should contact Laura E. Sinram, Secretary and Clerk, at (202) 694-1040, at least 72 hours prior to the meeting date.

(Authority: Government in the Sunshine Act, 5 U.S.C. 552b)

Laura E. Sinram,

Secretary and Clerk of the Commission.

[FR Doc. 2022-27026 Filed 12-8-22; 4:15 pm]

BILLING CODE 6715-01-P

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Notice of Board Meeting

DATES: December 20, 2022 at 10 a.m.

ADDRESSES: Telephonic. Dial-in (listen only) information: Number: 1-202-599-1426, Code: 551 099 188#; or via web: https://teams.microsoft.com/l/meetup-join/19%3ameeting_YzkzY2M0NDAtMzI1Mi00M2M3LWFiYzMtN2FhZjcxNzc1MmJm%40thread.v2/0?context=%7b%22Tid%22%3a%223f6323b7-e3fd-4f35-b43d-1a7afae5910d%22%2c%22Oid%22%3a%227c8d802c-5559-41ed-9868-8bfdad5d44af9%22%7d.

FOR FURTHER INFORMATION CONTACT: Kimberly Weaver, Director, Office of External Affairs, (202) 942-1640.

SUPPLEMENTARY INFORMATION:

Board Meeting Agenda

Open Session

1. Approval of the November 18, 2022 Board Meeting Minutes
2. Monthly Reports
 - (a) Participant Activity Report
 - (b) Investment Report
 - (c) Legislative Report
3. Quarterly Report
 - (d) Vendor Risk Management Update
4. Internal Audit Update
5. 2023 Board Calendar Review

Closed Session

6. Information covered under 5 U.S.C. 552b (c)(9)(B).

Authority: 5 U.S.C. 552b (e)(1).

Dated: December 6, 2022.

Dharmesh Vashee,

General Counsel, Federal Retirement Thrift Investment Board.

[FR Doc. 2022-26869 Filed 12-9-22; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Supplemental Evidence and Data Request on Patient and Provider Level Strategies To Address Racial/Ethnic Disparities in Health and Healthcare

AGENCY: Agency for Healthcare Research and Quality (AHRQ), HHS.

ACTION: Request for supplemental evidence and data submissions.

SUMMARY: The Agency for Healthcare Research and Quality (AHRQ) is seeking scientific information submissions from

the public. Scientific information is being solicited to inform our review on *Patient and Provider Level Strategies to Address Racial/Ethnic Disparities in Health and Healthcare*, which is currently being conducted by the AHRQ's Evidence-based Practice Centers (EPC) Program. Access to published and unpublished pertinent scientific information will improve the quality of this review.

DATES: *Submission Deadline* on or before January 11, 2023.

ADDRESSES:

Email submissions: epc@ahrq.hhs.gov.

Print submissions:

Mailing Address: Center for Evidence and Practice Improvement, Agency for Healthcare Research and Quality, ATTN: EPC SEADs Coordinator, 5600 Fishers Lane, Mail Stop 06E53A, Rockville, MD 20857.

Shipping Address (FedEx, UPS, etc.): Center for Evidence and Practice Improvement, Agency for Healthcare Research and Quality, ATTN: EPC SEADs Coordinator, 5600 Fishers Lane, Mail Stop 06E77D, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Jenae Benns, Telephone: 301-427-1496 or Email: epc@ahrq.hhs.gov.

SUPPLEMENTARY INFORMATION: The Agency for Healthcare Research and Quality has commissioned the Evidence-based Practice Center (EPC) Program to complete a review of the evidence for *Patient and Provider Level Strategies to Address Racial/Ethnic Disparities in Health and Healthcare*. AHRQ is conducting this systematic review pursuant to Section 902 of the Public Health Service Act, 42 U.S.C. 299a.

The EPC Program is dedicated to identifying as many studies as possible that are relevant to the questions for each of its reviews. In order to do so, we are supplementing the usual manual and electronic database searches of the literature by requesting information from the public (e.g., details of studies conducted). We are looking for studies that report on Patient and Provider Level Strategies to Address Racial/Ethnic Disparities in Health and Healthcare, including those that describe adverse events. The entire research protocol is available online at: <https://effectivehealthcare.ahrq.gov/>.

This is to notify the public that the EPC Program would find the following information on Patient and Provider Level Strategies to Address Racial/Ethnic Disparities in Health and Healthcare helpful:

- A list of completed studies that your organization has sponsored for this indication. In the list, please *indicate whether results are available on ClinicalTrials.gov along with the ClinicalTrials.gov trial number.*

- *For completed studies that do not have results on ClinicalTrials.gov*, a summary, including the following elements: study number, study period, design, methodology, indication and diagnosis, proper use instructions, inclusion and exclusion criteria, primary and secondary outcomes, baseline characteristics, number of patients screened/eligible/enrolled/lost to follow-up/withdrawn/analyzed, effectiveness/efficacy, and safety results.

- *A list of ongoing studies that your organization has sponsored for this indication.* In the list, please provide the *ClinicalTrials.gov* trial number or, if the trial is not registered, the protocol for the study including a study number, the study period, design, methodology, indication and diagnosis, proper use instructions, inclusion and exclusion criteria, and primary and secondary outcomes.

- Description of whether the above studies constitute *ALL Phase II and above clinical trials* sponsored by your organization for this indication and an index outlining the relevant information in each submitted file.

Your contribution is very beneficial to the Program. Materials submitted must be publicly available or able to be made public. Materials that are considered confidential, marketing materials, study types not included in the review, or information on indications not included in the review cannot be used by the EPC Program. This is a voluntary request for information, and all costs for complying with this request must be borne by the submitter.

The draft of this review will be posted on AHRQ's EPC Program website and available for public comment for a period of 4 weeks. If you would like to be notified when the draft is posted, please sign up for the email list at: <https://www.effectivehealthcare.ahrq.gov/email-updates>.

The technical brief will answer the following questions. This information is provided as background. AHRQ is not requesting that the public provide answers to these questions.

Guiding Questions

What is the current evidence for strategies targeted at patients and provider/health professionals and designed to reduce racial and ethnic disparities and improve health outcomes in the treatment of common chronic conditions in adults?

a. What interventions have been studied?

b. What racial and ethnic populations have been studied?

c. What common (multiple and single) chronic conditions have been studied?

d. What primary outcomes have been studied?

e. What are the reported effects of the strategies used in studies of interventions to reduce disparities?

f. What are the reported unintended consequences, harms, or adverse events of the strategies used in studies of interventions to reduce disparities?

g. Within race/ethnic groups, what other intersectional influences (e.g., disability status, income status, sexual identity and orientation, income, geographic location, language etc) have been targeted in studies of interventions to reduce disparities?

h. What study designs have been used?

i. What information is available on the applicability and sustainability of interventions?

j. What gaps exist in the current research?

Questions for Experts/Researchers/Advocacy Organizations/Provider Organizations/Practicing Clinicians

a. What patient-level and health professional-level efforts has your organization, institution or practice employed to reduce racial and ethnic disparities in chronic conditions healthcare and health outcomes?

i. Can you describe the rationale for this effort, for instance what problem was driving the decision to implement the solution/intervention? Was the intervention successful or not? What were the challenges? How are you measuring disparities and evaluating interventions and outcomes as a result of them?

b. Do you engage community partnerships in your approach? If so, how?

i. Are there similar approaches you are aware of? Which other practice or provider is trying similar approaches?

c. Are there concepts, or conceptual frameworks, that are important in understanding the patient-level and health professional-level interventions to reduce racial/ethnic disparities in health and healthcare?

d. How do you identify special groups that are not being served, and how do you prioritize which groups for designing interventions for? What are the challenges?

e. How does your organization tailor the patient-level and health professional-level approach to reach racial and ethnic minorities that may be

marginalized due to other factors (such as disability status, income status, sexual identity and orientation, income, geographic location, language etc)? Which of these factors have been most challenging to address and why? Which factors are relatively easy to address and implement?

f. What concerns do you have about the sustainability of patient-level and health professional-level strategies/interventions intended to address racial and ethnic disparities in health and healthcare?

g. Gray literature: What are prominent sources where you obtain information on patient-level and health professional-level strategies/interventions? Who has conducted such interventions?

h. What information and resource does your organization or institution need to be more effective in incorporating patient-level and health

professional-level interventions in reducing racial and ethnic disparities in health and healthcare?

i. What are current gaps in the research and what future research is needed most?

Questions for Patient Advocates, Families, Caregivers

a. Data clearly shows that racial and ethnic minority groups often have worse health and care for chronic diseases. Why do you think this is the case?

b. Have you or your loved ones experienced differences in care received, are you aware of any health provider (that is doctor and nurse) efforts to rectify these differences? What are the efforts/programs?

c. Have you or your loved ones participated in (or are you aware of) such program(s)? Was there any effort to consider your race and other social factors (such as your disability status,

income status, sexual identity and orientation, income, geographic location, language etc) in the program(s)?

d. Are you aware of community collaboration efforts of such programs to rectify the differences in your health and care? Should community organizations be involved in these efforts? How? What are some barriers that community organizations face in collaborating with healthcare organizations?

e. What types of efforts do you think your health provider (that is doctor or nurse) could do that might reduce these differences in the care received by racial and ethnic minority groups? What would be needed for them to work? Are there things you could do as well? Give example(s).

f. Are there sources where you obtain information about these efforts?

PICOTS (POPULATIONS, INTERVENTIONS, COMPARATORS, OUTCOMES, AND SETTINGS)

Element	Included	Excluded
Population	<ul style="list-style-type: none"> Racial and ethnic minority adults with common chronic conditions. Health Professionals providing healthcare for racial and ethnic minority adults with common chronic conditions. 	<ul style="list-style-type: none"> Pediatric populations. Non-U.S populations.
Interventions	<ul style="list-style-type: none"> Strategies specifically targeted to reduce racial and ethnic minority health and healthcare disparities at patient-level and health professional-level, with relevant links to healthcare system. Strategies with community involvement with relevant links to healthcare system. 	<ul style="list-style-type: none"> Exploratory sub-group analysis where the aims of the studies are not relevant to racial/ethnic health disparities. Public health/policy-based interventions without relevant links to healthcare system. Interventions aimed at medical school students, pharmacy students, and other allied health students.
Comparators	<ul style="list-style-type: none"> Standard care. Alternative strategy/intervention. 	
Outcomes	<ul style="list-style-type: none"> Health-related outcome measures (e.g., disease specific morbidity and mortality, BP control, Hba1c levels). Process of care measures (e.g., referrals to mental healthcare, cultural relevance). Care utilization outcome measures (e.g., rates of readmission for long-term complications of diabetes). Financial/re-imburement measures. Harms (e.g., unintended negative consequences, including misallocation of effort, decreased patient satisfaction, etc.). Stigma other related experience of discrimination. 	
Timing	Any.	
Settings	Any.	
Study design	Randomized controlled trial, non-randomized controlled trial, nonrandomized study designs, mixed methods.	Stand-alone qualitative studies, systematic reviews, narrative reviews, case reports, case series protocols, conference abstracts.

Dated: December 7, 2022.

Marquita Cullom,
Associate Director.

[FR Doc. 2022-26930 Filed 12-9-22; 8:45 am]

BILLING CODE 4160-90-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Supplemental Evidence and Data Request on Healthcare System Level Strategies To Address Racial/Ethnic and Related Disparities in Health and Healthcare

AGENCY: Agency for Healthcare Research and Quality (AHRQ), HHS.

ACTION: Request for supplemental evidence and data submissions.

SUMMARY: The Agency for Healthcare Research and Quality (AHRQ) is seeking scientific information submissions from the public. Scientific information is being solicited to inform our review on *Healthcare System Level Strategies to Address Racial/Ethnic and Related Disparities in Health and Healthcare*, which is currently being conducted by the AHRQ's Evidence-based Practice Centers (EPC) Program. Access to

published and unpublished pertinent scientific information will improve the quality of this review.

DATES: *Submission Deadline* on or before January 11, 2023.

ADDRESSES:

Email submissions: epc@ahrq.hhs.gov.

Print submissions:

Mailing Address: Center for Evidence and Practice Improvement, Agency for Healthcare Research and Quality, ATTN: EPC SEADs Coordinator, 5600 Fishers Lane, Mail Stop 06E53A, Rockville, MD 20857.

Shipping Address (FedEx, UPS, etc.): Center for Evidence and Practice Improvement, Agency for Healthcare Research and Quality, ATTN: EPC SEADs Coordinator, 5600 Fishers Lane, Mail Stop 06E77D, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Jenae Bennis, Telephone: 301-427-1496 or Email: *epc@ahrq.hhs.gov.*

SUPPLEMENTARY INFORMATION: The Agency for Healthcare Research and Quality has commissioned the Evidence-based Practice Center (EPC) Program to complete a review of the evidence for *Healthcare System Level Strategies to Address Racial/Ethnic and Related Disparities in Health and Healthcare*. AHRQ is conducting this systematic review pursuant to section 902 of the Public Health Service Act, 42 U.S.C. 299a.

The EPC Program is dedicated to identifying as many studies as possible that are relevant to the questions for each of its reviews. In order to do so, we are supplementing the usual manual and electronic database searches of the literature by requesting information from the public (e.g., details of studies conducted). We are looking for studies that report on Healthcare System Level Strategies to Address Racial/Ethnic and Related Disparities in Health and Healthcare, including those that describe adverse events. The entire research protocol is available online at: <https://effectivehealthcare.ahrq.gov/>.

This is to notify the public that the EPC Program would find the following information on Healthcare System Level Strategies to Address Racial/Ethnic and Related Disparities in Health and Healthcare helpful:

- A list of completed studies that your organization has sponsored for this indication. In the list, please *indicate whether results are available on ClinicalTrials.gov along with the ClinicalTrials.gov trial number.*
- *For completed studies that do not have results on ClinicalTrials.gov, a summary, including the following*

elements: study number, study period, design, methodology, indication and diagnosis, proper use instructions, inclusion and exclusion criteria, primary and secondary outcomes, baseline characteristics, number of patients screened/eligible/enrolled/lost to follow-up/withdrawn/analyzed, effectiveness/efficacy, and safety results.

- *A list of ongoing studies that your organization has sponsored for this indication.* In the list, please provide the *ClinicalTrials.gov* trial number or, if the trial is not registered, the protocol for the study including a study number, the study period, design, methodology, indication and diagnosis, proper use instructions, inclusion and exclusion criteria, and primary and secondary outcomes.

- Description of whether the above studies constitute *ALL Phase II and above clinical trials* sponsored by your organization for this indication and an index outlining the relevant information in each submitted file.

Your contribution is very beneficial to the Program. Materials submitted must be publicly available or able to be made public. Materials that are considered confidential, marketing materials, study types not included in the review, or information on indications not included in the review cannot be used by the EPC Program. This is a voluntary request for information, and all costs for complying with this request must be borne by the submitter.

The draft of this review will be posted on AHRQ's EPC Program website and available for public comment for a period of 4 weeks. If you would like to be notified when the draft is posted, please sign up for the email list at: <https://www.effectivehealthcare.ahrq.gov/email-updates>.

The technical brief will answer the following questions. This information is provided as background. AHRQ is not requesting that the public provide answers to these questions.

Guiding Questions

What is the current evidence for healthcare system-level strategies (including components of multifaceted strategies) designed to reduce racial, ethnic, and related socioeconomic disparities and improve health outcomes?

- a. What interventions have been studied?
- b. What racial and ethnic populations have been studied?
- c. What are the characteristics of the healthcare systems involved in studies of interventions to reduce disparities (e.g., size, location, private/public, etc.)?

d. What common (multiple and single) chronic conditions have been studied?

e. What primary outcomes have been studied?

f. What are the reported effects of the strategies used in studies of interventions to reduce disparities?

g. What are the reported unintended consequences, harms, or adverse events of the strategies used in studies of interventions to reduce disparities?

h. Within race/ethnic groups, what other intersectional influences (e.g., disability status, income status, sexual identity and orientation, income, geographic location, language e.t.c) have been targeted in studies of interventions to reduce disparities?

i. What study designs have been used?

j. What information is available on the applicability and sustainability of interventions?

k. What gaps exist in the current research?

Questions for Experts/Researchers/Advocacy Organizations/Provider Organizations/Practicing Clinicians

a. What healthcare system-level efforts has your organization or institution employed to reduce racial and ethnic disparities in health and healthcare?

i. Can you describe the rationale for this effort, for instance what was driving the decision of the problem and the solution/intervention? Was the intervention successful or not? What were the challenges? How are you measuring disparities and evaluating interventions and outcomes? How are these efforts funded?

b. Do you engage community partnerships in your approach? If so, how?

i. Are there similar approaches you are aware of? Which other entity is trying similar approaches?

c. Are there concepts, or conceptual frameworks, that are important in understanding the healthcare system-level interventions to reduce racial/ethnic disparities in health and healthcare?

d. Are there elements of healthcare system-level interventions that are important and/or preferred for reducing racial/ethnic disparities in health and healthcare?

e. How do you identify social identity groups that are not being served at all or not equally served, and how do you prioritize which groups for designing interventions? What are the challenges?

f. How does your organization tailor the healthcare system-level approach to reach racial and ethnic groups or minorities that may be marginalized due

to other factors (such as disability status, income status, sexual identity and orientation, income, geographic location, language, etc.)? Which of these factors have been most challenging to address and why? Which factors are relatively easy to address and implement?

g. What concerns do you have about the sustainability of healthcare system-level strategies/interventions intended to address racial and ethnic disparities in health and healthcare?

h. Gray literature: What are prominent sources where you obtain information on healthcare system-level strategies/interventions? Who has conducted such interventions? Can you give examples of successful interventions that have been identified from these sources?

i. What information and resources does your organization or institution need to be more effective in

incorporating healthcare system-level interventions in reducing racial and ethnic disparities in health and healthcare?

j. What are current gaps in the research and what future research is needed most?

Questions for Patient Advocates, Families, Caregivers

a. Data clearly shows that racial and ethnic minority groups often have worse health and care. Why do you think this is the case?

b. Have you or your loved ones experienced differences in care received, are you aware of any healthcare organizational efforts to rectify these differences? What are the efforts/programs?

c. Have you or your loved ones participated in (or are you aware of) such program(s)? Was there any effort to consider your race and other social

factors (such as your disability status, income status, sexual identity and orientation, income, geographic location, language e.t.c) in the program(s)?

d. Are you aware of community collaboration efforts (such as social service agencies, churches e.t.c) of such programs to rectify the differences in your health and care? Should community organizations be involved in these efforts? How? What are some barriers that community organizations face in collaborating with healthcare organizations?

e. What types of efforts do you think a healthcare organization could do that might reduce these differences in the care received by racial and ethnic minority groups? What would be needed for them to work?

f. Are there sources where you obtain information about these efforts?

PICOTS (POPULATIONS, INTERVENTIONS, COMPARATORS, OUTCOMES, AND SETTINGS)

Element	Included	Excluded
Population	<ul style="list-style-type: none"> Racial and ethnic minority groups Healthcare Systems providing healthcare for racial and ethnic minority groups. 	<ul style="list-style-type: none"> Non-U.S populations.
Interventions	<ul style="list-style-type: none"> Healthcare system strategies that are specifically targeted to reduce racial and ethnic minority health and healthcare disparities at population-level with relevant links to healthcare system. Strategies specifically targeted to reduce racial and ethnic minority health and healthcare disparities at health care organization-level (e.g., structure of the organization). Strategies with community involvement with relevant links to healthcare system. 	<ul style="list-style-type: none"> Exploratory sub-group analysis where the aims of the studies are not relevant to racial/ethnic health disparities. Public health/policy-based interventions without relevant links to healthcare systems. Interventions aimed at medical school students, pharmacy students, and other allied health students.
Comparators	<ul style="list-style-type: none"> Standard care. Alternative strategy/intervention. 	
Outcomes	<ul style="list-style-type: none"> Health-related outcome measures (e.g., disease specific morbidity and mortality, BP control, Hba1c levels). Process of care measures. Care utilization outcome measures. Barriers to care measures. Financial/re-imburement measures. Harms (e.g., unintended negative consequences). Stigma other related experience of discrimination. 	
Timing	Any.	
Settings	Any.	
Study design	Randomized controlled trial, non-randomized controlled trial, nonrandomized study designs, mixed methods.	Stand-alone qualitative studies, systematic reviews, narrative reviews, case reports, case series protocols, conference abstracts.

Dated: December 5, 2022.

Marquita Cullom,
Associate Director.

[FR Doc. 2022-26931 Filed 12-9-22; 8:45 am]

BILLING CODE 4160-90-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Request for Information on Creating a National Healthcare System Action Alliance To Advance Patient Safety

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice of request for information.

SUMMARY: The Agency for Healthcare Research and Quality (AHRQ), on behalf of the Department of Health and Human Services (HHS), seeks public comment about advancing patient and healthcare workforce safety through the development of a National Healthcare System Action Alliance to Advance Patient Safety (Action Alliance) in partnership with healthcare systems, patients, families and caregivers, HHS

and other Federal agencies, and other stakeholders to support sustained improvements in patient safety. Specifically, the RFI seeks input on how the Action Alliance can be most effective. In addition, the RFI seeks comments about innovative models of care, approaches, promising strategies, and solutions for overcoming some of the common impediments to safety being experienced in healthcare today. This request for information will inform HHS's work and more specifically the work of the Action Alliance.

DATES: Comments on this notice must be received by January 26, 2023. AHRQ will not respond individually to responders but will consider all comments submitted by the deadline.

ADDRESSES: Please submit all responses to the following email address: PSActionAlliance@AHRQ.hhs.gov.

FOR FURTHER INFORMATION CONTACT: Milli O'Brien, AHRQ Executive Secretary via email at Milli.O'Brien@ahrq.hhs.gov or call 301-427-1919.

SUPPLEMENTARY INFORMATION: AHRQ, on behalf of HHS, is seeking public comment about the development of a National Healthcare System Patient Safety Action Alliance (Action Alliance) as a vehicle to advance patient and workforce safety. The Action Alliance is intended to support improvements across healthcare delivery settings (e.g., hospitals, skilled nursing facilities, ambulatory care settings, home care) and between settings of care. The Action Alliance will welcome all types of healthcare systems, including public, not-for-profit, and for-profit health systems; rural, suburban, and urban systems; and systems focused on caring for diverse populations. While focused on the delivery of care, the Action Alliance will bring together multiple stakeholders including healthcare systems, clinicians, patients, families, caregivers, professional societies, organizations focused on patient and workforce safety, the digital healthcare sector, healthcare services researchers, industry, employers, payors, and anyone committed to advancing patient and workforce safety. Recognizing that healthcare is not safe until it is safe for all, the Alliance will consider issues of equity as it strives to advance patient and workforce safety.

As HHS renews its commitment to advancing patient and workforce safety, it recognizes that the nation's healthcare systems and professionals have long been committed to patient and workforce safety. The pandemic uncovered weaknesses and inequities in the healthcare delivery system that have negatively affected patient outcomes

and our workforce. HHS also recognizes that as the U.S. healthcare delivery systems recover, emerge, and transform from the COVID-19 pandemic there are many priorities, including, but not limited to improving equity, addressing staffing shortages, caring for people with Long COVID, harnessing the potential of telehealth and data sciences, responding to climate change, expanding access to behavioral healthcare, and supporting the well-being of workers. Patient and workforce safety, however, are integral to all of these priorities. Patient and workforce safety are not separate priorities they are central to everything healthcare systems do.

In order to make the Action Alliance as effective as possible, HHS seeks information on the following questions:

1. What can HHS bring to the Action Alliance in terms of coordination, alignment, tools, training, and other non-financial resources to support the effectiveness of the Action Alliance in assisting healthcare delivery systems and others in advancing patient and healthcare worker safety?

2. How can the voluntary Action Alliance most effectively support healthcare delivery systems and other stakeholders in advancing patient and workforce safety? Are there specific priorities for different types of systems or setting of care? What stakeholders should be part of the Action Alliance to make it most effective?

3. What are other national patient and workforce safety initiatives that the Action Alliance should be aware of and how can the Action Alliance best collaborate, coordinate, and avoid duplication with them?

4. How can the Action Alliance best support healthcare systems in advancing healthcare equity within their patient and workforce safety efforts, including through redesign of care delivery?

5. Are there specific practices or innovations that healthcare delivery systems or others have implemented during or post-pandemic, including practices focused on populations that experience health disparities and individuals living in rural communities, that others could benefit from learning about? Please share any specific details and sharable outcomes data regarding innovations if applicable.

6. What are the main challenges healthcare delivery systems and others are facing in meeting their commitments to advancing patient and healthcare worker safety as they emerge from the pandemic? Are there challenges that are specific to different types of systems, settings of care, or populations of people?

HHS is interested in answers to all of the questions listed above, but respondents are welcome to address as many or as few as they choose and may provide additional information about how to make the Action Alliance most effective. When responding, please identify the question to which a particular answer corresponds.

Who should respond?

Anyone may respond. For example, HHS seeks information from:

- Healthcare system leaders (e.g., CEOs, CMOs, Boards of Directors).
 - Healthcare delivery organizations.
 - Clinicians and other healthcare personnel who work to provide safe, effective care to patients.
 - Healthcare quality leaders whose work supports refining clinical practice and providing data for the purpose of improvement.
 - People, their families, and caregivers who have experienced a harm or a "close call" event as part of their interaction with the healthcare delivery system.
 - Researchers and implementers developing interventions to improve patient and workforce safety.
 - Clinical decision support developers who have insights into interventions that would support clinicians in making care safer for both patients and healthcare workers.
 - Patient advocacy groups and organizations focused on safety and health equity.
 - Clinical professional societies.
 - Payors.
 - Health IT vendors who implement and manage health IT and other systems that may support patient and workforce safety.
 - Organizations that facilitate health information exchange (i.e., regional, or local health information exchanges, vendor-driven networks, and others) who may support sharing of healthcare quality and safety data across systems.
 - Representatives from human service agencies and/or community organizations, or people with experience in addressing social determinants of health and reducing healthcare disparities for patients and communities.
 - Higher education institutions that train clinicians and healthcare personnel.
- This RFI is for planning purposes only and should not be construed as a policy, solicitation for applications, or as an obligation on the part of the Government to provide support for any ideas in response to it. HHS will use the information submitted in response to this RFI at its discretion and will not

provide comments to any respondent's submission. However, responses to this RFI may be reflected in future initiatives, solicitation(s), or policies. The information provided will be analyzed and may appear in reports. Respondents will not be identified in any published reports. Respondents are advised that the Government is under no obligation to acknowledge receipt of the information received or provide feedback to respondents with respect to any information submitted. No proprietary, classified, confidential or sensitive information should be included in your response. The contents of all submissions may be made available to the public in the future. Submitted materials should therefore be publicly available or be able to be made public.

Dated: December 7, 2022.

Marquita Cullom,
Associate Director.

[FR Doc. 2022-26897 Filed 12-9-22; 8:45 am]

BILLING CODE 4160-90-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day-23-23BI; Docket No. CDC-2022-0138]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled Research Data Center Data Security Forms for Access to Confidential Data. CDC National Center for Health Statistics (NCHS) plans to collect information from the public for the purpose of evidence building using security forms, along with the corresponding security protocols, that allow NCHS to maintain careful controls on confidentiality and privacy, as required by law.

DATES: Written comments must be received on or before February 10, 2023.

ADDRESSES: You may submit comments, identified by Docket No. CDC-2022-0138 by either of the following methods:

- *Federal eRulemaking Portal:*

www.regulations.gov. Follow the instructions for submitting comments.

- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21-8, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *www.regulations.gov.*

Please note: Submit all comments through the Federal eRulemaking portal (*www.regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21-8, Atlanta, Georgia 30329; Telephone: 404-639-7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (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. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected;

4. 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 submissions of responses; and

5. Assess information collection costs.

Proposed Project

Research Data Center (RDC) Data Security Forms for Access to Confidential Data—Existing Collection in use without an OMB Control Number—National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Section 306(b)(4) of the Public Health Service (PHS) Act (42 U.S.C. 242k(b)(4)), as amended, authorizes the Secretary of Health and Human Services (HHS), acting through the National Center for Health Statistics (NCHS), to receive requests for furnishing statistics to the public. NCHS receives requests for statistics from the public through the Standard Application Process (SAP). The public may apply to access confidential data assets held by a Federal statistical agency or unit through the SAP for the purposes of generating statistics and developing evidence. Once an application for confidential data is approved through the SAP, NCHS will collect information to meet its data security requirements through its Data Security Forms. This information collection through the Data Security Forms will occur outside of the SAP. This is a request for approval from OMB to collect information via the Researcher Data Center (RDC) Data Security Forms over the next three years.

As part of a comprehensive data dissemination program, the RDC/NCHS/CDC requires prospective researchers who need access to confidential data to complete a research proposal. Researchers self-select whether they need access to confidential data to answer their research questions. The RDC requires the researcher to complete a research proposal, so NCHS understands the research proposed. The completed proposal is sent to NCHS through the SAP portal for review and adjudication. If the research proposal is approved by NCHS, then the researcher must fill out two of three data security forms. If the researcher will access the data at a RDC, then the "Data Access Form" and the "Designated Agent Form" would need to be completed and returned to NCHS. If the researcher will

access the data through the NCHS Virtual Data Enclave (VDE), then the “VDE Data Use Agreement Form” and the “Designated Agent Form” would need to be completed and returned to NCHS.

In order to capture the information needed to adjudicate a researcher’s commitment to protect confidential NCHS data, researchers must complete and sign the data security forms. This request allows for both researcher

signature and the time per response for a total estimated annual burden total of 110 hours. There is no cost to respondents other than their time to complete the forms.

Estimated Annualized Burden Hours

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hrs.)	Total burden (in hrs.)
Researcher	Research Data Center (RDC) Proposal.	110	1	1	110
Total .....	.....	.....	.....	.....	110

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2022–26889 Filed 12–9–22; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–23–0222]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled “Collaborating Center for Questionnaire Design and Evaluation for the National Center for Health Statistics” to the Office of Management and Budget (OMB) for review and approval. CDC previously published a “Proposed Data Collection Submitted for Public Comment and Recommendations” notice on September 30, 2022 to obtain comments from the public and affected agencies. CDC did not receive comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information,

including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) 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; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570. 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. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

The Collaborating Center for Questionnaire Design and Evaluation Research (CCQDER) (OMB Control No. 0920–0222, Exp. 09/30/2024)—Revision—National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Section 306 of the Public Health Service (PHS) Act (42 U.S.C. 242k), as amended, authorizes that the Secretary

of Health and Human Services (DHHS), acting through NCHS, shall undertake and support (by grant or contract) research, demonstrations, and evaluations respecting new or improved methods for obtaining current data to support statistical and epidemiological activities for the purpose of improving the effectiveness, efficiency, and quality of health services in the United States.

The Collaborating Center for Questionnaire Design and Evaluation Research (CCQDER) is the focal point within NCHS for questionnaire and survey development, pre-testing, and evaluation activities for CDC surveys such as the National Survey of Family Growth (NSFG), the Research and Development Survey (RANDS) (including RANDS COVID), and other federally sponsored surveys. The CCQDER is requesting three years of OMB Clearance for this Generic submission.

The CCQDER and other NCHS programs conduct cognitive interviews, focus groups, in-depth or ethnographic interviews, usability tests, field tests/pilot interviews, and experimental research in laboratory and field settings, both for applied questionnaire development and evaluation as well as more basic research on measurement errors and survey response. Various techniques to evaluate interviewer administered, self-administered, telephone, Computer Assisted Personal Interviewing (CAPI), Computer Assisted Self-Interviewing (CASI), Audio Computer-Assisted Self-Interviewing (ACASI), and web-based questionnaires are used.

The most common questionnaire evaluation method is the cognitive interview. These evaluations are conducted by the CCQDER. The interview structure consists of respondents first answering a draft survey question and then providing textual information to reveal the processes involved in answering the test

question. Specifically, cognitive interview respondents are asked to describe how and why they answered the question as they did. Through the interviewing process, various types of question-response problems that would not normally be identified in a traditional survey interview, such as interpretive errors and recall accuracy, are uncovered. By conducting a comparative analysis of cognitive interviews, it is also possible to determine whether particular interpretive patterns occur within particular sub-groups of the population. Interviews are generally conducted in small rounds totaling 40–100 interviews; ideally, the questionnaire is re-worked between rounds, and revisions are tested iteratively until interviews yield relatively few new insights.

Cognitive interviewing is inexpensive and provides useful data on questionnaire performance while minimizing respondent burden. Cognitive interviewing offers a detailed depiction of meanings and processes used by respondents to answer questions—processes that ultimately produce the survey data. As such, the method offers an insight that can transform understanding of question validity and response error. Documented findings from these studies represent tangible evidence of how the question performs. Such documentation also serves CDC data users, allowing them to be critical users in their approach and application of the data.

In addition to cognitive interviewing, a number of other qualitative and quantitative methods are used to investigate and research measurement errors and the survey response process. These methods include conducting focus groups, usability tests, in-depth or ethnographic interviews, and the administration and analysis of questions in both representative and non-representative field tests. Focus groups are conducted by the CCQDER. They are group interviews whose primary purpose is to elicit the basic socio-cultural understandings and

terminology that form the basis of questionnaire design. Each group typically consists of one moderator and four to 10 participants, depending on the research question. In-depth or ethnographic interviews are one-on-one interviews designed to elicit the understandings or terminology that are necessary for question design, as well as to gather detailed information that can contribute to the analysis of both qualitative and quantitative data. Usability tests are typically one-on-one interviews that are used to determine how a given survey or information collection tool functions in the field, and how the mode and layout of the instrument itself may contribute to survey response error and the survey response process.

In addition to these qualitative methods, NCHS also uses various tools to obtain quantitative data, which can be analyzed alone or analyzed alongside qualitative data to give a much fuller accounting of the survey response process. For instance, phone, internet, mail, and in-person follow-up interviews of previous NCHS survey respondents may be used to test the validity of survey questions and questionnaires and to obtain more detailed information that cannot be gathered on the original survey. Additionally, field or pilot tests may be conducted on both representative and non-representative samples, including those obtained from commercial survey and web panel vendors. Beyond looking at traditional measures of survey errors (such as item missing rates and non-response, and don't know rates), these pilot tests can be used to run experimental designs in order to capture how different questions function in a field setting. Similar methodology has been adopted by other federal agencies, as well as by academic and commercial survey organizations.

In 2022–2025 NCHS/CCQDER staff plans to continue research on methods evaluation and general questionnaire design research. We envision that over the next three years, NCHS/CCQDER will work collaboratively with survey

researchers from universities and other federal agencies to define and examine several research areas, including, but not limited to: (1) differences between face-to-face, telephone, and virtual/video-over internet cognitive interviewing; (2) effectiveness of different approaches to cognitive interviewing, such as concurrent and retrospective probing; (3) reactions of both survey respondents and survey interviewers to the use of Computer Assisted Personal Interviewing (CAPI), Audio Computer-Assisted Self-Interview (ACASI), video-over internet/virtual; (4) social, cultural and linguistic factors in the question response process; and (5) recruitment and respondent participation at varying levels of incentive in an effort to establish empirical evidence regarding remuneration and coercion. Procedures for each of these studies will be similar to those applied in the usual testing of survey questions. For example, questionnaires that are of current interest (such as RANDES and NIOSH) may be evaluated using several of the techniques described above, or different versions of a survey question will be developed, and the variants then administered to separate groups of respondents in order to study the cognitive processes that account for the differences in responses obtained across different versions.

These studies will be conducted either by CCQDER staff, DHHS staff, or NCHS contractors who are trained in cognitive interviewing techniques. The results of these studies will be applied to our specific questionnaire development activities in order to improve the methods that we use to conduct questionnaire testing, and to guide questionnaire design in general.

CDC requests OMB approval for an estimated 21,905 annualized burden hours. This is an increase of 12,450 hours per year due to the addition of RANDES Methodological Surveys. There is no cost to respondents other than their time to participate.

Estimated Annualized Burden Table

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average hours per response (in hours)
Individuals or households	Eligibility Screeners	4,400	1	5/60
Individuals or households	Developmental Questionnaires	8,750	1	55/60
Individuals or households	Respondent Data Collection Sheet	8,750	1	5/60
Individuals or households	Focus Group Documents	225	1	90/60
Individuals or households	RANDES Methodological Surveys	49,800	1	15/60

Jeffrey M. Zirger,

Lead, Information Collection Review Office,
Office of Scientific Integrity, Office of Science,
Centers for Disease Control and Prevention.

[FR Doc. 2022-26887 Filed 12-9-22; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day-23-1279]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled “WISEWOMAN National Program Evaluation” to the Office of Management and Budget (OMB) for review and approval. CDC previously published a “Proposed Data Collection Submitted for Public Comment and Recommendations” notice on August 22, 2022 to obtain comments from the public and affected agencies. CDC received two comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) 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; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy

of the information collection plan and instruments, call (404) 639-7570. 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. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395-5806. Provide written comments within 30 days of notice publication.

Proposed Project

WISEWOMAN National Program Evaluation (OMB Control No. 0920-1279, Exp. 12/31/2022)—Extension—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The CDC has supported the WISEWOMAN (Well-Integrated Screening and Evaluation for Women Across the Nation) program since 1995. The WISEWOMAN program is designed to serve low-income women ages 40-64 who have elevated risk factors for cardiovascular disease (CVD) and have no health insurance, or are underinsured for medical and preventive care services. Through the WISEWOMAN program, women have access to screening services for selected CVD risk factors such as elevated blood cholesterol, hypertension, and abnormal blood glucose levels; referrals to healthy behavior support programs; and referrals to medical care. WISEWOMAN participants must be co-enrolled in the CDC-sponsored National Breast and Cervical Cancer Early Detection Program (NBCCEDP).

The WISEWOMAN program is administered through cooperative agreements with state, territorial, or tribal health departments. Each WISEWOMAN recipient submits to CDC an annual progress report that describes program objectives and activities, and semi-annual data reports (known as minimum data elements, or MDEs) on the screening, assessment, and healthy behavior support services offered to women who participate in the program. Participant-level MDEs are de-identified prior to transmission to CDC.

In 2018, CDC released the fifth funding opportunity announcement (FOA) for the WISEWOMAN program (DP18-1816), which resulted in five-year cooperative agreements with 24 state, territorial, and tribal health departments, including six new and 18 continuing awardees from the previous NOFO. Key program elements were retained (*e.g.*, provision of screening services, promotion of healthy lifestyle behaviors, and linkage to healthy behavior support services and community based resources), but a number of changes were incorporated into the program at that time. The current FOA reflects increased emphasis on three strategies to reduce CVD risk and support hypertension control and management, including: (1) tracking and monitoring clinical measures; (2) implementing team-based care; and (3) linking community resources and clinical services to support care coordination, self-management, and lifestyle change.

CDC seeks to conduct a multi-component evaluation to assess the effectiveness of the program on individual, organizational, and community-level outcomes. The in-depth assessment is designed to complement the routine progress and MDE information already being collected from WISEWOMAN program recipients. The data collection focuses on obtaining qualitative and quantitative information at the organizational and community levels about process and procedures implemented, and barriers, facilitators, and other contextual factors that affect program implementation and participant outcomes. Data collection activities include a Program Survey with all WISEWOMAN awardee programs, administered in the second and fourth program years, and a one-time site visit to each recipient spread across the three-year data collection effort. During site visits, semi-structured interviews will be conducted with WISEWOMAN staff members and staff at partner organizations, such as clinical providers and community-based resource providers, who are positioned to provide a variety of perspectives on program implementation.

CDC requests OMB approval for a one-year extension of this data collection, and requests approval for an estimated 84 annual burden hours. Participation is voluntary and there are no costs to respondents other than their time.

Estimated Annualized Burden Hours

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
WISEWOMAN Recipient Administrators	Program survey	16	1	1
	Site Visit Discussion Guide	8	1	90/60
	Innovation Site Visit Discussion Guide	2	1	45/60
Recipient partners	Site Visit Discussion Guide	16	1	1
	Innovation Site Visit Discussion Guide	2	1	45/60
Healthy behavior support staff	Site Visit Discussion Guide	16	1	1
	Innovation Site Visit Discussion Guide	2	1	45/60
Clinical providers	Site Visit Discussion Guide	16	1	1
	Innovation Site Visit Discussion Guide	2	1	45/60
	Site Visit Discussion Guide	16	1	1

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2022-26888 Filed 12-9-22; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Determination Concerning a Petition To Add a Class of Employees to the Special Exposure Cohort

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention, Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Department of Health and Human Services (HHS) gives notice of a determination concerning a petition to add a class of employees from the Reduction Pilot Plant in Huntington, West Virginia to the Special Exposure Cohort (SEC) under the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA).

FOR FURTHER INFORMATION CONTACT: Grady Calhoun, Director, Division of Compensation Analysis and Support, National Institute for Occupational Safety and Health, 1090 Tusculum Avenue, MS C-45, Cincinnati, OH 45226-1938, Telephone: 877-222-7570. Information requests can also be submitted by email to DCAS@CDC.GOV.

SUPPLEMENTARY INFORMATION: On September 27, 2022, the Secretary of HHS determined that the following class of employees does not meet the statutory criteria for addition to the SEC as authorized under EEOICPA:

All International Nickel Company (INCO) security personnel who worked at any location within the Reduction Pilot Plant

(RPP) during the period from June 7, 1976, through November 26, 1978.

Authority: [42 U.S.C. 7384q].

John J. Howard,

Director, National Institute for Occupational Safety and Health.

[FR Doc. 2022-26929 Filed 12-9-22; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day-23-23BJ; Docket No. CDC-2022-0139]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled U.S. National Authority for Containment of Poliovirus (U.S. NAC) Data Collection Tools. Data collection will capture information relating to a poliovirus containment breach or incident at a U.S. facility and will assist the U.S. NAC in the initial stages of the investigation into the breach, and ensure that facilities have programs in place that align with global poliovirus eradication initiative.

DATES: CDC must receive written comments on or before February 10, 2023.

ADDRESSES: You may submit comments, identified by Docket No. CDC-2022-0139 by either of the following methods:

- **Federal eRulemaking Portal:** www.regulations.gov. Follow the instructions for submitting comments.
- **Mail:** Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21-8, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to www.regulations.gov.

Please note: Submit all comments through the Federal eRulemaking portal (www.regulations.gov) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21-8, Atlanta, Georgia 30329; Telephone: 404-639-7570; Email: omb@cdc.gov.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (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. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected;
4. 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 submissions of responses; and
5. Assess information collection costs.

Proposed Project

U.S. National Authority for Containment of Poliovirus Data Collection Tools—New—Center for Preparedness and Response (CPR), Centers for Disease Control and Prevention (CDC)

Background and Brief Description

The role of the National Authority for Containment of Poliovirus (U.S. NAC) is

to ensure that the requirements established in the World Health Organization (WHO) Global Action Plan (GAP) III/IV standard are effectively implemented and maintained in facilities working with or storing infectious poliovirus or potentially infectious materials.

Risk assessments following an incident are a critical component for adequate application of the GAP standard. To support risk assessment activities, the "Facility Incident Reporting Form for Poliovirus Release and Potential Exposure" and the "Facility Incident Reporting Form for Poliovirus Theft or Loss" was created for facilities to capture and submit incident information to the U.S. NAC. These forms will not only address the biosafety and biosecurity containment emergency elements of the GAP standard, but will also inform the U.S. NAC risk assessments, and thereby guide CDC's determination of the emergency response level and direction.

The information collected in the "Personal Protective Equipment Survey for Laboratories" will assist the CDC, U.S. NAC and National Institute for Occupational Safety and Health (NIOSH) with developing guidance and recommendations for personal protective equipment (PPE) selection and use in support of poliovirus containment as well as identify

laboratory PPE commonly used to evaluate laboratory PPE performance characteristics in testing studies.

Information collected in the "Global Action Plan (GAP) Poliovirus Containment Poliovirus-Essential Facility Assessment Checklist" will aid U.S. facilities in preparing for an audit to obtain a poliovirus certificate of containment.

Data collected from the "Global Action Plan (GAP) Poliovirus Containment Poliovirus-Essential Facility Questionnaire" will collect additional information on poliovirus materials held by a U.S. facility, their work activities, and facility features.

The "Poliovirus Containment Sampling Plan and Sanitation Assessment Form for Wastewater (WW) Systems Supporting a Poliovirus-Essential Facility (PEF) in the United States" will collect information to assess poliovirus essential facility's wastewater system, the primary safeguards to reduce and control the release of poliovirus from the facility. In addition, it will verify the safeguards of local wastewater utilities that receive wastewater from the PEF.

OMB approval is sought for three years. The estimated annualized burden for this information collection is 72 hours. There is no cost to respondents other than their time.

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Facility Staff/Leadership	Facility Incident Reporting Form for Poliovirus Release or Potential Exposure.	10	1	45/60	8
Facility Staff/Leadership	Facility Incident Reporting Form for Poliovirus Theft or Loss.	10	1	45/60	8
Facility Staff/Leadership	PPE Survey for Laboratories	10	1	90/60	15
Facility Staff/Leadership	GAP Poliovirus Containment Poliovirus-Essential Facility Questionnaire.	10	1	90/60	15
Facility Staff/Leadership	GAP Facility Assessment Checklist	10	1	1	10
Facility Staff/Leadership	The Poliovirus Containment Sampling Plan and Sanitation Assessment Form for Wastewater (WW) Systems Supporting a Poliovirus-Essential Facility (PEF) in the United States.	10	1	90/60	15
Total .....	.....	.....	.....	.....	72

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2022-26890 Filed 12-9-22; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–23–22HN]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled “School-Based Active Surveillance (SBAS) of Myalgic Encephalomyelitis/Chronic Fatigue Syndrome (ME/CFS) Among Schoolchildren: Phase-2 of the National Roll-Out” to the Office of Management and Budget (OMB) for review and approval. CDC previously published a “Proposed Data Collection Submitted for Public Comment and Recommendations” notice on July 22, 2022 to obtain comments from the public and affected agencies. CDC received three comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) 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; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570. 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. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

School-Based Active Surveillance (SBAS) of Myalgic Encephalomyelitis/Chronic Fatigue Syndrome (ME/CFS) Among Schoolchildren: Phase-2 of the National Roll-Out—New—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Myalgic encephalomyelitis/chronic fatigue syndrome (ME/CFS), a complex, chronic, debilitating multi-system disease, affects an estimated 836,000 to 2.5 million persons in the United States. However, about 90% of people with ME/CFS have not received an official diagnosis from a healthcare professional. ME/CFS affects up to two

in 100 children and adolescents, which often goes undiagnosed by healthcare professionals.

Data on chronic conditions among schoolchildren, such as asthma, has been collected over the years, but there has been little to no emphasis on ME/CFS in the United States. Chronic conditions among school-aged children likely account for a high proportion of school absenteeism and school withdrawal. Conducting active surveillance among students using school nurses could expedite the diagnosis and management of children who present with symptoms commonly seen in ME/CFS. This involves educating school nurses about ME/CFS and its related syndromes, how to best approach parents and guardians when suggesting the diagnosis, and how to support the educational success of students with chronic diseases.

National active surveillance in schools (grades K–12) for ME/CFS coupled with education of school nurses about ME/CFS could help improve measuring the burden of ME/CFS in children and provide insights for future plans to improve healthcare in children suffering from ME/CFS and other chronic health conditions. In the next phase of this project, we will expand the active surveillance project beyond the pilot schools to include additional schools in the pilot states, as well as in other states. We plan to invite school nurses serving grades K–12 to participate. In this national rollout, school nurses will continue to receive education on data collection and ME/CFS as well as technical assistance and training on using the electronic data collection reporting platform.

CDC requests OMB approval for an estimated 631 annual burden hours. There is no cost to respondents other than their time to participate.

Estimated Annualized Burden Hours

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Frontline School Nurses	Electronic Platform Quarterly Chronic Absenteeism Data Reporting Form.	20	4	5
Frontline School Nurses	Demographic Data Collection Points	20	1	6
Frontline School Nurses	Site Baseline Survey	20	1	12/60
Frontline School Nurses	Question Guide for Face-to-Face Evaluation Interviews.	20	3	90/60
State Data Coordinators	Webinar 1 Feedback Form	50	1	18/60
School District Representative	School District Feedback Form	8	1	18/60

Jeffrey M. Zirger,

Lead, Information Collection Review Office,
Office of Scientific Integrity, Office of Science,
Centers for Disease Control and Prevention.

[FR Doc. 2022-26886 Filed 12-9-22; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS-643]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

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

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by January 11, 2023.

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.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, please access the CMS PRA

website by copying and pasting the following web address into your web browser: <https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing>.

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786-4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (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. The term "collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Reinstatement with change of a previously approved collection; *Title of Information Collection:* Hospice Survey and Deficiencies Report Form and Supporting Regulations; *Use:* We use the information collected as the basis for certification decisions for hospices that wish to obtain or retain participation in the Medicare and Medicaid programs. The information is used by CMS regional offices, which have the delegated authority to certify Medicare facilities for participation, and by State Medicaid agencies, which have comparable authority under Medicaid. The information on the Hospice Survey and Deficiencies Report Form is coded for entry into the OSCAR system. The data is analyzed by the CMS regional offices and by the CMS central office components for program evaluation and monitoring purposes. The information is also available to the public upon request. *Form Number:* CMS-643 (OMB control number: 0938-0379); *Frequency:* Yearly; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 6,153; *Total Annual Responses:* 2,051; *Total Annual Hours:* 49,224. (For policy questions regarding this collection contact Thomas Pryor at 410-786-1132.)

Dated: December 12, 2022.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2022-26855 Filed 12-9-22; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS-0990-new]

Agency Information Collection Request: 30-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before January 11, 2023.

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: Sherrette Funn, Sherrette.Funn@hhs.gov or (202) 264-0041, or PRA@HHS.GOV. When submitting comments or requesting information, please include the document identifier 0990-New-30D and project title for reference.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Title of the Collection: Data Management Standard Operating Procedures Survey.

Type of Collection: New.
OMB No.: 0990-NEW.

Abstract: The Office of the Assistant Secretary for Health, Office of Research

Integrity is requesting a new approval from the Office of Management and Budget of the Data Management Standard Operating Procedures Survey. Information from respondents to the survey will be used to develop a Data

Management Standard Operating Procedures toolkit that will be disseminated to researchers, research administrators, and research institutions to implement. In addition, other products will be developed to

disseminate survey results and findings to include, social media posts, YouTube video, webinar, and summary report for the research community.

Type of Respondent: Biostatisticians and Bioscience Researchers.

ESTIMATED ANNUALIZED BURDEN TABLE

Type of respondent	Number of respondents	Number responses per respondent	Average burden per response (in hours)	Total burden hours
Biostatisticians and Bioscience Researchers Total	1200	1	45/60	900
				900

Sherrette A. Funn,

Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.

[FR Doc. 2022-26883 Filed 12-9-22; 8:45 am]

BILLING CODE 4150-31-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel; Review of Support for Research Excellence (SuRE) Program (R16).

Date: March 21, 2023.

Time: 10:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute of General Medical Sciences, Natcher Building, 45 Center Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Marc Rigas, Ph.D., Scientific Review Officer, National Institute of General Medical Sciences, National Institutes of Health, BETHESDA, MD 20892, 301-402-1074, rigasm@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and

Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: December 6, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022-26892 Filed 12-9-22; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Cardiovascular and Surgical Devices.

Date: December 19, 2022.

Time: 10:00 a.m. to 9:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Willard Wilson, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20817, 301-867-5309, willard.wilson@nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: December 7, 2022.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022-26926 Filed 12-9-22; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowship: Immunology and Infectious Disease Panel A.

Date: January 5, 2023.

Time: 9:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20876 (Virtual Meeting).

Contact Person: Deanna C Bublitz, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594-4005, deanna.bublitz@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR-22-233: Time-Sensitive Opportunities for Health Research.

Date: January 11, 2023.

Time: 2:30 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Mark P Rubert, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218, MSC 7852, Bethesda, MD 20892, 301-806-6596, rubertm@csr.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: December 7, 2022.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022-26919 Filed 12-9-22; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA-2022-0002; Internal Agency Docket No. FEMA-B-2295]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting

Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Federal Regulations. The currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will be finalized on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Insurance and Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at <https://msc.fema.gov> for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646-7659, or (email) patrick.sacbibit@fema.dhs.gov; or visit the FEMA Mapping and Insurance eXchange (FMIX) online at https://www.floodmaps.fema.gov/fhm/fmx_main.html.

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are

not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at <https://msc.fema.gov> for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Michael M. Grimm,

Assistant Administrator for Risk Management, Federal Emergency Management Agency, Department of Homeland Security.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Arizona:						
Maricopa	City of Peoria (22-09-0532P).	The Honorable Cathy Carlat, Mayor, City of Peoria, 8401 West Monroe Street, Peoria, AZ 85345.	City Hall, 8401 West Monroe Street, Peoria, AZ 85345.	https://msc.fema.gov/portal/advanceSearch .	Mar. 24, 2023	040050
Maricopa	Unincorporated Areas of Maricopa County (22-09-0532P).	The Honorable Bill Gates, Chair, Board of Supervisors, Maricopa County, 301 West Jefferson Street, 10th Floor, Phoenix, AZ 85003.	Flood Control District of Maricopa County, 2801 West Durango Street, Phoenix, AZ 85009.	https://msc.fema.gov/portal/advanceSearch .	Mar. 24, 2023	040037
California:						
Los Angeles ...	City of Palmdale (20-09-1309P).	The Honorable Steven D. Hofbauer, Mayor, City of Palmdale, 38300 Sierra Highway, Palmdale, CA 93550.	Public Works Department, 38250 North Sierra Highway, Palmdale, CA 93550.	https://msc.fema.gov/portal/advanceSearch .	Feb. 15, 2023	060144
Placer	Unincorporated Areas of Placer County (21-09-1584P).	The Honorable Cindy Gustafson, Chair, Board of Supervisors, Placer County, 175 Fulweiler Avenue, Auburn, CA 95603.	Placer County Public Works, 3091 County Center Drive, Suite 220, Auburn, CA 95603.	https://msc.fema.gov/portal/advanceSearch .	Mar. 20, 2023	060239
Riverside	City of Lake Elsinore (22-09-0688P).	The Honorable Timothy J. Sheridan, Mayor, City of Lake Elsinore, City Hall, 130 South Main Street, Lake Elsinore, CA 92530.	Engineering Division, 130 South Main Street, Lake Elsinore, CA 92530.	https://msc.fema.gov/portal/advanceSearch .	Mar. 2, 2023	060636
Riverside	Unincorporated Areas of Riverside County (22-09-0688P).	The Honorable Jeff Hewitt, Chair, Board of Supervisors, Riverside County, 4080 Lemon Street, 5th Floor, Riverside, CA 92501.	Riverside County, Flood Control and Water Conservation District, 1995 Market Street, Riverside, CA 92501.	https://msc.fema.gov/portal/advanceSearch .	Mar. 2, 2023	060245
San Diego	City of Oceanside (21-09-0869P).	The Honorable Esther C. Sanchez, Mayor, City of Oceanside, 300 North Coast Highway, Oceanside, CA 92054.	City Hall, 300 North Coast Highway, Oceanside, CA 92054.	https://msc.fema.gov/portal/advanceSearch .	Feb. 21, 2023	060294
San Diego	Unincorporated Areas of San Diego County (22-09-0266P).	The Honorable Nathan Fletcher, Chair, Board of Supervisors, San Diego County, 1600 Pacific Highway, Room 335, San Diego, CA 92101.	San Diego County Flood Control District, Department of Public Works, 5510 Overland Avenue, Suite 410, San Diego, CA 92123.	https://msc.fema.gov/portal/advanceSearch .	Mar. 1, 2023	060284
Santa Clara	Unincorporated Areas of Santa Clara County (22-09-0043P).	The Honorable Mike Wasserman, President, Board of Supervisors, Santa Clara County, 70 West Hedding Street, 10th Floor East Wing, San Jose, CA 95110.	Santa Clara County, Department of Planning and Development, 70 West Hedding Street, 7th Floor East Wing, San Jose, CA 95110.	https://msc.fema.gov/portal/advanceSearch .	Mar. 23, 2023	060337
Ventura	City of Simi Valley (22-09-0287P).	The Honorable Keith L. Mashburn, Mayor, City of Simi Valley, 2929 Tapo Canyon Road, Simi Valley, CA 93063.	City Hall, 2929 Tapo Canyon Road, Simi Valley, CA 93063.	https://msc.fema.gov/portal/advanceSearch .	Mar. 3, 2023	060421
Idaho:						
Ada	Unincorporated Areas of Ada County (21-10-0367P).	Chair Rod Beck, Ada County Board of County Commissioners, 200 West Front Street, 3rd Floor, Boise, ID 83702.	Ada County Development Service Office, 650 Main Street, Boise, ID 83702.	https://msc.fema.gov/portal/advanceSearch .	Mar. 30, 2023	160001
Bonneville	City of Ammon (21-10-1025P).	The Honorable Sean Coletti, Mayor, City of Ammon, 2135 South Ammon Road, Ammon, ID 83406.	City Hall, 2135 South Ammon Road, Ammon, ID 83406.	https://msc.fema.gov/portal/advanceSearch .	Feb. 1, 2023	160028
Bonneville	Unincorporated Areas of Bonneville County (21-10-1025P).	Roger Christensen, Chair, Bonneville County Board of Commissioners, 605 North Capital Avenue, Idaho Falls, ID 83402.	Bonneville County Courthouse, 605 North Capital Avenue, Idaho Falls, ID 83402.	https://msc.fema.gov/portal/advanceSearch .	Feb. 1, 2023	160027
Illinois:						

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Cook	City of Country Club Hills (22-05-2868P).	The Honorable James W. Ford, Mayor, City of Country Club Hills, 4200 West Main Street, Country Club Hills, IL 60478.	City Hall, 4200 West Main Street, Country Club Hills, IL 60478.	https://msc.fema.gov/portal/advanceSearch .	Mar. 14, 2023	170078
Kane	City of Aurora (22-05-1707P).	The Honorable Richard C. Irvin, Mayor, City of Aurora, 44 East Downer Place, Aurora, IL 60505.	City Hall, Engineering Department, 44 East Downer Place, Aurora, IL 60505.	https://msc.fema.gov/portal/advanceSearch .	Mar. 10, 2023	170320
Kane	Unincorporated Areas of Kane County (22-05-1707P).	The Honorable Corinne Pierog, Chair, Kane County Board, Kane County Government Center, 719 Batavia Avenue, Building A, Geneva, IL 60134.	Water Resources Department, Kane County Government Center, 719 South Batavia Avenue, Building A, Geneva, IL 60134.	https://msc.fema.gov/portal/advanceSearch .	Mar. 10, 2023	170896
Kendall	Village of Oswego (22-05-1225P).	The Honorable Troy Parlier, Village President, Village of Oswego, 100 Parkers Mill, Oswego, IL 60543.	Village Hall, 100 Parkers Mill, Oswego, IL 60543.	https://msc.fema.gov/portal/advanceSearch .	Jan. 13, 2023	170345
McHenry	Unincorporated Areas of McHenry County (22-05-1881P).	The Honorable Michael Buehler, Chairman, McHenry County Board, McHenry County Government Center, 2200 North Seminary Avenue, Woodstock, IL 60098.	McHenry County Government Center, 2200 North Seminary Avenue, Woodstock, IL 60098.	https://msc.fema.gov/portal/advanceSearch .	Feb. 6, 2023	170732
Will	Village of Plainfield (22-05-2125P).	The Honorable John F. Argoudelis, Village President, Village of Plainfield, 24401 West Lockport Street, Plainfield, IL 60544.	Village Hall, 24401 West Lockport Street, Plainfield, IL 60544.	https://msc.fema.gov/portal/advanceSearch .	Mar. 22, 2023	170771
Indiana: Lake	City of Hammond (22-05-2665P).	The Honorable Thomas M. McDermott, Jr., Mayor, City of Hammond, City Hall, 5925 Calumet Avenue, Hammond, IN 46320.	City Hall, 5925 Calumet Avenue, Hammond, IN 46320.	https://msc.fema.gov/portal/advanceSearch .	Jan. 26, 2023	180134
Michigan: Grand Traverse.	Charter Township of Garfield (22-05-0580P).	Supervisor Chuck Korn, Township Board of Trustees, The Charter Township of Garfield, 3848 Veterans Drive, Traverse City, MI 49684.	Township Hall, 3848 Veterans Drive, Traverse City, MI 49684.	https://msc.fema.gov/portal/advanceSearch .	Jan. 23, 2023	260753
Grand Traverse.	Township of Blair (22-05-0580P).	Supervisor Nicole Blonshine, Township of Blair, 2121 County Road 633, Grawn, MI 49637.	Township Hall, 2121 County Road 633, Grawn, MI 49637.	https://msc.fema.gov/portal/advanceSearch .	Jan. 23, 2023	260780
Nevada: Clark	City of Henderson (22-09-0282P).	The Honorable Debra March, Mayor, City of Henderson, 240 South Water Street, Henderson, NV 89015.	Public Works Department, 240 South Water Street, Henderson, NV 89015.	https://msc.fema.gov/portal/advanceSearch .	Feb. 15, 2023	320005
Clark	Unincorporated Areas of Clark County (22-09-0282P).	The Honorable James B. Gibson, Chair, Board of Commissioners, Clark County, 500 South Grand Central Parkway, 6th Floor, Las Vegas, NV 89155.	Clark County, Office of the Director of Public Works, 500 South Grand Central Parkway, 2nd Floor, Las Vegas, NV 89155.	https://msc.fema.gov/portal/advanceSearch .	Feb. 15, 2023	320003
New York: Erie	Town of Clarence (22-02-0024P).	Supervisor Patrick Casilio, Town of Clarence, 95 Franklin Street, Buffalo, NY 14202.	Town Hall, 1 Town Place, Clarence, NY 14031.	https://msc.fema.gov/portal/advanceSearch .	Mar. 7, 2023	360232
Nassau	City of Long Beach (21-02-0901P).	President Karen McInnis, City Council, City of Long Beach, City Hall, 1 West Chester Street, Long Beach, NY 11561.	City Hall, 1 West Chester Street, Long Beach, NY 11561.	https://msc.fema.gov/portal/advanceSearch .	Apr. 5, 2023	365338

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Nassau	Town of Hempstead (21-02-0901P).	Supervisor Donald X. Clavin, Jr., Town of Hempstead, 1 Washington Street, Hempstead, NY 11550.	Town Hall, 1 Hempstead Street, Hempstead, NY 11550.	https://msc.fema.gov/portal/advanceSearch .	Apr. 5, 2023	360467
Ohio:						
Hamilton	Unincorporated Areas of Hamilton County (22-05-2681P).	Stephanie Summerow Dumas, President, Hamilton County Board of Commissioners, 138 East Court Street, Room 603, Cincinnati, OH 45202.	Hamilton County Department of Public Works, 138 East Court Street, Room 800, Cincinnati, OH 45202.	https://msc.fema.gov/portal/advanceSearch .	Feb. 2, 2023	390204
Miami	City of Piqua (22-05-2031P).	Manager Paul L. Oberdorfer, City of Piqua, 201 West Water Street, Piqua, OH 45356.	City Hall, 201 West Water Street, Piqua, OH 45356.	https://msc.fema.gov/portal/advanceSearch .	Mar. 10, 2023	390400
Miami	Unincorporated Areas of Miami County (22-05-2031P).	President Ted S. Mercer, Miami County Board of Commissioners, 201 West Main Street, Troy, OH 45373.	Miami County Safety Building, 201 West Water Street, Troy, OH 45356.	https://msc.fema.gov/portal/advanceSearch .	Mar. 10, 2023	390398
Washington:						
Benton	City of Richland (21-10-0652P).	The Honorable Michael Alvarez, Mayor, City of Richland, 625 Swift Boulevard, MS 04, Richland, WA 99352.	City Hall, 625 Swift Boulevard, Richland, WA 99352.	https://msc.fema.gov/portal/advanceSearch .	Jan. 12, 2023	535533
Chelan	City of Chelan (22-10-0154P).	The Honorable John Olson, Mayor, City of Chelan, P.O. Box 1669, Chelan, WA 98816.	City Hall, 135 East Johnson, Chelan, WA 98816.	https://msc.fema.gov/portal/advanceSearch .	Jan. 19, 2023	530017
Whitman	Unincorporated Areas of Whitman County (21-10-1053P).	Chair Michael Largent, Whitman County Board of Commissioners, 400 North Main Street, Colfax, WA 99111.	Whitman County City Government Office, 400 North Main Street, Colfax, WA 99111.	https://msc.fema.gov/portal/advanceSearch .	Feb. 10, 2023	530205
Wisconsin:						
Brown	Unincorporated Areas of Brown County (21-05-4734P).	Troy Streckenbach, Executive, Brown County, P.O. Box 23600, Green Bay, WI 54305.	Brown County, Zoning Office, 305 East Walnut Street, Green Bay, WI 54301.	https://msc.fema.gov/portal/advanceSearch .	Feb. 16, 2023	550020
Marathon	City of Mosinee (21-05-4158P).	Administrator Jeff Gates, City of Mosinee, 225 Main Street, Mosinee, WI 54455.	City Hall, 225 Main Street, Mosinee, WI 54455.	https://msc.fema.gov/portal/advanceSearch .	Jan. 13, 2023	555567
Marathon	Village of Kronenwetter (21-05-4158P).	President Chris Voll, Village Board of Kronenwetter, 1582 Kronenwetter Drive, Kronenwetter, WI 54455.	Municipal Center, 1582 Kronenwetter Drive, Mosinee, WI 54455.	https://msc.fema.gov/portal/advanceSearch .	Jan. 13, 2023	550193
Marathon	Village of Rothschild (21-05-4158P).	President George Peterson, Village of Rothschild Board of Trustees, Rothschild Village Hall, 211 Grand Avenue, Rothschild, WI 54474.	Village Hall, 211 Grand Avenue, Rothschild, WI 54474.	https://msc.fema.gov/portal/advanceSearch .	Jan. 13, 2023	555577
Portage	Unincorporated Areas of Portage County (22-05-0525P).	Chair Al Haga, Jr., Portage County, 2140 Norway Pine Drive, Plover, WI 54467.	Portage County Courthouse, 1516 Church Street, Stevens Point, WI 54481.	https://msc.fema.gov/portal/advanceSearch .	Jan. 19, 2023	550572
Racine	Village of Sturtevant (22-05-1365P).	President Mike Rosenbaum, Village Board, Village of Sturtevant, 2801 89th Street, Sturtevant, WI 53177.	Village Hall, 2801 89th Street, Sturtevant, WI 53177.	https://msc.fema.gov/portal/advanceSearch .	Feb. 27, 2023	550353
Sheboygan	Unincorporated Areas of Sheboygan County (22-05-2161P).	Chair Vernon C. Koch, Sheboygan County Board of Supervisors, 508 New York Avenue, Room 311, Sheboygan, WI 53081.	Sheboygan County Administrative Building, 508 New York Avenue, Sheboygan, WI 53081.	https://msc.fema.gov/portal/advanceSearch .	Feb. 10, 2023	550424

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Sheboygan	Village of Random Lake (22-05-2161P).	President Michael San Felippo, Village Board, Village of Random Lake, 96 Russell Drive, Random Lake, WI 53075.	Village Hall, 96 Russell Drive, Random Lake, WI 53075.	https://msc.fema.gov/portal/advanceSearch .	Feb. 10, 2023	550429

[FR Doc. 2022-26878 Filed 12-9-22; 8:45 am]
BILLING CODE 9110-12-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA-2022-0002]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below. The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal

Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP).

DATES: The date of May 9, 2023 has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at <https://msc.fema.gov> by the date indicated above.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646-7659, or (email) patrick.sacbibit@fema.dhs.gov; or visit the FEMA Mapping and Insurance eXchange (FMIX) online at https://www.floodmaps.fema.gov/fhm/fmx_main.html.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each

community listed. Notification of these changes has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at <https://msc.fema.gov>.

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Michael M. Grimm,
Assistant Administrator for Risk Management, Federal Emergency Management Agency, Department of Homeland Security.

Community	Community map repository address
Georgetown County, South Carolina and Incorporated Areas Docket Nos.: FEMA-B-2004 and 2208	
City of Georgetown	City Hall, 1134 North Fraser Street, Georgetown, SC 29440.
Town of Andrews	City Hall, 101 North Morgan Avenue, Andrews, SC 29510.
Town of Pawleys Island	Town Hall, 323 Myrtle Avenue, Pawleys Island, SC 29585
Unincorporated Areas of Georgetown County	Georgetown County Courthouse, Building Division and Permits, 129 Screven Street, Room 249, Georgetown, SC 29440.
Cannon County, Tennessee and Incorporated Areas Docket No.: FEMA-B-2110	
Town of Woodbury	Town Hall, 101 West Water Street, Woodbury, TN 37190.
Unincorporated Areas of Cannon County	Cannon County Court House, 200 West Main Street, Woodbury, TN 37190.
Rutherford County, Tennessee and Incorporated Areas Docket No.: FEMA-B-2110	
City of La Vergne	Planning and Codes Department, 5175 Murfreesboro Road, La Vergne, TN 37086.
City of Murfreesboro	City Hall, 111 West Vine Street, Murfreesboro, TN 37130.
Town of Smyrna	Town Hall, 315 South Lowry Street, Smyrna, TN 37167.

Community	Community map repository address
Unincorporated Areas of Rutherford County	Rutherford County Planning Department, 1 South Public Square, Room 200, Murfreesboro, TN 37130.
Wilson County, Tennessee and Incorporated Areas Docket No.: FEMA-B-2110	
City of Mt. Juliet	City Hall, 2425 North Mount Juliet Road, Mt. Juliet, TN 37122.
Unincorporated Areas of Wilson County	Wilson County Court House, Planning Office, 228 East Main Street, Room 5, Lebanon, TN 37087.
Bastrop County, Texas and Incorporated Areas Docket No.: FEMA-B-2149	
City of Bastrop	City Hall, 1311 Chestnut Street, Bastrop, TX 78602.
City of Smithville	City Hall, 317 Main Street, Smithville, TX 78957.
Unincorporated Areas of Bastrop County	Bastrop County Development Services, 211 Jackson Street, Bastrop, TX 78602.
King William County, Virginia and Incorporated Areas Docket No.: FEMA-B-2184	
Town of West Point	Town Hall, 802 Main Street, West Point, Virginia, 23181.
Unincorporated Areas of King William County	King William County Administration Building, Planning and Zoning Department, 180 Horse Landing Road, King William, Virginia 23086
Spotsylvania County, Virginia (All Jurisdictions) Docket Nos.: FEMA-B-2057 and 2189	
Unincorporated Areas of Spotsylvania County	Spotsylvania County Planning and Zoning Department, 9019 Old Battlefield Boulevard, Suite 100, Spotsylvania, VA 22553.
Pendleton County, West Virginia and Incorporated Areas Docket No.: FEMA-B-2191	
Town of Franklin	Town Office, 305 North High Street, Franklin, WV 26807.
Unincorporated Areas of Pendleton County	Pendleton County Courthouse, 100 South Main Street, Franklin, WV 26807.
Brown County, Wisconsin and Incorporated Areas Docket No.: FEMA-B-2151	
City of De Pere	City Hall, 335 South Broadway, De Pere, Wisconsin 54115.
City of Green Bay	City Hall, 100 North Jefferson Street, Green Bay, Wisconsin 54301.
Unincorporated Areas of Brown County	Brown County Office, Northern Building, 305 East Walnut Street, Room 320, Green Bay, Wisconsin 54301.
Village of Allouez	Brown County Office, Northern Building, 305 East Walnut Street, Room 320, Green Bay, Wisconsin 54301.
Village of Ashwaubenon	Village Hall, 2155 Holmgren Way, Ashwaubenon, Wisconsin 54304.
Village of Howard	Village Hall, 2456 Glendale Avenue, Howard, Wisconsin 54313.
Village of Suamico	Municipal Services Center, 12781 Velp Avenue, Suamico, Wisconsin 54313.

[FR Doc. 2022-26876 Filed 12-9-22; 8:45 am]

BILLING CODE 9110-12-P

DEPARTMENT OF HOMELAND SECURITY**Federal Emergency Management Agency**

[Docket ID FEMA-2022-0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities.

DATES: Each LOMR was finalized as in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at <https://msc.fema.gov>.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646-7659, or (email) patrick.sacbibit@fema.dhs.gov; or visit the FEMA Mapping and Insurance eXchange (FMIX) online at https://www.floodmaps.fema.gov/fhm/fmx_main.html.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65. The currently effective community

number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or

pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at <https://msc.fema.gov>.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Michael M. Grimm,
Assistant Administrator for Risk Management, Federal Emergency Management Agency, Department of Homeland Security.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Alabama: Mobile (FEMA Docket No.: B-2268).	City of Mobile (22-04-0855P).	The Honorable William Stimpson, Mayor, City of Mobile, P.O. Box 1827, Mobile, AL 36633.	City Clerk's Office, 205 Government Street, Mobile, AL 36633.	Nov. 12, 2022	015007
Arkansas: Garland (FEMA Docket No.: B-2268).	City of Hot Springs (22-06-0650P).	The Honorable Pat McCabe, Mayor, City of Hot Springs, 133 Convention Boulevard, Hot Springs, AR 71901.	Garland County Library, 1427 Malvern Avenue, Hot Springs, AR 71901.	Nov. 21, 2022	050084
Colorado:					
Arapahoe (FEMA Docket No.: B-2259).	Unincorporated areas of Arapahoe County (21-08-0286P).	The Honorable Nancy Jackson, Chair, Arapahoe County Board of Commissioners, 5334 South Prince Street, Littleton, CO 80120.	Arapahoe County Public Works and Development Department, 6924 South Lima Street, Centennial, CO 80112.	Nov. 14, 2022	080011
Broomfield (FEMA Docket No.: B-2274).	City and County of Broomfield (21-08-0472P).	The Honorable Gyuleen Castriotta, Mayor, City and County of Broomfield, 1 DesCombes Drive, Broomfield, CO 80020.	Engineering Department, 1 DesCombes Drive, Broomfield, CO 80020.	Nov. 14, 2022	085073
Connecticut: New Haven (FEMA Docket No.: B-2274).	City of New Haven (22-01-0224P).	The Honorable Justin Elicker, Mayor, City of New Haven, 165 State Street, New Haven, CT 06510.	Planning Department, 165 State Street, New Haven, CT 06510.	Nov. 14, 2022	090084
Florida:					
Alachua (FEMA Docket No.: B-2259).	Unincorporated areas of Alachua County (22-04-1999P).	The Honorable Marihelen Wheeler, Chair, Alachua County Board of Commissioners, 12 Southeast 1st Street, Gainesville, FL 32601.	Alachua County Public Works Department, 5620 Northwest 120th Lane, Gainesville, FL 32653.	Nov. 2, 2022	120001
Broward (FEMA Docket No.: B-2259).	City of Lighthouse Point (22-04-0733P).	The Honorable Kyle Van Buskirk, Mayor, City of Lighthouse Point, 2200 Northeast 38th Street, Lighthouse Point, FL 33064.	Building Department, 3701 Northeast 22nd Avenue, Lighthouse Point, FL 33064.	Nov. 2, 2022	125125
Collier (FEMA Docket No.: B-2259).	City of Naples (22-04-3060P).	The Honorable Teresa Heitmann, Mayor, City of Naples, 735 8th Street South, Naples, FL 34102.	Building Department, 295 Riverside Circle, Naples, FL 34102.	Nov. 7, 2022	125130
Hillsborough (FEMA Docket No.: B-2268).	Unincorporated areas of Hillsborough County (21-04-3149P).	Bonnie Wise, Hillsborough County Administrator, 601 East Kennedy Boulevard, 26th Floor, Tampa, FL 33602.	Hillsborough County Center, 601 East Kennedy Boulevard, 22nd Floor, Tampa, FL 33602.	Nov. 21, 2022	120112
Lee (FEMA Docket No.: B-2259).	Unincorporated areas of Lee County (22-04-1388P).	Roger Desjarlais, Manager, Lee County, 2115 2nd Street, Fort Myers, FL 33901.	Lee County Building Department, 1500 Monroe Street, Fort Myers, FL 33901.	Nov. 4, 2022	125124
Monroe (FEMA Docket No.: B-2268).	Unincorporated areas of Monroe County (22-04-2673P).	The Honorable David Rice, Mayor, Monroe County Board of Commissioners, 9400 Overseas Highway, Suite 210, Marathon, FL 33050.	Monroe County Building Department, 2798 Overseas Highways, Suite 300, Marathon, FL 33050.	Nov. 21, 2022	125129
Monroe (FEMA Docket No.: B-2274).	Village of Islamorada (22-04-3158P).	The Honorable Pete Bacheler, Mayor, Village of Islamorada, 86800 Overseas Highway, Islamorada, FL 33036.	Building Department, 86800 Overseas Highway, Islamorada, FL 33036.	Nov. 14, 2022	120424
Osceola (FEMA Docket No.: B-2259).	City of St. Cloud (21-04-4346P).	Bill Sturgeon, Manager, City of St. Cloud, 1300 9th Street, St. Cloud, FL 34769.	Building Department, 1300 9th Street, St. Cloud, FL 34769.	Nov. 4, 2022	120191
Osceola (FEMA Docket No.: B-2259).	Unincorporated areas of Osceola County (21-04-4346P).	Don Fisher, Manager, Osceola County, 1 Courthouse Square, Suite 4700, Kissimmee, FL34741.	Osceola County Public Works Department, 1 Courthouse Square, Suite 3100, Kissimmee, FL 34741.	Nov. 4, 2022	120189

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Osceola (FEMA Docket No.: B-2274).	Unincorporated areas of Osceola County (21-04-6031P).	Don Fisher, Manager, Osceola County, 1 Courthouse Square, Suite 4700, Kissimmee, FL 34741.	Osceola County Public Works Department, 1 Courthouse Square, Suite 3100, Kissimmee, FL 34741.	Nov. 18, 2022	120189
Osceola (FEMA Docket No.: B-2274).	Unincorporated areas of Osceola County (22-04-3663P).	Don Fisher, Manager, Osceola County, 1 Courthouse Square, Suite 4700, Kissimmee, FL 34741.	Osceola County Public Works Department, 1 Courthouse Square, Suite 3100, Kissimmee, FL 34741.	Nov. 18, 2022	120189
Georgia: Gwinnett (FEMA Docket No.: B-2268).	Unincorporated areas of Gwinnett County (21-04-4015P).	The Honorable Nicole L. Hendrickson, Chair, Gwinnett County Board of Commissioners, 75 Langley Drive, Lawrenceville, GA 30046.	Gwinnett County Department of Planning and Development, 446 West Crogan Street, Suite 300, Lawrenceville, GA 30046.	Nov. 3, 2022	130322
Massachusetts: Plymouth (FEMA Docket No.: B-2268).	Town of Marion (22-01-0616P).	The Honorable Randy L. Parker, Chair, Town of Marion Board of Selectmen, 2 Spring Street, Marion, MA 02738.	Building Department, 2 Spring Street, Marion, MA 02738.	Nov. 21, 2022	255213
North Carolina: Cumberland (FEMA Docket No.: B-2278).	City of Fayetteville (20-04-4160P).	The Honorable Mitch Colvin, Mayor, City of Fayetteville, 433 Hay Street, Fayetteville, NC 28301.	Zoning Department, 433 Hay Street, Fayetteville, NC 28301.	Nov. 24, 2022	370077
Cumberland (FEMA Docket No.: B-2278).	Unincorporated areas of Cumberland County (20-04-4160P).	The Honorable Glenn Adams, Chair, Cumberland County Board of Commissioners, 117 Dick Street, Suite 561, Fayetteville, NC 28301.	Cumberland County Planning Department, 130 Gillespie Street, Fayetteville, NC 28301.	Nov. 24, 2022	370076
North Dakota: Cass (FEMA Docket No.: B-2259).	City of Arthur (21-08-1023P).	The Honorable Greg Nelson, Mayor, City of Arthur, P.O. Box 161, Arthur, ND 58006.	City Hall, 325 1st Street, Arthur, ND 58006.	Oct. 6, 2022	380156
Tennessee: Williamson (FEMA Docket No.: B-2274).	City of Brentwood (22-04-1349P).	The Honorable Rhea E. Little, Mayor, City of Brentwood, 5211 Maryland Way, Brentwood, TN 37027.	City Hall, 5211 Maryland Way, Brentwood, TN 37027.	Nov. 14, 2022	470205
Texas: Bexar (FEMA Docket No.: B-2274).	City of San Antonio (22-06-0410P).	The Honorable Ron Nirenberg, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	Transportation and Capitol Improvements Department, Storm Water Division, 1901 South Alamo Street, San Antonio, TX 78204.	Nov. 14, 2022	480045
Galveston (FEMA Docket No.: B-2274).	City of League City (21-06-2885P).	The Honorable Pat Hallisey, Mayor, City of League City, 300 West Walker Street, League City, TX 77573.	Engineering Department, 500 West Walker Street, League City, TX 77573.	Nov. 21, 2022	485488
Tarrant (FEMA Docket No.: B-2259).	City of Arlington (22-06-0336P).	The Honorable Jim Ross, Mayor, City of Arlington, P.O. Box 90231, Arlington, TX 76004.	Public Works and Transportation Department, 101 West Abram Street, Arlington, TX 76010.	Nov. 7, 2022	485454
Tarrant (FEMA Docket No.: B-2259).	City of Fort Worth (22-06-0336P).	The Honorable Mattie Parker, Mayor, City of Fort Worth, 200 Texas Street, Fort Worth, TX 76102.	Department of Transportation and Public Works, Engineering Vault and Map Repository, 200 Texas Street, Fort Worth, TX 76102.	Nov. 7, 2022	480596
Tarrant (FEMA Docket No.: B-2259).	City of Fort Worth (22-06-0844P).	The Honorable Mattie Parker, Mayor, City of Fort Worth, 200 Texas Street, Fort Worth, TX 76102.	Department of Transportation and Public Works, Engineering Vault and Map Repository, 200 Texas Street, Fort Worth, TX 76102.	Nov. 7, 2022	480596
Tarrant (FEMA Docket No.: B-2259).	City of Grand Prairie (21-06-2937P).	The Honorable Ron Jensen, Mayor, City of Grand Prairie, P.O. Box 534045, Grand Prairie, TX 75053.	City Hall, 205 West Church Street, Grand Prairie, TX 75050.	Nov. 14, 2022	485472
Tarrant (FEMA Docket No.: B-2259).	Unincorporated areas of Tarrant County (22-06-0844P).	The Honorable B. Glen Whitley, Tarrant County Judge, 100 East Weatherford Street, Fort Worth, TX 76196.	Tarrant County Administration Building, 100 East Weatherford Street, Fort Worth, TX 76196.	Nov. 7, 2022	480582
Utah: Salt Lake (FEMA Docket No.: B-2274).	City of Herriman City (22-08-0046P).	Nathan Cherpeski, Manager, City of Herriman City, 5355 West Herriman Main Street, Herriman, UT 84096.	GIS Department, 5355 West Herriman Main Street, Herriman, UT 84096.	Nov. 21, 2022	490252

[FR Doc. 2022-26877 Filed 12-9-22; 8:45 am]
 BILLING CODE 9110-12-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA-2022-0054; OMB No. 1660-0061]

Agency Information Collection Activities: Proposed Collection; Comment Request; Federal Assistance to Individuals and Households Program

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: 60-Day notice of revision and request for comments.

SUMMARY: The Federal Emergency Management Agency (FEMA), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public to take this opportunity to comment on an extension, with change, of a currently approved information collection. In accordance with the Paperwork Reduction Act of 1995, this notice seeks comments concerning the Federal Emergency Management Agency's (FEMA's) Individuals and Households Program, providing financial assistance

to individuals whose primary residences were destroyed as a result of a Presidentially-declared disaster. This revision reduces the overall burden on the public by updating the amount of time needed to complete most of the instruments in this collection.

DATES: Comments must be submitted on or before February 10, 2023.

ADDRESSES: To avoid duplicate submissions to the docket, please only submit comments at www.regulations.gov under Docket ID FEMA-2022-0054. Follow the instructions for submitting comments.

All submissions received must include the agency name and Docket ID. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at <http://www.regulations.gov>, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read the Privacy and Security Notice that is available via a link on the homepage of www.regulations.gov.

FOR FURTHER INFORMATION CONTACT: Brian Thompson, Supervisory Program Specialist, FEMA, Recovery Directorate by telephone at (540) 686-3602 or email at Brian.Thompson6@fema.dhs.gov. You may contact the Information Management Division for copies of the proposed collection of information at email address: FEMA-Information-Collections-Management@fema.dhs.gov.

SUPPLEMENTARY INFORMATION: The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) (Pub. L. 93-288, as amended) is the legal basis for the Federal Emergency Management Agency (FEMA) to provide financial assistance and services to individuals applying for disaster assistance benefits in the event of a federally declared disaster. Regulations in 44 CFR 206.110—*Federal Assistance to Individuals and Households (IHP)* implements the policy and procedures set forth in Section 408 of the Stafford Act (42 U.S.C. 5174, as amended). This program provides financial assistance and, if necessary, direct assistance to eligible individuals and households who, as a direct result of a major disaster or emergency, have uninsured or under-insured, necessary expenses, and serious needs, and are unable to meet such expenses or needs through other means.

Collection of Information

Title: Federal Assistance to Individuals and Households Program.

Type of Information Collection: Extension, with change, of a currently approved information collection.

OMB Number: 1660-0061.

FEMA Forms: FEMA Form FF-104-FY-21-114 (formerly 010-0-11), Individuals and Households Program (IHP)—Other Needs Assistance Administrative Option Selection; Development of State/Tribal Administrative Plan (SAP) for Other Needs Provision of IHP; FEMA Form FF-104-FY-21-115 (English) (formerly 010-0-12), Individuals and Households Program Application for Continued Temporary Housing Assistance; FEMA Form FF-104-FY-21-115-A (Spanish) (formerly 010-0-12S), Programa de Individuos y Familias Solicitud Para Continuar La Asistencia de Vivienda Temporera; Request for Approval of Late Registration; Appeal of Program Decision; FEMA Form FF-104-FY-21-116 (English) (formerly 009-0-95), Request for Advance Disaster Assistance; FEMA Form FF-104-FY-21-116-A (Spanish) (formerly 009-0-95S), Solicitud de Adelanto de la Asistencia por Desastre; FEMA Form FF-104-FY-21-117 (English) (formerly 009-0-96), Request to Stop Payment and Reissue Disaster Assistance Check; FEMA Form FF-104-FY-21-117-A (Spanish) (formerly 009-0-96S), Solicitud para Detener el Pago y Reemitir el Cheque de Asistencia por Desastre; FEMA Form FF-104-FY-21-118—(English) (formerly 140-003d-1S), Authorization for the Release of Information Under the Privacy Act; FEMA Form FF-104-FY-21-118-A—(Spanish) (formerly 140-003d-1S), Autorización para la Divulgación de Información bajo el Acta de Privacidad.

Abstract: This information collection provides disaster survivors the opportunity to request approval of late applications, continued temporary housing assistance, request advance disaster assistance, stop payments not received in order to be reissued funds, and to appeal program decisions. This collection also allows for the establishment of an annual agreement between FEMA and states, territories, and tribal governments regarding how the Other Needs Assistance provision of IHP will be administered: by FEMA, by the state, territory, or tribal government, or jointly. This collection allows survivors to provide additional information after the initial disaster assistance registration period in support of their applications for assistance from FEMA's IHP. If the information in this collection is not collected, a delay in assistance provided to disaster survivors would occur.

Affected Public: Individuals or households, State, local or Tribal government.

Estimated Number of Respondents: 67,859.

Estimated Number of Responses: 112,163.

Estimated Total Annual Burden Hours: 64,328.

Estimated Total Annual Respondent Cost: \$2,565,929.

Estimated Respondents' Operation and Maintenance Costs: \$0.

Estimated Respondents' Capital and Start-Up Costs: \$0.

Estimated Total Annual Cost to the Federal Government: \$1,109,953.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) 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.

Millicent Brown Wilson,

Records Management Branch Chief, Office of the Chief Administrative Officer, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2022-26895 Filed 12-9-22; 8:45 am]

BILLING CODE 9111-24-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA-2022-0002; Internal Agency Docket No. FEMA-B-2293]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations,

which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: Comments are to be submitted on or before March 13, 2023.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location <https://hazards.fema.gov/femportal/prelimdownload> and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at <https://msc.fema.gov> for comparison.

You may submit comments, identified by Docket No. FEMA-B-2293, to Rick Sacbabit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472,

(202) 646-7659, or (email) patrick.sacbabit@fema.dhs.gov.

FOR FURTHER INFORMATION CONTACT: Rick Sacbabit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646-7659, or (email) patrick.sacbabit@fema.dhs.gov; or visit the FEMA Mapping and Insurance eXchange (FMIX) online at https://www.floodmaps.fema.gov/fhm/fmx_main.html.

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be

considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at https://www.floodsrp.org/pdfs/srp_overview.pdf.

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location <https://hazards.fema.gov/femportal/prelimdownload> and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at <https://msc.fema.gov> for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Michael M. Grimm,
Assistant Administrator for Risk Management, Federal Emergency Management Agency, Department of Homeland Security.

Community	Community map repository address
Columbia County, Pennsylvania (All Jurisdictions) Project: 15-03-0227S Preliminary Date: June 17, 2022	
Borough of Berwick	City Hall, 1800 North Market Street, Berwick, PA 18603.
Borough of Briar Creek	Briar Creek Borough Hall, 6029 Park Road, Berwick, PA 18603.
Town of Bloomsburg	Town Hall, 301 East 2nd Street, Bloomsburg, PA 17815.
Township of Benton	Township Building, 236 Shickshinny Road, Benton, PA 17814.
Township of Briar Creek	Briar Creek Township Municipal Building, 150 Municipal Road, Berwick, PA 18603.
Township of Catawissa	Township Building, 153 Old Reading Road, Catawissa, PA 17820.
Township of Cleveland	Cleveland Township Building, 46 Jefferson Road, Elysburg, PA 17824.
Township of Greenwood	Greenwood Township Building, 90 Shed Road, Millville, PA 17846.
Township of Hemlock	Hemlock Township Building, 26 Firehall Road, Bloomsburg, PA 17815.
Township of Locust	Locust Municipal Building, 1223A Numidia Drive, Catawissa, PA 17820.
Township of Mifflin	Mifflin Township Building, 201 East 1st Street, Mifflinville, PA 18631.
Township of Montour	Montour Township Office, 195 Rupert Drive, Bloomsburg, PA 17815.
Township of Pine	Pine Township Building, 309 Wintersteen School Road, Millville, PA 17846.
Township of Roaring Creek	Roaring Creek Township Secretary Building, 28 Brass School Road, Catawissa, PA 17820.

Community	Community map repository address
Township of Scott	Scott Municipal Building, 350 Tenny Street, Bloomsburg, PA 17815. Sugarloaf Municipal Building, 90 Schoolhouse Road, Benton, PA 17814.
Township of Sugarloaf	
Hardy County, West Virginia and Incorporated Areas Project: 21-03-0002S Preliminary Date: April 14, 2022	
Town of Wardensville	Town Hall, 25 Warrior Way, Wardensville, WV 26851. Hardy County Courthouse, 204 Washington Street, Moorefield, WV 26836.
Unincorporated Areas of Hardy County	
Fond du Lac, Wisconsin and Incorporated Areas Project: 13-05-3721S Preliminary Date: April 18, 2022	
Unincorporated Areas of Fond du Lac County	Code Enforcement Office, 160 South Macy Street, Fond du Lac, WI 54935. Village Hall, 204 First Street, Kewaskum, WI 53040.
Village of Kewaskum	

[FR Doc. 2022-26879 Filed 12-9-22; 8:45 am]

BILLING CODE 9110-12-P

DEPARTMENT OF HOMELAND SECURITY**Federal Emergency Management Agency**

[Docket ID: FEMA-0022-0048; OMB No. 1660-0009]

Agency Information Collection Activities: Proposed Collection; Comment Request; The Declaration Process: Requests for Preliminary Damage Assessment (PDA), Requests for Supplemental Federal Disaster Assistance, Appeals, and Requests for Cost Share Adjustments**AGENCY:** Federal Emergency Management Agency, Department of Homeland Security.**ACTION:** 60-Day notice of revision and request for comments.

SUMMARY: The Federal Emergency Management Agency (FEMA), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on an extension, with change, of a currently approved information collection. In accordance with the Paperwork Reduction Act of 1995, this notice seeks comments concerning the Declaration Process: Requests for Preliminary Damage Assessment (PDA), Requests for Supplemental Federal Disaster Assistance, Appeals, and Requests for Cost Share Adjustments collection. This collection allows states and Tribes to request a major disaster or emergency declaration.

DATES: Comments must be submitted on or before February 10, 2023.

ADDRESSES: To avoid duplicate submissions to the docket, please submit comments at www.regulations.gov under Docket ID FEMA-0022-0048. Follow the instructions for submitting comments.

All submissions received must include the agency name and Docket ID. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at <http://www.regulations.gov>, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read the Privacy and Security Notice that is available via a link on the homepage of www.regulations.gov.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Declarations Unit, Federal Emergency Management Agency at (202) 646-2833 or Dean.Webster@fema.dhs.gov for additional information. You may contact the Information Management Division for copies of the proposed collection of information at email address: FEMA-Information-Collections-Management@fema.dhs.gov.

SUPPLEMENTARY INFORMATION: Under Sections 401 and 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) (42 U.S.C 5170 and 5190), if a state or Tribe is impacted by an event of the severity and magnitude that is beyond its response capabilities, the state Governor or Chief Executive may seek a declaration by the President that a major disaster or emergency exists. Any major disaster or emergency request must be submitted through FEMA, which evaluates the request and makes a recommendation to the President about what response action to take. If the major disaster or emergency declaration request is granted, the state or Tribe may be eligible to receive assistance under 42

U.S.C. 5170a-5170c; 5172-5186; 5189c-5189d; and 5192. A state or Tribe may appeal denials of a major disaster or emergency declaration request for determinations under section 44 CFR 206.46 and seek an adjustment to the cost share percentage under section 44 CFR 206.47. FEMA is revising the currently approved information collection to account for an update in the estimates of the number of disaster declaration requests received each year.

Collection of Information

Title: The Declaration Process: Requests for Preliminary Damage Assessment (PDA), Requests for Supplemental Federal Disaster Assistance, Appeals, and Requests for Cost Share Adjustments.

Type of Information Collection: Revision of a currently approved information collection.

OMB Number: 1660-0009.

FEMA Forms: FEMA Form FF-104-FY-22-232 (formerly 010-0-13), Request for Presidential Disaster Declaration Major Disaster or Emergency.

Abstract: When a disaster occurs, the Governor of the state or the Chief Executive of an affected Indian tribal government may request a major disaster declaration or an emergency declaration. The Governor or Chief Executive should submit the request to the President through the appropriate Regional Administrator to ensure prompt acknowledgement and processing. The information obtained by joint Federal, state, and local preliminary damage assessments will be analyzed by FEMA regional senior level staff. The regional summary and the regional analysis and recommendation will include a discussion of state and local resources and capabilities, and other assistance available to meet the disaster related needs. The

Administrator of FEMA provides a recommendation to the President and also provides a copy of the Governor's or Chief Executive's request. In the event the information required by law is not contained in the request, the Governor's or Chief Executive's request cannot be processed and forwarded to the White House. In the event the Governor's request for a major disaster declaration or an emergency declaration is not granted, the Governor or Chief Executive may appeal the decision.

Affected Public: State, Local or Tribal Governments.

Estimated Number of Respondents: 70.

Estimated Number of Responses: 120.

Estimated Total Annual Burden Hours: 4,040.

Estimated Total Annual Cost: \$208,218.

Estimated Respondents' Operation and Maintenance Costs: \$0.

Estimated Respondents' Capital and Start-Up Costs: \$0.

Estimated Total Annual Cost to the Federal Government: \$9,336,210.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) 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.

Millicent Brown Wilson,

Records Management Branch Chief, Office of the Chief Administrative Officer, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.
[FR Doc. 2022-26894 Filed 12-9-22; 8:45 am]

BILLING CODE 9111-24-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Immigration and Customs Enforcement

[Docket No. ICEB-2022-0012]

RIN 1653-ZA32]

Employment Authorization for Ethiopian F-1 Nonimmigrant Students Experiencing Severe Economic Hardship as a Direct Result of the Current Crisis in Ethiopia

AGENCY: U.S. Immigration and Customs Enforcement; Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice announces that the Secretary of Homeland Security (Secretary) is suspending certain regulatory requirements for F-1 nonimmigrant students whose country of citizenship is Ethiopia, regardless of country of birth (or individuals having no nationality who last habitually resided in Ethiopia), and who are experiencing severe economic hardship as a direct result of the current crisis in Ethiopia. The Secretary is taking action to provide relief to these Ethiopian students who are lawful F-1 nonimmigrant students so the students may request employment authorization, work an increased number of hours while school is in session, and reduce their course load while continuing to maintain their F-1 nonimmigrant student status. The U.S. Department of Homeland Security (DHS) will deem an F-1 nonimmigrant student granted employment authorization by means of this notice to be engaged in a "full course of study" for the duration of the employment authorization, if the nonimmigrant student satisfies the minimum course load requirement described in this notice.

DATES: This notice is effective December 12, 2022, through Wednesday June 12, 2024.

FOR FURTHER INFORMATION CONTACT: Sharon Snyder, Unit Chief, Policy and Response Unit, Student and Exchange Visitor Program, MS 5600, U.S. Immigration and Customs Enforcement, 500 12th Street SW, Washington, DC 20536-5600; email: sevp@ice.dhs.gov, telephone: (703) 603-3400. This is not a toll-free number. Program information can be found at <https://www.ice.gov/sevis/>.

SUPPLEMENTARY INFORMATION:

What action is DHS taking under this notice?

The Secretary is exercising authority under 8 CFR 214.2(f)(9) to temporarily suspend the applicability of certain requirements governing on-campus and off-campus employment for F-1 nonimmigrant students whose country of citizenship is Ethiopia regardless of country of birth (or individuals having no nationality who last habitually resided in Ethiopia), who are present in the United States in lawful F-1 nonimmigrant student status on the date of publication of this notice, and who are experiencing severe economic hardship as a direct result of the current crisis in Ethiopia. Effective with this publication, suspension of the employment limitations is available through [DATE], 2024, for those who are in lawful F-1 nonimmigrant status on the date of publication of this notice. DHS will deem an F-1 nonimmigrant student granted employment authorization through this notice to be engaged in a "full course of study" for the duration of the employment authorization, if the student satisfies the minimum course load set forth in this notice.¹ See 8 CFR 214.2(f)(6)(i)(F).

Who is covered by this notice?

This notice applies exclusively to F-1 nonimmigrant students who meet all of the following conditions:

- (1) Are a citizen of Ethiopia regardless of country of birth (or an individual having no nationality who last habitually resided in Ethiopia);
- (2) Were lawfully present in the United States in F-1 nonimmigrant status under section 101(a)(15)(F)(i) of the Immigration and Nationality Act (INA), 8 U.S.C. 1101(a)(15)(F)(i), on the date of publication of this notice;
- (3) Are enrolled in an academic institution that is Student and Exchange Visitor Program (SEVP)-certified for

¹ Because the suspension of requirements under this notice applies throughout an academic term during which the suspension is in effect, DHS considers an F-1 nonimmigrant student who engages in a reduced course load or employment (or both) after this notice is effective to be engaging in a "full course of study," see 8 CFR 214.2(f)(6), and eligible for employment authorization, through the end of any academic term for which such student is matriculated as of [DATE], 2024, provided the student satisfies the minimum course load requirements in this notice. DHS also considers students who engage in online coursework pursuant to U.S. Immigration and Customs Enforcement (ICE) coronavirus disease 2019 (COVID-19) guidance for nonimmigrant students to be in compliance with regulations while such guidance remains in effect. See ICE Guidance and Frequently Asked Questions on COVID-19, Nonimmigrant Students & SEVP-Certified Schools: Frequently Asked Questions, <https://www.ice.gov/coronavirus> (last visited Oct. 6, 2022).

enrollment for F–1 nonimmigrant students;

(4) Are currently maintaining F–1 nonimmigrant status; and

(5) Are experiencing severe economic hardship as a direct result of the current crisis in Ethiopia.

This notice applies to F–1 nonimmigrant students in an approved private school in kindergarten through grade 12, public school grades 9 through 12, and undergraduate and graduate education. An F–1 nonimmigrant student covered by this notice who transfers to another SEVP-certified academic institution remains eligible for the relief provided by means of this notice.

Why is DHS taking this action?

DHS is taking action to provide relief to Ethiopian F–1 nonimmigrant students experiencing severe economic hardship due to the current crisis in Ethiopia caused by the armed conflict in multiple regions of the country resulting in large-scale displacement of civilians. Based on its review of country conditions in Ethiopia and input received from the U.S. Department of State (DOS), DHS is taking action to allow eligible F–1 nonimmigrant students from Ethiopia to request employment authorization, work an increased number of hours while school is in session, and reduce their course load while continuing to maintain F–1 nonimmigrant student status.

The conflict in northern Ethiopia began in November 2020, when a constitutional dispute between Tigray and federal leaders escalated into conflict amid a prolonged power struggle.² Human rights abuses by all parties to the conflict have been reported, including killings, torture, gender-based violence, arbitrary or unjust detentions, and there have also been potential human trafficking crimes.³ The federal government declared a humanitarian truce in the Tigray region on March 24, 2022, which was reciprocated by the Tigrayan regional authorities, but hostilities resumed on August 24, 2022.⁴ On September 1, 2022, Tigray authorities

stated that the Ethiopian and Eritrean armies had launched major offenses into the northwestern Tigray region.⁵ After significant engagement by the African Union and other partners, delegations from the government of Ethiopia and Tigray regional authorities signed a cessation of hostilities agreement in Pretoria on November 2. While this agreement is an important initial step in curbing violence in northern Ethiopia, it does not address violence in other parts of Ethiopia, and—as of early November 2022—there remains significant humanitarian suffering as a result of the two-year conflict.

Armed Conflict Location and Event Data Project (ACLED) data indicates that over 230 alleged incidents of civilians being targeted were reported in Ethiopia during the first six months of 2022.⁶

Violence in Ethiopia has caused many to flee their homes and has exacerbated humanitarian concerns regarding access to food, water, and healthcare. A September 2022 United Nations (UN) Office for the Coordination of Humanitarian Affairs (UNOCHA) report stated: “more than 20 million people affected by violence as well as climatic shocks . . . require humanitarian assistance and protection services until the end of 2022.”⁷ In July 2022, the UN Children’s Fund (UNICEF) estimated that 29.7 million people are in need of humanitarian assistance, including access to food, water, and health services, in Ethiopia. UNICEF also estimated that there were 2.75 million internally displaced persons (IDPs) in Ethiopia.⁸ An August 2022 report by the UN Food and Agriculture Organization (FAO) stated that, in 2022, 20.4 million people are estimated to be severely food insecure, which is 2.4 million more than in 2021.⁹ In addition, the UN High Commissioner for Refugees (UNHCR) estimated that there are more than 59,500 Ethiopian refugees in eastern Sudan who have fled violence in Ethiopia.¹⁰

⁵ *Id.*

⁶ ACLED, *Multiple Complications Threaten to Result in a Dangerous Re-escalation* (Aug. 15, 2022), <https://acleddata.com/10-conflicts-to-worry-about-in-2022/ethiopia/mid-year-update/>.

⁷ UNOCHA, *Ethiopia Situation Overview* (Sept. 7, 2022), <https://reports.unocha.org/en/country/ethiopia/card/5EhBh4Xf5z/>.

⁸ UNICEF, *Ethiopia Humanitarian Situation Report No. 7* (July 2022), <https://www.unicef.org/media/126921/file/Ethiopia%20Humanitarian%20Situation%20Report%20No.%207,%20July%202022.pdf>.

⁹ UN FAO, *GIEWS—Global Information and Early Warning System, Country Briefs, Ethiopia* (Aug. 24, 2022), <https://www.fao.org/giews/countrybrief/country.jsp?code=ETH&lang=en>.

¹⁰ UNOCHA, Sudan: East Sudan (Kassala & Gedaref) & Blue Nile States—Ethiopian Emergency Situation Update (as of 31 August 2022), (Sept. 14,

Ethiopia is facing multiple and overlapping crises, significantly impacting the security and humanitarian situation throughout the country. Areas experiencing conflict have seen their local healthcare systems severely damaged and diminished. A July 2022 World Health Organization (WHO) report stated that in the Tigray region, just 22 percent of health facilities were fully functioning, with 75 percent only partially functioning, and 3 percent not functioning at all.¹¹ Additionally, Ethiopia has been experiencing one of the most severe droughts in the last forty years since late 2020.¹² Drought conditions have resulted in widespread death of livestock, a key source of food, milk, and income for pastoralists.¹³ Due to the instability caused by increased levels of armed conflict, Ethiopia is facing economic pressure. Annual inflation remains high, driven by rising food and fuel costs, which puts pressure on households’ ability to access market foods. Annual inflation in July 2022 was at 33.5 percent, slightly lower than in June 2022.¹⁴ Ethiopia is experiencing insufficient foreign currency reserves and the continuous depreciation of the national currency, the Ethiopian birr.¹⁵

As of October 2, 2022, approximately 3,592 F–1 nonimmigrant students who are Ethiopian citizens are enrolled at SEVP-certified academic institutions in the United States. Given the extent of the current crisis in Ethiopia, affected students whose primary means of financial support comes from Ethiopia may need to be exempt from the normal student employment requirements to continue their studies in the United States. The current crisis has made it unfeasible for many students to safely return to Ethiopia for the foreseeable future. Without employment

2022), <https://reliefweb.int/report/sudan/sudan-east-sudan-kassala-gedaref-blue-nile-states-ethiopian-emergency-situation-update-31-august-2022>.

¹¹ WHO, *Situation Report: Greater Horn of Africa Drought and Food Insecurity Grade 3 Emergency* (July 29, 2022), https://cdn.who.int/media/docs/default-source/documents/emergencies/who_ghoa_sitrep_2022-08-08.pdf?sfvrsn=dbdfc8b0_3&download=true.

¹² UNOCHA, *Ethiopia: Drought Update No. 4, June 2022* (June 3, 2022), <https://reliefweb.int/report/ethiopia/ethiopia-drought-update-no-4-june-2022>.

¹³ *Id.*

¹⁴ Famine Early Warning Systems Network (FEWS NET), *There is the potential for extreme food insecurity in conflict and drought-affected areas of Ethiopia* (July 2022), <https://fewsn.net/east-africa/ethiopia/key-message-update/july-2022>.

¹⁵ Food and Agriculture Organization of the United Nations (FAO), *GIEWS—Global Information and Early Warning System, Country Briefs, Ethiopia* (Aug. 24, 2022), <https://www.fao.org/giews/countrybrief/country.jsp?code=ETH&lang=en>.

² International Crisis Group, *Avoiding the Abyss as War Resumes in Northern Ethiopia* (Sept. 7, 2022), <https://www.crisisgroup.org/africa/horn-africa/ethiopia/avoiding-abyss-war-resumes-northern-ethiopia>.

³ *Id.*; Department of State, *2022 Trafficking in Persons Report* (July 19, 2022), <https://www.state.gov/reports/2022-trafficking-in-persons-report/>.

⁴ International Crisis Group, *Avoiding the Abyss as War Resumes in Northern Ethiopia* (Sept. 7, 2022), <https://www.crisisgroup.org/africa/horn-africa/ethiopia/avoiding-abyss-war-resumes-northern-ethiopia>.

authorization, these students may lack the means to meet basic living expenses.

What is the minimum course load requirement to maintain valid F-1 nonimmigrant status under this notice?

Undergraduate F-1 nonimmigrant students who receive on-campus or off-campus employment authorization under this notice must remain registered for a minimum of six semester or quarter hours of instruction per academic term. Undergraduate F-1 nonimmigrant students enrolled in a term of different duration must register for at least one half of the credit hours normally required under a “full course of study.” See 8 CFR 214.2(f)(6)(i)(B) and (F). A graduate-level F-1 nonimmigrant student who receives on-campus or off-campus employment authorization under this notice must remain registered for a minimum of three semester or quarter hours of instruction per academic term. See 8 CFR 214.2(f)(5)(v). Nothing in this notice affects the applicability of other minimum course load requirements set by the academic institution.

In addition, an F-1 nonimmigrant student (either undergraduate or graduate) granted on-campus or off-campus employment authorization under this notice may count up to the equivalent of one class or three credits per session, term, semester, trimester, or quarter of online or distance education toward satisfying this minimum course load requirement, unless their course of study is in an English language study program.¹⁶ See 8 CFR 214.2(f)(6)(i)(G). An F-1 nonimmigrant student attending an approved private school in kindergarten through grade 12 or public school in grades 9 through 12 must maintain “class attendance for not less than the minimum number of hours a week prescribed by the school for normal progress toward graduation,” as required under 8 CFR 214.2(f)(6)(i)(E). Nothing in this notice affects the applicability of federal and state labor laws limiting the employment of minors.

May an eligible F-1 nonimmigrant student who already has on-campus or off-campus employment authorization benefit from the suspension of regulatory requirements under this notice?

Yes. An F-1 nonimmigrant student who is a Ethiopian citizen, regardless of country of birth (or an individual having no nationality who last habitually resided in Ethiopia), who already has on-campus or off-campus employment authorization and is otherwise eligible may benefit under this notice, which suspends certain regulatory requirements relating to the minimum course load requirement under 8 CFR 214.2(f)(6)(i) and certain employment eligibility requirements under 8 CFR 214.2(f)(9). Such an eligible F-1 nonimmigrant student may benefit without having to apply for a new Form I-766, Employment Authorization Document (EAD). To benefit from this notice, the F-1 nonimmigrant student must request that their designated school official (DSO) enter the following statement in the remarks field of the student’s Student and Exchange Visitor Information System (SEVIS) record, which the student’s Form I-20, Certificate of Eligibility for Nonimmigrant (F-1) Student Status, will reflect:

Approved for more than 20 hours per week of [DSO must insert “on-campus” or “off-campus,” depending upon the type of employment authorization the student already has] employment authorization and reduced course load under the Special Student Relief authorization from [DSO must insert the beginning date of the notice or the beginning date of the student’s employment, whichever date is later] until [DSO must insert either the student’s program end date, the current EAD expiration date (if the student is currently authorized for off-campus employment), or the end date of this notice, whichever date comes first].¹⁷

Must the F-1 nonimmigrant student apply for reinstatement after expiration of this special employment authorization if the student reduces his or her “full course of study”?

No. DHS will deem an F-1 nonimmigrant student who receives and comports with the employment

authorization permitted under this notice to be engaged in a “full course of study”¹⁸ for the duration of the student’s employment authorization, provided that a qualifying undergraduate level F-1 nonimmigrant student remains registered for a minimum of six semester or quarter hours of instruction per academic term, and a qualifying graduate level F-1 nonimmigrant student remains registered for a minimum of three semester or quarter hours of instruction per academic term. See 8 CFR 214.2(f)(5)(v) and (f)(6)(i)(F). Undergraduate F-1 nonimmigrant students enrolled in a term of different duration must register for at least one half of the credit hours normally required under a “full course of study.” See 8 CFR 214.2(f)(6)(i)(B) and (F). DHS will not require such students to apply for reinstatement under 8 CFR 214.2(f)(16) if they are otherwise maintaining F-1 nonimmigrant status.

Will an F-2 dependent (spouse or minor child) of an F-1 nonimmigrant student covered by this notice be eligible for employment authorization?

No. An F-2 spouse or minor child of an F-1 nonimmigrant student is not authorized to work in the United States and, therefore, may not accept employment under the F-2 nonimmigrant status, consistent with 8 CFR 214.2(f)(15)(i).

Will the suspension of the applicability of the standard student employment requirements apply to an individual who receives an initial F-1 visa and makes an initial entry into the United States after the effective date of this notice in the Federal Register?

No. The suspension of the applicability of the standard regulatory requirements only applies to certain F-1 nonimmigrant students who meet the following conditions:

- (1) Are a citizen of Ethiopia regardless of country of birth (or an individual having no nationality who last habitually resided in Ethiopia);
- (2) Were lawfully present in the United States in F-1 nonimmigrant status, under section 101(a)(15)(F)(i) of the INA, 8 U.S.C. 1101(a)(15)(F)(i) on the date of publication of this notice;
- (3) Are enrolled in an academic institution that is SEVP-certified for enrollment of F-1 nonimmigrant students;
- (4) Are maintaining F-1 nonimmigrant status; and

¹⁶ DHS considers students who are compliant with ICE coronavirus disease 2019 (COVID-19) guidance for nonimmigrant students to be in compliance with regulations while such COVID-19 guidance remains in effect. See ICE Guidance and Frequently Asked Questions on COVID-19, <https://www.ice.gov/coronavirus> (last visited Oct. 6, 2022).

¹⁷ Because the suspension of requirements under this notice applies throughout an academic term during which the suspension is in effect, DHS considers an F-1 nonimmigrant student who engages in a reduced course load or employment (or both) after this notice is effective to be engaging in a “full course of study,” see 8 CFR 214.2(f)(6), and eligible for employment authorization, through the end of any academic term for which such student is matriculated as of [date], 2024, provided the student satisfies the minimum course load requirements in this notice.

¹⁸ See 8 CFR 214.2(f)(6).

(5) Are experiencing severe economic hardship as a direct result of the current crisis in Ethiopia.

An F–1 nonimmigrant student who does not meet all these requirements is ineligible for the suspension of the applicability of the standard regulatory requirements (even if experiencing severe economic hardship as a direct result of the current crisis in Ethiopia).

Does this notice apply to a continuing F–1 nonimmigrant student who departs the United States after the effective date of this notice in the Federal Register and who needs to obtain a new F–1 visa before returning to the United States to continue an educational program?

Yes. This notice applies to such an F–1 nonimmigrant student, but only if the DSO has properly notated the student's SEVIS record, which will then appear on the student's Form I–20. The normal rules for visa issuance remain applicable to a nonimmigrant who needs to apply for a new F–1 visa to continue an educational program in the United States.

Does this notice apply to elementary school, middle school, and high school students in F–1 status?

Yes. However, this notice does not by itself reduce the required course load for F–1 nonimmigrant students from Ethiopia enrolled in kindergarten through grade 12 at a private school, or grades 9 through 12 at a public high school. Such students must maintain the minimum number of hours of class attendance per week prescribed by the academic institution for normal progress toward graduation, as required under 8 CFR 214.2(f)(6)(i)(E). The suspension of certain regulatory requirements related to employment through this notice is applicable to all eligible F–1 nonimmigrant students regardless of educational level. Eligible F–1 nonimmigrant students from Ethiopia enrolled in an elementary school, middle school, or high school may benefit from the suspension of the requirement in 8 CFR 214.2(f)(9)(i) that limits on-campus employment to 20 hours per week while school is in session.

On-Campus Employment Authorization

Will an F–1 nonimmigrant student who receives on-campus employment authorization under this notice be authorized to work more than 20 hours per week while school is in session?

Yes. For an F–1 nonimmigrant student covered in this notice, the Secretary is suspending the applicability of the requirement in 8 CFR 214.2(f)(9)(i) that limits an F–1

nonimmigrant student's on-campus employment to 20 hours per week while school is in session. An eligible F–1 nonimmigrant student has authorization to work more than 20 hours per week while school is in session if the DSO has entered the following statement in the remarks field of the student's SEVIS record, which will be reflected on the student's Form I–20:

Approved for more than 20 hours per week of on-campus employment and reduced course load, under the Special Student Relief authorization from [DSO must insert the beginning date of this notice or the beginning date of the student's employment, whichever date is later] until [DSO must insert the student's program end date or the end date of this notice, whichever date comes first].¹⁹

To obtain on-campus employment authorization, the F–1 nonimmigrant student must demonstrate to the DSO that the employment is necessary to avoid severe economic hardship directly resulting from the current crisis in Ethiopia. An F–1 nonimmigrant student authorized by the DSO to engage in on-campus employment by means of this notice does not need to file any applications with U.S. Citizenship and Immigration Services (USCIS). The standard rules permitting full-time on-campus employment when school is not in session or during school vacations apply, as described in 8 CFR 214.2(f)(9)(i).

Will an F–1 nonimmigrant student who receives on-campus employment authorization under this notice have authorization to reduce the normal course load and still maintain his or her F–1 nonimmigrant student status?

Yes. DHS will deem an F–1 nonimmigrant student who receives on-campus employment authorization under this notice to be engaged in a “full course of study”²⁰ for the purpose of maintaining their F–1 nonimmigrant student status for the duration of the on-campus employment, if the student satisfies the minimum course load requirement described in this notice, consistent with 8 CFR 214.2(f)(6)(i)(F). However, the authorization to reduce the normal course load is solely for DHS purposes of determining valid F–1

¹⁹ Because the suspension of requirements under this notice applies throughout an academic term during which the suspension is in effect, DHS considers an F–1 nonimmigrant student who engages in a reduced course load or employment (or both) after this notice is effective to be engaging in a “full course of study,” see 8 CFR 214.2(f)(6), and eligible for employment authorization, through the end of any academic term for which such student is matriculated as of [date], 2024, provided the student satisfies the minimum course load requirements in this notice.

²⁰ See 8 CFR 214.2(f)(6).

nonimmigrant student status. Nothing in this notice mandates that school officials allow an F–1 nonimmigrant student to take a reduced course load if the reduction would not meet the academic institution's minimum course load requirement for continued enrollment.²¹

Off-Campus Employment Authorization

What regulatory requirements does this notice temporarily suspend relating to off-campus employment?

For an F–1 nonimmigrant student covered by this notice, as provided under 8 CFR 214.2(f)(9)(ii)(A), the Secretary is suspending the following regulatory requirements relating to off-campus employment:

(a) The requirement that a student must have been in F–1 nonimmigrant student status for one full academic year to be eligible for off-campus employment;

(b) The requirement that an F–1 nonimmigrant student must demonstrate that acceptance of employment will not interfere with the student's carrying a full course of study;

(c) The requirement that limits an F–1 nonimmigrant student's employment authorization to no more than 20 hours per week of off-campus employment while the school is in session; and

(d) The requirement that the student demonstrate that employment under 8 CFR 214.2(f)(9)(i) is unavailable or otherwise insufficient to meet the needs that have arisen as a result of the unforeseen circumstances.

Will an F–1 nonimmigrant student who receives off-campus employment authorization under this notice have authorization to reduce the normal course load and still maintain F–1 nonimmigrant status?

Yes. DHS will deem an F–1 nonimmigrant student who receives off-campus employment authorization by means of this notice to be engaged in a “full course of study”²² for the purpose of maintaining F–1 nonimmigrant student status for the duration of the student's employment authorization if the student satisfies the minimum course load requirement described in this notice, consistent with 8 CFR 214.2(f)(6)(i)(F). However, the authorization for a reduced course load is solely for DHS purposes of determining valid F–1 nonimmigrant

²¹ Minimum course load requirement for enrollment in a school must be established in a publicly available document (e.g., catalog, website, or operating procedure), and it must be a standard applicable to all students (U.S. citizens and foreign students) enrolled at the school.

²² See 8 CFR 214.2(f)(6).

student status. Nothing in this notice mandates that school officials allow an F-1 nonimmigrant student to take a reduced course load if such reduced course load would not meet the school's minimum course load requirement.²³

How may an eligible F-1 nonimmigrant student obtain employment authorization for off-campus employment with a reduced course load under this notice?

An F-1 nonimmigrant student must file a Form I-765, Application for Employment Authorization, with USCIS to apply for off-campus employment authorization based on severe economic hardship directly resulting from the current crisis in Ethiopia.²⁴ Filing instructions are located at <https://www.uscis.gov/i-765>.

Fee considerations. Submission of a Form I-765 currently requires payment of a \$410 fee. An applicant who is unable to pay the fee may submit a completed Form I-912, Request for Fee Waiver, along with the Form I-765, Application for Employment Authorization. See www.uscis.gov/feewaiver. The submission must include an explanation about why USCIS should grant the fee waiver and the reason(s) for the inability to pay, and any evidence to support the reason(s). See 8 CFR 103.7(c).

Supporting documentation. An F-1 nonimmigrant student seeking off-campus employment authorization due to severe economic hardship must demonstrate the following to their DSO:

- (1) This employment is necessary to avoid severe economic hardship; and
- (2) The hardship is a direct result of the current crisis in Ethiopia.

If the DSO agrees that the F-1 nonimmigrant student is entitled to receive such employment authorization, the DSO must recommend application approval to USCIS by entering the following statement in the remarks field of the student's SEVIS record, which will then appear on that student's Form I-20:

Recommended for off-campus employment authorization in excess of 20 hours per week and reduced course load under the Special Student Relief authorization from the date of the USCIS authorization noted on Form I-766 until [DSO must insert the program end date or the end date of this notice, whichever date comes first].²⁵

²³ Minimum course load requirement for enrollment in a school must be established in a publicly available document (e.g., catalog, website, or operating procedure), and it must be a standard applicable to all students (U.S. citizens and foreign students) enrolled at the school.

²⁴ See 8 CFR 274a.12(c)(3)(iii).

²⁵ Because the suspension of requirements under this notice applies throughout an academic term

The F-1 nonimmigrant student must then file the properly endorsed Form I-20 and Form I-765 according to the instructions for the Form I-765. The F-1 nonimmigrant student may begin working off campus only upon receipt of the EAD from USCIS.

DSO recommendation. In making a recommendation that an F-1 nonimmigrant student be approved for Special Student Relief, the DSO certifies that:

(a) The F-1 nonimmigrant student is in good academic standing and is carrying a "full course of study"²⁶ at the time of the request for employment authorization;

(b) The F-1 nonimmigrant student is a citizen of Ethiopia, regardless of country of birth (or an individual having no nationality who last habitually resided in Ethiopia), and is experiencing severe economic hardship as a direct result of the current crisis in Ethiopia, as documented on the Form I-20;

(c) The F-1 nonimmigrant student has confirmed that the student will comply with the reduced course load requirements of this notice and register for the duration of the authorized employment for a minimum of six semester or quarter hours of instruction per academic term if at the undergraduate level, or for a minimum of three semester or quarter hours of instruction per academic term if the student is at the graduate level;²⁷ and

(d) The off-campus employment is necessary to alleviate severe economic hardship to the individual as a direct result of the current crisis in Ethiopia.

Processing. To facilitate prompt adjudication of the student's application for off-campus employment authorization under 8 CFR 214.2(f)(9)(ii)(C), the F-1 nonimmigrant student should do both of the following:

(a) Ensure that the application package includes the following documents:

- (1) A completed Form I-765 with all applicable supporting evidence;
- (2) The required fee or properly documented fee waiver request as defined in 8 CFR 103.7(c); and
- (3) A signed and dated copy of the student's Form I-20 with the

during which the suspension is in effect, DHS considers an F-1 nonimmigrant student who engages in a reduced course load or employment (or both) after this notice is effective to be engaging in a "full course of study," see 8 CFR 214.2(f)(6), and eligible for employment authorization, through the end of any academic term for which such student is matriculated as of [date], 2024, provided the student satisfies the minimum course load requirements in this notice.

²⁶ See 8 CFR 214.2(f)(6).

²⁷ 8 CFR 214.2(f)(5)(v).

appropriate DSO recommendation, as previously described in this notice; and

(b) Send the application in an envelope which is clearly marked on the front of the envelope, bottom right-hand side, with the phrase "SPECIAL STUDENT RELIEF."²⁸ Failure to include this notation may result in significant processing delays.

If USCIS approves the student's Form I-765, USCIS will send the student a Form I-766 EAD as evidence of employment authorization. The EAD will contain an expiration date that does not exceed the end of the granted temporary relief.

Temporary Protected Status (TPS) Considerations

Can an F-1 nonimmigrant student apply for TPS and for benefits under this notice at the same time?

Yes. An F-1 nonimmigrant student who has not yet applied for TPS or for other relief that reduces the student's course load per term and permits an increased number of work hours per week, such as Special Student Relief,²⁹ under this notice has two options.

Under the first option, the F-1 nonimmigrant student may apply for TPS according to the instructions in the USCIS notice designating Ethiopia for TPS elsewhere in this issue of the **Federal Register**. All TPS applicants must file a Form I-821, Application for Temporary Protected Status with the appropriate fee (or request a fee waiver). Although not required to do so, if F-1 nonimmigrant students want to obtain a new TPS-related EAD that is valid through [DATE], 2024, and to be eligible for automatic EAD extensions that may be available to certain EADs with an A-12 or C-19 category code, they must file Form I-765 and pay the Form I-765 fee (or request a fee waiver). After receiving the TPS-related EAD, an F-1 nonimmigrant student may request that their DSO make the required entry in SEVIS, issue an updated Form I-20, as described in this notice, and notate that the nonimmigrant student has been authorized to carry a reduced course load and is working pursuant to a TPS-related EAD. So long as the F-1 nonimmigrant student maintains the minimum course load described in this notice, does not otherwise violate their nonimmigrant status, including as provided under 8 CFR 214.1(g), and maintains TPS, then the student

²⁸ Guidance for direct filing addresses can be found here: <https://www.uscis.gov/i-765-addresses>.

²⁹ See DHS Study in the States, Special Student Relief, <https://studyinthestates.dhs.gov/students/special-student-relief> (last visited Oct. 6, 2022).

maintains F-1 status and TPS concurrently.

Under the second option, the F-1 nonimmigrant student may apply for an EAD under Special Student Relief by filing Form I-765 with the location specified in the filing instructions. At the same time, the F-1 nonimmigrant student may file a separate TPS application but must submit the Form I-821 according to the instructions provided in the **Federal Register** notice designating Ethiopia for TPS. If the F-1 nonimmigrant student has already applied for employment authorization under Special Student Relief, they are not required to submit the Form I-765 as part of the TPS application. However, some nonimmigrant students may wish to obtain a TPS EAD in light of certain extensions that may be available to EADs with an A-12 or C-19 category code that are not available to the C-3 category under which Special Student Relief falls. The F-1 nonimmigrant student should check the appropriate box when filling out Form I-821 to indicate whether a TPS-related EAD is being requested. Again, so long as the F-1 nonimmigrant student maintains the minimum course load described in this notice and does not otherwise violate the student's nonimmigrant status, included as provided under 8 CFR 214.1(g), the nonimmigrant will be able to maintain compliance requirements for F-1 nonimmigrant student status while having TPS.

When a student applies simultaneously for TPS and benefits under this notice, what is the minimum course load requirement while an application for employment authorization is pending?

The F-1 nonimmigrant student must maintain normal course load requirements for a "full course of study"³⁰ unless or until the nonimmigrant student receives employment authorization under this notice. TPS-related employment authorization, by itself, does not authorize a nonimmigrant student to drop below twelve credit hours, or otherwise applicable minimum requirements (*e.g.*, clock hours for non-traditional academic programs). Once approved for Special Student Relief employment authorization, the F-1 nonimmigrant student may drop below twelve credit hours, or otherwise applicable minimum requirements (with a minimum of six semester or quarter hours of instruction per academic term if at the undergraduate level, or for a minimum of three semester or quarter hours of instruction per academic term

if at the graduate level). See 8 CFR 214.2(f)(5)(v), (f)(6), and (f)(9)(i) and (ii).

How does a student who has received a TPS-related EAD then apply for authorization to take a reduced course load under this notice?

There is no further application process with USCIS if a student has been approved for a TPS-related EAD. The F-1 nonimmigrant student must demonstrate and provide documentation to the DSO of the direct economic hardship resulting from the current crisis in Ethiopia. The DSO will then verify and update the student's record in SEVIS to enable the F-1 nonimmigrant student with TPS to reduce the course load without any further action or application. No other EAD needs to be issued for the F-1 nonimmigrant student to have employment authorization.

Can a noncitizen who has been granted TPS apply for reinstatement of F-1 nonimmigrant student status after the noncitizen's F-1 nonimmigrant student status has lapsed?

Yes. Regulations permit certain students who fall out of F-1 nonimmigrant student status to apply for reinstatement. See 8 CFR 214.2(f)(16). This provision might apply to students who worked on a TPS-related EAD or dropped their course load before publication of this notice, and therefore fell out of student status. These students must satisfy the criteria set forth in the F-1 nonimmigrant student status reinstatement regulations.

How long will this notice remain in effect?

This notice grants temporary relief until [DATE], 2024,³¹ to eligible F-1 nonimmigrant students. DHS will continue to monitor the situation in Ethiopia. Should the special provisions authorized by this notice need modification or extension, DHS will

³¹ Because the suspension of requirements under this notice applies throughout an academic term during which the suspension is in effect, DHS considers an F-1 nonimmigrant student who engages in a reduced course load or employment (or both) after this notice is effective to be engaging in a "full course of study," see 8 CFR 214.2(f)(6), and eligible for employment authorization, through the end of any academic term for which such student is matriculated as of [date], 2024, provided the student satisfies the minimum course load requirement in this notice. DHS also considers students who engage in online coursework pursuant to ICE coronavirus disease 2019 (COVID-19) guidance for nonimmigrant students to be in compliance with regulations while such guidance remains in effect. See ICE Guidance and Frequently Asked Questions on COVID-19, Nonimmigrant Students & SEVP-Certified Schools: Frequently Asked Questions, <https://www.ice.gov/coronavirus> (last visited Oct. 6, 2022).

announce such changes in the **Federal Register**.

Paperwork Reduction Act (PRA)

An F-1 nonimmigrant student seeking off-campus employment authorization due to severe economic hardship resulting from the current crisis in Ethiopia must demonstrate to the DSO that this employment is necessary to avoid severe economic hardship. A DSO who agrees that a nonimmigrant student should receive such employment authorization must recommend an application approval to USCIS by entering information in the remarks field of the student's SEVIS record. The authority to collect this information is in the SEVIS collection of information currently approved by the Office of Management and Budget (OMB) under OMB Control Number 1653-0038.

This notice also allows an eligible F-1 nonimmigrant student to request employment authorization, work an increased number of hours while the academic institution is in session, and reduce their course load while continuing to maintain F-1 nonimmigrant student status.

To apply for employment authorization, certain F-1 nonimmigrant students must complete and submit a currently approved Form I-765 according to the instructions on the form. OMB has previously approved the collection of information contained on the current Form I-765, consistent with the PRA (OMB Control No. 1615-0040). Although there will be a slight increase in the number of Form I-765 filings because of this notice, the number of filings currently contained in the OMB annual inventory for Form I-765 is sufficient to cover the additional filings. Accordingly, there is no further action required under the PRA.

Alejandro Mayorkas,

Secretary, U.S. Department of Homeland Security.

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BILLING CODE 9111-28-P

³⁰ See 8 CFR 214.2(f)(6).

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0067]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Application for Asylum and for Withholding of Removal

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until January 11, 2023.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be submitted via the Federal eRulemaking Portal website at <http://www.regulations.gov> under e-Docket ID number USCIS–2007–0034. All submissions received must include the OMB Control Number 1615–0067 in the body of the letter, the agency name and Docket ID USCIS–2007–0034.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, Telephone number (240) 721–3000 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at <http://www.uscis.gov>, or call the USCIS Contact Center at (800) 375–5283; TTY (800) 767–1833.

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on September 26, 2022, at 87

FR 58367, allowing for a 60-day public comment period. USCIS did receive 5 comments in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: <http://www.regulations.gov> and enter USCIS–2007–0034 in the search box. The comments submitted to USCIS via this method are visible to the Office of Management and Budget and comply with the requirements of 5 CFR 1320.12(c). All submissions will be posted, without change, to the Federal eRulemaking Portal at <http://www.regulations.gov>, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of <http://www.regulations.gov>.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection Request:* Extension, without change, of a currently approved collection.

(2) *Title of the Form/Collection:* Application for Asylum and for Withholding of Removal.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–589; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. Form I–589 is necessary to determine whether an alien applying for asylum and/or withholding of removal in the United States is classified as refugee and is eligible to remain in the United States.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I–589 is approximately 85,500 and the estimated hour burden per response is 12 hours per response; the estimated total number of respondents for the information collection I–589 (online filing) is approximately 28,500 and the estimated hour burden per response is 11 hours per response, and the estimated number of respondents providing biometrics is 110,000 and the estimated hour burden per response is 1.17 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 1,468,200 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is \$46,968,000.

Dated: December 6, 2022.

Samantha L Deshommes,
Chief, Regulatory Coordination Division,
Office of Policy and Strategy, U.S. Citizenship
and Immigration Services, Department of
Homeland Security.

[FR Doc. 2022–26884 Filed 12–9–22; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[CIS No. 2706–21; DHS Docket No. USCIS–2022–0014]

RIN 1615–ZB96

Designation of Ethiopia for Temporary Protected Status

AGENCY: U.S. Citizenship and Immigration Services (USCIS), Department of Homeland Security (DHS).

ACTION: Notice of Temporary Protected Status (TPS) designation.

SUMMARY: Through this notice, the Department of Homeland Security (DHS) announces that the Secretary of Homeland Security (Secretary) is designating Ethiopia for Temporary Protected Status (TPS) for 18 months, beginning on December 12, 2022 and ending on Wednesday, June 12, 2024. This designation allows Ethiopian nationals (and individuals having no nationality who last habitually resided in Ethiopia) who have continuously resided in the United States since October 20, 2022, and who have been continuously physically present in the United States since December 12, 2022 to apply for TPS.

DATES:

Designation of Ethiopia for TPS: The 18-month designation of Ethiopia for TPS begins on December 12, 2022 and will remain in effect for 18 months, ending Wednesday, June 12, 2024.

Registration: The registration period for individuals to submit TPS applications under the designation of Ethiopia for TPS begins on December 12, 2022 and will remain in effect through Wednesday, June 12, 2024.

FOR FURTHER INFORMATION CONTACT: You may contact Rená Cutlip-Mason, Chief, Humanitarian Affairs Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security, by mail at 5900 Capital Gateway Drive, Camp Springs, MD 20746, or by phone at 800-375-5283.

For further information on TPS, including guidance on the registration process and additional information on eligibility, please visit the USCIS TPS web page at <https://www.uscis.gov/tps>. You can find specific information about Ethiopia's TPS designation by selecting "Ethiopia" from the menu on the left side of the TPS web page.

If you have additional questions about TPS, please visit <https://uscis.gov/tools>. Our online virtual assistant, Emma, can answer many of your questions and point you to additional information on our website. If you are unable to find your answers there, you may also call our USCIS Contact Center at 800-375-5283 (TTY 800-767-1833).

Applicants seeking information about the status of their individual cases may check Case Status Online, available on the USCIS website at <https://uscis.gov>, or visit the USCIS Contact Center at <https://www.uscis.gov/contactcenter>.

Further information will also be available at local USCIS offices upon publication of this notice.

SUPPLEMENTARY INFORMATION:

Table of Abbreviations

BIA—Board of Immigration Appeals

CFR—Code of Federal Regulations
 DHS—U.S. Department of Homeland Security
 DOS—U.S. Department of State
 EAD—Employment Authorization Document
 FNC—Final Nonconfirmation
 Form I-131—Application for Travel Document
 Form I-765—Application for Employment Authorization
 Form I-797—Notice of Action
 Form I-821—Application for Temporary Protected Status
 Form I-9—Employment Eligibility Verification
 Form I-912—Request for Fee Waiver
 Form I-94—Arrival/Departure Record
 FR—Federal Register
 Government—U.S. Government
 IER—U.S. Department of Justice, Civil Rights Division, Immigrant and Employee Rights Section
 IJ—Immigration Judge
 INA—Immigration and Nationality Act
 SAVE—USCIS Systematic Alien Verification for Entitlements Program
 Secretary—Secretary of Homeland Security
 TPS—Temporary Protected Status
 TTY—Text Telephone
 USCIS—U.S. Citizenship and Immigration Services
 U.S.C.—United States Code

Purpose of This Action (TPS)

Through this notice, DHS sets forth procedures necessary for nationals of Ethiopia (or individuals having no nationality who last habitually resided in Ethiopia) to submit an initial registration application under the designation and apply for an Employment Authorization Document (EAD).

Under this designation, individuals may submit an initial application during the initial registration period that runs from December 12, 2022 and runs through the full length of the designation period ending Wednesday, June 12, 2024.¹ In addition to demonstrating continuous residence in the United States since October 20, 2022 and meeting other eligibility criteria, initial applicants for TPS under this designation must demonstrate that they have been continuously physically present in the United States since

¹ In general, individuals must be given an initial registration period of no less than 180 days to register for TPS, but the Secretary has discretion to provide for a longer registration period. See INA § 244(c)(1)(A)(iv). In keeping with the humanitarian purpose of TPS and advancing the goal of ensuring "the Federal Government eliminates . . . barriers that prevent immigrants from accessing government services available to them" under Executive Order 14012, *Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans*, 86 FR 8277 (Feb. 5, 2021), the Secretary has exercised his discretion to provide for a TPS initial registration period that coincides with the full period of Ethiopia's designation.

December 12, 2022,² the effective date of this designation of Ethiopia, before USCIS may grant them TPS. DHS estimates that approximately 26,730 individuals may become eligible for TPS under the designation of Ethiopia.

What is Temporary Protected Status (TPS)?

- TPS is a temporary immigration status granted to eligible nationals of a foreign state designated for TPS under the INA, or to eligible individuals without nationality who last habitually resided in the designated foreign state, regardless of their country of birth.

- During the TPS designation period, TPS beneficiaries are eligible to remain in the United States, may not be removed, and are authorized to work so long as they continue to meet the requirements of TPS. They may apply for and receive EADs as evidence of employment authorization.

- TPS beneficiaries may also apply for and be granted travel authorization as a matter of DHS discretion.

- To qualify for TPS, beneficiaries must meet the eligibility standards at INA sections 244(c)(1)–(2), 8 U.S.C. 1254a(c)(1)–(2).

- When the Secretary terminates a foreign state's TPS designation, beneficiaries return to one of the following:

- The same immigration status or category that they maintained before TPS, if any (unless that status or category has since expired or terminated); or

- Any other lawfully obtained immigration status or category they received while registered for TPS, as long as it is still valid beyond the date TPS terminates.

What authority does the Secretary have to designate Ethiopia for TPS?

Section 244(b)(1) of the INA, 8 U.S.C. 1254a(b)(1), authorizes the Secretary, after consultation with appropriate agencies of the U.S. Government, to designate a foreign state (or part thereof) for TPS if the Secretary determines that certain country conditions exist.³ The

² The "continuous physical presence date" (CPP) is the effective date of the most recent TPS designation of the country, which is either the publication date of the designation announcement in the **Federal Register** or such later date as the Secretary may establish. The "continuous residence date" (CR) is any date established by the Secretary when a country is designated (or sometimes redesignated) for TPS. See INA § 244(b)(2)(A) (effective date of designation); *Id.* §§ 244(c)(1)(A)(i)–(ii) (discussing CR and CPP date requirements).

³ INA § 244(b)(1) assigns this power to the Attorney General. Congress transferred this authority from the Attorney General to the Secretary of Homeland Security. See Homeland Security Act

decision to designate any foreign state (or part thereof) is a discretionary decision, and there is no judicial review of any determination with respect to the designation, termination, or extension of a designation. See INA § 244(b)(5)(A); 8 U.S.C. 1254a(b)(5)(A).⁴ The Secretary, in his or her discretion, may then grant TPS to eligible nationals of that foreign state (or individuals having no nationality who last habitually resided in the designated foreign state). See INA § 244(a)(1)(A), 8 U.S.C. 1254a(a)(1)(A).

At least 60 days before the expiration of a foreign state's TPS designation or extension, the Secretary, after consultation with appropriate U.S. Government agencies, must review the conditions in the foreign state designated for TPS to determine whether they continue to meet the conditions for the TPS designation. See INA § 244(b)(3)(A), 8 U.S.C. 1254a(b)(3)(A). If the Secretary determines that the foreign state continues to meet the conditions for TPS designation, the designation will be extended for an additional period of 6 months or, in the Secretary's discretion, 12 or 18 months. See INA § 244(b)(3)(A), (C), 8 U.S.C. 1254a(b)(3)(A), (C). If the Secretary determines that the foreign state no longer meets the conditions for TPS designation, the Secretary must terminate the designation. See INA § 244(b)(3)(B), 8 U.S.C. 1254a(b)(3)(B).

Why was Ethiopia designated for TPS?

DHS has reviewed country conditions in Ethiopia. Based on this review, including input received from Department of State (DOS) and other U.S. Government agencies, the Secretary has determined that an 18-month TPS designation is warranted because ongoing armed conflict and extraordinary and temporary conditions support Ethiopia's TPS designation.

of 2002, Public Law 107–296, 116 Stat. 2135. The Secretary may designate a country (or part of a country) for TPS on the basis of ongoing armed conflict such that returning would pose a serious threat to the personal safety of the country's nationals and habitual residents, environmental disaster (including an epidemic), or extraordinary and temporary conditions in the country that prevent the safe return of the country's nationals. For environmental disaster-based designations, certain other statutory requirements must be met, including that the foreign government must request TPS. A designation based on extraordinary and temporary conditions cannot be made if the Secretary finds that allowing the country's nationals to remain temporarily in the United States is contrary to the U.S. national interest. *Id.*, at § 244(b)(1).

⁴ This issue of judicial review is the subject of litigation. See, e.g., *Ramos v. Wolf*, 975 F.3d 872 (9th Cir. 2020), *petition for en banc rehearing* filed Nov. 30, 2020 (No. 18–16981).

Overview

Ethiopia faces armed conflict in multiple regions of the country resulting in large-scale displacement. In addition, Ethiopia has been experiencing severe climatic shocks exacerbating humanitarian concerns over access to food, water, and healthcare.

Ethiopia's civil war began in November 2020, when a constitutional dispute between Tigray and federal leaders escalated into conflict amid a prolonged power struggle.⁵ Since then, Ethiopian forces and their allies have been accused of pillaging and targeting homes and civilian infrastructure including businesses, hospitals, banks, livestock, and harvests. Tigrayan forces have been accused of these same actions in other regions.⁶ By July 2021, the conflict had spread to Tigray's neighboring regions of Afar and Amhara.⁷ Human rights abuses by all parties to the conflict have been reported, including killings, torture, gender-based violence, arbitrary or unjust detentions, and there have also been potential human trafficking crimes.⁸ On March 24, 2022, the Ethiopian federal government declared a humanitarian truce, which the Tigray forces reciprocated.

With the exception of some limited clashes and shelling incidents, the humanitarian truce held, and the violence drastically decreased.⁹ Humanitarian convoy movements to Tigray resumed on April 1, 2022 and continued until August 2022.¹⁰ On August 24, 2022, a resumption of hostilities marked the breach of the five-month truce.¹¹ On September 1, 2022, Tigray authorities stated that the Ethiopian and Eritrean forces had launched major offensives into the

⁵ International Crisis Group, *Avoiding the Abyss as War Resumes in Northern Ethiopia* (Sept. 7, 2022), <https://www.crisisgroup.org/africa/horn-africa/ethiopia/avoiding-abyss-war-resumes-northern-ethiopia>.

⁶ Human Rights Watch (HRW), *Confronting Ethiopia's Abusive Siege* (Sept. 2, 2022), <https://www.hrw.org/the-day-in-human-rights/2022/09/02>.

⁷ HRW, *Ethiopia's Other Conflict* (July 4, 2022), <https://www.hrw.org/news/2022/07/04/ethiopia-other-conflict>.

⁸ *Id.* Also, Department of State, 2022 Trafficking in Persons Report (July 19, 2022), <https://www.state.gov/reports/2022-trafficking-in-persons-report/>.

⁹ *Id.*

¹⁰ UN Office for the Coordination of Humanitarian Affairs, *Ethiopia—Situation Report, 05 Aug 2022* (July 22, 2022), <https://reliefweb.int/report/ethiopia/ethiopia-situation-report-05-aug-2022>.

¹¹ International Crisis Group, *Avoiding the Abyss as War Resumes in Northern Ethiopia* (Sept. 7, 2022), <https://www.crisisgroup.org/africa/horn-africa/ethiopia/avoiding-abyss-war-resumes-northern-ethiopia>.

northwestern Tigray region.¹² In an African Union-led process, the Government of Ethiopia and the TPLF signed a cessation of hostilities agreement on November 2, 2022.¹³ While this agreement is an important initial step in curbing violence in northern Ethiopia, it does not address violence in other parts of Ethiopia, and—as of early November 2022—there remains significant humanitarian suffering as a result of the two-year conflict.¹⁴

Insurgencies are ongoing in Oromia, Benshangul-Gumuz and Gambella regions of Ethiopia.¹⁵ Since 2019, Ethiopian government forces and the Oromo Liberation Army (OLA),¹⁶ also known as the OLF-Shane/Shene, have engaged in clashes in western Oromia. This fighting has resulted in allegations of serious human rights abuses. Government forces have been accused of extrajudicial killings and arbitrary arrests and detentions of Oromos and have at times cut communications in the area. The OLA has been accused of killing government officials and attacking non-military government offices.¹⁷ Deepening insurgencies have also led to increased violence reportedly targeting civilians. This is particularly evident in Oromia. On June 18, 2022, over 330 Amhara civilians were reportedly killed by suspected OLA gunmen in Oromia.¹⁸ Armed Conflict

¹² *Id.*

¹³ UN News, *Ethiopia: Peace agreement between Government and Tigray 'a critical first step'*: Guterres, Nov. 2, 2022, available at <https://news.un.org/en/story/2022/11/1130137> (last accessed Nov. 17, 2022).

¹⁴ Cecelia Macaulay and Anne Soy, *BBC News, Ethiopia's Tigray conflict: Truce agreed*, Nov. 2, 2022, available at <https://www.bbc.com/news/world-africa-63490546> (last accessed Nov. 17, 2022).

¹⁵ ACLED, *Multiple Complications Threaten to Result in a Dangerous Re-escalation* (Aug. 15, 2022), <https://acleddata.com/10-conflicts-to-worry-about-in-2022/ethiopia/mid-year-update/>.

¹⁶ In September 2018, leaders of a formerly exiled opposition group, the Oromo Liberation Front (OLF), returned to Ethiopia with the support of Prime Minister Abiy's government. However, since the OLF's return, the Ethiopian government has been engaged in conflict with "armed groups associated with it in western Oromia." The Oromo Liberation Army (OLA), also known as the OLF-Shane/Shene faction, is an armed group that splintered from the OLF. See Canada: Immigration and Refugee Board of Canada, *Ethiopia: The Oromo Liberation Front (OLF), including origin, mandate, leadership, structure, legal status, and membership; treatment of members and supporters by authorities (2014–2015)* (May 7, 2015), <https://www.refworld.org/docid/5696030f4.html>.

¹⁷ HRW, *Ethiopia: Civilians in Western Oromia Left Unprotected* (Aug. 31, 2022), <https://www.hrw.org/news/2022/08/31/ethiopia-civilians-western-romia-left-unprotected>.

¹⁸ ACLED, *Multiple Complications Threaten to Result in a Dangerous Re-escalation* (Aug. 15, 2022), <https://acleddata.com/10-conflicts-to-worry-about-in-2022/ethiopia/mid-year-update/>.

Location and Event Data Project (ACLEd) data indicate that over 230 alleged incidents of civilians being targeted were reported in Ethiopia during the first six months of 2022. This reportedly resulted in more than 1,220 fatalities, with over 810 of these fatalities (66%) occurring in Oromia.¹⁹

Violence in Ethiopia has caused many to flee their homes and has exacerbated existing humanitarian concerns regarding access to food, water, and healthcare. The United Nations Office of Humanitarian Affairs (UNOCHA) noted that regional violence remained a critical concern across Ethiopia, from Benishangul-Gumuz to Oromia to Tigray.²⁰ In the Amhara region, ongoing violence also remains unabated throughout the region, and along its regional borders with Benishangul-Gumuz, Oromia, and Tigray, resulting in displacement.²¹ A September 2022 UNOCHA report stated: “more than 20 million people affected by violence as well as climatic shocks . . . require humanitarian assistance and protection services until the end of 2022.”²² In July 2022, the UN Children’s Fund (UNICEF) estimated that 29.7 million people are in need of humanitarian assistance, including access to food, water, and health services, in Ethiopia. UNICEF also estimated that there were 2.75 million internally displaced persons (IDPs) in Ethiopia.²³ In addition, the UN High Commissioner for Refugees (UNHCR) estimated that there are more than 59,500 Ethiopian refugees in eastern Sudan who have fled violence in Ethiopia.²⁴

Ethiopia faces massive displacement of persons due to armed conflict, intercommunal violence, natural disasters, and impacts of climate change.²⁵ Since June 2020, more than

120,000 people have been displaced due to insecurity in the Benishangul-Gumuz region.²⁶ In the Tigray region, over 2 million people [out of a population of 6 million],²⁷ have been displaced due to the ongoing conflict between the Ethiopian government and TPLF.²⁸

An August 2022 report by the UN Food and Agriculture Organization (FAO) stated that, in 2022, 20.4 million people are estimated to be severely food insecure, which is 2.4 million more than in 2021.²⁹ In the Tigray region alone, almost 5.3 million people are estimated to be severely food insecure, according to the same report.³⁰ A September 2022 UNOCHA report stated that 9.9 million people required food assistance and 2.9 million children and pregnant and lactating women required nutrition interventions until the end of 2022.³¹ It further stated that “the level of water scarcity is alarming for both livestock and human consumption.”³²

Sporadic measles outbreaks and seasonal malaria cases have increased in Southern Nations Nationalities and People’s region, Southwest Ethiopia People’s region (SWEPR) and Sidama region, following the rainy season.³³ Over 60 cases of measles and 56,000 cases of malaria were reported in July 2022.³⁴ Areas experiencing conflict have seen their local healthcare systems severely damaged and diminished. A July 2022 World Health Organization (WHO) report stated that in the Tigray region, just 22% of health facilities were fully functioning, with 75% only partially functioning, and 3% not

functioning at all.³⁵ A June 2022 Doctors Without Borders report stated that only 20% of health facilities in the Afar region were reportedly functioning, “as many are damaged, destroyed, abandoned or without resources.”³⁶ As of July 2022, only 23.3% of the Ethiopia’s population was fully vaccinated against COVID-19.³⁷

Ethiopia has been experiencing climate-induced shocks—primarily drought and floods—that have generated further displacement across the country and exacerbated humanitarian concerns. Since late 2020, Ethiopia has been experiencing one of the most severe droughts in the last forty years.³⁸ An August 2022 U.S. Agency for International Development (USAID) report stated that: “the likelihood of a fifth consecutive poor rainy season in 2022 has significantly increased concern. . . that already high levels of acute food insecurity and malnutrition in southern and southeastern Ethiopia will continue through at least the first half of 2023.”³⁹ Drought conditions have resulted in widespread death of livestock, a key source of food, milk, and income for pastoralists.⁴⁰ Between March and April 2022, the International Organization for Migration (IOM) recorded 20% of all IDPs citing drought as the primary cause of displacement.⁴¹ In April 2022, 7.2 million people in Ethiopia were in need of food assistance due to severe drought.⁴² Additionally, in 2022, heavy rains from early August to October caused flooding that displaced at least 185,200 people and affected an additional 79,631 people.⁴³

(May 19, 2022), <https://reliefweb.int/report/ethiopia/response-internal-displacement-ethiopia-fact-sheet-january-march-2022> (Sept. 22, 2022).

²⁶ UNOCHA, *Humanitarian Needs Overview—Ethiopia*, February 21, 2021, pg. 20, https://www.acaps.org/sites/acaps/files/key-documents/files/ethiopia_2021_humanitarian_needs_overview-compressed.pdf.

²⁷ UNOCHA, *Ethiopia: Humanitarian Access Snapshot (January–June 2021)*, July 30, 2021, <https://reliefweb.int/report/ethiopia/ethiopia-humanitarian-access-snapshot-january-june-2021>.

²⁸ *Id.*

²⁹ Food and Agriculture Organization of the United Nations (FAO), *GIEWS—Global Information and Early Warning System, Country Briefs, Ethiopia* (Aug. 24, 2022), <https://www.fao.org/giews/countrybrief/country.jsp?code=ETH&lang=en>.

³⁰ UN FAO, *GIEWS—Global Information and Early Warning System, Country Briefs, Ethiopia* (Aug. 24, 2022), <https://www.fao.org/giews/countrybrief/country.jsp?code=ETH&lang=en>.

³¹ UNOCHA, *Ethiopia Drought Response July–December 2022 (Revised)* (Sept. 8, 2022), <https://reliefweb.int/report/ethiopia/ethiopia-drought-response-july-december-2022-revised>.

³² *Id.*

³³ UNICEF, *Ethiopia Humanitarian Situation Report No. 7* (July 2022), <https://www.unicef.org/media/126921/file/Ethiopia%20Humanitarian%20Situation%20Report%20No.%207,%20July%202022.pdf>.

³⁴ *Id.*

³⁵ WHO, *Situation Report: Greater Horn of Africa Drought and Food Insecurity Grade 3 Emergency* (July 29, 2022), https://cdn.who.int/media/docs/default-source/documents/emergencies/who_ghoa_sitrep_2022-08-08.pdf?sfvrsn=dbdfc8b0_3&download=true.

³⁶ Doctors Without Borders, *Conflict and drought spark a deadly malnutrition crisis in Ethiopia’s Afar region* (June 9, 2022), <https://www.doctorswithoutborders.org/latest/conflict-and-drought-spark-deadly-malnutrition-crisis-ethiopia-afar-region>.

³⁷ Reuters, *COVID-19 Tracker: Ethiopia* (July 15, 2022), <https://graphics.reuters.com/world-coronavirus-tracker-and-maps/countries-and-territories/ethiopia/>.

³⁸ UNOCHA, *Ethiopia: Drought Update No. 4, June 2022* (June 3, 2022), <https://reliefweb.int/report/ethiopia/ethiopia-drought-update-no-4-june-2022>.

³⁹ USAID, *Horn of Africa—Complex Emergency* (Aug. 19, 2022), https://www.usaid.gov/sites/default/files/documents/2022-08-19_USG_Horn_of_Africa_Complex_Emergency_Fact_Sheet_2.pdf.

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² World Food Program, *Regional Drought Response Plan for the Horn of Africa May–December 2022* (July 1, 2022), <https://docs.wfp.org/api/documents/WFP-0000140899/download/>.

⁴³ UNOCHA, *Ethiopia: Gambella Region Flood Update* (As of 21 October 2022), (October 24, 2022),

Continued

¹⁹ *Id.*

²⁰ UNOCHA, *Humanitarian Needs Overview—Ethiopia*, February 21, 2021, pg. 20, https://www.acaps.org/sites/acaps/files/key-documents/files/ethiopia_2021_humanitarian_needs_overview-compressed.pdf.

²¹ UNOCHA, *Ethiopia: Humanitarian Access Snapshot (January–June 2021)*, July 30, 2021, <https://reliefweb.int/report/ethiopia/ethiopia-humanitarian-access-snapshot-january-june-2021>.

²² UNOCHA, *Ethiopia Situation Overview* (Sept. 7, 2022), <https://reports.unocha.org/en/country/ethiopia/card/5EhBh4Xf5z/>.

²³ UNICEF, *Ethiopia Humanitarian Situation Report No. 7* (July 2022), <https://www.unicef.org/media/126921/file/Ethiopia%20Humanitarian%20Situation%20Report%20No.%207,%20July%202022.pdf>.

²⁴ UNOCHA, *Sudan: East Sudan (Kassala & Gedaref) & Blue Nile States—Ethiopian Emergency Situation Update* (as of 31 August 2022), (Sept. 14, 2022), <https://reliefweb.int/report/sudan/sudan-east-sudan-kassala-gedaref-blue-nile-states-ethiopian-emergency-situation-update-31-august-2022>.

²⁵ UNOCHA, *Response to Internal Displacement in Ethiopia Fact Sheet—January to March 2022*,

“Assessments also revealed that 72 per cent of cropland was damaged (mostly the staple maize).”⁴⁴

In addition to violence and climatic shocks, Ethiopia is facing economic pressure, exacerbated by the ongoing armed conflict.⁴⁵ Annual inflation remains high, driven by rising food and fuel costs, which puts pressure on households’ ability to access market foods. Ethiopia is experiencing insufficient foreign currency reserves and the continuous depreciation of the national currency, the Ethiopian birr.⁴⁶ Annual inflation in July 2022 was at 33.5%, down slightly from June 2022.⁴⁷

In summary, Ethiopia is experiencing ongoing armed conflict in multiple regions of the country as well as extraordinary and temporary conditions resulting from drought, flooding, food insecurity, displacement of persons, and other humanitarian concerns.

Notice of the Designation of Ethiopia for TPS

By the authority vested in me as Secretary under INA section 244, 8 U.S.C. 1254a, I have determined, after consultation with the appropriate U.S. Government agencies, the statutory conditions supporting Ethiopia’s designation for TPS on the basis of ongoing armed conflict and extraordinary and temporary conditions are met. See INA § 244(b)(1)(A), 8 U.S.C. 1254a(b)(1)(A) and 244(b)(1)(C), 8 U.S.C. 1254a(b)(1)(C). I estimate up to approximately 26,730 individuals may be eligible for TPS under the designation of Ethiopia. On the basis of this determination, I am designating Ethiopia for TPS for 18 months, beginning on December 12, 2022 and ending on Wednesday, June 12, 2024.

See INA § 244(b)(1) and (b)(2); 8 U.S.C. 1254a(b)(1), and (b)(2).

Alejandro N. Mayorkas,
Secretary, U.S. Department of Homeland Security.

Eligibility and Employment Authorization for TPS

Required Application Forms and Application Fees To Register for TPS

To register for TPS based on the designation of Ethiopia, you must submit Form I–821, Application for Temporary Protected Status, and pay the filing fee (or request a fee waiver, which you may submit on Form I–912, Request for Fee Waiver). You may be required to pay the biometric services fee. If you can demonstrate an inability to pay the biometric services fee, you may request to have the fee waived. Please see additional information under the “Biometric Services Fee” section of this notice.

TPS beneficiaries are eligible for an EAD, which proves their authorization to work in the United States. You are not required to submit Form I–765, Application for Employment Authorization, or have an EAD to be granted TPS, but see below for more information if you want an EAD to use as proof that you can work in the United States.

For more information on the application forms and fees for TPS, please visit the USCIS TPS web page at <https://www.uscis.gov/tps>. Fees for the Form I–821, the Form I–765, and biometric services are also described in 8 CFR 106.

How can TPS beneficiaries obtain an Employment Authorization Document (EAD)?

Every employee must provide their employer with documentation showing that they have the legal right to work in the United States. TPS beneficiaries are eligible for an EAD, which proves their legal right to work. Those who want to obtain an EAD must file a Form I–765,

Application for Employment Authorization, and pay the Form I–765 fee (or request a fee waiver, which you may submit on Form I–912, Request for Fee Waiver). TPS applicants may file this form along with their TPS application, or at a later date, provided their TPS application is still pending or has been approved.

Refiling an Initial TPS Registration Application After Receiving a Denial of a Fee Waiver Request

If you receive a denial of a fee waiver request, you must refile your Form I–821 for TPS along with the required fees during the registration period, which ends on June 12, 2024. Meanwhile, Form I–765 EAD applications with fee payment may be filed at the same time as your TPS application or at any later date you decide you want to request an EAD during the designation period, which ends on Wednesday, June 12, 2024.

Filing Information

USCIS offers the option to applicants for TPS under Ethiopia’s designation to file Form I–821 and related requests for EADs online or by mail. When filing a TPS application, applicants can also request an EAD by submitting a completed Form I–765 with their Form I–821.

Online filing: Form I–821 and I–765 are available for concurrent filing online.⁴⁸ To file these forms online, you must first create a USCIS online account.⁴⁹

Mail filing: Mail your application for TPS to the proper address in Table 1.

Table 1—Mailing Addresses

Mail your completed Form I–821, Application for Temporary Protected Status and Form I–765, Application for Employment Authorization, Form I–912, Request for Fee Waiver, if applicable, and supporting documentation to the proper address in Table 1.

TABLE 1—MAILING ADDRESSES

If . . .	Mail to . . .
You are using the U.S. Postal Service (USPS)	USCIS, Attn: TPS Ethiopia, P.O. Box 8635, Chicago, IL 60680–8635.

[https://reliefweb.int/report/ethiopia/ethiopia-gambella-region-flood-update-21-october-2022#:~:text=In%202022%2C%20heavy%20rains%20from,\(15%2C927%20households\)%20were%20affected.](https://reliefweb.int/report/ethiopia/ethiopia-gambella-region-flood-update-21-october-2022#:~:text=In%202022%2C%20heavy%20rains%20from,(15%2C927%20households)%20were%20affected.)

⁴⁴ *Id.*

⁴⁵ Vivienne Nunis, BBC News, *Ethiopia’s economy battered by Tigray war*, Aug. 30, 2021, available at <https://www.bbc.com/news/world-africa-58319977> (last accessed Nov. 17, 2022); AP

News, *Ethiopia’s economy struggles as war reignites in Tigray*, Sept. 13, 2022, available at <https://apnews.com/article/africa-economy-government-spending-kenya-826141a7a692574d9609462d2549bffb> (last accessed Nov. 17, 2022).

⁴⁶ Food and Agriculture Organization of the United Nations (FAO), *GIEWS—Global Information and Early Warning System, Country Briefs, Ethiopia* (Aug. 24, 2022), <https://www.fao.org/giews/countrybrief/country.jsp?code=ETH&lang=en>.

⁴⁷ Famine Early Warning Systems Network (FEWS NET), *There is the potential for extreme food insecurity in conflict and drought-affected areas of Ethiopia* (July 2022), <https://fews.net/east-africa/ethiopia/key-message-update/july-2022>.

⁴⁸ Find information about online filing at “Forms Available to File Online,” <https://www.uscis.gov/file-online/forms-available-to-file-online>.

⁴⁹ https://myaccount.uscis.gov/users/sign_up.

TABLE 1—MAILING ADDRESSES—Continued

If . . .	Mail to . . .
You are using FedEx, UPS, or DHL	USCIS, Attn: TPS Ethiopia (Box 8635), 131 S Dearborn—3rd Floor, Chicago, IL 60603–5517.

If you were granted TPS by an immigration judge (IJ) or the Board of Immigration Appeals (BIA) and you wish to request an EAD, please mail your Form I–765 to the appropriate mailing address in Table 1. When you are requesting an EAD based on an IJ/ BIA grant of TPS, please include a copy of the IJ or BIA order granting you TPS with your application. This will help us verify your grant of TPS and process your application.

Supporting Documents

The filing instructions on the Form I–821 list all the documents needed to establish eligibility for TPS. You may also find information on the acceptable

documentation and other requirements for applying (that is, registering) for TPS on the USCIS website at <https://www.uscis.gov/tps> under “Ethiopia.”

Travel

TPS beneficiaries may also apply for and be granted travel authorization as a matter of discretion. You must file for travel authorization if you wish to travel outside of the United States. If granted, travel authorization gives you permission to leave the United States and return during a specific period. To request travel authorization, you must file Form I–131, Application for Travel Document, available at <https://www.uscis.gov/i-131>. You may file Form

I–131 together with your Form I–821 or separately. When filing the Form I–131, you must:

- Select Item Number 1.d. in Part 2 on the Form I–131; and
- Submit the fee for the Form I–131, or request a fee waiver, which you may submit on Form I–912, Request for Fee Waiver.

If you are filing Form I–131 together with Form I–821, send your forms to the address listed in Table 1. If you are filing Form I–131 separately based on a pending or approved Form I–821, send your form to the address listed in Table 2 and include a copy of Form I–797 for the approved or pending Form I–821

TABLE 2—MAILING ADDRESSES

If you are . . .	Mail to . . .
Filing Form I–131 together with a Form I–821, Application for Temporary Protected Status.	The address provided in Table 1.
Filing Form I–131 based on a pending or approved Form I–821, and you are using the U.S. Postal Service (USPS): You must include a copy of the receipt notice (Form I–797C) showing we accepted or approved your Form I–821.	USCIS, Attn: I–131 TPS, P.O. Box 660167, Dallas, TX 75266–0867.
Filing Form I–131 based on a pending or approved Form I–821, and you are using FedEx, UPS, or DHL: You must include a copy of the receipt notice (Form I–797C) showing we accepted or approved your Form I–821.	USCIS, Attn: I–131 TPS, 2501 S State Hwy. 121 Business, Ste. 400, Lewisville, TX 75067.

Biometric Services Fee for TPS

Biometrics (such as fingerprints) are required for all applicants 14 years of age and older. Those applicants must submit a biometric services fee. As previously stated, if you are unable to pay the biometric services fee, you may request a fee waiver, which you may submit on Form I–912, Request for Fee Waiver. For more information on the application forms and fees for TPS, please visit the USCIS TPS web page at <https://www.uscis.gov/tps>. If necessary, you may be required to visit an Application Support Center to have your biometrics captured. For additional information on the USCIS biometric screening process, please see the USCIS Customer Profile Management Service Privacy Impact Assessment, available at <https://www.dhs.gov/publication/dhsuscispia-060-customer-profile-management-service-cpms>.

General Employment-Related Information for TPS Applicants and Their Employers

How can I obtain information on the status of my TPS application and EAD request?

To get case status information about your TPS application, as well as the status of your TPS-based EAD request, you can check Case Status Online at <https://www.uscis.gov>, or visit the USCIS Contact Center at <https://www.uscis.gov/contactcenter>. If your Form I–765 has been pending for more than 90 days, and you still need assistance, you may ask a question about your case online at <https://egov.uscis.gov/e-request/Intro.do> or call the USCIS Contact Center at 800–375–5283 (TTY 800–767–1833).

When I am hired, what documentation may I show to my employer as evidence of identity and employment authorization when completing Form I–9?

You can find the Lists of Acceptable Documents on Form I–9, Employment Eligibility Verification, as well as the Acceptable Documents web page at <https://www.uscis.gov/i-9-central/acceptable-documents>. Employers must complete Form I–9 to verify the identity and employment authorization of all new employees. Within three days of hire, employees must present acceptable documents to their employers as evidence of identity and employment authorization to satisfy Form I–9 requirements.

You may present any document from List A (which provides evidence of both identity and employment authorization) or one document from List B (which provides evidence of your identity) together with one document from List C (which provides evidence of

employment authorization), or you may present an acceptable receipt as described in the Form I-9 Instructions. Employers may not reject a document based on a future expiration date. You can find additional information about Form I-9 on the I-9 Central web page at <https://www.uscis.gov/I-9Central>. An EAD is an acceptable document under List A.

If I have an EAD based on another immigration status, can I obtain a new TPS-based EAD?

Yes, if you are eligible for TPS, you can obtain a new TPS-based EAD, regardless of whether you have an EAD or work authorization based on another immigration status. If you want to obtain a new TPS-based EAD valid through June 12, 2024, then you must file Form I-765, Application for Employment Authorization, and pay the associated fee (unless USCIS grants your fee waiver request).

Can my employer require that I provide any other documentation such as evidence of my status or proof of my Ethiopian citizenship or a Form I-797 showing that I registered for TPS for Form I-9 completion?

No. When completing Form I-9, employers must accept any documentation you choose to present from the Form I-9 Lists of Acceptable Documents that reasonably appears to be genuine and that relates to you, or an acceptable List A, List B, or List C receipt. Employers need not reverify List B identity documents. Employers may not request proof of Ethiopian citizenship or proof of registration for TPS when completing Form I-9 for new hires or reverifying the employment authorization of current employees. Refer to the "Note to Employees" section of this **Federal Register** notice for important information about your rights if your employer rejects lawful documentation, requires additional documentation, or otherwise discriminates against you based on your citizenship or immigration status, or your national origin.

Note to All Employers

Employers are reminded that the laws requiring proper employment eligibility verification and prohibiting unfair immigration-related employment practices remain in full force. This **Federal Register** notice does not supersede or in any way limit applicable employment verification rules and policy guidance, including those rules setting forth reverification requirements. For general questions about the employment eligibility

verification process, employers may call USCIS at 888-464-4218 (TTY 877-875-6028) or email USCIS at I-9Central@uscis.dhs.gov. USCIS accepts calls and emails in English and many other languages. For questions about avoiding discrimination during the employment eligibility verification process (Form I-9 and E-Verify), employers may call the U.S. Department of Justice, Civil Rights Division, Immigrant and Employee Rights Section (IER) Employer Hotline at 800-255-8155 (TTY 800-237-2515). IER offers language interpretation in numerous languages. Employers may also email IER at IER@usdoj.gov.

Note to Employees

For general questions about the employment eligibility verification process, employees may call USCIS at 888-897-7781 (TTY 877-875-6028) or email USCIS at I-9Central@uscis.dhs.gov. USCIS accepts calls in English, Spanish and many other languages. Employees or job applicants may also call the IER Worker Hotline at 800-255-7688 (TTY 800-237-2515) for information regarding employment discrimination based on citizenship, immigration status, or national origin, including discrimination related to Form I-9 and E-Verify. The IER Worker Hotline provides language interpretation in numerous languages.

To comply with the law, employers must accept any document or combination of documents from the Lists of Acceptable Documents if the documentation reasonably appears to be genuine and to relate to the employee, or an acceptable List A, List B, or List C receipt as described in the Form I-9 Instructions. Employers may not require extra or additional documentation beyond what is required for Form I-9 completion. Further, employers participating in E-Verify who receive an E-Verify case result of "Tentative Nonconfirmation" (mismatch) must promptly inform employees of the mismatch and give such employees an opportunity to take action to resolve the mismatch. A mismatch means that the information entered into E-Verify from Form I-9 differs from records available to DHS.

Employers may not terminate, suspend, delay training, withhold or lower pay, or take any adverse action against an employee because of a mismatch while the case is still pending with E-Verify. A Final Nonconfirmation (FNC) case result is received when E-Verify cannot confirm an employee's employment eligibility. An employer may terminate employment based on a case result of FNC. Work-authorized employees who receive an FNC may call

USCIS for assistance at 888-897-7781 (TTY 877-875-6028). For more information about E-Verify-related discrimination or to report an employer for discrimination in the E-Verify process based on citizenship, immigration status, or national origin, contact IER's Worker Hotline at 800-255-7688 (TTY 800-237-2515). Additional information about proper nondiscriminatory Form I-9 and E-Verify procedures is available on the IER website at <https://www.justice.gov/crt/immigrant-and-employee-rights-section> and the USCIS and E-Verify websites at <https://www.uscis.gov/i-9-central> and <https://www.e-verify.gov>.

Note Regarding Federal, State, and Local Government Agencies (Such as Departments of Motor Vehicles)

For Federal purposes, individuals approved for TPS may show their Form I-797, Notice of Action, indicating approval of their Form I-821 application, or EAD with category code of their A-12 or C-19 EAD to prove that they have TPS. However, while Federal Government agencies must follow the guidelines laid out by the Federal Government, State and local government agencies establish their own rules and guidelines when granting certain benefits. Each state may have different laws, requirements, and determinations about what documents you need to provide to prove eligibility for certain benefits. Whether you are applying for a Federal, State, or local government benefit, you may need to provide the government agency with documents that show you are a TPS beneficiary, show you are authorized to work based on TPS or other status, or that may be used by DHS to determine if you have TPS or another immigration status. Examples of such documents are:

- Your new EAD with a TPS category code of A-12 or C-19, even if your country of birth noted on the EAD does not reflect the TPS designated country of Ethiopia;
- Your Form I-94, Arrival/Departure Record;
- Your Form I-797, Notice of Action, reflecting approval of your Form I-765; or
- Your Form I-797 or Form I-797C, Notice of Action, reflecting approval or receipt of a current Form I-821, if you received one from USCIS.

Check with the government agency requesting documentation regarding which document(s) the agency will accept. Some State and local government agencies use the SAVE program to confirm the current immigration status of applicants for public benefits.

SAVE can verify when an individual has TPS based on the documents above. In most cases, SAVE provides an automated electronic response to benefit-granting agencies within seconds, but occasionally verification can be delayed.

You can check the status of your SAVE verification by using CaseCheck at <https://www.save.uscis.gov/casecheck/>. CaseCheck is a free service that lets you follow the progress of your SAVE verification case using your date of birth and one immigration identifier number (A-number, USCIS number or Form I-94 number) or Verification Case Number. If an agency has denied your application based solely or in part on a SAVE response, the agency must offer you the opportunity to appeal the decision in accordance with the agency's procedures. If the agency has received and acted on or will act on a SAVE verification and you do not believe the SAVE response is correct, the SAVE website, <https://www.uscis.gov/save>, has detailed information on how to make corrections or update your immigration record, make an appointment, or submit a written request to correct records.

[FR Doc. 2022-26880 Filed 12-9-22; 8:45 am]

BILLING CODE 9111-97-P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[233D0102DM, DS6CS00000, DLSN00000.000000, DX.6CS25]

Notice of Senior Executive Service Performance Review Board Appointments

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of appointments.

SUMMARY: This notice provides the names of individuals appointed to serve on the Department of the Interior Senior Executive Service (SES) Performance Review Board.

DATES: These appointments take effect upon publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: To request additional information about this notice, contact Mark Green, Deputy Assistant Secretary—Human Capital and Diversity/Chief Human Capital Officer, by email at Mark_Green@ios.doi.gov, or by telephone at (202) 208-3100.

SUPPLEMENTARY INFORMATION: The individuals appointed to serve on the Department of the Interior SES

Performance Review Board are as follows:

ANDERSON, JAMES
CONANT, ERNEST
EGGERS, BARBARA
FORD, JEROME
GIDNER, JEROLD
HARTLEY, DEBORAH
KEABLE, EDWARD
MATRAGRANO, KAREN
PFEIFFER, TAMARAH
POITRA, TAMMIE
SHOPE, THOMAS
SIMMONS, SHAYLA
WERKHEISER, WILLIAM
WEYERS, HOLLY

Authority: Title 5, U.S. Code, 4314.

Mark D. Green,

Deputy Assistant Secretary—Human Capital and Diversity, Chief Human Capital Officer.

[FR Doc. 2022-26885 Filed 12-9-22; 8:45 am]

BILLING CODE 4334-63-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[L51010000.FX0000.LVRWF2108220.21X.
LLNV010000; N-100224; MO#4500167449]

Notice of Segregation of Public Land for the Bonanza Solar Project, Clark County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of segregation.

SUMMARY: Through this notice the Bureau of Land Management (BLM) is segregating public lands for the Bonanza Solar Project right-of-way application from appropriation under the public land laws, including the Mining Law, but not the Mineral Leasing or Material Sales Acts, for a period of 2 years from the date of publication of this notice, subject to valid existing rights. This segregation is to allow for the orderly administration of the public lands to facilitate consideration of development of renewable energy resources. The public lands segregated by this notice total 6,239 acres.

DATES: This segregation for the lands identified in this notice is effective on December 12, 2022.

FOR FURTHER INFORMATION CONTACT: For further information, and/or to have your name added to the mailing list, send requests to: Gregory L. Helseth, Branch Chief, at telephone 775-821-6477; 1340 Financial Boulevard, Reno, NV 89502; or email ghelseth@blm.gov. 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 will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION:

Regulations found at 43 CFR 2091.3-1(e) and 43 CFR 2804.25(f) allow the BLM to temporarily segregate public lands within a right-of-way application area for solar energy development from the operation of the public land laws, including the Mining Law, by publication of a **Federal Register** notice. The BLM uses this temporary segregation authority to preserve its ability to approve, approve with modifications, or deny proposed rights-of-way, and to facilitate the orderly administration of the public lands. This temporary segregation is subject to valid existing rights, including existing mining claims, located before this segregation notice. Licenses, permits, cooperative agreements, or discretionary land use authorizations of a temporary nature which would not impact lands identified in this notice may be allowed with the approval of an authorized officer of the BLM during the segregation period. The lands segregated under this notice are legally described as follows:

Mount Diablo Meridian, Nevada

T. 16 S., R. 54 E.,
Sec. 12, S¹/₂NE¹/₄SE¹/₄, SE¹/₄NW¹/₄SE¹/₄,
E¹/₂SW¹/₄SE¹/₄, and SE¹/₄SE¹/₄;
Sec. 13, NE¹/₄NE¹/₄, E¹/₂NW¹/₄NE¹/₄,
E¹/₂SW¹/₄NE¹/₄, SE¹/₄NE¹/₄,
N¹/₂NE¹/₄SE¹/₄, and NE¹/₄NW¹/₄SE¹/₄.
T. 16 S., R. 55 E.,
Sec. 7, lots 3 and 4, S¹/₂NE¹/₄SW¹/₄,
SE¹/₄SW¹/₄, SW¹/₄NW¹/₄SE¹/₄, and
S¹/₂SE¹/₄;
Sec. 8, S¹/₂SW¹/₄, S¹/₂SW¹/₄SE¹/₄, and
S¹/₂SE¹/₄SE¹/₄;
Sec. 9, S¹/₂SW¹/₄SW¹/₄, NE¹/₄SE¹/₄SW¹/₄,
S¹/₂SE¹/₄SW¹/₄, and S¹/₂SE¹/₄;
Sec. 10, S¹/₂NE¹/₄SW¹/₄, S¹/₂NW¹/₄SW¹/₄,
S¹/₂SW¹/₄, S¹/₂NE¹/₄SE¹/₄, S¹/₂NW¹/₄SE¹/₄,
and S¹/₂SE¹/₄;
Sec. 11, SE¹/₄SW¹/₄NE¹/₄, S¹/₂SE¹/₄NE¹/₄,
and S¹/₂;
Sec. 12, S¹/₂SW¹/₄NW¹/₄, S¹/₂SE¹/₄NW¹/₄,
and SW¹/₄;
Sec. 13, W¹/₂;
Secs. 14 thru 17;
Sec. 18, lots 1 thru 3, NE¹/₄, E¹/₂NW¹/₄,
NE¹/₄SW¹/₄, NE¹/₄SE¹/₄SW¹/₄, N¹/₂SE¹/₄,
N¹/₂SW¹/₄SE¹/₄, N¹/₂SE¹/₄SE¹/₄, and
SE¹/₄SE¹/₄SE¹/₄;
Sec. 19, NE¹/₄NE¹/₄NE¹/₄;
Sec. 20, N¹/₂NE¹/₄, NE¹/₄SW¹/₄NE¹/₄,
N¹/₂SE¹/₄NE¹/₄, N¹/₂NE¹/₄NW¹/₄,
SE¹/₄NE¹/₄NW¹/₄, and N¹/₂NW¹/₄NW¹/₄;
Sec. 21, NE¹/₄, N¹/₂NW¹/₄, N¹/₂SW¹/₄NW¹/₄,
SE¹/₄SW¹/₄NW¹/₄, SE¹/₄NW¹/₄,
NE¹/₄NE¹/₄SW¹/₄, N¹/₂NE¹/₄SE¹/₄, and
N¹/₂NW¹/₄SE¹/₄;

Sec. 22, N¹/₂, N¹/₂NE¹/₄SW¹/₄,
N¹/₂NW¹/₄SW¹/₄, N¹/₂NE¹/₄SE¹/₄, and
N¹/₂NW¹/₄SE¹/₄;
Sec. 23, N¹/₂, N¹/₂NE¹/₄SW¹/₄,
N¹/₂NW¹/₄SW¹/₄, N¹/₂NE¹/₄SE¹/₄, and
N¹/₂NW¹/₄SE¹/₄;
Sec. 24, NW¹/₄, N¹/₂NE¹/₄SW¹/₄, and
N¹/₂NW¹/₄SW¹/₄.

The area described contains 6,239 acres, according to the official plats of the surveys and protraction diagrams on file with the BLM.

As provided in the regulations, the segregation of lands in this notice will not exceed 2 years from the date of publication unless extended for an additional 2 years through publication of a new notice in the **Federal Register**. The segregation period will terminate and the land will automatically reopen to appropriation under the public land laws, including the mining laws, at the earliest of the following dates: upon issuance of a decision by the authorized officer granting, granting with modifications, or denying the application for a right-of-way; without further administrative action at the end of the segregation provided for in the **Federal Register** notice initiating the segregation; or upon publication of a **Federal Register** notice terminating the segregation.

Upon termination of the segregation of these lands, all lands subject to this segregation would automatically reopen to appropriation under the public land laws, including the mining laws.

(Authority: 43 CFR 2091.3–1(e) and 43 CFR 2804.25(f))

Coreen Francis-Clark,

Acting Field Manager—Las Vegas Field Office.

[FR Doc. 2022–26935 Filed 12–9–22; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–NERO–GATE–34318; PPNEGATEB0, PPMVSCS1Z.Y00000]

Gateway National Recreation Area Fort Hancock 21st Century Advisory Committee

AGENCY: National Park Service, Interior.

ACTION: Notice of renewal.

SUMMARY: The Secretary of the Interior is giving notice of renewal of the Gateway National Recreation Area Fort Hancock 21st Century Advisory Committee. The Committee provides advice on the development of a specific reuse plan and on matters relating to the future uses of the Fort Hancock Historic Landmark District within the Sandy

Hook Unit of Gateway National Recreation Area.

FOR FURTHER INFORMATION CONTACT: Daphne Yun, Acting Public Affairs Officer, Gateway National Recreation Area, 210 New York Avenue, Staten Island, New York 10305, or by telephone (718) 815–3651, or by email daphne_yun@nps.gov.

SUPPLEMENTARY INFORMATION: This notice is published in accordance with section 9(a)(2) of the Federal Advisory Committee Act of 1972 (Pub. L. 92–463, as amended). The certification of renewal is published below.

Certification Statement: I hereby certify that the renewal of the Gateway National Recreation Area Fort Hancock 21st Century Advisory Committee is necessary and in the public interest in connection with the performance of duties imposed on the Department of the Interior by the National Park Service Organic Act (54 U.S.C. 100101(a) *et seq.*), and other statutes relating to the administration of the National Park Service.

(Authority: 5 U.S.C. appendix 2)

Dated: November 22, 2022.

Deb Haaland,

Secretary of the Interior.

[FR Doc. 2022–26942 Filed 12–9–22; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

Office of Natural Resources Revenue

[Docket No. ONRR–2011–0002; DS63644000 DRT000000.CH7000 234D113RT]

States' Decisions on Participating in Accounting and Auditing Relief for Federal Oil and Gas Marginal Properties

AGENCY: Office of Natural Resources Revenue, Interior.

ACTION: Notice.

SUMMARY: In accordance with Office of Natural Resources Revenue (ONRR) regulations, ONRR provides two types of accounting and auditing relief for Federal oil and gas production from marginal properties: (1) the cumulative royalty reports and payments relief option, which allows a lessee or designee to submit one royalty report and payment for the calendar year's production; and (2) other requested relief, which allows a lessee or designee to request any type of accounting and auditing relief that is appropriate for production from the marginal property and meets certain requirements. By October 1 of each calendar year, ONRR provides a list of qualifying marginal

Federal oil and gas properties to the States receiving a portion of Federal royalties from those properties. Each State then decides whether to participate in neither, one, or both relief options. This Notice provides the public each State's decision on whether to participate in marginal property relief.

DATES: Applicable January 1, 2023.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Sudar, Market and Spatial Analytics, Research, Enforcement, Guidance, and Appeals Division, ONRR, at (303) 231–3511; or by email to Robert.Sudar@onrr.gov.

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Oil and Gas Royalty Simplification and Fairness Act of 1996 (30 U.S.C. 1726) and 30 CFR part 1204, subpart C, ONRR and States can relieve the lessee of a marginal Federal oil and gas property from certain reporting, accounting, and auditing requirements. ONRR's rules under 30 CFR 1204.202 and 1204.203 authorize two relief options: (1) cumulative royalty reports and payments relief option, which allows a lessee or designee to submit one royalty report and payment during a calendar year; and (2) other requested relief, which allows a lessee or designee to request any type of appropriate marginal property accounting and auditing relief that meets the requirements under § 1204.5 and is not prohibited under § 1204.204.

To qualify for the first relief option, *cumulative royalty reports and payments relief option*, properties must produce less than 1,000 barrels-of-oil-equivalent (BOE) per year for the base period (July 1, 2021 through June 30, 2022). Annual reporting relief will begin January 1, 2023, with the annual report and payment due February 29, 2024. If a lessee has an estimated payment on file, the payment due date is March 31, 2024. To qualify for the second relief option, *other requested relief*, the combined equivalent production of the marginal properties during the base period must equal an average daily well production of less than 15 BOE per well per day, as calculated under 30 CFR 1204.4(c).

Each State makes an annual determination as to whether it will participate in neither, one, or both relief options. This Notice fulfills the requirement in ONRR's rules to publish a notice of the State's "intent to allow or not allow certain relief options . . . in the **Federal Register** no later than 30 days before the beginning of the applicable calendar year." See 30 CFR 1204.208(f).

The following table shows the States with qualifying marginal properties and

those States' decisions on whether to participate in neither, one, or both relief options for calendar year 2023. An "N/A" means that no properties within the State met that condition for that type of relief:

State	Cumulative royalty report and payment relief (less than 1,000 BOE per year)	Other accounting and auditing relief (less than 15 BOE per well per day)
Alabama	NO	NO.
Arkansas	N/A	YES.
California	NO	NO.
Colorado	NO	NO.
Kansas	NO	NO.
Louisiana	YES	YES.
Michigan	NO	YES.
Montana	NO	NO.
Nebraska	NO	NO.
Nevada	N/A	YES.
New Mexico	NO	YES.
North Dakota	YES	YES.
Oklahoma	NO	NO.
South Dakota	YES	YES.
Utah	NO	NO.
Wyoming	YES	NO.

Pursuant to 30 U.S.C. 1726(c), a Federal oil and gas property located in a State where ONRR does not share a portion of Federal royalties with that State (that is, for 2024, a State not listed in the table above) is eligible for relief if it qualifies as a marginal property. For more information on how to obtain relief, please refer to 30 CFR 1204.205.

Unless the information that ONRR receives is proprietary data, all correspondence, records, or information received in response to this Notice may be subject to disclosure under the Freedom of Information Act (FOIA, 5 U.S.C. 552 *et seq.*). If applicable, please highlight the proprietary portions, including any supporting documentation, or mark the page(s) containing proprietary data. ONRR protects proprietary information under the Trade Secrets Act (18 U.S.C. 1905), FOIA Exemption 4 (5 U.S.C. 552(b)(4)), and the Department of the Interior's FOIA regulations (43 CFR part 2).

Authority: Federal Oil and Gas Royalty Management Act of 1982, 30 U.S.C. 1701 *et seq.*, as amended by Federal Oil and Gas Royalty Simplification and Fairness Act of 1996 (RSFA, Pub. L. 104-185—Aug. 13, 1996, as corrected by Pub. L. 104-200—Sept. 22, 1996).

Howard M. Cantor,
Acting Director, Office of Natural Resources Revenue.

[FR Doc. 2022-26918 Filed 12-9-22; 8:45 am]

BILLING CODE 4335-30-P

INTERNATIONAL TRADE COMMISSION

[USITC SE-22-055]

Sunshine Act Meetings

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: December 19, 2022 at 11:00 a.m.

PLACE: Room 101, 500 E Street SW, Washington, DC 20436, Telephone: (202) 205-2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agendas for future meetings: none.
2. Minutes.
3. Ratification List.
4. Commission vote on Inv. Nos. 731-TA-1587-1590 (Final)(Certain Preserved Mushrooms from France, Netherlands, Poland, and Spain). The Commission currently is scheduled to complete and file its determinations and views of the Commission on January 5, 2023.
5. Outstanding action jackets: none.

CONTACT PERSON FOR MORE INFORMATION: Tyrell Burch, Management Analyst, 202-205-2595.

The Commission is holding the meeting under the Government in the Sunshine Act, 5 U.S.C. 552(b). In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission:

Issued: December 7, 2022.

Katherine Hiner,
Acting Secretary to the Commission.

[FR Doc. 2022-26965 Filed 12-8-22; 11:15 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA-1112]

Bulk Manufacturer of Controlled Substances Application: Sterling Pharma USA, LLC

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Sterling Pharma USA, LLC has applied to be registered as a bulk manufacturer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before February 10, 2023. Such persons may also file a written request for a hearing on the application on or before February 10, 2023.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to

<https://www.regulations.gov> and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on <https://www.regulations.gov>. If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.33(a), this is notice that on October 7, 2022, Sterling Pharma USA, LLC, 1001 Sheldon Drive, Suite 101, Cary, North Carolina 27513-2078, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
5-Methoxy-N-N-dimethyltryptamine.	7431	I
Psilocybin	7437	I
Psilocyn	7438	I

The company plans to manufacture the above-listed controlled substances as clinical trials. No other activities for these drug codes are authorized for this registration.

Matthew Strait,
Deputy Assistant Administrator.
[FR Doc. 2022-26913 Filed 12-9-22; 8:45 am]
BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration
[Docket No. DEA-1119]

Bulk Manufacturer of Controlled Substances Application: Scottsdale Research Institute

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Scottsdale Research Institute has applied to be registered as a bulk manufacturer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may submit electronic comments on or objections to

the issuance of the proposed registration on or before February 10, 2023. Such persons may also file a written request for a hearing on the application on or before February 10, 2023.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to <https://www.regulations.gov> and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on <https://www.regulations.gov>. If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.33(a), this is notice that on September 28, 2022, Scottsdale Research Institute, 12815 North Cave Creek Road, Phoenix, Arizona 85022, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Psilocybin	7437	I
Psilocyn	7438	I

The company plans to bulk manufacture the listed controlled substances for internal research purposes and to support clinical trials. No other activities for these drug codes are authorized for this registration.

Matthew Strait,
Deputy Assistant Administrator.
[FR Doc. 2022-26922 Filed 12-9-22; 8:45 am]
BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration
[Docket No. DEA-1114]

Importer of Controlled Substances Application: VHG Labs dba LGC Standards

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: VHG Labs dba LGC Standards has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before January 11, 2023. Such persons may also file a written request for a hearing on the application on or before January 11, 2023.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to <https://www.regulations.gov> and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on <https://www.regulations.gov>. If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment. All requests for a hearing must be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrisette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrisette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on September 12, 2022, VHG Labs dba LGC Standards, 3 Perimeter Road, Manchester, New Hampshire 03103-3341, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Cathinone	1235	I
Methcathinone	1237	I

Controlled substance	Drug code	Schedule
Mephedrone (4-Methyl-N-methylcathinone)	1248	I
Naphyrone	1258	I
N-Ethylamphetamine	1475	I
Gamma Hydroxybutyric Acid	2010	I
Methaqualone	2565	I
JWH-250 (1-Pentyl-3-(2-methoxyphenylacetyl) indole)	6250	I
SR-18 (Also known as RCS-8) (1-Cyclohexylethyl-3-(2-methoxyphenylacetyl) indole)	7008	I
APINACA and AKB48 N-(1-Adamantyl)-1-pentyl-1H-indazole-3-carboxamide	7048	I
JWH-081 (1-Pentyl-3-(1-(4-methoxynaphthoyl) indole)	7081	I
SR-19 (Also known as RCS-4) (1-Pentyl-3-[(4-methoxy)-benzoyl] indole)	7104	I
JWH-018 (also known as AM678) (1-Pentyl-3-(1-naphthoyl)indole)	7118	I
JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl) indole)	7122	I
UR-144 (1-Pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone	7144	I
JWH-203 (1-Pentyl-3-(2-chlorophenylacetyl) indole)	7203	I
Ibogaine	7260	I
Lysergic acid diethylamide	7315	I
Marihuana Extract	7350	I
Marihuana	7360	I
Tetrahydrocannabinols	7370	I
Mescaline	7381	I
2,5-Dimethoxyamphetamine	7396	I
JWH-398 (1-Pentyl-3-(4-chloro-1-naphthoyl) indole)	7398	I
3,4-Methylenedioxyamphetamine	7405	I
4-Methoxyamphetamine	7411	I
5-Methoxy-N-N-dimethyltryptamine	7431	I
Bufotenine	7433	I
Psilocybin	7437	I
Psilocyn	7438	I
4-Methyl-alpha-pyrrolidinopropiophenone (4-MePPP)	7498	I
MDPV (3,4-Methylenedioxypropylvalerone)	7535	I
Methylone (3,4-Methylenedioxy-N-methylcathinone)	7540	I
Butylone	7541	I
Pentylone	7542	I
Codeine-N-oxide	9053	I
Desomorphine	9055	I
Dihydromorphine	9145	I
Heroin	9200	I
Morphine-N-oxide	9307	I
Normorphine	9313	I
Pholcodine	9314	I
Alphamethadol	9605	I
Norlevorphanol	9634	I
Properidine	9644	I
Tilidine	9750	I
Alpha-methylfentanyl	9814	I
Acetyl Fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide)	9821	I
Butyryl Fentanyl	9822	I
Fentanyl-related substance	9850	I
Amphetamine	1100	II
Methamphetamine	1105	II
Phenmetrazine	1631	II
Methylphenidate	1724	II
Amobarbital	2125	II
Pentobarbital	2270	II
Secobarbital	2315	II
Glutethimide	2550	II
Phencyclidine	7471	II
4-Anilino-N-phenethyl-4-piperidine (ANPP)	8333	II
Norfentanyl	8366	II
Phenylacetone	8501	II
Cocaine	9041	II
Codeine	9050	II
Dihydrocodeine	9120	II
Oxycodone	9143	II
Hydromorphone	9150	II
Diphenoxylate	9170	II
Ecgonine	9180	II
Ethylmorphine	9190	II
Hydrocodone	9193	II
Levorphanol	9220	II
Isomethadone	9226	II
Meperidine	9230	II
Meperidine intermediate-A	9232	II
Meperidine intermediate-B	9233	II

Controlled substance	Drug code	Schedule
Meperidine intermediate-C	9234	II
Methadone	9250	II
Methadone intermediate	9254	II
Dextropropoxyphene, bulk (non-dosage forms)	9273	II
Morphine	9300	II
Thebaine	9333	II
Oxymorphone	9652	II
14-Hydroxymorphone	9665	II
Noroxymorphone	9668	II
Phenazocine	9715	II
Sufentanil	9740	II
Carfentanil	9743	II
Fentanyl	9801	II

The company plans to import the listed controlled substances for sale to research facilities for drug testing and analysis. In reference to drug codes 7360 (Marihuana) and 7370 (Tetrahydrocannabinols) the company plans to import a synthetic cannabidiol and a synthetic tetrahydrocannabinol. No other activities for these drug codes are authorized for this registration.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

Matthew Strait,
Deputy Assistant Administrator.
[FR Doc. 2022-26925 Filed 12-9-22; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA-1113]

Importer of Controlled Substances Application: Lyndra Therapeutics

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Lyndra Therapeutics has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before January 11, 2023. Such persons may also file a written request for a hearing on the application on or before January 11, 2023.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to <https://www.regulations.gov> and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on <https://www.regulations.gov>. If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment. All requests for a hearing must be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrisette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrisette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on October 14, 2022, Lyndra Therapeutics, 60 Westview Street, Lexington, Massachusetts 02421-3108, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Methadone	9250	II

The company plans to import the above controlled substance for use in preclinical research and human clinical trials. No other activity for this drug code is authorized for this registration.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

Matthew Strait,
Deputy Assistant Administrator.
[FR Doc. 2022-26920 Filed 12-9-22; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

On December 6, 2022, the Department of Justice lodged a proposed consent decree with the United States District Court for the District of Puerto Rico in the lawsuit entitled *United States v. Puerto Rico Industrial Development Company*, Civil Action No. 3:15-cv-2328.

In that action, the United States sought, pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9601, *et seq.*, recovery of response costs regarding the Maunabo Groundwater Superfund Site in Maunabo, Puerto Rico (the "Site"). The proposed consent decree will require the Puerto Rico Industrial Development Company to reimburse the U.S. Environmental Protection Agency for \$11 million of its past costs at the Site. The reimbursements are to be made in quarterly installments over seven years, with interest.

The publication of this notice opens a period for public comment on the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Environment and

Natural Resources Division, and should refer to *United States v. Puerto Rico Industrial Development Company*, Civil Action No. 3:15-cv-2328, D.J. Ref. No. 90-11-3-11397. All comments must be submitted no later than 30 days after the publication date of this notice. Comments may be submitted either by email or by mail:

<i>To submit comments:</i>	<i>Send them to:</i>
By email	<i>pubcomment-ees.enrd@usdoj.gov.</i>
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

During the public comment period, the proposed consent decree may be examined and downloaded at this Justice Department website: <https://www.justice.gov/enrd/consent-decrees>. We will provide a paper copy of the proposed consent decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

Please enclose a check or money order for \$3.25 (25 cents per page reproduction cost) payable to the United States Treasury.

Henry Friedman,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2022-26852 Filed 12-9-22; 8:45 am]

BILLING CODE 4410-15-P

DEPARTMENT OF LABOR

Employment and Training Administration

Public Meeting of the Advisory Committee on Apprenticeship (ACA)

AGENCY: Employment and Training Administration (ETA), Labor.

ACTION: Notice of a public meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act (FACA), notice is hereby given to announce a public meeting of the ACA. All meetings of the ACA are open to the public.

DATES: The meeting will be held on Thursday, January 12, 2023, at the Denver Metro Chamber of Commerce located at 1445 Market Street, Denver, CO 80202. The meeting will begin at approximately 9:00 a.m. MT and adjourn at approximately 4:00 p.m. MT. Any updates to the agenda and meeting logistics will be posted on the Office of

Apprenticeship's website at: <https://www.apprenticeship.gov/advisory-committee-apprenticeship/meetings>.

FOR FURTHER INFORMATION CONTACT: The Designated Federal Officer, Mr. John V. Ladd, Administrator, Office of Apprenticeship, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room C-5321, Washington, DC 20210; Email: AdvisoryCommitteeonApprenticeship@dol.gov; Telephone: (202) 693-2796 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The ACA is a discretionary committee reestablished by the Secretary of Labor on May 4, 2021, in accordance with FACA (5 U.S.C. App. 2 section 10), as amended in 5 U.S.C. app. 2, and its implementing regulations (41 CFR 101-6 and 102-3). The first meeting of the ACA was held on Wednesday, October 6, 2021; the second meeting of the ACA was held on Wednesday, January 26, 2022; the third meeting of the ACA was held on Monday, May 16, 2022, and the fourth meeting of the ACA was held on September 27, 2022. All past meeting materials are posted here: <https://www.apprenticeship.gov/advisory-committee-apprenticeship/meetings>.

All meetings are open to the public. To promote greater access, webinar and audio conference technology will be used to support public participation in the meeting. In-person space for the meeting is limited. Please send an email to advisorycommitteeonapprenticeship@dol.gov if you plan to attend the meeting in-person, no later than Wednesday, December 28, 2022. Members of the public that are unable to join the meeting in-person are encouraged to join the meeting virtually. Both the in-person and virtual login instructions are outlined below and will also be posted prominently on the Office of Apprenticeship's website at: <https://www.apprenticeship.gov/advisory-committee-apprenticeship/meetings>. If individuals have special needs and/or disabilities that will require special accommodations, please contact Kenya Huckaby at (202) 693-3795 or via email at huckaby.kenya@dol.gov no later than Wednesday, December 28, 2022.

Instructions to Attend the Meeting In-Person: Send an email to advisorycommitteeonapprenticeship@dol.gov no later than Wednesday, December 28, 2022, to request to attend the meeting in-person. As outlined above, the Denver Metro Chamber of Commerce is located at 1445 Market St, Denver, CO 80202. To attend the meeting in person, upon arrival at the Chamber of

Commerce, members of the public will need to provide building security with the name of the meeting and the location of the meeting. The name of the meeting is "Public ACA Meeting" and location of the meeting is the 5th floor.

Instructions to Attend the Meeting Virtually: Virtual meeting participants have two options to access the meeting. Virtual meeting participants can access the meeting by computer or by phone. To access the meeting by computer, meeting participants will use the meeting link and event password below. To access the meeting by phone, meeting participants will use the dial-in number and access code below.

Computer Access

Meeting Link: <https://usdoevents.webex.com/usdoevents/j.php?MTID=m1a304b3b3adbcf43b57fbe73ee2330ed>
Event password: Welcome!24

Telephone Access

Dial-In: VoIP or dial 877-465-7975
Access code: 2760 372 1954

Any member of the public who wishes to file written data or comments pertaining to the agenda may do so by sending the data or comments to Mr. John V. Ladd via email at AdvisoryCommitteeonApprenticeship@dol.gov using the subject line "January 2023 ACA Meeting." Such submissions will be included in the record for the meeting if received by Wednesday, December 28, 2022. See below regarding members of the public wishing to speak at the ACA meeting.

Purpose of the Meeting and Topics to Be Discussed: The primary purpose of the January meeting is an in-depth focus on Youth Apprenticeship and finalizing the priorities for the upcoming year. Anticipated agenda topics for this meeting include the following:

- Call to Order
- Remarks from ETA Leadership and Other Apprenticeship Stakeholders
- Youth Apprentice Panel
- Insights on Youth Apprenticeship Site Visits
- Subcommittee Report Outs:
 - Strategic Framework
 - Year Two Focus
- Public Comment
- Adjourn

The agenda and meeting logistics may be updated should priority items come before the ACA between the time of this publication and the scheduled date of the ACA meeting. All meeting updates will be posted to the Office of Apprenticeship's website at: <https://www.apprenticeship.gov/advisory-committee-apprenticeship/meetings>.

Any member of the public who wishes to speak at the meeting should indicate the nature of the intended presentation and the amount of time needed by furnishing a written statement to the Designated Federal Officer, Mr. John V. Ladd, via email at AdvisoryCommitteeonApprenticeship@dol.gov, by Wednesday, December 28, 2022. The Chairperson will announce at the beginning of the meeting the extent to which time will permit the granting of such requests.

Brent Parton,

Acting Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2022-26912 Filed 12-9-22; 8:45 am]

BILLING CODE 4510-FR-P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Worker Profiling and Reemployment Services Activity and Worker Profiling and Reemployment Services Outcomes

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Employment and Training Administration (ETA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before January 11, 2023.

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

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and

clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT:

Mara Blumenthal by telephone at 202-693-8538, or by email at DOL_PRA_PUBLIC@dol.gov.

SUPPLEMENTARY INFORMATION: The Worker Profiling and Reemployment Services (WPRS) program, mandated by the Unemployment Compensation Amendments of 1993, Public Law 103-152, identifies and ranks unemployment insurance (UI) claimants by their potential for exhausting benefits before returning to work and refers these claimants to appropriate reemployment services. WPRS is a required UI activity that each state may operate as a standalone program or integrated within the state's Reemployment Services and Eligibility Assessments (RESEA) program, which is a voluntary reemployment program authorized by section 306 of the Social Security Act (SSA). Specifically, states participating in the RESEA program may opt to integrate WPRS into the RESEA participant selection process. States that fully integrate WPRS into their RESEA program and provide RESEA services statewide are exempt from WPRS reporting because WPRS activities are fully reflected in RESEA quarterly reports. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on May 27, 2022 (87 FR 32188).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL-ETA.

Title of Collection: Worker Profiling and Reemployment Services Activity

and Worker Profiling and Reemployment Services Outcomes.

OMB Control Number: 1205-0353.

Affected Public: State, local, and Tribal governments.

Total Estimated Number of Respondents: 105,220.

Total Estimated Number of Responses: 205,383.

Total Estimated Annual Time Burden: 273,037 hours.

Total Estimated Annual Other Costs Burden: \$0.

(Authority: 44 U.S.C. 3507(a)(1)(D).)

Dated: December 5, 2022.

Mara Blumenthal,

Senior PRA Analyst.

[FR Doc. 2022-26911 Filed 12-9-22; 8:45 am]

BILLING CODE 4510-FW-P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[NOTICE: 22-096]

Name of Information Collection: Flight Analog Projects (FAP) Crew Selection Questionnaire

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of information collection.

SUMMARY: The National Aeronautics and Space Administration, as part of its continuing effort to reduce paperwork and respondent burden under the Paperwork Reduction Act, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections.

DATES: Comments are due by February 10, 2023.

ADDRESSES: Written comments and recommendations for this information collection should be sent within 60 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 60-day Review-Open for Public Comments" or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Bill Edwards-Bodmer, NASA Clearance Officer, NASA Headquarters, 300 E Street SW, JF0000, Washington, DC 20546, 757-864-3292, or b.edwards-bodmer@nasa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

This site contains a questionnaire to participate as an analog crewmember/

experiment subject for Flight Analog Project (FAP) missions such as Human Exploration Research Analog (HERA) analog ground studies sponsored by NASA Human Research Program. The questionnaire is used to screen potential applicants for initial qualifications. In addition, the website describes the FAP facilities and experiments conducted to inform the general public and promote interest in the FAP missions. This site has been in use for several years under the OMB number 2700–0174 and this is a renewal of the existing site/questionnaire per direction established by the OMB processes.

II. Methods of Collection

Public website, Web Form.

III. Data

Title: Flight Analog Projects (FAP) Crew Selection Questionnaire.

OMB Number: 2700–0174.

Type of review: Extension.

Affected Public: General Public.

Estimated Annual Number of Activities: 2.

Estimated Number of Respondents per Activity: 80.

Annual Responses: 160.

Estimated Time per Response: 15 minutes.

Estimated Total Annual Burden Hours: 40.

Estimated Total Annual Cost: 20K.

IV. Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA's estimate of the burden (including hours and cost) of the proposed collection of information; (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 automated collection techniques or the use of other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection. They will also become a matter of public record.

Nanette Smith,

Team Lead, NASA Directives and Regulations.

[FR Doc. 2022–26872 Filed 12–9–22; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

Arts Advisory Panel Meetings

AGENCY: National Endowment for the Arts, National Foundation on the Arts and the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the Federal Advisory Committee Act, as amended, notice is hereby given that three meetings of the Arts Advisory Panel to the National Council on the Arts will be held by teleconference or videoconference.

DATES: See the **SUPPLEMENTARY INFORMATION** section for individual meeting times and dates. All meetings are Eastern time and ending times are approximate.

ADDRESSES: National Endowment for the Arts, Constitution Center, 400 7th St. SW, Washington, DC, 20506.

FOR FURTHER INFORMATION CONTACT: Further information with reference to these meetings can be obtained from David Travis, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC, 20506; travisd@arts.gov, or call 202/682–5001.

SUPPLEMENTARY INFORMATION: The closed portions of meetings are for the purpose of Panel review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the Chair of March 11, 2022, these sessions will be closed to the public pursuant to subsection (c)(6) of section 552b of title 5, United States Code.

The upcoming meetings are:

Our Town (review of applications): This meeting will be closed.

Date and time: January 11, 2023; 11:00 a.m. to 1:30 p.m.

Our Town (review of applications): This meeting will be closed.

Date and time: January 11, 2023; 2:30 p.m. to 5:00 p.m.

Our Town (review of applications): This meeting will be closed.

Date and time: January 12, 2023; 11:00 a.m. to 1:30 p.m.

Dated: December 7, 2022.

Daniel Beattie,

Director, National Endowment for the Arts.

[FR Doc. 2022–26893 Filed 12–9–22; 8:45 am]

BILLING CODE 7537–01–P

NATIONAL FOUNDATION OF THE ARTS AND HUMANITIES

National Endowment for the Arts

Senior Executive Service Performance Review Board Members

ACTION: Notice.

SUMMARY: This notice announces the membership of the National Endowment for the Arts (NEA) Senior Executive Service (SES) Performance Review Board (PRB).

DATES: Applicable December 5, 2022.

ADDRESSES: Send comments concerning this notice to: National Endowment for the Arts, 400 7th Street SW, Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Craig McCord Sr. by telephone at (202) 706–4163 or by email to mccordc@arts.gov.

SUPPLEMENTARY INFORMATION: 4314 (c)(1) through (5) of title 5, U.S.C., requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more SES Performance Review Boards. The Board shall review and evaluate the initial appraisal of a senior executive's performance by the supervisor, along with any response by the senior executive, and make recommendations to the appointing authority relative to the performance of the senior executive.

The following persons have been selected to serve on the Performance Review Board of the National Endowment for the Arts (NEA):

Ra Joy—Chief of Staff, NEA
Ann Eilers—Deputy Chairman for Management & Budget, NEA
James Tunnessen—Chief Information Officer, NEA
Sunil Iyengar—Director, Research & Analysis, NEA
Anthony Mitchell—Chief Human Capital Officer, NEH
Adam Wolfson—Assistant Chairman for Programs, NEH
Nancy Weiss—General Counsel, IMLS

Dated: December 7, 2022.

Bonita Smith,

Director, Office of Administrative Services and Contracts, National Endowment for the Arts.

[FR Doc. 2022–26941 Filed 12–9–22; 8:45 am]

BILLING CODE 7537–01–P

NATIONAL TRANSPORTATION SAFETY BOARD

Notice of Sunshine Act Meeting Cancellation

The National Transportation Safety Board has cancelled the virtual

Sunshine Act meeting previously scheduled for Tuesday, December 13, 2022. The matter scheduled to be considered at the Sunshine Act meeting was the Safety Research Report—Alcohol, Other Drug, and Multiple Drug Use Among Drivers.

NEWS MEDIA CONTACT: (202) 314–6100.

FOR MORE INFORMATION: Contact Candi Bing, (202) 314–6403, or bingc@nrc.gov.

Signed: Thursday, December 8, 2022.

Candi R. Bing,

Federal Register Liaison Officer.

[FR Doc. 2022–26990 Filed 12–8–22; 4:15 pm]

BILLING CODE 7533–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2022–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of December 12, 19, 26, 2022, January 2, 9, 16, 2023. The schedule for Commission meetings is subject to change on short notice. The NRC Commission Meeting Schedule can be found on the internet at: <https://www.nrc.gov/public-involve/public-meetings/schedule.html>.

PLACE: The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (e.g., braille, large print), please notify Anne Silk, NRC Disability Program Specialist, at 301–287–0745, by videophone at 240–428–3217, or by email at Anne.Silk@nrc.gov. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

STATUS: Public.

Members of the public may request to receive the information in these notices electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555, at 301–415–1969, or by email at Wendy.Moore@nrc.gov or Tyesha.Bush@nrc.gov.

MATTERS TO BE CONSIDERED:

Week of December 12, 2022

Wednesday, December 14, 2022

10:00 a.m. Briefing on Equal Employment Opportunity, Affirmative Employment, and Small Business (Public Meeting) (Contact: Larniece McKoy Moore: 301–415–1942)

Additional Information: The meeting will be held in the Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland. The public is invited to attend the Commission's meeting in person or watch live via webcast at the Web address—<https://video.nrc.gov/>.

Week of December 19, 2022—Tentative

There are no meetings scheduled for the week of December 19, 2022.

Week of December 26, 2022—Tentative

There are no meetings scheduled for the week of December 26, 2022.

Week of January 2, 2023—Tentative

There are no meetings scheduled for the week of January 2, 2023.

Week of January 9, 2023—Tentative

There are no meetings scheduled for the week of January 9, 2023.

Week of January 16, 2023—Tentative

There are no meetings scheduled for the week of January 16, 2023.

CONTACT PERSON FOR MORE INFORMATION: For more information or to verify the status of meetings, contact Wesley Held at 301–287–3591 or via email at Wesley.Held@nrc.gov.

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: December 8, 2022.

For the Nuclear Regulatory Commission.

Wesley W. Held,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2022–27029 Filed 12–9–22; 4:15 pm]

BILLING CODE 7590–01–P

PENSION BENEFIT GUARANTY CORPORATION

Proposed Submission of Information Collections for OMB Review; Comment Request; Payment of Premiums; Termination Premium

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of intent to request extension of OMB approval of information collection with modifications.

SUMMARY: The Pension Benefit Guaranty Corporation (PBGC) intends to request that the Office of Management and Budget (OMB) extend approval, with modifications, under the Paperwork Reduction Act, of a collection of information for the termination premium under its regulation on Payment of Premiums. This notice informs the public of PBGC's intent and

solicits public comment on the collection of information.

DATES: Comments must be submitted on or before February 10, 2023.

ADDRESSES: Comments may be submitted by any of the following methods:

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

- *Email:* paperwork.comments@pbgc.gov. Refer to OMB control number 1212–0064 in the subject line.

- *Mail or Hand Delivery:* Regulatory Affairs Division, Office of the General Counsel, Pension Benefit Guaranty Corporation, 445 12th Street SW, Washington, DC 20024–2101.

Commenters are strongly encouraged to submit public comments electronically. PBGC expects to have limited personnel available to process public comments that are submitted on paper through mail. Until further notice, any comments submitted on paper will be considered to the extent practicable.

All submissions received must include the agency's name (Pension Benefit Guaranty Corporation, or PBGC) and refer to OMB control number 1212–0064. All comments received will be posted without change to PBGC's website, <http://www.pbgc.gov>, including any personal information provided. Do not submit comments that include any personally identifiable information or confidential business information.

Copies of the collection of information may be obtained by writing to Disclosure Division, Office of the General Counsel, Pension Benefit Guaranty Corporation, 445 12th Street SW, Washington, DC 20024–2101, or calling 202–229–4040 during normal business hours. If you are deaf or hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

FOR FURTHER INFORMATION CONTACT: Melissa Rifkin (rifkin.melissa@pbgc.gov), Attorney, Regulatory Affairs Division, Office of the General Counsel, Pension Benefit Guaranty Corporation, 445 12th Street SW, Washington, DC 20024–2101, 202–229–6563. (If you are deaf or hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.)

SUPPLEMENTARY INFORMATION: The Pension Benefit Guaranty Corporation (PBGC) administers the pension plan termination insurance program under title IV of the Employee Retirement Income Security Act of 1974 (ERISA). Section 4006(a)(7) of ERISA provides for a “termination premium” (in addition to the flat-rate and variable-rate premiums under sections 4006(a)(3) and (8)) that is

payable for 3 years following certain distress and involuntary plan terminations. PBGC's regulations on Premium Rates (29 CFR part 4006) and Payment of Premiums (29 CFR part 4007) implement the termination premium. Sections 4007.3 and 4007.13(b) of the premium payment regulation require the filing of termination premium information and payments with PBGC. PBGC has issued Form T and its corresponding instructions for paying the termination premium. In this renewal, PBGC is updating the email address listed in the filing instructions for Form T and making a clarifying edit.

In general, the termination premium applies where a single-employer plan terminates in a distress termination under section 4041(c) of ERISA (unless contributing sponsors and controlled group members meet the bankruptcy liquidation requirements of section 4041(c)(2)(B)(i)) or in an involuntary termination under section 4042 of ERISA, and the termination date under section 4048 of ERISA is after 2005.

The termination premium is payable for 3 years. The same amount is payable each year. The termination premium is due on the 30th day of each of 3 consecutive 12-month periods. The first 12-month period generally begins shortly after the termination date or after the conclusion of bankruptcy proceedings in certain cases. The termination premium and related information must be filed by a person liable for the termination premium. The persons liable for the termination premium are contributing sponsors and members of their controlled groups, determined on the day before the plan termination date. Section 4007.10 of the premium payment regulation requires the retention of records supporting or validating the computation of premiums paid and requires that the records be made available to PBGC.

OMB has approved the termination premium collection of information (Form T and instructions) under control number 1212-0064 through April 30, 2023. PBGC intends to request that OMB extend approval of this collection of information for 3 years, with minor changes. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

PBGC estimates that, during the next 3 years, it will receive an average of 1 filing of Form T per year. PBGC estimates that the total annual burden for the collection of information will be 5 minutes and \$67.

PBGC is soliciting public comments to—

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodologies and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses.

Issued in Washington, DC.

Hilary Duke,

Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation.

[FR Doc. 2022-26924 Filed 12-9-22; 8:45 am]

BILLING CODE 7709-02-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-96459; File No. SR-NYSEARCA-2022-65]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Withdrawal of a Proposed Rule Change To Amend the NYSE Arca Options Fee Schedule Concerning the Options Regulatory Fee

December 7, 2022.

On September 28, 2022, NYSE Arca, Inc. ("NYSE Arca") filed with the Securities and Exchange Commission ("Commission"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934¹ and Rule 19b-4 thereunder,² a proposed rule change to amend its Fee Schedule regarding its Options Regulatory Fee. The proposed rule change was immediately effective upon filing with the Commission pursuant to Section 19(b)(3)(A) of the Act.³ The

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).

proposed rule change was published for comment in the **Federal Register** on October 19, 2022.⁴ On November 14, 2022, NYSE Arca withdrew the proposed rule change (SR-NYSEARCA-2022-65).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁵

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2022-26948 Filed 12-9-22; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-96450; File No. SR-CBOE-2022-060]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fees Schedule

December 6, 2022.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on November 23, 2022, Cboe Exchange, Inc. (the "Exchange" or "Cboe Options") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the 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

Cboe Exchange, Inc. (the "Exchange" or "Cboe Options") proposes to amend its Fees Schedule. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (<http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx>), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

⁴ See Securities Exchange Act Release No. 96068 (October 13, 2022), 87 FR 63551.

⁵ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the 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 proposes to amend its Fees Schedule to modify the fee for the SPX (and SPXW) Floor Market-Maker Tier Appointment Fee.³

By way of background, Exchange Rule 5.50(g)(2) provides that the Exchange may establish one or more types of tier appointments and Exchange Rule 5.50(g)(2)(B) provides such tier appointments are subject to such fees and charges the Exchange may establish. In 2010, the Exchange established the SPX Tier Appointment and adopted an initial fee of \$3,000 per Market-Maker trading permit, per month.⁴ The SPX (and SPXW) Tier Appointment fee for Floor Market-Makers currently applies to any Market-Maker that executes any contracts in SPX and/or SPXW on the trading floor.⁵ The Exchange now seeks to increase the fee for the SPX/SPXW Floor Market-Maker Tier Appointment from \$3,000 per Market-Maker Floor Trading Permit to \$5,000 per Market-Maker Floor Trading Permit.

³ The Exchange initially filed the proposed fee change, among other changes, on June 1, 2022 (SR-CBOE-2022-026). On June 10, 2022, the Exchange withdrew that filing and submitted SR-CBOE-2022-029. On August 5, 2022, the Exchange withdrew that filing and submitted SR-CBOE-2022-042. On September 26, 2022, the Exchange withdrew that filing and submitted SR-CBOE-2022-050 to address the proposed fee change relating to the SPX/SPXW Floor Market-Maker Tier Appointment Fee. On November 23, 2022, the Exchange withdrew that filing and submitted this filing.

⁴ See Securities Exchange Act Release No. 62386 (June 25, 2010), 75 FR 38566 (July 2, 2010) (SR-CBOE-2010-060).

⁵ The Exchange notes that the fee is not assessed to a Market-Maker Floor Permit Holder who only executes SPX (including SPXW) options transactions as part of multi-class broad-based index spread transactions. See Cboe Options Fees Schedule, Market-Maker Tier Appointment Fees, Notes.

In connection with the proposed change, the Exchange also proposes to update Footnote 24 in the Fees Schedule, as well as remove the reference to Footnote 24 in the Market-Maker Tier Appointment Fee Table. By way of background, in June 2020, the Exchange adopted Footnote 24 to describe pricing changes that would apply for the duration of time the Exchange trading floor was being operated in a modified manner in connection with the COVID-19 pandemic.⁶ Among other changes, Footnote 24 provided that the monthly fee for the SPX/SPXW Floor Market-Maker Tier Appointment Fee was to be increased to \$5,000 per Trading Permit from \$3,000 per Trading Permit. As the Exchange now proposes to maintain the \$5,000 rate on a permanent basis (*i.e.*, regardless of whether the Exchange is operating in a modified state due to COVID-19 pandemic), the Exchange proposes to eliminate the reference to the SPX/SPXW Floor Market-Maker Tier Appointment Fee in Footnote 24.⁷

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.⁸ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁹ requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)¹⁰ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

⁶ See Securities Exchange Act Release No. 89189 (June 30, 2020), 85 FR 40344 (July 6, 2020) (SR-CBOE-2020-058).

⁷ The Exchange notes that since its transition to a new trading floor facility on June 6, 2022, it has not been operating in a modified manner. As such Footnote 24 (*i.e.*, the modified fee changes it describes) does not currently apply.

⁸ 15 U.S.C. 78f(b).

⁹ 15 U.S.C. 78f(b)(5).

¹⁰ *Id.*

The Exchange believes its proposal to increase the SPX (and SPXW) Floor Market-Maker Tier Appointment fee is reasonable because the proposed amount is not significantly higher than was previously assessed (and is the same amount that has been assessed under Footnote 24 for the last two years). Additionally, the Exchange believes its proposal to increase the fee is reasonable as the fee amount has not been increased since it was adopted over 12 years ago in July 2010.¹¹ For example, since its adoption 12 years ago, there has been notable inflation. Indeed, the dollar has had an average inflation rate of 2.6% per year between 2010 and today, producing a cumulative price increase of approximately 37% inflation since 2010, when the SPX and SPXW Floor Market-Maker Tier Appointment was first adopted.¹² Additionally, for nearly ten years, Market-Makers were only subject to the original rate that was adopted in 2010 (*i.e.*, \$3,000) notwithstanding an average inflation rate of 2.64% per year. The Exchange believes the proposed increase is also reasonable in light of increased costs of services since 2010, including those relating to facility and technology upgrades associated with the new trading floor, which new floor provides a state-of-the-art environment and technology. Although the Exchange recently adopted new, and/or updated current, fees associated with the new trading floor, it did not pass-through other costs incurred in connection with the new trading floor, including design, construction and other on-going maintenance costs. Further, the Exchange has not modified many of its facilities fees in several years. The Exchange notes in particular that the trading pit for SPX is the largest trading pit on the new trading floor and represents a significant amount of space on the new trading floor. Accordingly, the Exchange believes the proposed change is reasonable because it allows the Exchange to recoup additional fees associated with the costs of operating a modern and cutting-edge trading floor from market participants that utilize the most space and resources on said trading floor.

Additionally, over the last decade the Exchange has made, and continues to make, further investments to encourage growth trends in SPX volume, including investments in marketing, sales teams, global coverage teams, and new product

¹¹ See Securities Exchange Act Release No. 62386 (June 25, 2010), 75 FR 38566 (July 2, 2010) (SR-CBOE-2010-060).

¹² See <https://www.officialdata.org/us/inflation/2010?amount=1>.

innovations (such as adding additional weekly expirations and LEAPS). The Exchange notes that the SPX (and SPXW) Tier Appointment fee helps fund these efforts. Moreover, although the SPX (and SPXW) Tier Appointment fee has not increased since 2010, SPX volume, including volume on the trading floor, has increased significantly since that time. The Exchange therefore believes the proposed fee increase is reasonable because it allows the Exchange to recoup fees associated with the costs of maintaining and growing SPX and SPXW, which products can help market participants achieve broad market protection.

The Exchange next notes that it operates in a highly competitive environment. The SEC Division of Trading and Markets' Fee Guidance provides that in determining whether a proposed fee is constrained by significant competitive forces, the Commission will consider whether there are reasonable substitutes for the product or service that is the subject of a proposed fee.¹³ As described in further detail below, the Exchange believes substitutable products are in fact available to market participants, including in the Over-the-Counter (OTC) markets. Indeed, there are currently 16 registered options exchanges that trade options. Based on publicly available information, no single options exchange has more than 17% of the market share as of November 21, 2022.¹⁴ Further, low barriers to entry mean that new exchanges may rapidly and inexpensively enter the market and offer additional substitute platforms to further compete with the Exchange and the products it offers. For example, there are 3 exchanges that have been added in the U.S. options markets in the last 5 years (*i.e.*, Nasdaq MRX, LLC, MIAAX Pearl, LLC, and MIAAX Emerald LLC) and one additional options exchange that is expected to launch in 2023 (*i.e.*, MEMX LLC).

The Exchange believes that competition in the marketplace constrains the ability of exchanges to charge supracompetitive fees for access to its products exclusive to that market ("proprietary products"). Notably, just as there is no regulatory requirement to become a member of any one options exchange, there is also no regulatory requirement for any market participant to trade any particular product, nor is

there any requirement that any Exchange create or indefinitely maintain any particular product.¹⁵ The Exchange also highlights that market participants may trade an exchange's proprietary products through a third-party without directly or indirectly connecting to the exchange. Further, market participants, including Market-Makers, may trade the Exchange's products, including proprietary products, on or off the Exchange's trading floor (*i.e.*, all products are available both electronically and via open outcry on the Exchange's trading floor). Indeed, market participants are not obligated to trade on the Exchange's trading floor and therefore a market participant, including Market-Makers, can choose to trade a product electronically instead of on the Exchange's trading floor at any time and for any reason, including due to an assessment of the reasonableness of fees charged.

Additionally, market participants may trade any options product, including proprietary products, in the unregulated Over-the-Counter (OTC) markets for which there is no requirement for fees related to those markets to be public. Given the benefits offered by trading options on a listed exchange, such as increased market transparency and heightened contra-party creditworthiness due to the role of the Options Clearing Corporation as issuer and guarantor, the Exchange generally seeks to incentivize market participants to trade options on an exchange, which further constrains fees that an Exchange may assess. Market participants may also access other exchanges to trade other similar or competing proprietary or multi-listed products. Alternative products to the Exchange's proprietary products may include other options products, including options on ETFs or options futures, as well as particular ETFs or futures. Particularly, exclusively listed SPX options (*i.e.*, a proprietary product) may compete with the following products traded on other markets: multiply-listed SPY options (options on the ETF), E-mini S&P 500 Options (options on futures), and E-

Mini S&P 500 futures (futures on index). Accordingly, if a market participant views the Exchange's proprietary product as more or less attractive than the competition they can switch between similar products. As such, the Exchange is subject to competition and does not possess anti-competitive pricing power, even with its offering of proprietary products such as SPX.

In connection with a previous proposed amendment to the National Market System Plan Governing the Consolidated Audit Trail ("CAT NMS Plan")¹⁶, the Commission discussed the existence of competition in the marketplace generally, and particularly for exchanges with unique business models. The Commission recognized for example that while some exchanges may have a unique business model that is not currently offered by competitors, a competitor could create similar business models if demand were adequate, and if a competitor did not do so, the Commission believes it would be likely that new entrants would do so if the exchange with that unique business model was otherwise profitable.¹⁷ Similarly, although the Exchange may have proprietary products not offered by other competitors, not unlike unique business models, a competitor could create similar products to an existing proprietary product if demand were adequate.

The proposed change is also equitable and not unfairly discriminatory as it applies to all Market-Makers that trade SPX on the trading floor uniformly. The Exchange believes it's reasonable equitable and not unfairly discriminatory to increase the SPX/SPXW floor Market-Maker Tier Appointment fee and not the SPX/SPXW electronic Market-Maker Tier Appointment fee, as Floor Market-Makers are not subject to other costs that electronic Market-Makers are subject to. For example, while all Floor Market-Makers automatically have an appointment to trade open outcry in all classes traded on the Exchange and at no additional cost per appointment, electronic Market-Makers must select an appointment in a class (such as SPX) to make markets electronically and such appointments are subject to fees under the Market-Maker Electronic Appointments Sliding Scale.¹⁸

¹³ See Chairman Jay Clayton, Statement on Division of Trading and Markets Staff Fee Guidance, June 12, 2019.

¹⁴ See Cboe Global Markets U.S. Options Market Volume Summary (November 21, 2022), available at https://markets.cboe.com/us/options/market_statistics/.

¹⁵ If an option class is open for trading on another national securities exchange, the Exchange may delist such option class immediately. For proprietary products, the Exchange may determine to not open for trading any additional series in that option class; may restrict series with open interest to closing transactions, provided that, opening transactions by Market-Makers executed to accommodate closing transactions of other market participants and opening transactions by TPH organizations to facilitate the closing transactions of public customers executed as crosses pursuant to and in accordance with Rule 6.74(b) or (d) may be permitted; and may delist the option class when all series within that class have expired. See Cboe Rule 4.4, Interpretations and Policies .11.

¹⁶ See Securities Exchange Act Release No. 86901 (September 9, 2019), 84 FR 48458 (September 13, 2019) (File No. S7-13-19).

¹⁷ *Id.*

¹⁸ See Cboe Options Rules 5.50(a) and (e). See also Cboe Options Fees Schedule, Market-Maker EAP Appointments Sliding Scale.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule changes will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed changes would be applied in the same manner to all Floor Market-Makers that trade SPX (and/or SPXW). As noted above, the Exchange believes it's reasonable to increase the SPX/SPWX Tier Appointment Fee for only Floor Market-Makers only as opposed to electronic Market-Makers, because electronic Market-Makers are subject to costs Floor Market-Makers are not, such as the fees under Market-Maker EAP Appointments Sliding Scale.

The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed rule changes apply only to a fee relating to a product exclusively listed on the Exchange. Additionally, the Exchange operates in a highly competitive market. In addition to Cboe Options, TPHs have numerous alternative venues that they may participate on (which, as described above, list products that compete with SPX options) and direct their order flow, including 15 other options exchanges (four of which also maintain physical trading floors), as well as off-exchange venues, where competitive products are available for trading. Based on publicly available information, no single options exchange has more than 17% of the market share of executed volume of options trades.¹⁹ Therefore, no exchange possesses significant pricing power in the execution of option order flow. Moreover, the Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system "has been remarkably successful in promoting market competition in its broader forms that are most important to

¹⁹ See Cboe Global Markets, U.S. Options Market Volume Summary by Month (November 21, 2022), available at http://markets.cboe.com/us/options/market_share/.

investors and listed companies."²⁰ The fact that this market is competitive has also 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'. . . ."²¹ Accordingly, the Exchange does not believe its proposed changes to the incentive programs impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

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) of the Act²² and paragraph (f) of Rule 19b-4²³ thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act.

²⁰ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

²¹ *NetCoalition v. SEC*, 615 F.3d 525, 539 (DC Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782-83 (December 9, 2008) (SR-NYSEArca-2006-21)).

²² 15 U.S.C. 78s(b)(3)(A).

²³ 17 CFR 240.19b-4(f).

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-CBOE-2022-060 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-CBOE-2022-060. 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-CBOE-2022-060 and should be submitted on or before January 3, 2023.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁴

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2022-26864 Filed 12-9-22; 8:45 am]

BILLING CODE 8011-01-P

²⁴ 17 CFR 200.30-3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–96452; File No. SR–NASDAQ–2022–069]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Equity 4, Rule 4753 and Equity 4, Rule 4703

December 6, 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 November 25, 2022, The Nasdaq Stock Market LLC (“Nasdaq” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I and II 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 clarify when Immediate or Cancel Orders for halted securities are cancelled by amending Equity 4, Rule 4753 and Equity 4, Rule 4703. The text of the proposed rule change is available on the Exchange’s website at <https://listingcenter.nasdaq.com/rulebook/nasdaq/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

First, the Exchange proposes to amend Equity 4, Rule 4753,³ which governs the Nasdaq Halt Cross process, to clarify the Exchange’s existing practice that (1) any IOC Order for a halted security that is entered prior to the Nasdaq Closing Cross and for which the halt remains in effect at the commencement of the Nasdaq Closing Cross, is cancelled immediately after the Nasdaq Closing Cross; and (2) any IOC Order for a halted security that is entered after the Nasdaq Closing Cross and for which the halt remains in effect at 8:00 p.m. ET (or 5:00 p.m. ET in the event of a Scheduled Early Close), is cancelled at 8:00 p.m. ET (or 5:00 p.m. ET in the event of a Scheduled Early Close). Second, the Exchange proposes to delete the Time-in-Force definition of “System Hours Immediate or Cancel” or “SIOC” contained in Equity 4, Rule 4703(a)(1) to avoid confusion. Finally, the Exchange proposes adding a cross-reference to Rule 4703(a)(1), which would reference the new language in Rule 4753.

An Order with a Time in Force of “Immediate or Cancel” or “IOC” is designated to deactivate or execute, as applicable, immediately after determining whether the Order is marketable. However, if an IOC Order is entered for a halted security, the System cannot determine the marketability of the Order. Assuming trading of the halted security does not resume, the Order is cancelled, either after the Nasdaq Closing Cross if the Order is entered prior to the Nasdaq Closing Cross or at 8:00 p.m. ET (or 5:00 p.m. ET in the event of a Scheduled Early Close) if the Order is entered after the Nasdaq Closing Cross. The proposed rule change is specific to IOC Orders for halted securities (for which a halt cross will occur).⁴

When an IOC Order for a halted security is received prior to the Nasdaq Closing Cross, the Order remains valid until the Nasdaq Closing Cross. If the security remains halted at the commencement of the Nasdaq Closing Cross, the Exchange cancels the Order

immediately after the Nasdaq Closing Cross. For example, consider Stock A is halted at 11:00 a.m. ET. The Exchange receives an IOC Order for Stock A at 2:00 p.m. ET. The Nasdaq Closing Cross commences at 4:00 p.m. ET and Stock A remains halted. The IOC Order for Stock A is cancelled immediately after the Nasdaq Closing Cross. This practice is consistent with customer expectations and how the Exchange currently operates. If the halt is lifted prior to the Nasdaq Closing Cross, the Orders execute in the re-opening auction, if marketable, or otherwise cancel. To the extent the halt remains in place at the commencement of the Nasdaq Closing Cross, participants do not expect the Orders to remain eligible after hours and therefore, expect the IOC Orders to expire immediately after the Nasdaq Closing Cross.⁵ If the IOC Order for Stock A described above was not cancelled after the Nasdaq Closing Cross and the halt was lifted in the extended trading hours, the Order could get filled at an unexpected price, particularly during extended trading hours when many securities are thinly traded.

When an IOC Order for a halted security is received after the Nasdaq Closing Cross, the Order remains valid until 8:00 p.m. ET (or 5:00 p.m. ET in the event of a Scheduled Early Close). If the security remains halted at 8:00 p.m. ET (or 5:00 p.m. ET in the event of a Scheduled Early Close), the Exchange cancels the Order at 8:00 p.m. ET (or 5:00 p.m. ET in the event of a Scheduled Early Close). For example, consider Stock A is halted at 11:00 a.m. ET. The Exchange receives an IOC Order for Stock A at 4:01 p.m. ET, after the Nasdaq Closing Cross. In this example, the IOC Order for Stock A remains valid until 8:00 p.m. ET. If the security remains halted at 8:00 p.m. ET, the Order is cancelled at that time. This practice is consistent with customer expectations and how the Exchange currently operates. Participants who enter IOC Orders for halted securities after the Nasdaq Closing Cross intend for the Order to be eligible for execution in the extended hours session, ending at 8:00 p.m. ET (or 5:00 p.m. ET in the event of a Scheduled Early Close). If the Orders were not cancelled, the security may resume trading and the Order may be filled at a price not expected by the customer.

Notwithstanding the absence of express language in the Rules, the

³ Hereinafter, references to the Rule 4000 Series shall mean the Rule Series set forth in Equity 4 of the Exchange’s Rulebook.

⁴ During any trading halt or pause for which a halt cross under Rule 4753 will not occur, orders entered during the trading halt or pause are not accepted, unless subject to instructions that the order will be directed to another exchange as described in Rule 4758. Rule 4120(c)(4)(B).

⁵ This is akin to the Exchange’s practice to deactivate day orders after the Nasdaq Closing Cross. See Rule 4703(a)(5). The practice is also consistent with the definition of “Market Hours Immediate or Cancel” or “MIOC.” See Rule 4703(a)(1).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

Exchange believes that the current practice is consistent with customer expectations. The Exchange is aware of no customer confusion on the issue. Nevertheless, the Exchange believes that the existing Rules would benefit from clarification so as to avoid the potential for any confusion in the future. Accordingly, the Exchange proposes to add a new section (e) to Rule 4753 to codify the existing practice.

In addition, the Exchange proposes to delete the Time-in-Force definition of “System Hours Immediate or Cancel” or “SIOC” from Equity 4, Rule 4703(a)(1). Specifically, the Exchange proposes to delete the following language:

An Order with a Time-in-Force of IOC that is entered at any time between 4:00 a.m. ET and 8:00 p.m. ET may be referred to as having a Time-in-Force of “System Hours Immediate or Cancel” or “SIOC”.

The defined term “System Hours Immediate or Cancel” or “SIOC” is not referenced elsewhere in Nasdaq’s Rules. Moreover, the language and purpose thereof are unclear. The Exchange believes that the language should be deleted to avoid confusion as the definitions of “Market Hours Immediate or Cancel” or “MIOC” and SIOC include overlapping hours. Furthermore, in the case of IOC Order for halted securities, the SIOC definition does not make clear the current practice that any IOC Order for a halted security that is entered prior to the Nasdaq Closing Cross is cancelled immediately after the Nasdaq Closing Cross if the security remains halted at the commencement of the Nasdaq Closing Cross. The Exchange also proposes adding a cross-reference to Rule 4703(a)(1), which would reference the new language in Rule 4753. The Exchange believes that the proposed deletion and cross-reference in Rule 4703, coupled with proposed Rule 4753(e), would help to avoid the potential for any confusion in the future.

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 Section 6(b)(5) of the Act,⁷ in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

The Exchange believes that it is just and equitable, and in the interests of the public and investors, for the Exchange

to (1) remove unnecessary language from and add a cross-reference in Rule 4703 and (2) amend Rule 4753 to clarify the Exchange’s existing practice to cancel IOC Orders for halted securities as described above. The Exchange believes that the public and investors will benefit from increased clarity, which will help limit any potential confusion in the future.

The Exchange also believes that the Exchange’s existing practice that (1) any IOC Order for a halted security that is entered prior to the Nasdaq Closing Cross and for which the halt remains in effect at the commencement of the Nasdaq Closing Cross, is cancelled immediately after the Nasdaq Closing Cross; and (2) any IOC Order for a halted security that is entered after the Nasdaq Closing Cross and for which the halt remains in effect at 8:00 p.m. ET (or 5:00 p.m. ET in the event of a Scheduled Early Close), is cancelled at 8:00 p.m. ET (or 5:00 p.m. ET in the event of a Scheduled Early Close) is consistent with the protection of investors and the public interest. This practice is consistent with both current practice and investor expectations. It helps to avoid unexpected executions that might occur if such Orders are not cancelled and there are significant changes in the price of the security once the halt is lifted, thereby protecting investors and the public interest. Furthermore, the Exchange believes that codifying its current practice to cancel IOC Orders for halted securities as described above, consistent with customer expectations, is designed to promote just and equitable principles of trade and remove impediments to and perfect the mechanisms of a free and open market as it adds clarity to the Exchange’s Rules and avoids the potential for any confusion.

B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposal merely codifies and clarifies an existing practice of the Exchange to cancel IOC Orders for halted securities immediately after the Nasdaq Closing Cross in the case of an Order entered prior to the Nasdaq Closing Cross where the security remains halted upon commencement of the Nasdaq Closing Cross and at 8:00 p.m. ET (or 5:00 p.m. ET in the event of a Scheduled Early Close) in the case of an Order entered after the Nasdaq Closing Cross where the security remains halted at 8:00 p.m. ET (or 5:00 p.m. ET in the event of a Scheduled

Early Close). The Exchange would also make technical changes to improve the clarity of the proposal. The proposed changes are designed to more clearly describe an existing practice and make technical and conforming changes to the Rules without changing existing practice and, therefore, the Exchange believes that the proposed changes will not impose a burden on competition.

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

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act⁸ and Rule 19b-4(f)(6)⁹ thereunder.¹⁰

A proposed rule change filed pursuant to Rule 19b-4(f)(6) under the Act¹¹ normally does not become operative for 30 days after the date of its filing. However, Rule 19b-4(f)(6)(iii)¹² permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The proposed rule text codifies the Exchange’s current practice of handling IOC orders for halted securities. In addition, it clarifies the Exchange’s rules by deleting a term not used elsewhere and adding a cross-reference. The Commission believes that the proposed rule change does not raise any new or novel issues, and waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the

⁸ 15 U.S.C. 78s(b)(3)(A).

⁹ 17 CFR 240.19b-4(f)(6).

¹⁰ In addition, Rule 19b-4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange’s intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

¹¹ 17 CFR 240.19b-4(f)(6).

¹² 17 CFR 240.19b-4(f)(6)(iii).

⁶ 15 U.S.C. 78f(b).

⁷ 15 U.S.C. 78f(b)(5).

operative delay and designates the proposal operative upon filing.¹³

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.¹⁴

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-NASDAQ-2022-069.

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-NASDAQ-2022-069. 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

¹³ For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

¹⁴ 15 U.S.C. 78s(b)(3)(C).

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-NASDAQ-2022-069, and should be submitted on or before January 3, 2023.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁵

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2022-26865 Filed 12-9-22; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-96454; File No. SR-NYSEAMER-2022-45]

Self-Regulatory Organizations; NYSE American LLC; Notice of Withdrawal of a Proposed Rule Change To Amend the NYSE American Options Fee Schedule Concerning the Options Regulatory Fee

December 6, 2022.

On September 28, 2022, NYSE American LLC ("NYSE American") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934¹ and Rule 19b-4 thereunder,² a proposed rule change to amend its Fee Schedule regarding its Options Regulatory Fee. 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** on October 19, 2022.⁴ On November 14, 2022, NYSE American withdrew the proposed rule change (SR-NYSEAMER-2022-45).

¹⁵ 17 CFR 200.30-3(a)(12).

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 See Securities Exchange Act Release No. 96066 (October 13, 2022), 87 FR 63565.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁵

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2022-26867 Filed 12-9-22; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-96453; File No. SR-MEMX-2022-28]

Self-Regulatory Organizations; MEMX LLC; Notice of Withdrawal of a Proposed Rule Change To Amend Its Fee Schedule To Adopt Market Data Fees

December 6, 2022.

On September 21, 2022, MEMX LLC ("MEMX") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934¹ and Rule 19b-4 thereunder,² a proposed rule change to amend its Fee Schedule to adopt fees for its market data products. 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** on October 11, 2022.⁴ On November 18, 2022, MEMX withdrew the proposed rule change (SR-MEMX-2022-28).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁵

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2022-26866 Filed 12-9-22; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. PA-58; File No. S7-28-22]

Privacy Act of 1974; System of Records

AGENCY: Securities and Exchange Commission.

⁵ 17 CFR 200.30-3(a)(12).

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 See Securities Exchange Act Release No. 95981 (October 4, 2022), 87 FR 61379.

⁵ 17 CFR 200.30-3(a)(12).

ACTION: Notice of a new system of records.

SUMMARY: The Securities and Exchange Commission (SEC) proposes to establish SEC-35, Reasonable and Religious Accommodation Programs under the Privacy Act of 1974. The information in the system concerns employees, applicants, and members of the public who request or receive reasonable accommodations based on a medical condition or disability, or a sincerely held religious belief, practice, or observance. The SEC collects this information to evaluate, approve, deny, or implement requests for reasonable accommodations. This system will also allow the SEC to track and report the processing of requests for reasonable accommodations.

DATES: The changes will become effective January 6, 2023, to permit public comment on the routine uses. The Commission will publish a new notice if the effective date is delayed to review comments or if changes are made based on comments received. To assure consideration, comments should be received on or before January 6, 2023.

ADDRESSES: Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<http://www.sec.gov/rules/other.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number S7-28-22 on the subject line.

Paper Comments

- Send paper comments to Secretary, U.S. Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to S7-28-22. This file number should be included on the subject line if email is used. To help 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/other.shtml>). Typically, comments are also available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Operating conditions may limit access to the Commission's public reference room. All comments received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: Ronnette McDaniel, Privacy and Information Assurance Branch Chief, 202-551-7200 or privacyhelp@sec.gov.

SUPPLEMENTARY INFORMATION: In order to collect and maintain information to evaluate, approve, deny, or implement requests for reasonable accommodation based on a medical condition or disability, or a sincerely held religious belief, practice, or observance, the SEC is establishing SEC-35, *Reasonable and Religious Accommodation Programs*, under the Privacy Act. The SEC is committed to providing reasonable accommodations related to a disability or sincerely held religious belief to allow SEC personnel to perform the essential functions of their jobs, participate in programs, and enjoy the benefits of employment. Records may include email correspondence with SEC personnel and requestors regarding reasonable accommodations, documentation submitted in support of a request for a reasonable accommodation, and reasonable accommodation determinations. Information from this system of records will be collected, maintained, and disclosed in accordance with applicable law, regulations, and statutes, including, but not limited to, Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e *et seq.*; Sections 501, 503, 504, and 508 of the Rehabilitation Act of 1973; and the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. 12101 *et seq.*

SYSTEM NAME AND NUMBER:

SEC-35 Reasonable and Religious Accommodation Programs.

SECURITY CLASSIFICATION:

Non-classified.

SYSTEM LOCATION:

Securities and Exchange Commission (SEC), 100 F Street NE, Washington, DC 20549. Files may also be maintained in the following SEC Regional Offices: Atlanta Regional Office (ARO), 950 East Paces Ferry Road NE, Suite 900, Atlanta, GA 30326-1382; Boston Regional Office (BRO), 33 Arch Street, 24th Floor, Boston, MA 02110-1424; Chicago Regional Office (CHRO), 175 W Jackson Boulevard, Suite 1450, Chicago, IL 60604; Denver Regional Office (DRO), Byron Rogers Federal Office Building, 1961 Stout Street Suite 1700, Denver, CO 80294-1961; Fort Worth Regional Office (FWRO), Burnett Plaza, 801 Cherry Street, Suite 1900, Unit 18, Fort Worth, TX 76102; Los Angeles Regional Office (LARO), 444 South Flower Street, Suite 900, Los Angeles, CA 90071; Miami Regional Office (MIRO), 801

Brickell Avenue, Suite 1950, Miami, FL 33131; New York Regional Office (NYRO), 100 Pearl Street, Suite 20-100, New York, NY 10004-2616; Philadelphia Regional Office (PLRO), One Penn Center, 1617 John F. Kennedy Boulevard, Suite 520, Philadelphia, PA 19103-1844; Salt Lake Regional Office (SLRO), 351 S West Temple St., Suite 6.100, Salt Lake City, UT 84101; and San Francisco Regional Office (SFRO), 44 Montgomery Street, Suite 2800, San Francisco, CA 94104.

SYSTEM MANAGER(S):

Chief Human Capital Officer (CHCO), Securities and Exchange Commission, Office of Human Resources, 100 F Street, NE, Washington, DC 20549.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e *et seq.*; Sections 501, 503, 504, and 508 of the Rehabilitation Act of 1973; Americans with Disabilities Act of 1990, as amended (ADA), Executive Order 13164, *Requiring Federal Agencies To Establish Procedures To Facilitate the Provision of Reasonable Accommodation* (July 26, 2000); 5 CFR part 339; 29 CFR part 1602 and 1614; and Employment Opportunity Commission (EEOC) religious accommodation program regulations and guidance.

PURPOSE(S) OF THE SYSTEM:

The information in the system concerns employees, applicants, and members of the public who request or receive reasonable accommodations based on a medical condition or disability, or a sincerely held religious belief, practice, or observance. The SEC collects this information to evaluate, approve, deny, or implement requests for reasonable accommodations. This system will also allow the SEC to track and report the processing of requests for reasonable accommodations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

SEC personnel (political appointees, employees, consultants, detailees, interns, and volunteers) who request or receive reasonable accommodations during their employment; contractors, job applicants, and members of the public who request reasonable accommodations (Requestors); and individuals whom SEC personnel or Requestors authorize to submit information in support of their request (*e.g.*, family members or attorneys).

CATEGORIES OF RECORDS IN THE SYSTEM:

Information collected and maintained may include, but is not limited to:

- Email correspondence with SEC personnel and Requestors regarding reasonable accommodations, documentation submitted in support of a request for a reasonable accommodation, and reasonable accommodation determinations.
- Specific data elements may include: name, work address, work phone, work email address, office name, office location, position title, occupational series, pay grade, bargaining unit status, reasonable accommodation requested, reasonable accommodation request date, medical information, disability condition, work related limitations, disability status, religious beliefs, reason for seeking a reasonable accommodation, position related information, case notes, accommodation decision, decision basis, effective date of approved accommodation, decision-making official name and title, and contact information for individuals authorized to submit information in support of a request and for individuals responsible for processing requests.

RECORD SOURCE CATEGORIES:

Information is obtained from the requesting individual to whom the accommodation applies; persons authorized to act on behalf of the requesting individual (e.g., spouse, union representative, legal counsel, or colleague); authorized individuals responsible for processing requests such as the Disability Program Officer (DPO), Reasonable Accommodation Coordinator (RAC), or Chief Human Capital Officer (CHCO); an employee's supervisor; medical provider(s); medical institutions; and agency medical physician(s).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the Commission as a routine use pursuant to 5 U.S.C. 552 a(b)(3) as follows:

1. When (1) it is suspected or confirmed that the security or confidentiality of information in the system of records has been compromised; (2) the SEC has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the SEC or another agency or entity) that rely upon the compromised information; and (3) the disclosure is made to such agencies, entities, and persons who are reasonably necessary to assist in connection with the SEC's efforts to respond to the suspected or

confirmed compromise and prevent, minimize, or remedy such harm.

2. Where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, the relevant records may be referred to the appropriate agency, whether federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the applicable statute, rule, regulation, or order.

3. In connection with any judicial or administrative proceeding in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

4. To any persons during the course of any inquiry, examination, or investigation conducted by the SEC's staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

5. To respond to subpoenas in any litigation or other proceeding.

6. To a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

7. To members of Congress, the Government Accountability Office, or others charged with monitoring the work of the Commission or conducting records management inspections.

8. To interns, grantees, experts, contractors, and others who have been engaged by the Commission to assist in the performance of a service related to this system of records and who need access to the records for the purpose of assisting the Commission in the efficient administration of its programs. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a.

9. To any person who is or has agreed to be subject to the Commission's Rules of Conduct regarding non-disclosure, particularly 17 CFR 200.735–3(b)(2), or has otherwise agreed to comply with provisions restricting the disclosure of SEC nonpublic information.

10. To another Federal agency or Federal entity, when the SEC determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its

information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records in this system of records are stored electronically or on paper in secure facilities. Electronic records are stored on the SEC's secure network. Records are maintained in electronic format and on paper in file folders in Microsoft outlook with Access to and use of these records limited to those persons whose official duties require such access and on electronic media through computerized records stored in the case management system.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

These records are retrieved by the Requestor's name and/or case number that is assigned to the request in the systems of records and/or by office or region.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

The records will be maintained until they become inactive, at which time they will be retired or destroyed in accordance with records schedules of the United States Securities and Exchange Commission, and as approved by the National Archives and Records Administration.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Access to SEC facilities, data centers, and information or information systems is limited to authorized personnel with official duties requiring access. SEC facilities are equipped with security cameras and, at certain SEC facilities, 24-hour security guard service. Computerized records are safeguarded in a secured environment. Security protocols meet the promulgating guidance as established by the National Institute of Standards and Technology (NIST) Security Standards from Access Control to Data Encryption and Security Assessment & Authorization (SA&A). Records are maintained in a secure, password-protected electronic system that will utilize commensurate safeguards that may include: firewalls, intrusion detection and prevention systems, and role-based access controls. Additional safeguards will vary by program. All records are protected from unauthorized access through appropriate administrative, operational, and technical safeguards. These safeguards include: restricting access to authorized personnel who have a "need to know"; using locks; and using

password protection identification features. Contractors and other recipients providing services to the Commission shall be required to maintain equivalent safeguards.

RECORD ACCESS PROCEDURES:

Persons seeking to gain access to any record contained in this system of records may inquire in writing in accordance with instructions in SEC Privacy Act Regulations; 17 CFR 200.301 *et seq.* Address such request to: FOIA/PA Officer, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-2465

CONTESTING RECORD PROCEDURES:

Persons seeking to contest the content of any record contained in this system of records may inquire in writing in accordance with instructions in SEC Privacy Act Regulations, 17 CFR 200.301 *et seq.* Address such requests to: FOIA/PA Officer, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-2465.

NOTIFICATION PROCEDURES:

See "Record Access Procedures" above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

New SORN.

By the Commission.

Dated: December 7, 2022.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2022-26944 Filed 12-9-22; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 2:00 p.m. on Thursday, December 15, 2022.

PLACE: The meeting will be held via remote means and/or at the Commission's headquarters, 100 F Street NE, Washington, DC 20549.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the

meeting will be posted on the Commission's website at <https://www.sec.gov>.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (6), (7), (8), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

The subject matter of the closed meeting will consist of the following topics:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Resolution of litigation claims; and

Other matters relating to examinations and enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting agenda items that may consist of adjudicatory, examination, litigation, or regulatory matters.

CONTACT PERSON FOR MORE INFORMATION:

For further information; please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551-5400.

Authority: 5 U.S.C. 552b.

Dated: December 8, 2022.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2022-27038 Filed 12-8-22; 4:15 pm]

BILLING CODE 8011-01-P

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments

ACTION: 60-Day notice and request for comments.

SUMMARY: The Small Business Administration (SBA) intends to request approval, from the Office of Management and Budget (OMB) for the collection of information described below. The Paperwork Reduction Act (PRA) of 1995 requires federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information before submission to OMB, and to allow 60 days for public comment in response to the notice. This notice complies with that requirement.

DATES: Submit comments on or before February 10, 2023.

ADDRESSES: Send all comments to Tamara Jennings, Office of Financial Assistance, Small Business Administration, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT:

Tamara Jennings, Office of Financial Assistance, tamara.jennings@sba.gov, or Curtis B. Rich, Agency Clearance Officer, (202) 205-7030, curtis.rich@sba.gov.

SUPPLEMENTARY INFORMATION: Small Business Administration Form 700 provides a record of interviews conducted by SBA personnel with small business owners, homeowners and renters (disaster survivors) who seek financial assistance to help in the recovery from physical or economic disasters. The basic information collected helps the Agency to make preliminary eligibility assessment when an electronic application is not accessible.

Solicitation of Public Comments

SBA is requesting comments on (a) Whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Summary of Information Collection

OMB Control Number: 3245-0084.

Title: Disaster Home/Business Loan

Inquiry Record.

Description of Respondents: Disaster Recovery Victims.

Form Number: SBA Form 700.

Total Estimated Annual Responses: 46,638.

Total Estimated Annual Hour Burden: 11,660.

Curtis Rich,

Agency Clearance Officer.

[FR Doc. 2022-26891 Filed 12-9-22; 8:45 am]

BILLING CODE 8026-09-P

DEPARTMENT OF STATE

[Public Notice: 11935]

Notice of Public Meeting in Preparation for International Maritime Organization SDC 9 Meeting

The Department of State will conduct a public meeting at 1:00 p.m. on Wednesday, January 18, 2023, by way of both in-person at Coast Guard Headquarters in Washington, DC and teleconference. The primary purpose of the meeting is to prepare for the 9th session of the International Maritime Organization's (IMO) Subcommittee on Ship Design and Construction (SDC 9)

to be held at the IMO Headquarters in London, United Kingdom from Monday, January 23 to Friday, January 27, 2023.

Members of the public may participate in-person or up to the capacity of the teleconference phone line, which can handle 500 participants. To RSVP, participants should contact the meeting coordinator, LCDR Dimitri Wiener, by email at Dimitrios.N.Wiener@uscg.mil. To access the teleconference line, participants should call 202-475-4200 and use Participant Access: 2135102#.

Participant PIN: 13475355#.

The agenda items to be considered at this meeting mirror those to be considered at SDC 9, and include:

- Adoption of the agenda
- Decisions of other IMO bodies
- Safety measures for non-SOLAS ships operating in polar waters (6.38)
- Further development of the IP Code and associated guidance (2.4)
- Review of the Guidelines for the reduction of underwater noise (MEPC.1/Circ.833) and identification of next steps (1.16)
- Amendments to the 2011 ESP Code (6.22)
- Safety objectives and functional requirements of the Guidelines on alternative design and arrangements for SOLAS chapter II-1 (2.5)
- Revision of the 1979, 1989 and 2009 MODU Codes and associated MSC circulars to prohibit the use of materials containing asbestos, including control of storage of such materials on board (1.12)
- Development of amendments to SOLAS regulation II-1/3-4 to apply requirements for emergency towing equipment for tankers to other types of ships (2.20)
- Unified interpretation to provisions of IMO safety, security, and environment-related conventions (6.1)
- Revision of the Interim explanatory notes for the assessment of passenger ship systems' capabilities after a fire or flooding casualty (MSC.1/Circ.1369) and related circulars (7.42)
- Revision of the Performance standards for water level detectors on bulk carriers and single hold cargo ships other than bulk carriers (resolution MSC.188(79)) (7.38)
- Biennial status report and provisional agenda for SDC 10
- Election of Chair and Vice-Chair for 2024
- Any other business
- Report to the Maritime Safety Committee

Please note: The IMO may, on short notice, adjust the SDC 9 agenda to accommodate the constraints associated

with the virtual meeting format. Any changes to the agenda will be reported to those who RSVP.

Those who plan to participate may contact the meeting coordinator, LCDR Dimitri Wiener, by email at Dimitrios.N.Wiener@uscg.mil, by phone at (202) 372-1414, or in writing at United States Coast Guard (CG-ENG-2), ATTN: LCDR Dimitri Wiener, 2703 Martin Luther King Jr. Ave. SE, Stop 7509, Washington DC 20593-7509. Members of the public needing reasonable accommodation should advise LCDR Dimitri Wiener not later than January 6, 2023. Requests made after that date will be considered but might not be possible to fulfill.

Additional information regarding this and other IMO public meetings may be found at: <https://www.dco.uscg.mil/IMO>.

(Authority: 22 U.S.C. 2656 and 5 U.S.C. 552)

Gregory O'Brien,

Senior Oceans Policy Advisor, Office of Ocean and Polar Affairs, Department of State.

[FR Doc. 2022-26927 Filed 12-9-22; 8:45 am]

BILLING CODE 4710-09-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highway in California

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by the California Department of Transportation (Caltrans), pursuant to 23 U.S.C. 327, U.S. Environmental Protection Agency (USEPA), and U.S. Fish and Wildlife Service (FWS).

SUMMARY: The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans, U.S. Environmental Protection Agency (USEPA), and U.S. Fish and Wildlife Service (FWS) that are final. The actions relate to a proposed highway project on the Interstate 5 (I-5) and State Route 56 (SR 56) from postmile (PM) I-5: R32.7 to R34.8 and SR 56: 0.00 to 2.5 in the County of San Diego, State of California. The action is to provide the amended record of decision (ROD) identifying the Hybrid Alternative (Alternative 4) as the new Selected Alternative to move forward in construction. Alternative 4 is a different alternative than the preferred alternative identified in the Final Environmental Impact Report/ Environmental Impact Statement (EIR/ EIS) approved for the project on June

26th, 2017]. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA, on behalf of Caltrans, is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before May 11, 2023. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period would apply.

FOR FURTHER INFORMATION CONTACT: For Caltrans: Mr. Stefan Galvez-Abadia, Deputy District Director, Division of Environmental Analysis, California Department of Transportation, 4050 Taylor Street, MS 242, San Diego, CA 92110, Regular Office Hours: 8:00 a.m. to 5:00 p.m., Telephone number (619) 606-4670, email stefan.galvez@dot.ca.gov. For FHWA: Mr. Shawn Oliver, Environmental Program Manager, at telephone number (916) 498-5048, email Shawn.Oliver@dot.gov. For the U.S. Fish and Wildlife Service, Ms. Sally Brown, Caltrans Liaison, 2177 Salk Avenue, Ste 250, Suite 101, Carlsbad, CA 92011, Regular Office Hours 8:00 a.m. to 5:00 p.m., Telephone number (760) 431-9440, email Sally_Brown@fws.gov.

SUPPLEMENTARY INFORMATION: FHWA's responsibility for environmental review, consultation, and any other action required in accordance with applicable federal laws for this project is being, or was, carried out by Caltrans under its assumption of responsibility pursuant to Fixing America's Surface Transportation (FAST) Act amended 23 U.S.C. 327. Under NEPA Assignment, FHWA assigned and Caltrans assumed all of the USDOT Secretary's responsibilities under NEPA. FHWA and Caltrans executed NEPA Assignment MOU dated December 23, 2016 that identifies FHWA's and Caltrans' roles and responsibilities, describes NEPA Assignment requirements, and officially extends Caltrans' use of the 23 U.S.C. 327. Notice is hereby given that Caltrans, U.S. Fish and Wildlife Service (FWS) have taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, and approvals for the following highway project in the State of California: The project is located in San Diego County at the I-5/SR 56 Interchange near Carmel Valley Road in San Diego from postmile (PM) I-5: R32.7 to R34.8 and SR 56: 0.00 to 2.5. The proposed project includes improvements to maintain or improve the existing and future traffic operations

on the I-5 and SR 56 corridors. Caltrans is amending the ROD to identify the Hybrid Alternative (Alternative 4) as the new Selected Alternative to move forward in construction. Alternative 4 is a different alternative than the preferred alternative identified in the Final Environmental Impact Report/ Environmental Impact Statement (EIR/ EIS) approved June 26th, 2017. This Amended ROD documents the approval of the Selected Alternative to provide construction of a westbound SR 56 to northbound I-5 direct connector having two general-purpose lanes and an auxiliary lane along southbound I-5 between the southbound on-ramp at Del Mar Heights Road and the southbound off-ramp at Carmel Valley Road to reduce merging traffic at two missing freeway connectors of an existing interchange. Relocation of the AT&T-owned transcontinental fiber-optic line that currently parallels I-5 between Carmel Valley Road and Del Mar Heights Road to within High Bluff Drive and El Camino Real. In addition, the project includes: auxiliary lanes; soundwalls; retaining walls, barriers, guard rails/end treatments, crash cushions, bridge rails, drainage improvements, detention basins, replacement of existing fences, potential installation of fencing for right-of-way, visual and community enhancements; ramp improvements; and appurtenant structures including signage. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Statement (FEIS) for the project, approved on June 26, 2017, the Amended Record of Decision (ROD) issued on October 25, 2022 to replace the previous ROD issued on September 7, 2017. The FEIS, Amended ROD, and other project records are available by contacting Caltrans at the addresses provided above. The Caltrans Final FEIS and Amended ROD can be viewed and downloaded from the project website at: <http://www.dot.ca.gov/d11/environmental/>. This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. Council on Environmental Quality regulations;
2. National Environmental Policy Act (NEPA);
3. Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU);
4. Department of Transportation Act of 1966;
5. Federal Aid Highway Act of 1970;
6. Clean Air Act (CAA) Amendments of 1990;

7. Clean Water Act (CWA) of 1977 and 1987;

8. Federal Water Pollution Control Act of 1972;

9. Endangered Species Act of 1973;

10. Migratory Bird Treaty Act;

11. Farmland Protection Policy Act of 1981;

12. Title VI of the Civil Rights Act of 1964;

13. Uniform Relocation Assistance and Real Property Acquisition Act of 1970;

14. National Historic Preservation Act (NHPA) of 1966;

15. Historic Sites Act of 1935;

16. Resource Conservation and Recovery Act of 1976;

17. Community Environmental Response Facilitation Act (CERFA) of 1992;

18. Executive Order 11990, Protection of Wetlands

19. Executive Order 13112, Invasive Species;

20. Executive Order 11988, Floodplain Management; and,

21. Executive Order 12898, Environmental Justice.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(J)(1).

Antonio Johnson,

Director for Planning, Environmental, and Right of Way, Federal Highway Administration, Sacramento, California.

[FR Doc. 2022-26870 Filed 12-9-22; 8:45 am]

BILLING CODE 4910-RY-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0793]

Agency Information Collection Activity: VA Health Professional Scholarship Programs (HPSP, VIOMPSP, VHVMAESP and EACFMAF)

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Health Administration (VHA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register**

concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before February 10, 2023.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at www.Regulations.gov or to Janel Keyes, Office of Regulations, Appeals, and Policy (10BRAP), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to Janel.Keyes@va.gov. Please refer to “OMB Control No. 2900-0793” in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 810 Vermont Ave. NW, Washington, DC 20006, (202) 266-4688 or email maribel.aponte@va.gov. Please refer to “OMB Control No. 2900-0793” in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VHA’s functions, including whether the information will have practical utility; (2) the accuracy of VHA’s estimate of the burden of the proposed collection of information; (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 or the use of other forms of information technology.

Authority: Public Law 104-13; 44 U.S.C. 3501-3521.

Title: VA Health Professional Scholarship Programs (HPSP, VIOMPSP, VHVMAESP and EACFMAF)—VA Forms 10-0491, 10-0491a, 10-0491c-n.

OMB Control Number: 2900-0793.

Type of Review: Revision of a currently approved collection.

Abstract: This is a currently approved collection of forms used by VHA to

administer health care professional scholarship programs. The Department of Veterans Affairs (VA) Health Professional Scholarship Program (HPSP) and the VA Visual Impairment and Orientation and Mobility Professionals Scholarship Program (VIOMPSP) were authorized under Public Law 111–163 on May 5, 2010 and extended through December 31, 2033, by section 301 of Public Law 115–182, VA Mission Act of 2018. On June 6, 2018, section 304 of Public Law 115–182, the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018, or the VA MISSION Act of 2018, established the Veterans Healing Veterans Medical Access and Education Scholarship Program (VHVMAESP). The VA Educational Assistance for Certain Former Members of the Armed Forces (EACFMAF) Program was authorized under section 246 of Public Law 115–141, Consolidated Appropriations Act of 2018. Legal authority for this data collection is also found under 38 U.S.C., part I, chapter 5, 527, which authorizes the collection of data that will allow measurement and evaluation of VA programs, the goal of which is improved health care for Veterans, and under 38 CFR 17.600–17.612 (HPSP), § 17.625–17.636 (VIOMPSP), § 17.613–17.618 (VHVMAESP), and § 17.535–17.539 (EACFMAF).

These programs help address health care workforce needs and allow VA to provide services to the public by awarding scholarships to non-VA employees who will be required to become VA employees in the professions for which they were educated under these programs. This information collection is necessary for VA to determine an applicant's

eligibility to receive a scholarship award and compliance with program requirements.

1. Academic Verification, VA Form 10–0491.
2. Addendum to Application, VA Form 10–0491a.
3. Annual VA Employment Deferment Verification, VA Form 10–0491c.
4. Education Program Completion Notice—Service Obligation Placement, VA Form 10–0491d.
5. Evaluation Recommendation Form, VA Form 10–0491e.
6. HPSP and EACFMAF Agreement, VA Form 10–0491f.
7. Application, VA Form 10–0491g.
8. Notice of Approaching Graduation, VA Form 10–0491h.
9. Notice of Change and/or Annual Academic Status Report, VA Form 10–0491i.
10. Request for Deferment for Advanced Education, VA Form 10–0491j.
11. VA Scholarship Offer Response, VA Form 10–0491k.
12. VIOMPSP Agreement, VA Form 10–0491l.
13. Mobility Agreement, VA Form 10–0491m.
14. VHVMAESP Agreement, VA Form 10–0491n.

Each program uses the forms in this collection for applications, verifications, recommendations, etc. However, there are distinct Agreement forms for specific programs, which will be used by scholarship awardees for the appropriate program.

Total Annual Number of Responses = 1,950.

Total Annual Time Burden = 7,619 hours.

HPSP

Affected Public: Individuals or households.

Estimated Annual Burden: 6,687 hours.

Estimated Average Burden per Respondent: 3.93 hours.

Frequency of Response: Once annually.

Estimated Number of Respondents: 1,700.

VIOMPSP

Affected Public: Individuals or households.

Estimated Annual Burden: 304 hours.

Estimated Average Burden per Respondent: 3.04 hours.

Frequency of Response: Once annually.

Estimated Number of Respondents: 100.

VHVMAESP

Affected Public: Individuals or households.

Estimated Annual Burden: 216 hours.

Estimated Average Burden per Respondent: 4.32 hours.

Frequency of Response: Once annually.

Estimated Number of Respondents: 50.

EACFMAF

Affected Public: Individuals or households.

Estimated Annual Burden: 412 hours.

Estimated Average Burden per Respondent: 4.12 hours.

Frequency of Response: Once annually.

Estimated Number of Respondents: 100.

By direction of the Secretary.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2022–26932 Filed 12–9–22; 8:45 am]

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