FEDERAL REGISTER

Vol. 87 Tuesday

No. 11 January 18, 2022

Pages 2523–2672

OFFICE OF THE FEDERAL REGISTER

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OFFICE OF GOVERNMENT ETHICS

5 CFR Parts 2634 and 2636

RIN 3209–AA60

2022 Civil Monetary Penalties Inflation Adjustments for Ethics in Government Act Violations

AGENCY: Office of Government Ethics.

ACTION: Final rule.

SUMMARY: In accordance with the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, the U.S. Office of Government Ethics is issuing this final rule to make the 2022 annual adjustments to the Ethics in Government Act civil monetary penalties.

DATES:

Effective date: This final rule is effective January 18, 2022.

Applicability date: This final rule is applicable beginning January 15, 2022.

FOR FURTHER INFORMATION CONTACT: Margaret Dylus-Yukins, Assistant Counsel, General Counsel and Legal Policy Division, Office of Government Ethics, Telephone: 202–482–9300; TTY: 800–877–8339; FAX: 202–482–9237.

SUPPLEMENTARY INFORMATION:

I. Background

In November 2015, Congress passed the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Sec. 701 of Pub. L. 114–74) (the 2015 Act), which further amended the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101–410). The 2015 Act required Federal agencies to make inflationary adjustments to the civil monetary penalties (CMPs) within their jurisdiction with an initial ''catch-up'' adjustment through an interim final rule effective no later than August 1, 2016, and further mandates that Federal agencies make subsequent annual inflationary adjustments of their CMPs, to be effective no later than January 15 of each year.

The Ethics in Government Act of 1978 as amended, 5 U.S.C. appendix (the Ethics Act) provides for five CMPs.[1] Specifically, the Ethics Act provides for penalties that can be assessed by an appropriate United States district court, based upon a civil action brought by the Department of Justice, for the following five types of violations:

(1) Knowing and willful failure to file, report required information on, or falsification of a public financial disclosure report, 5 U.S.C. appendix 104(a), 5 CFR 2634.701(b);

(2) Knowing and willful breach of a qualified trust by trustees and interested parties, 5 U.S.C. appendix 102(f)(6)(C)(i), 5 CFR 2634.702(a);

(3) Negligent breach of a qualified trust by trustees and interested parties, 5 U.S.C. appendix 102(f)(6)(C)(ii), 5 CFR 2634.702(b);

(4) Misuse of a public report, 5 U.S.C. appendix 105(c)(2), 5 CFR 2634.703; and

(5) Violation of outside employment/activities provisions, 5 U.S.C. appendix 504(a), 5 CFR 2636.104(a).

In compliance with the 2015 Act and guidance issued by the Office of Management and Budget (OMB), the U.S. Office of Government Ethics (OGE) made previous inflationary adjustments to the five Ethics Act CMPs, and is issuing this rulemaking to effectuate the 2022 annual inflationary adjustments to those CMPs. In accordance with the 2015 Act, these adjustments are based on the percent change between the Consumer Price Index for all Urban Consumers (CPI–U) for the month of October preceding the date of the adjustment, and the prior year's October CPI–U. Pursuant to OMB guidance, the cost-of-living adjustment multiplier for 2022, based on the CPI–U for October 2021, not seasonally adjusted, is 1.06222. To calculate the 2022 annual adjustment, agencies must multiply the most recent penalty by the 1.06222 multiplier, and round to the nearest dollar.

Applying the formula established by the 2015 Act and OMB guidance, OGE is amending the Ethics Act CMPs through this rulemaking to:

(1) Increase the three penalties reflected in 5 CFR 2634.702(a), 5 CFR 2634.703, and 5 CFR 2636.104(a)—which were previously adjusted to a maximum of $20,731—to a maximum of $22,021;

(2) Increase the penalty reflected in 5 CFR 2634.702(b)—which was previously adjusted to a maximum of $10,366—to a maximum of $11,011; and

(3) Increase the penalty reflected in 5 CFR 2634.701(b)—which was previously adjusted to a maximum of $62,313—to a maximum of $66,190.

These adjusted penalty amounts will apply to penalties assessed after January 15, 2022 (the applicability date of this final rule), whose associated violations occurred after November 2, 2015.

OGE will continue to make future annual inflationary adjustments to the Ethics Act CMPs in accordance with the statutory formula set forth in the 2015 Act and OMB guidance.

II. Matters of Regulatory Procedure

Administrative Procedure Act

Pursuant to 5 U.S.C. 553(b), as Director of the Office of Government Ethics, I find that good cause exists for waiving the general notice of proposed rulemaking and public comment procedures as to these technical amendments. The notice and comment procedures are being waived because these amendments, which concern matters of agency organization, procedure and practice, are being adopted in accordance with statutorily mandated inflation adjustment procedures of the 2015 Act, which specifies that agencies shall adjust civil monetary penalties notwithstanding Section 553 of the Administrative Procedure Act. It is also in the public interest that the adjusted rates for civil monetary penalties under the Ethics in Government Act become effective as soon as possible in order to maintain their deterrent effect.

Regulatory Flexibility Act

As the Director of the Office of Government Ethics, I certify under the Regulatory Flexibility Act (5 U.S.C. chapter 6) that this final rule would not

[1] U.S. Office of Government Ethics (OGE) has previously determined, after consultation with the Department of Justice, that the $200 late filing fee for public financial disclosure reports that are more than 30 days overdue (see section 104(d) of the Ethics Act, 5 U.S.C. appendix, 104(d), and 5 CFR 2634.704 of OGE's regulations thereunder) is not a CMP as defined under the Federal Civil Penalties Inflation Adjustment Act, as amended. Therefore, that fee is not being adjusted in this rulemaking (nor was it adjusted by OGE in previous CMP rulemakings), and will remain at its current amount of $200.

have a significant economic impact on a substantial number of small entities because it primarily affects current Federal executive branch employees.

Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. chapter 35) does not apply because this regulation does not contain information collection requirements that require approval of the Office of Management and Budget.

Unfunded Mandates Reform Act

For purposes of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. chapter 5, subchapter II), this rule would not significantly or uniquely affect small governments and will not result in increased expenditures by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (as adjusted for inflation) in any one year.

Executive Order 13563 and Executive Order 12866

Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select the regulatory approaches that maximize net benefits (including economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. The Office of Management and Budget has determined that rulemakings such as this implementing annual inflationary adjustments under the 2015 Act are not significant regulatory actions under Executive Order 12866.

Executive Order 12988

As Director of the Office of Government Ethics, I have reviewed this rule in light of section 3 of Executive Order 12988, Civil Justice Reform, and certify that it meets the applicable standards provided therein.

List of Subjects

5 CFR Part 2634

Certificates of divestiture, Conflict of interests, Financial disclosure, Government employees, Penalties, Privacy, Reporting and recordkeeping requirements, Trusts and trustees.

5 CFR Part 2636

Conflict of interests, Government employees, Penalties.

Approved: January 12, 2022.

Emory Rounds,

Director, U.S. Office of Government Ethics.

For the reasons set forth in the preamble, the U.S. Office of Government Ethics is amending 5 CFR parts 2634 and 2636 as follows:

PART 2634—EXECUTIVE BRANCH FINANCIAL DISCLOSURE, QUALIFIED TRUSTS, AND CERTIFICATES OF DIVESTITURE

■ 1. The authority citation for part 2634 continues to read as follows:

Authority: 5 U.S.C. app.; 26 U.S.C. 1043; Pub. L. 101–410, 104 Stat. 890, 28 U.S.C. 2461 note, as amended by Sec. 31001, Pub. L. 104–134, 110 Stat. 1321 and Sec. 701, Pub. L. 114–74; Pub. L. 112–105, 126 Stat. 291; E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306.

■ 2. Section 2634.701 is amended by revising paragraph (b) to read as follows:

§ 2634.701 Failure to file or falsifying reports.

* * * * *

(b) *Civil action.* The Attorney General may bring a civil action in any appropriate United States district court against any individual who knowingly and willfully falsifies or who knowingly and willfully fails to file or report any information required by filers of public reports under subpart B of this part. The court in which the action is brought may assess against the individual a civil monetary penalty in any amount, not to exceed the amounts set forth in Table 1 to this section, as provided by section 104(a) of the Act, as amended, and as adjusted in accordance with the inflation adjustment procedures prescribed in the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended.

TABLE 1 TO § 2634.701

Date of violation	Penalty
Violation occurring between Sept. 14, 2007 and Nov. 2, 2015	$50,000
Violation occurring after Nov. 2, 2015	66,190

* * * * *

■ 3. Section 2634.702 is revised to read as follows:

§ 2634.702 Breaches by trust fiduciaries and interested parties.

(a) The Attorney General may bring a civil action in any appropriate United States district court against any individual who knowingly and willfully violates the provisions of § 2634.408(d)(1) or (e)(1). The court in which the action is brought may assess against the individual a civil monetary penalty in any amount, not to exceed the amounts set forth in Table 1 to this section, as provided by section 102(f)(6)(C)(i) of the Act and as adjusted in accordance with the inflation adjustment procedures prescribed in the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended.

TABLE 1 TO § 2634.702

Date of violation	Penalty
Violation occurring between Sept. 29, 1999 and Nov. 2, 2015	$11,000
Violation occurring after Nov. 2, 2015	22,021

(b) The Attorney General may bring a civil action in any appropriate United States district court against any individual who negligently violates the provisions of § 2634.408(d)(1) or (e)(1). The court in which the action is brought may assess against the individual a civil monetary penalty in any amount, not to exceed the amounts set forth in Table 2 to this section, as provided by section 102(f)(6)(C)(ii) of the Act and as adjusted in accordance with the inflation adjustment procedures of the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended.

TABLE 2 TO § 2634.702

Date of violation	Penalty
Violation occurring between Sept. 29, 1999 and Nov. 2, 2015	$5,500
Violation occurring after Nov. 2, 2015	11,011

■ 4. Section 2634.703 is amended by revising paragraph (a) to read as follows:

§ 2634.703 Misuse of public reports.

(a) The Attorney General may bring a civil action against any person who obtains or uses a report filed under this part for any purpose prohibited by section 105(c)(1) of the Act, as incorporated in § 2634.603(f). The court in which the action is brought may assess against the person a civil monetary penalty in any amount, not to exceed the amounts set forth in Table 1 to this section, as provided by section 105(c)(2) of the Act and as adjusted in accordance with the inflation adjustment procedures prescribed in the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended.

TABLE 1 TO § 2634.703

Date of violation	Penalty
Violation occurring between Sept. 29, 1999 and Nov. 2, 2015	$11,000
Violation occurring after Nov. 2, 2015	22,021

* * * * *

PART 2636—LIMITATIONS ON OUTSIDE EARNED INCOME, EMPLOYMENT AND AFFILIATIONS FOR CERTAIN NONCAREER EMPLOYEES

■ 5. The authority citation for part 2636 continues to read as follows:

Authority: 5 U.S.C. App. (Ethics in Government Act of 1978); Pub. L. 101–410, 104 Stat. 890, 28 U.S.C. 2461 note (Federal Civil Penalties Inflation Adjustment Act of 1990), as amended by Sec. 31001, Pub. L. 104–134, 110 Stat. 1321 (Debt Collection Improvement Act of 1996) and Sec. 701, Pub. L. 114–74 (Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015); E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306.

■ 6. Section 2636.104 is amended by revising paragraph (a) to read as follows:

§ 2636.104 Civil, disciplinary and other action.

(a) *Civil action.* Except when the employee engages in conduct in good faith reliance upon an advisory opinion issued under § 2636.103, an employee who engages in any conduct in violation of the prohibitions, limitations, and restrictions contained in this part may be subject to civil action under 5 U.S.C. app. 504(a) and a civil monetary penalty of not more than the amounts set in Table 1 to this section, as adjusted in accordance with the inflation adjustment procedures prescribed in the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended, or the amount of the compensation the individual received for the prohibited conduct, whichever is greater.

TABLE 1 TO § 2636.104

Date of violation	Penalty
Violation occurring between Sept. 29, 1999 and Nov. 2, 2015	$11,000
Violation occurring after Nov. 2, 2015	22,021

* * * * *

[FR Doc. 2022–00795 Filed 1–14–22; 8:45 am]

BILLING CODE 6345–03–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0665; Project Identifier AD–2021–00270–T; Amendment 39–21848; AD 2021–25–05]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2017–23–02, which applied to certain The Boeing Company Model 737–200, –200C, –300, –400, and –500 series airplanes. AD 2017–23–02 required repetitive inspections, replacement, and applicable on-condition actions for certain fuselage crown skin panels. This AD was prompted by an evaluation by the design approval holder indicating that the fuselage crown skin panels are subject to widespread fatigue damage. This AD retains the actions in AD 2017–23–02, revises certain airplane configurations and inspection locations, and adds airplanes to the applicability. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective February 22, 2022.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of February 22, 2022.

ADDRESSES: For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.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 *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0665.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0665; 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: James Guo, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5357; email: *james.guo@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2017–23–02, Amendment 39–19096 (82 FR 52835, November 15, 2017) (AD 2017–23–02). AD 2017–23–02 applied to certain The Boeing Company Model 737–200, –200C, –300, –400, and –500 series airplanes. The NPRM published in the **Federal Register** on August 24, 2021 (86 FR 47260). The NPRM was prompted by an evaluation by the design approval holder indicating that the fuselage crown skin panels are subject to widespread fatigue damage. In the NPRM, the FAA proposed to retain the actions in AD 2017–23–02, revise certain airplane configurations and inspection locations, and add airplanes to the applicability. The FAA is issuing this AD to address cracking in the fuselage crown skin panels. Multiple adjacent cracks in the fuselage crown skin could link up and lead to decompression or loss of structural integrity of the airplane.

Discussion of Final Airworthiness Directive

Comments

The FAA received a comment from one commenter. The following presents the comment received on the NPRM and the FAA's response.

Effect of Winglets on Accomplishment of the Proposed Actions

Aviation Partners Boeing stated that the installation of winglets per Supplemental Type Certificate (STC) ST01219SE does not affect the actions specified in the proposed AD.

The FAA concurs with the commenter. The FAA has redesignated paragraph (c) of the proposed AD as paragraph (c)(1) of this AD and added paragraph (c)(2) to this AD to state that installation of STC ST01219SE does not affect the ability to accomplish the actions required by this AD. Therefore,

for airplanes on which STC ST01219SE is installed, a ''change in product'' alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

Conclusion

The FAA reviewed the relevant data, considered any comments received, and determined that air safety requires adopting this AD as proposed. Except for minor editorial changes, and any other changes described previously, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Boeing Alert Service Bulletin 737–53A1358, Revision 1, dated February 26, 2021. This service information specifies procedures for repetitive non-destructive inspections for cracking, replacement of certain fuselage crown skin panels, and applicable on-condition actions. On-condition actions include a general visual inspection of certain repairs for any loose or missing fasteners, a low frequency eddy current (LFEC) inspection of certain repairs for cracking, and repair. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in **ADDRESSES**.

Costs of Compliance

The FAA estimates that this AD affects 143 airplanes of U.S. registry. 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
Inspection	Up to 507 work-hours × $85 per hour = Up to $43,095 per inspection cycle.	$0	Up to $43,095 per inspection cycle.	Up to $6,162,585 per inspection cycle.
Replacement	304 work-hours × $85 per hour = $25,840 per skin panel.	95,000	$120,840 per skin panel	$17,280,120 per skin panel.

The FAA estimates the following costs to do any necessary inspections that would be required based on the results of the inspection. The FAA has no way of determining the number of aircraft that might need these inspections:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
LFEC inspection	1 work-hours × $85 per hour = $85	$0	$85
General visual inspection	1 work-hour × $85 per hour = $85	0	85

The FAA has received no definitive data on which to base the cost estimates for the on-condition repairs 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,

(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:

■ a. Removing Airworthiness Directive (AD) 2017–23–02, Amendment 39–19096 (82 FR 52835, November 15, 2017); and

■ b. Adding the following new AD:

2021–25–05 The Boeing Company: Amendment 39–21848; Docket No. FAA–2021–0665; Project Identifier AD–2021–00270–T.

(a) Effective Date

This airworthiness directive (AD) is effective February 22, 2022.

(b) Affected ADs

This AD replaces AD 2017–23–02, Amendment 39–19096 (82 FR 52835, November 15, 2017) (AD 2017–23–02).

(c) Applicability

(1) This AD applies to The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes, certificated in any category, as identified in Boeing Alert Service Bulletin 737–53A1358, Revision 1, dated February 26, 2021.

(2) Installation of Supplemental Type Certificate (STC) ST01219SE does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST01219SE is installed, a ''change in product'' alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Unsafe Condition

This AD was prompted by an evaluation by the design approval holder indicating that the fuselage crown skin panels are subject to widespread fatigue damage. This AD was also prompted by a determination that certain airplane configurations and inspection locations need to be revised, and that additional airplanes are subject to the unsafe condition. The FAA is issuing this AD to address cracking in the fuselage crown skin panels. Multiple adjacent cracks in the fuselage crown skin could link up and lead to decompression or loss of structural integrity of the airplane.

(f) Compliance

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

(g) Actions for Group 43 Airplanes

For airplanes identified as Group 43 in Boeing Alert Service Bulletin 737–53A1358, Revision 1, dated February 26, 2021, within 120 days after the effective date of this AD, inspect the airplane and do all applicable on-condition actions using a method approved in accordance with the procedures specified in paragraph (j) of this AD

(h) Required Actions for Groups 1 Through 42 Airplanes

For airplanes identified as Groups 1 through 42 in Boeing Alert Service Bulletin 737–53A1358, Revision 1, dated February 26, 2021, except as specified by paragraph (i) of this AD: At the applicable times specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1358, Revision 1, dated February 26, 2021, do all applicable actions identified as ''RC'' (required for compliance) in, and in accordance with, the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1358, Revision 1, dated February 26, 2021. Actions identified as terminating action in Boeing Alert Service Bulletin 737–53A1358, Revision 1, dated February 26, 2021, terminate the applicable required actions of this AD, provided the terminating action is done in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1358, Revision 1, dated February 26, 2021.

(i) Exceptions to Service Information Specifications

(1) Where Boeing Alert Service Bulletin 737–53A1358, Revision 1, dated February 26, 2021, uses the phrase ''the original issue date of this service bulletin,'' this AD requires using ''December 20, 2017'' (the effective date of AD 2017–23–02).

(2) Where Boeing Alert Service Bulletin 737–53A1358, Revision 1, dated February 26, 2021, specifies contacting Boeing for repair instructions or for work instructions, this AD requires doing the repair, or doing the work instructions and applicable on-condition actions using a method approved in accordance with the procedures specified in paragraph (j) of this AD.

(3) Part 7 of Boeing Alert Service Bulletin 737–53A1358, Revision 1, dated February 26, 2021, specifies post-modification airworthiness limitation inspections in compliance with 14 CFR 25.571(a)(3) at the modified locations to support compliance with 14 CFR 121.1109(c)(2) or 129.109(b)(2). Although Part 7 is identified as RC, this AD does not require accomplishment of Part 7. As airworthiness limitations, these inspections are required by maintenance and operational rules. It is, therefore, unnecessary to mandate them in this AD. Deviations from these inspections require FAA approval, but do not require an AMOC.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Los Angeles ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in Related Information. Information may be emailed to: *9-ANM-LAACO-AMOC-Requests@faa.gov.*

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

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by The Boeing Company Organization Designation Authorization (ODA) that has been authorized by the Manager, Los Angeles ACO Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(4) AMOCs approved for AD 2017–23–02 are approved as AMOCs for the corresponding provisions of Boeing Alert Service Bulletin 737–53A1358, Revision 1, dated February 26, 2021, that are required by paragraph (h) of this AD.

(5) Except as specified by paragraph (i)(2) of this AD: For service information that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (j)(5)(i) and (ii) of this AD apply.

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. If a step or substep is labeled ''RC Exempt,'' then the RC requirement is removed from that step or substep. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

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

(k) Related Information

For more information about this AD, contact James Guo, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5357; email: *james.guo@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) Boeing Alert Service Bulletin 737–53A1358, Revision 1, dated February 26, 2021.

(ii) [Reserved]

(3) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.*

(4) 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.

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

Issued on November 30, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2022–00588 Filed 1–14–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0948; Project Identifier MCAI–2020–00394–R; Amendment 39–21883; AD 2021–26–24]

RIN 2120–AA64

Airworthiness Directives; Leonardo S.p.a. (Type Certificate Previously Held by Agusta S.p.A.) Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Leonardo S.p.a. (type certificate previously held by Agusta S.p.A.) Model A109A and A109A II helicopters. This AD was prompted by a report of internal corrosion on a main rotor (M/R) blade. This AD requires repetitively inspecting affected M/R blades and accomplishing film analysis and repair in accordance with certain approved methods. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective February 22, 2022.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of February 22, 2022.

ADDRESSES: For Leonardo Helicopters service information identified in this final rule, contact Leonardo S.p.A. Helicopters, Emanuele Bufano, Head of Airworthiness, Viale G.Agusta 520, 21017 C.Costa di Samarate (Va) Italy; telephone +39–0331–225074; fax +39–0331–229046; or at *https://customerportal.leonardocompany.com/en-US/*. You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0948.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0948; 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 European Union Aviation Safety Agency (EASA) AD, 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: Kristi Bradley, Program Manager, COS Program Management Section, Operational Safety Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5110; email *kristin.bradley@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 Leonardo S.p.a. (type certificate previously held by Agusta S.p.A.) Model A109A and A109A II helicopters with an M/R blade part number (P/N) 109–0103–01–115 installed. The NPRM published in the **Federal Register** on October 29, 2021 (86 FR 59890). In the NPRM, the FAA proposed to require repetitively radiographic inspecting each affected M/R blade and accomplishing film analysis and repair in accordance with certain approved methods. The NPRM was prompted by EASA AD 2020–0065, dated March 20, 2020 (EASA AD 2020–0065), issued by EASA, which is the Technical Agent for the Member States of the European Union, to correct an unsafe condition for all Leonardo S.p.A., Agusta S.p.A., Costruzioni Aeronautiche Giovanni Agusta Model A109A and A109AII helicopters. EASA advises of a report of internal corrosion on an M/R blade. Leonardo Helicopters advises that the corrosion was on the spar near the inertia weights between STA1250 and STA1630. Leonardo Helicopters further advises that the issue is related to design and production processes of the M/R blades. This condition, if not addressed, could result in failure of an M/R blade and subsequent loss of control of the helicopter.

Accordingly, EASA AD 2020–0065 requires inspecting M/R blades P/N 109–0103–01–115 and depending on the results, corrective action. EASA AD 2020–0065 also prohibits installation of an affected M/R blade unless it passed the required inspection within 24 months prior to installation on a helicopter.

Discussion of Final Airworthiness Directive

Comments

The FAA received no comments on the NPRM or on the determination of the costs.

Conclusion

These helicopters have been approved by EASA and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the European Union, EASA has notified the FAA about the unsafe condition described in its AD. The FAA reviewed the relevant data and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these helicopters. Except for minor editorial changes, this AD is adopted as proposed in the NPRM.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Leonardo Helicopters Alert Service Bulletin No. 109–155, dated March 13, 2020 (ASB 109–155), for Leonardo S.p.a. Model A109A and A109AII helicopters. This service information specifies procedures for X-ray inspecting M/R blades P/N 109–0103–01–115 and sending the films to Leonardo Helicopters S.p.a. for analysis. Depending on the outcome, ASB 109–155 specifies procedures for re-identifying the M/R blades.

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.

Interim Action

The FAA considers this AD an interim action. The design approval holder is currently developing a modification that will address the unsafe condition identified in this AD. Once this modification is developed, approved, and available, the FAA might consider additional rulemaking.

Differences Between This AD and the EASA AD

The compliance time in EASA AD 2020–0065 is time-in-service of the airframe, whereas the compliance time in this AD is time-in-service of the affected M/R blade as installed on the airframe. EASA AD 2020–0065 requires sending developed films to Leonardo Helicopters S.p.a. for analysis and contacting Leonardo for approved corrective action(s) instructions, whereas this AD requires film analysis and repair of an affected blade in accordance with a method approved by

the Manager, General Aviation & Rotorcraft Section, International Validation Branch, FAA; or EASA; or Leonardo S.p.a Helicopters' EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

Costs of Compliance

The FAA estimates that this AD affects 28 helicopters of U.S. registry. Labor rates are estimated at $85 per work-hour. Based on these numbers, the FAA estimates the following costs to comply with this AD.

Inspecting the M/R blades takes about 10 work-hours for an estimated cost of $850 per helicopter and $23,800 for the U.S. fleet, per inspection cycle. Sending the film for analysis, which is considered a reporting requirement in this AD, takes about 1 work-hour for an estimated cost of $85 per helicopter and $2,380 for the U.S. fleet, per inspection cycle.

The FAA has no way of determining the costs pertaining to the film analysis or any necessary repairs.

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to take approximately 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177–1524.

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:

2021–26–24 Leonardo S.p.a. (Type Certificate Previously Held by Agusta S.p.A.): Amendment 39–21883; Docket No. FAA–2021–0948; Project Identifier MCAI–2020–00394–R.

(a) Effective Date

This airworthiness directive (AD) is effective February 22, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Leonardo S.p.a. (type certificate previously held by Agusta S.p.A.) Model A109A and A109A II helicopters, certificated in any category, with a main rotor (M/R) blade part number 109–0103–01–115 installed.

(d) Subject

Joint Aircraft Service Component (JASC) Code: 6210, Main Rotor Blades.

(e) Unsafe Condition

This AD was prompted by a report of internal corrosion of the spar of an M/R blade. The FAA is issuing this AD to prevent failure of an M/R blade due to corrosion on the internal surface of the spar. The unsafe condition, if not addressed, could result in loss of control of the helicopter.

(f) Compliance

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

(g) Required Actions

For each M/R blade identified in paragraph (c) of this AD:

(1) Within 50 hours time-in-service or 3 months after the effective date of this AD, whichever occurs first, unless already done within the last 24 months for the M/R blade, and thereafter, at intervals not to exceed 24 months for the M/R blade, inspect the M/R blade by following the Accomplishment Instructions, paragraphs 1. through 5., of Leonardo Helicopters Alert Service Bulletin No. 109–155, dated March 13, 2020.

(2) Before further flight, send the film for analysis and accomplish repair in accordance with a method approved by the Manager, General Aviation & Rotorcraft Section, International Validation Branch, FAA; or European Union Aviation Safety Agency (EASA); or Leonardo S.p.a Helicopters' EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(h) Alternative Methods of Compliance (AMOCs)

(1) 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 local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (i)(1) of this AD. Information may be emailed to: *9-AVS-AIR-730-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.

(i) Related Information

(1) For more information about this AD, contact Kristi Bradley, Program Manager, COS Program Management Section, Operational Safety Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5110; email *kristin.bradley@faa.gov.*

(2) The subject of this AD is addressed in EASA AD 2020–0065, dated March 20, 2020. You may view the EASA AD at *https://www.regulations.gov* in Docket No. FAA–2021–0948.

(j) Material Incorporated by Reference

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

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

(i) Leonardo Helicopters Alert Service Bulletin No. 109–155, dated March 13, 2020.

(ii) [Reserved]

(3) For Leonardo Helicopters service information identified in this AD, contact Leonardo S.p.A. Helicopters, Emanuele Bufano, Head of Airworthiness, Viale G. Agusta 520, 21017 C. Costa di Samarate (Va) Italy; telephone +39–0331–225074; fax +39–0331–229046; or at *https://customerportal.leonardocompany.com/en-US/.*

(4) You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

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

Issued on December 16, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2022–00759 Filed 1–14–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0570; Project Identifier 2019–SW–091–AD; Amendment 39–21888; AD 2021–26–29]

RIN 2120–AA64

Airworthiness Directives; Leonardo S.p.a. Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Leonardo S.p.a. Model AW169 helicopters. This AD was prompted by a report of a broken adjustable device that is part of the pilot and co-pilot yaw pedal assemblies. This AD requires modification of certain pilot and co-pilot yaw pedal assemblies with an improved design and re-identification of affected parts, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective February 22, 2022.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of February 22, 2022.

ADDRESSES: For EASA material incorporated by reference (IBR) in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this IBR material on the EASA website at *https://ad.easa.europa.eu.* You may view this material at the FAA, Office of the Regional Counsel Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of the EASA material at the FAA, call (817) 222–5110. It is also available in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0570.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0570; 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 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: Kristi Bradley, Program Manager, COS Program Management Section, Operational Safety Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5485; email *kristin.bradley@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2021–0199, dated August 27, 2021 (EASA AD 2021–0199), (also referred to as the MCAI), to correct an unsafe condition for Leonardo S.p.a. (formerly Finmeccanica S.p.A and AgustaWestland S.p.A) Model AW169 helicopters, all serial numbers. EASA AD 2021–0199 supersedes EASA AD 2019–0252, dated October 10, 2019 (EASA AD 2019–0252), which was issued to correct an unsafe condition for Leonardo S.p.a. (formerly Finmeccanica S.p.A and AgustaWestland S.p.A) Model AW169 helicopters, all serial numbers.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to Leonardo S.p.a. Model AW169 helicopters with an affected part installed as identified in EASA AD 2019–0252. The NPRM published in the **Federal Register** on July 28, 2021 (86 FR 40371). In the NPRM, the FAA proposed to require modification of the pilot and co-pilot yaw pedal assemblies. The NPRM was prompted by EASA AD 2019–0252, which advised that there was a report of a broken adjustable device that is part of the pilot and co-pilot yaw pedal assemblies. This condition, if not addressed, could result in failure of a yaw pedal adjuster, which could result in reduced yaw control of the helicopter.

Accordingly, EASA AD 2019–0252 required modification (rework) of the affected pilot and co-pilot assemblies and re-identification of each affected part after it has been modified. The modification included the installation of additional end stroke stops on the pilot and co-pilot pedal assemblies. EASA considered EASA AD 2019–0252 an interim action and stated that further EASA AD action may follow.

The FAA issued a supplemental notice of proposed rulemaking (SNPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Leonardo S.p.a. Model AW169 helicopters. The SNPRM published in the **Federal Register** on October 29, 2021 (86 FR 59900). The SNPRM proposed to require modification of certain pilot and copilot yaw pedal assemblies with an improved design and re-identification of the affected parts, as specified in EASA AD 2021–0199.

EASA advises that since EASA AD 2019–0252 was issued three additional events have been reported where the universal joint of the adjusting mechanism on the yaw pedals failed. Prompted by these findings, Leonardo

S.p.a. developed a new modification that introduces upgraded pilot and co-pilot pedal assemblies with an improved design, which removes the failure modes.

Accordingly, EASA AD 2021–0199 requires modification (rework) of the affected pilot and co-pilot assemblies and re-identification of each affected part after it has been modified. The modification includes replacing the pedal main support assembly, adjuster screw assembly, knob assembly, and spring pin, and removing the additional end stroke stops that were installed on the pilot and co-pilot pedal assemblies using the modification specified in EASA AD 2019–0252. EASA AD 2021–0199 also provides an option to replace an affected part with a non-affected part instead of doing the modification.

In addition, the FAA revised the applicability of the SNPRM from Leonardo S.p.a. Model AW169 helicopters with an affected part installed (as specified in the NPRM), to all Leonardo S.p.a. Model AW169 helicopters. This revised applicability matches EASA AD 2021–0199.

The FAA is issuing this AD to address failure of a yaw pedal adjuster, which could result in reduced yaw control of the helicopter. See the MCAI for additional background information.

Discussion of Final Airworthiness Directive

Comments

The FAA received no comments on the SNPRM or on the determination of the cost to the public.

Conclusion

The FAA reviewed the relevant data, and determined that air safety requires adopting this AD as proposed. Except for minor editorial changes, this AD is adopted as proposed in the SNPRM. None of the changes will increase the economic burden on any operator. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products.

Related Service Information Under 1 CFR Part 51

EASA AD 2021–0199 requires modification of the affected pilot and co-pilot assemblies and re-identification of each affected part after it has been modified. EASA AD 2021–0199 also provides an option to replace an affected part with a non-affected part instead of doing the modification. EASA AD 2021–0199 also prohibits the installation of affected parts.

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.

Costs of Compliance

The FAA estimates that this AD affects 10 helicopters of U.S. Registry. 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
Modify and re-identify affected parts	25 work-hours × $85 per hour = $2,125	$0	$2,125	$21,250

The FAA has included all known costs in its cost estimate. According to the manufacturer, however, some of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected operators.

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:

2021–26–29 Leonardo S.p.a.: Amendment 39–21888; Docket No. FAA–2021–0570; Project Identifier 2019–SW–091–AD.

(a) Effective Date

This airworthiness directive (AD) is effective February 22, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Leonardo S.p.a. Model AW169 helicopters, certificated in any category.

(d) Subject

Joint Aircraft Service Component (JASC) Code: 6700, Rotorcraft Flight Control.

(e) Unsafe Condition

This AD was prompted by a report of a broken adjustable device that is part of the pilot and co-pilot yaw pedal assemblies. The FAA is issuing this AD to address failure of

a yaw pedal adjuster, which could result in reduced yaw control of the helicopter.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2021–0199, dated August 27, 2021 (EASA AD 2021–0199).

(h) Exceptions to EASA AD 2021–0199

(1) Where EASA AD 2021–0199 refers to flight hours, this AD requires using hours time-in-service.

(2) Where EASA AD 2021–0199 refers to its effective date, this AD requires using the effective date of this AD.

(3) Where the service information referenced in EASA AD 2021–0199 specifies discarding certain parts, this AD requires removing those parts from service.

(4) This AD does not mandate compliance with the ''Remarks'' section of EASA AD 2021–0199.

(i) No Reporting Requirement

Although the service information referenced in EASA AD 2021–0199 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Special Flight Permit

Special flight permits, as described in 14 CFR 21.197 and 21.199, are prohibited.

(k) Alternative Methods of Compliance (AMOCs)

(1) 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 local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (l) of this AD. Information may be emailed to: *9-AVS-AIR-730-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.

(l) Related Information

For more information about this AD, contact Kristi Bradley, Program Manager, COS Program Management Section, Operational Safety Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5485; email *kristin.bradley@faa.gov.*

(m) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2021–0199, dated August 27, 2021.

(ii) [Reserved]

(3) For EASA AD 2021–0199, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.*

(4) You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222- 5110. This material may be found in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0570.

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

Issued on December 17, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2022–00757 Filed 1–14–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0794; Project Identifier AD–2021–00400–T; Amendment 39–21869; AD 2021–26–10]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain The Boeing Company Model 747–400, –400D, and –400F series airplanes. This AD was prompted by reports of burned Boeing Material Specification (BMS) 8–39 urethane foam, and a report from the airplane manufacturer that airplanes were assembled with seals throughout various areas of the airplane (including flight deck and cargo compartments) made of BMS 8–39 urethane foam, a material with fire-retardant properties that deteriorate with age. This AD requires replacing the system tube/wire seals made of BMS 8–39 urethane foam in certain areas of the airplane. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective February 22, 2022.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of February 22, 2022.

ADDRESSES: For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.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 *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0794.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0794; 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: Julie Linn, Aerospace Engineer, Cabin Safety and Environmental Systems Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3684; email: *julie.linn@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 The Boeing Company Model 747–400, –400D, and –400F series airplanes. The NPRM published in the **Federal Register** on October 14, 2021 (86 FR 57081). The NPRM was prompted by reports of burned BMS 8–39 urethane foam, and a report from the airplane manufacturer that airplanes were assembled with seals throughout various areas of the airplane (including flight deck and cargo compartments) made of BMS 8–39 urethane foam, a material with fire-retardant properties

that deteriorate with age. In the NPRM, the FAA proposed to require replacing the system tube/wire seals made of BMS 8–39 urethane foam in certain areas of the airplane. The FAA is issuing this AD to prevent failure of the urethane seals to maintain sufficient Halon concentrations in the cargo compartments to extinguish or contain fire or smoke, and to prevent penetration of fire or smoke in areas of the airplane that are difficult to access for fire and smoke detection or suppression.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from Boeing, the Air Line Pilots Association, International (ALPA), and two individuals, who supported the NPRM without change.

Conclusion

The FAA reviewed the relevant data and determined that air safety requires adopting this AD as proposed. Except for minor editorial changes, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Boeing Special Attention Service Bulletin 747–25–3381, Revision 3, dated February 19, 2021. This service information specifies procedures for replacing BMS 8–39 urethane foam seals with BMS 1–68 silicone foam rubber seals (including doing a general visual inspection of the foam for any tube or wire penetrations and sealing any penetrations that go through the insulation blankets). This service information adds the work instructions for Group 11, Configuration 2; Group 13 and 14, Configuration 4; and Group 16, 17, and 19, Configuration 5 airplanes.

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

Costs of Compliance

The FAA estimates that this AD affects 131 airplanes of U.S. registry. 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
Replacement (including GVI)	Up to 32 work-hours × $85 per hour = Up to $2,720.	*$	Up to $2,720	Up to $356,320.

*The FAA has received no definitive data on which to base the parts cost estimates for 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,

(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:

2021–26–10 The Boeing Company: Amendment 39–21869; Docket No. FAA–2021–0794; Project Identifier AD–2021–00400–T.

(a) Effective Date

This airworthiness directive (AD) is effective February 22, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 747–400, –400D, and –400F series airplanes, certificated in any category, identified as Group 11, Configuration 2; Group 13 and 14, Configuration 4; and Group 16, 17, and 19, Configuration 5, in Boeing Special Attention Service Bulletin 747–25–3381, Revision 3, dated February 19, 2021.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by reports of burned Boeing Material Specification (BMS) 8–39 urethane foam, and a report from the airplane manufacturer that airplanes were assembled with seals throughout various areas of the airplane (including flight deck and cargo compartments) made of BMS 8–39 urethane foam, a material with fire-retardant properties that deteriorate with age. The FAA is issuing this AD to prevent failure of the urethane seals to maintain sufficient Halon concentrations in the cargo compartments to extinguish or contain fire or smoke, and to prevent penetration of fire or smoke in areas of the airplane that are difficult to access for fire and smoke detection or suppression.

(f) Compliance

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

(g) BMS 8–39 Urethane Foam Seal Replacements

Within 72 months after the effective date of this AD: Replace the BMS 8–39 urethane foam seals in the forward cargo compartment system tube/wire (including doing a general visual inspection of the foam for any tube or wire penetrations and sealing any penetrations that go through the insulation blankets) with BMS 1–68 silicone foam rubber seals, as applicable, in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 747–25–3381, Revision 3, dated February 19, 2021.

(h) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in Related Information. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov*.

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

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by The Boeing Company Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(i) Related Information

For more information about this AD, contact Julie Linn, Aerospace Engineer, Cabin Safety and Environmental Systems Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3684; email: *julie.linn@faa.gov*.

(j) Material Incorporated by Reference

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

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

(i) Boeing Special Attention Service Bulletin 747–25–3381, Revision 3, dated February 19, 2021.

(ii) [Reserved]

(3) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com*.

(4) 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.

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

Issued on December 9, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2022–00585 Filed 1–14–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0609; Project Identifier AD–2021–00274–T; Amendment 39–21861; AD 2021–26–03]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain The Boeing Company Model 737–300, –400, and –500 series airplanes. This AD was prompted by an evaluation by the design approval holder (DAH) indicating that the frame splice between certain stringers is subject to widespread fatigue damage (WFD). This AD requires an inspection of certain fuselage frame splices for existing repairs, repetitive inspections of certain fuselage frame splices for cracking, and applicable on-condition actions. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective February 22, 2022.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of February 22, 2022.

ADDRESSES: For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.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 *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0609.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0609; 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: Wayne Ha, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5238; fax: 562–627–5210; email: *wayne.ha@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 The Boeing Company Model 737–300, –400, and –500 series airplanes. The NPRM published in the **Federal Register** on August 24, 2021 (86 FR 47255). The NPRM was prompted by an evaluation by the DAH indicating that the frame splice between certain stringers is subject to WFD. In the NPRM, the FAA proposed to require an inspection of certain fuselage frame splices for existing repairs, repetitive inspections of certain fuselage frame splices for cracking, and applicable on-condition actions. The FAA is issuing this AD to address upper frame cracking common to the frame splice between stringer S–13 and S–14, which could interact with stringer S–14 skin lap splice lower fastener row cracking in lower skin and result in an uncontrolled decompression of the airplane and loss of structural integrity.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from Aviation Partners Boeing and Boeing. The following presents the comments received on the NPRM and the FAA's response to each comment.

Effect of Winglets on Accomplishment of the Proposed Actions

Aviation Partners Boeing stated that the installation of winglets per Supplemental Type Certificate STC ST01219SE does not affect the accomplishment of the manufacturer's service instructions.

The FAA concurs with the commenter. The FAA has redesignated paragraph (c) of the proposed AD as paragraph (c)(1) of this AD and added paragraph (c)(2) to this AD to state that installation of STC ST01219SE does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST01219SE is installed, a ''change in product'' alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

Request To Add Inspection Method

Boeing requested that the words ''high frequency eddy current (HFEC)'' be added to the sentence that describes the repetitive inspections in the ''Related Service Information under 1 CFR part 51'' section of the proposed AD. Boeing stated that the HFEC inspection should be mentioned because that is the inspection that mitigates the unsafe condition.

The FAA agrees with the request. The requested wording has been added to the specified section of this final rule.

Conclusion

The FAA reviewed the relevant data, considered any comments received, and determined that air safety requires adopting this AD as proposed. Except for minor editorial changes, and any other changes described previously, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Boeing Alert Requirements Bulletin 737–53A1388 RB, dated October 27, 2020. This service information specifies procedures for a general visual inspection (GVI) of the fuselage frame splices between stringer S–13 and S–14 station (STA) 360 to STA 520 and STA 727A to STA 907 for existing repairs, repetitive high frequency eddy current (HFEC) inspections of the fuselage frame splices between stringer S–13 and S–14 from STA 360 to STA 520 and STA 727A to STA 907 for cracking, and applicable on-condition actions. On-condition actions include an open hole HFEC inspection for cracking at all fastener hole locations where a fastener was removed due to finding a cracked doubler, repair, or replacement. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in **ADDRESSES**.

Costs of Compliance

The FAA estimates that this AD affects 66 airplanes of U.S. registry. 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
Repetitive Inspections	Up to 267 work-hours × $85 per hour = Up to $22,695 per inspection cycle.	$0	Up to $22,695 per inspection cycle.	Up to $1,497,870 per inspection cycle.
GVI	2 work-hours × $85 per hour = $170	0	$170	$11,220.

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,

(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:

2021–26–03 The Boeing Company: Amendment 39–21861; Docket No. FAA–2021–0609; Project Identifier AD–2021–00274–T.

(a) Effective Date

This airworthiness directive (AD) is effective February 22, 2022.

(b) Affected ADs

None.

(c) Applicability

(1) This AD applies to The Boeing Company Model 737–300, –400, and –500 series airplanes, certificated in any category, as identified in Boeing Alert Requirements Bulletin 737–53A1388 RB, dated October 27, 2020.

(2) Installation of Supplemental Type Certificate (STC) ST01219SE does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST01219SE is installed, a ''change in product'' alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Unsafe Condition

This AD was prompted by an evaluation by the design approval holder (DAH) indicating that the frame splice between stringer S–13 and S–14 is subject to widespread fatigue damage (WFD). The FAA is issuing this AD to address upper frame cracking common to the frame splice between stringer S–13 and S–14, which could interact with stringer S–14 skin lap splice lower fastener row cracking in lower skin and result in an uncontrolled decompression of the airplane and loss of structural integrity.

(f) Compliance

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

(g) Required Actions

Except as specified by paragraph (h) of this AD: At the applicable times specified in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 737–53A1388 RB, dated October 27, 2020, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin 737–53A1388 RB, dated October 27, 2020.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin 737–53A1388, dated October 27, 2020, which is referred to in Boeing Alert Requirements Bulletin 737–53A1388 RB, dated October 27, 2020.

(h) Exceptions to Service Information Specifications

(1) Where Boeing Alert Requirements Bulletin 737–53A1388 RB, dated October 27, 2020, uses the phrase ''the Original Issue date of Requirements Bulletin 737–53A1388 RB,'' this AD requires using ''the effective date of this AD,'' except where Alert Requirements Bulletin 737–53A1388 RB, dated October 27, 2020, uses the phrase ''the Original Issue date of Requirements Bulletin 737–53A1388 RB,'' in a note or flag note.

(2) Where Boeing Alert Requirements Bulletin 737–53A1388 RB, dated October 27, 2020, specifies contacting Boeing for repair instructions or for alternative inspections: This AD requires doing the repair, or doing the alternative inspections and applicable on-condition actions using a method approved in accordance with the procedures specified in paragraph (i) of this AD.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Los Angeles ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in Related Information. Information may be emailed to: *9-ANM-LAACO-AMOC-Requests@faa.gov.*

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

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by The Boeing Company Organization Designation Authorization (ODA) that has been authorized by the Manager, Los Angeles ACO Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(j) Related Information

For more information about this AD, contact Wayne Ha, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5238; fax: 562–627–5210; email: *wayne.ha@faa.gov.*

(k) Material Incorporated by Reference

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

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

(i) Boeing Alert Requirements Bulletin 737–53A1388 RB, dated October 27, 2020.

(ii) [Reserved]

(3) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.*

(4) 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.

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

Issued on December 8, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2022–00584 Filed 1–14–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0589; Airspace Docket No. 21–ASO–23]

RIN 2120–AA66

Amendment and Establishment of Class D and Class E Airspace; Columbus, GA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class D airspace, Class E surface area, and Class E airspace extending upward from 700 feet above the surface for Columbus Airport and Lawson Army Air Field (AAF) (Fort Benning), Columbus, GA. This action merges Columbus Airport and Lawson AAF (Fort Benning) Class D airspace and Class E surface area airspace into one header under FAA Order JO 7400.11 and removes the header Columbus Lawson AAF under FAA Order JO 7400.11. This action also amends Columbus Airport's Class D by updating the name of Columbus Airport, (formerly Columbus Metropolitan Airport) and updating the name of Lawson Army Airfield (Fort Benning), (formerly Columbus Lawson AAF); the Lawson AAF (Fort Benning) Class D is amended by establishing an extension to the southeast. This action establishes Class E airspace designated as an extension to a Class D surface area for Columbus Airport, Columbus, GA. The Columbus Airport Class E surface area extension is eliminated and Lawson AAF (Fort Benning) Class E surface area is amended by establishing an extension to the southeast. Columbus Class E airspace extending upward from 700 feet above the surface and Lawson AAF (Fort Benning) Class E airspace extending upward from 700 feet above the surface is amended by increasing the radii and removing the Lawson Very High Frequency Omnidirectional Range with Distance Measuring Equipment

(VOR/DME) and Lawson Localizer (LOC) from the description. In addition, this action also makes an editorial change replacing the term Airport/Facility Directory with the term Chart Supplement in the legal descriptions of associated Class D airspace and Class E surface area. In addition, this action updates the geographic coordinates of the Lawson AAF (Fort Benning) to coincide with the FAA's database. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations in the area.

DATES: Effective 0901 UTC, March 24, 2022. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order JO 7400.11F, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *https://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; Telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order JO 7400.11F at NARA, email *fr.inspection@nara.gov* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

FOR FURTHER INFORMATION CONTACT: John Goodson, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Ave., College Park, GA 30337; Telephone (404) 305–5966.

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 Class D airspace, amends Class E Surface airspace, amends Class E airspace extending upward from 700 feet above the surface, and establishes Class E airspace designated as an Extension to a Class D Surface Area for Columbus, GA, to support IFR operations in the area.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (86 FR 58819, October 25, 2021) for Docket No. FAA–2021–0589 to amend Class D airspace, amend Class E Surface airspace, amend Class E airspace extending upward from 700 feet above the surface, and establishes Class E airspace designated as an Extension to a Class D Surface Area for Columbus, GA.

Subsequent to publication, the FAA found the names of Lawson AAF (AAF) required updating. The correct name is Lawson AAF (Fort Benning). This action makes the update.

Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. Two comments were received, one comment was positive and one comment was a blank submission.

Class D airspace and Class E airspace designations are published in Paragraph 5000, 6002, 6004, and 6005 respectively, of FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The Class D and Class E airspace designations listed in this document will be published subsequently in FAA Order JO 7400.11F.

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

The FAA is amending 14 CFR part 71 by amending Class D, Class E surface area, and Class E airspace extending upward from 700 feet above the surface at Columbus Airport, Columbus, GA, and Lawson AAF (Fort Benning), Columbus, GA. This action merges Columbus Airport and Lawson AAF (Fort Benning) Class D airspace and Class E surface area airspace into one header under FAA Order JO 7400.11 and removes the header Columbus Lawson AAF under FAA Order JO 7400.11. This action establishes Class E airspace designated as an extension to a Class D surface area at Columbus Airport, Columbus, GA.

The Columbus Airport Class D airspace is amended by eliminating the extension to the southwest and updating the name to Columbus Airport (previously Columbus Metropolitan Airport). This action also makes the editorial change replacing the term Airport/Facility Directory with the term Chart Supplement in the legal description.

The Lawson AAF (Fort Benning) Class D airspace is amended by establishing an extension within 1.0 mile each side of the 145° bearing from the AAF extending from the 5.2-mile radius to 6.8 miles southeast of the AAF and updating the name to Lawson AAF (Fort Benning), (previously Columbus Lawson AAF). This action also makes the editorial change replacing the term Airport/Facility Directory with the term Chart Supplement in the legal description. In addition, this action also updates the geographic coordinates to coincide with the FAA's database.

The Columbus Airport Class E surface area is amended by eliminating the extension to the southwest. This action also makes the editorial change replacing the term Airport/Facility Directory with the term Chart Supplement in the legal description.

The Lawson AAF (Fort Benning) Class E surface area is amended by establishing an extension within 1.0 mile each side of the 145° bearing from the AAF extending from the 5.2-mile radius to 6.8 miles southeast of the AAF. This action also makes an editorial change replacing the term Airport/Facility Directory with the term Chart Supplement in the legal description. In addition, this action also updates the geographic coordinates to coincide with the FAA's database.

The Columbus, GA Class E airspace designated as an extension to a Class D surface area at for Columbus Airport is established by adding that airspace extending upward from the surface within 1 mile each side of the 234° bearing from the airport extending from the 4.4-mile radius to 7.1 miles southwest of the airport.

The Columbus, GA Class E airspace extending upward from 700 feet above the surface is amended by increasing the radius of Columbus Airport to 9.6 miles, (previously 6.8 miles) and eliminating the extension to the southeast.

The Lawson AAF (Fort Benning) Class E airspace extending upward from 700 feet above the surface is amended by increasing the radius to 9.3 miles,

(previously 7.6 miles), eliminating the Lawson VOR/DME and Lawson LOC from the description, adding the airspace within 3.8 miles each side of Lawson AAF (Fort Benning) 341° bearing from the AAF extending from the 9.3-mile radius to 15.2 miles northwest of the AAF, and 4.1 miles each side of the Lawson AAF (Fort Benning) 145° bearing from the AAF extending from the 9.3-mile radius to 10.6 miles southeast of the AAF.

Class D and E airspace designations are published in Paragraphs 5000, 6002, 6004, and 6005, respectively, of FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The Class D and E airspace designations listed in this document will be published subsequently in the Order.

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 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 minimal. Since this is a routine matter that only affects air traffic procedures an 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.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace.

* * * * *

ASO GA D Columbus, GA [Amended]

Columbus Airport, GA
(Lat 32°30′59″ N, long. 84°56′20″ W)
Lawson AAF (Fort Benning), GA
(Lat. 32°19′54″ N, long. 84°59′14″ W)

That airspace extending upward from the surface to and including 2,900 feet MSL within a 4.4-mile radius of the Columbus Airport; and that airspace extending upward from the surface to and including 2,700 feet MSL within a 5.2-mile radius of Lawson Army Airfield (Ft. Benning) and that airspace within 1 mile each side of the 145° bearing from the AAF extending from the 5.2-mile radius to 6.8 miles southeast of the AAF. This Class D airspace is effective during the 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 Airspace Areas Designated as a Surface Area

* * * * *

ASO GA E2 Columbus, GA [Amended]

Columbus Airport, GA
(Lat 32°30′59″ N, long. 84°56′20″ W)
Lawson AAF (Fort Benning), GA
(Lat. 32°19′54″ N, long. 84°59′14″ W)

That airspace extending upward from the surface within a 4.4-mile radius of Columbus Airport; and that airspace within a 5.2-mile radius of Lawson AAF (Fort Benning) and that airspace within 1 mile each side of the 145° bearing from the AAF extending from the 5.2-mile radius to 6.8 miles southeast of the AAF. This Class E airspace area is effective during the 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 6004 Class E Airspace Designated as an Extension to a Class D Surface Area.

* * * * *

ASO GA E4 Columbus, GA [New]

Columbus Airport, GA
(Lat 32°30′59″ N, long. 84°56′20″ W)

That airspace extending upward from the surface within 1 mile each side of the 234° bearing from the airport extending from the 4.4-mile radius to 7.1 miles southwest of the airport.

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

* * * * *

ASO GA E5 Columbus, GA [Amended]

Columbus Airport, GA
(Lat 32°30′59″ N, long. 84°56′20″ W)
Lawson AAF (Fort Benning), GA
(Lat. 32°19′54″ N, long. 84°59′14″ W)

That airspace extending upward from 700 feet above the surface within a 9.6-mile radius of Columbus Airport; and within a 9.3-mile radius of Lawson AAF (Fort Benning), and within 3.8 miles each side of Lawson AAF (Fort Benning) 341° bearing from the AAF extending from the 9.3-mile radius to 15.2 miles northwest of the AAF, and 4.1 miles each side of the Lawson AAF (Fort Benning) 145° bearing from the AAF extending from the 9.3-mile radius to 10.6 miles southeast of the AAF.

Issued in College Park, Georgia, on January 10, 2022.

Andreese C. Davis,

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

[FR Doc. 2022–00651 Filed 1–14–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0742; Airspace Docket No. 21–ASW–16]

RIN 2120–AA66

Amendment Class E Airspace; Bonham, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Class E airspace at Bonham, TX. This action is the result of an airspace review due to the decommissioning of the Bonham non-directional beacon (NDB). The geographic coordinates of the airport are also being updated to coincide with the FAA's aeronautical database.

DATES: Effective 0901 UTC, March 24, 2022. The Director of the Federal

Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order JO 7400.11F, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *https://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. FAA Order JO 7400.11F is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order JO 7400.11F at NARA, email: *fr.inspection@nara.gov* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (86 FR 59067; October 26, 2021) for Docket No. FAA–2021–0742 to amend the Class E airspace at Bonham, TX. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

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

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

This amendment to 14 CFR part 71 amends the Class E airspace extending upward from 700 feet above the surface at Jones Field, Bonham, TX, by removing the Bonham VORTAC and the associated extension as it is no longer required; adds an extension 2 miles each side of the 002° bearing from the airport extending from the 6.4-mile radius of from the airport to 9.6 miles north of the airport; removes the city associated with the airport to comply with updates to FAA Order 7400.2N, Procedures for Handling Airspace Matters; and updates the geographic coordinates of the airport to coincide with the FAA's aeronautical database.

This action is the result of an airspace review due to the decommissioning of the Bonham NDB which provided guidance to instrument procedures at this airport.

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

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

ASW TX E5 Bonham, TX [Amended]

Jones Field, TX

(Lat. 33°36′47″ N, long. 96°10′46″ W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Jones Field, and within 2 miles each side of the 002° bearing from the airport extending from the 6.4-mile radius to 9.6 miles north of the airport.

Issued in Fort Worth, Texas, on January 10, 2022.

Martin A. Skinner,

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

[FR Doc. 2022–00571 Filed 1–14–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–1151; Airspace Docket No. 21–AGL–39]

RIN 2120–AA66

Amendment of Class D Airspace; Columbus, OH

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Class D airspace at Columbus, OH, to update references to the Columbus, OH, Class C airspace which has recently been updated. The geographic coordinates of Bolton Field Airport are also being updated to coincide with the FAA's aeronautical database. This action does not change the airspace boundaries or operating requirements.

DATES: Effective 0901 UTC, March 24, 2022. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order JO 7400.11F, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *https://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. FAA Order JO 7400.11F is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order JO 7400.11F at NARA, email: *fr.inspection@nara.gov* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends the Class D airspace at Bolton Field Airport, Columbus, OH; Ohio State University Airport, Columbus, OH; and Rickenbacker International Airport, Columbus, OH, by updating references to the Columbus, OH, Class C airspace (previously Columbus, Port Columbus International Airport, OH, Class C airspace), which has recently been updated, in the airspace legal descriptions to coincide with the FAA's aeronautical database.

History

Class D airspace areas are used to provide controlled airspace for terminal VFR or IFR operations at airports having an air traffic control tower. The FAA published a final rule in the **Federal Register** (86 FR 67650; November 29, 2021) Docket Number No. FAA–2021–0807 (FR 2021–25902) which updated the header of the Columbus, OH, Class C airspace (previously Columbus, Port Columbus International Airport, OH). This action updates references to the Columbus, Port Columbus International Airport, OH, Class C airspace contained in the Columbus, OH Class D airspace. The action also updates the geographic coordinates of the Bolton Field Airport to coincide with the FAA's aeronautical database. This action is an administrative change and does not change the airspace boundaries or operating requirements.

Class D airspace designations are published in paragraph 5000 of FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The Class D airspace designations listed in this document will be published subsequently in FAA Order JO 7400.11.

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

This amendment to 14 CFR part 71:

Amends the Class D airspace at Bolton Field Airport, Columbus, OH, by updating the geographic coordinates of the airport to coincide with the FAA's aeronautical database; updates the reference to the Columbus, OH, Class C airspace (previously Port Columbus International Airport, OH Class C airspace) contained within the airspace legal description; and updates the outdated term ''Airport/Facility Directory'' with ''Chart Supplement'';

Amends the Class D airspace at Ohio State University Airport, Columbus, OH, by updating the reference to the Columbus, OH, Class C airspace (previously Columbus, Port Columbus International Airport, OH Class C airspace) contained within the airspace legal description;

And amends the Class D airspace at Rickenbacker International Airport, Columbus, OH, by updating the reference to the Columbus, OH, Class C airspace (previously Columbus, Port Columbus International Airport, OH Class C airspace) contained within the airspace legal description.

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 or negative comments. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace.

* * * * *

AGL OH D Columbus, OH [Amended]

Bolton Field Airport, OH
(Lat. 39°54′04″ N, long. 83°08′13″ W)

That airspace extending upward from the surface to and including 3,400 feet MSL within a 3.9-mile radius of Bolton Field Airport, excluding that portion beyond a 1.8-mile radius of the Bolton Field Airport bearing 270° to 325°, and excluding that airspace within the Columbus, OH, Class C airspace area. This Class D airspace area is effective during the specific dates and times established in advanced by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Chart Supplement.

AGL OH D Columbus, OH [Amended]

Ohio State University Airport, OH
(Lat. 40°04′46″ N, long. 83°04′24″ W)

That airspace extending upward from the surface to and including 3,400 feet MSL within a 4-mile radius of Ohio State University Airport, excluding that airspace within the Columbus, OH, Class C airspace area. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Chart Supplement.

AGL OH D Columbus, OH [Amended]

Rickenbacker International Airport, OH
(Lat. 39°48′50″ N, long. 82°55′40″ W)

That airspace extending upward from the surface to and including 3,000 feet MSL within a 4.6-mile radius of Rickenbacker International Airport, excluding that airspace within the Columbus, OH, Class C airspace area.

Issued in Fort Worth, Texas, on January 10, 2022.

Martin A. Skinner,

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

[FR Doc. 2022–00568 Filed 1–14–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0815; Airspace Docket No. 21–ASW–17]

RIN 2120–AA66

Amendment of Class E Airspace; Hereford, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Class E airspace at Hereford, TX. This action is the result of airspace reviews due to the decommissioning of the Hereford non-directional beacon (NDB). The geographic coordinates of the Hereford Municipal Airport, Hereford, TX, are also being updated to coincide with the FAA's aeronautical database.

DATES: Effective 0901 UTC, March 24, 2022. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order JO 7400.11F, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *https://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. FAA Order JO 7400.11F is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order JO 7400.11F at NARA, email: *fr.inspection@nara.gov* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (86 FR 56662; October 12, 2021) for Docket No. FAA–2021–0815 to amend the Class E airspace at Hereford, TX. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. One comment was received supporting the action.

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

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

This amendment to 14 CFR part 71 amends the Class E airspace extending upward from 700 feet above the surface to within a 6.7-mile (increased from a 6.6-mile) radius of Hereford Municipal Airport, Hereford, TX; and updates the geographic coordinates of the airport to coincide with the FAA's aeronautical database.

This action are the result of an airspace review caused by the decommissioning of the Hereford NDB which provided guidance to instrument procedures at this airport.

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

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

ASW TX E5 Hereford, TX [Amended]

Hereford Municipal Airport, TX
(Lat. 34°51′39″ N, long. 102°19′33″ W)

That airspace extending upward from 700 feet above the surface within a 6.7-mile radius of Hereford Municipal Airport.

Issued in Fort Worth, Texas, on January 10, 2022.

Martin A. Skinner,

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

[FR Doc. 2022–00566 Filed 1–14–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 101 and 130

[Docket No. FDA–2019–N–0463]

RIN 0910–AI02

New Method for the Analysis of Sulfites in Foods

AGENCY: Food and Drug Administration, Department of Health and Human Services (HHS).

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA or we) is amending the requirements that specify the analytical method FDA uses to determine the concentration of sulfites in food. This action, among other things, provides a new analytical method that can be used as an alternative to the existing analytical method and will help improve the efficiency of FDA testing for sulfites in food.

DATES: This rule is effective February 17, 2022. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of February 17, 2022.

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

FOR FURTHER INFORMATION CONTACT: Katherine S. Carlos, Center for Food Safety and Applied Nutrition (HFS–706), Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740–3835, 240–402–1835, *Katherine.Carlos@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Executive Summary

A. Purpose of the Final Rule

FDA is issuing this final rule primarily to provide an alternative to the current analytical method that is incorporated by reference and establish a new, more efficient analytical method that FDA may use for determining sulfite concentrations in foods.

B. Summary of the Major Provisions of the Final Rule

The final rule updates the current incorporation by reference of the AOAC International Official Method of Analysis for determining sulfite concentrations in foods and removes appendix A to part 101 (21 CFR part 101) as no longer necessary. The final rule also adds a recently developed,

accurate, and more efficient analytical method that FDA will use to determine sulfite concentrations in foods. The addition of this method does not affect parties other than FDA and will not affect industry's disclosure obligations. Manufacturers, for example, are free to use any scientifically adequate method to determine sulfite concentrations in their foods.

C. Legal Authority

The Federal Food, Drug, and Cosmetic Act (FD&C Act) requires that all of the ingredients in a nonstandardized food be declared on the label of that food unless FDA has exempted the ingredients from such requirements. The FD&C Act also states that a food is misbranded if its labeling is false or misleading in any particular and permits FDA to promulgate regulations for the efficient enforcement of the FD&C Act. The final rule amends part 101 under sections 403(i)(2), 403(a), 201(n), and 701(a) of the FD&C Act (21 U.S.C. 343(i)(2), 21 U.S.C. 343(a), 21 U.S.C. 321(n), and 21 U.S.C. 371(a)).

D. Costs and Benefits

We estimate that this final rule will produce benefits in the form of cost savings from time saved by using the liquid chromatography (LC) tandem mass spectrometry (MS) method (LC–MS/MS method). Over a 10-year time horizon, at a three percent discount rate, the present value of estimated benefits is $1.08 million, with a lower bound of $0.57 million and an upper bound of $1.72 million. At a seven percent discount rate, the present value of estimated benefits is $0.89 million, with a lower bound of $0.47 million and an upper bound of $1.41 million. Annualized estimated benefits range from $0.07 million to $0.2 million per year, with a primary estimate of $0.13 million per year, using either a three or seven percent discount rate.

II. Table of Abbreviations/Commonly Used Acronyms in This Document

Abbreviation	What it means
CFR	Code of Federal Regulations.
FD&C Act	Federal Food, Drug, and Cosmetic Act.
FR	Federal Register.
LC	Liquid chromatography.
MS	Mass spectrometry.
ppm	Parts per million.
U.S.C.	United States Cod.

III. Background

A. Need for the Regulation/History of This Rulemaking

FDA is updating regulations that include an outdated incorporation by reference as specified in this final rule and adding a recently developed, accurate, and more efficient analytical method of analysis for determining sulfite concentrations in foods.

FDA's food labeling regulations require that sulfites present at 10 parts per million (ppm) or more be labeled on foods. (See §§ 101.100(a)(4) and 130.9(a) (21 CFR 101.100(a)(4) and 130.9(a))). Sulfites are widely used food preservatives that have been shown to produce allergic-type responses in humans, and the presence of sulfites in foods may have serious health implications for those persons who are intolerant of sulfites. The analytical method we use for determining sulfite concentrations in foods is specified at §§ 101.100(a)(4) and 130.9(a), partially through incorporation by reference.

In the **Federal Register** of September 17, 2019 (84 FR 48809), we published a proposed rule that would:

- Provide an alternative to the current analytical method that is incorporated by reference and establish a new, more efficient analytical method that FDA could use for determining sulfite concentrations in foods;
- Amend the unit of measure specified in two regulations to be consistent with the unit of measure used in the new analytical method;
- Update the current incorporation by reference of the AOAC International Official Method of Analysis for determining sulfite concentrations in foods; and
- Remove appendix A to part 101, as no longer necessary.

B. Summary of Comments to the Proposed Rule

Two comments to the proposed rule expressed general support. For example, one comment said that we should ''take up this new method'' and should do all that we can ''to continue to use the best science available'' to protect consumers. The other comment said that the rule would benefit consumer safety. We received no other comments.

C. General Overview of the Final Rule

The final rule:

- Amends §§ 101.100(a)(4) and 130.9(a) to replace the existing incorporation by reference with ''AOAC Official Method 990.28, Sulfites in Foods, Optimized Monier-Williams Method,'' Section 47.3.43, *Official Methods of Analysis,* 21st Edition (2019), and to remove appendix A to part 101. The existing incorporation by reference was to the 14th edition, which was published in 1984;
- Amends §§ 101.100(a)(4) and 130.9(a) to add an LC–MS/MS method for determining sulfite concentrations in foods; and
- Amends the unit of measure specified in §§ 101.100(a)(4) and 130.9(a) to include milligrams per kilogram, which is equivalent to parts per million, to be consistent with the unit of measure specified in the new LC–MS/MS method.

D. Incorporation by Reference

FDA is incorporating by reference ''AOAC Official Method 990.28, Sulfites in Foods, Optimized Monier-Williams Method,'' Section 47.3.43, *Official Methods of Analysis,* 21st Edition (2019). A copy of the material can be obtained from AOAC International, 2275 Research Blvd., Ste. 300, Rockville, MD 20850–3250, 301–924–7077 ext. 170, *https://www.aoac.org/*. This method is an updated version of the method currently referenced in FDA's regulations as the method that FDA uses to determine sulfite concentrations in foods.

FDA is also incorporating by reference ''Determination of Sulfite in Food by Liquid Chromatography Tandem Mass Spectrometry: Collaborative Study,'' Katherine S. Carlos and Lowri S. De Jager, *Journal of AOAC International,* Vol. 100, No. 6 pp. 1785–1794. A copy of the material can be obtained from AOAC International, 2275 Research Blvd., Ste. 300, Rockville, MD 20850–3250, 301–924–7077 ext. 170, *https://www.aoac.org/*. The study describes an LC–MS/MS method that FDA can use as an alternative to AOAC Official Method 990.28 to determine sulfite concentrations in foods.

On our own initiative, we have revised the rule to add another location where the referenced materials can be found. For example, the proposed rule, at § 101.100(a)(4)(i) and (ii), stated that the referenced materials are available from AOAC International and are available for inspection at the National Archives and Records Administration (NARA). The final rule now contains a new § 101.100(j), which states that the referenced materials are available from AOAC International, are available for inspection at NARA, and also are available at FDA's Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. We made a similar change to § 130.9.

IV. Legal Authority

FDA is issuing this final rule to amend part 101 under sections 403(i)(2), 403(a), 201(n), and 701(a) of the FD&C Act. Specifically, FDA is amending § 101.100(a)(4), which describes the analytical method FDA uses to determine whether there is a detectable

amount of sulfite in a finished nonstandardized food.

Section 403(i)(2) of the FD&C Act requires that all of the ingredients in a nonstandardized food be declared on the label of that food unless FDA has exempted the ingredients from such requirements. FDA established such an exemption in § 101.100(a)(3) for ''incidental additives'' that are present in foods at insignificant levels and that do not have any technical or functional effect in the foods. Under § 101.100(a)(4), sulfiting agents will be considered to be present in foods in insignificant amounts only if no detectable amount of sulfite is present in the finished food; a detectable amount of a sulfiting agent is 10 parts per million (ppm) or more. Additionally, section 701 of the FD&C Act permits FDA to promulgate regulations for the efficient enforcement of the FD&C Act. Updating the analytical method FDA will use to determine whether there is a detectable amount of sulfites in a finished nonstandardized food will allow FDA to use current scientific technology for the efficient enforcement of the food labeling requirements.

We also are amending parts 101 and 130 under sections 403(a) and 201(n) of the FD&C Act. Pursuant to § 130.9, standardized foods containing sulfiting agents that are functional or that are present in the finished food at a detectable amount (10 ppm or more) are deemed misbranded unless the presence of the sulfiting agents is declared on the label. This provision also describes the analytical methods, which are the same as in part 101, for determining the presence of sulfiting agents in food. Section 403(a) of the FD&C Act states that a food is misbranded if its labeling is false or misleading in any particular. Under section 201(n) of the FD&C Act, the extent to which labeling fails to reveal material facts with respect to the consequences that may result from the use of an article under the conditions of use in the labeling or as customary or usual shall be taken into account in determining whether the labeling of that article is misleading. Because sulfiting agents can cause allergic-type responses of unpredictable severity, the presence of a detectable amount of sulfites (as defined at §§ 101.100(a)(4) and 130.9 as 10 ppm or more of sulfites) in a food is a material fact. Therefore, the failure to label a food as containing sulfiting agents renders that label misleading and the food misbranded under sections 403(a) and 201(n) of the FD&C Act.

The final rule updates the incorporation by reference for the current analytical method in parts 101 and 130 and also identifies a new analytical method that we can use in testing for sulfites in foods to determine compliance. The final rule does not require other entities to use these methods. Other entities are free to determine the correlation between the official FDA-designated methods and the entity's scientifically appropriate method of choice for determining sulfite concentrations in foods and to use their method of choice as they see fit, recognizing that FDA will rely on the methods established by this rulemaking.

V. Comments on the Proposed Rule and FDA Response

There were two comments to the proposed rule. Both comments expressed general support for the rule.

As the comments did not raise any issues, we have not revised the rule in response to the comments. However, as mentioned earlier, we have, on our own initiative, revised the citation to refer to the ''Official Methods of Analysis'' instead of ''Official Methods of Analysis of AOAC INTERNATIONAL'' to correspond to how the publication is named currently.

We describe the final rule as follows:

- Our regulations at §§ 101.100(a)(4) and 130.9(a) specify the analytical method that FDA uses for determining sulfite concentrations in food. Both regulations establish the method of analysis in two steps. The first step incorporates by reference Sections 20.123–20.125, ''Total Sulfurous Acid,'' in ''Official Methods of Analysis of the Association of Official Analytical Chemists,'' 14th Ed. (1984); this method is known as the Monier-Williams method. The second step refines the Monier-Williams method to improve accuracy and reproducibility and make the method suitable for detecting sulfite concentrations as low as 10 ppm; the modifications are included in appendix A at part 101. Collectively, the Monier-Williams method with the appendix A at part 101 modifications is referred to as the ''optimized Monier-Williams method.''

After we incorporated by reference the Monier-Williams method and implemented the modifications to that method in appendix A at part 101, the AOAC amended the Official Methods of Analysis to include ''Official Method 990.28, Optimized Monier-Williams Method,'' which is the same as the two-step process in FDA's regulations; *i.e.,* the Monier-Williams method and the refinements to the Monier-Williams method in appendix A at part 101. Consequently, the final rule revises our regulations to reflect the citation to the current AOAC method for determining sulfite concentrations in food but does not result in a change in FDA methodology. Specifically, the final rule amends §§ 101.100(a)(4) and 130.9(a) to replace the existing incorporation by reference with ''AOAC Official Method 990.28, Sulfites in Foods, Optimized Monier-Williams Method,'' Section 47.3.43, *Official Methods of Analysis,* 21st Edition (2019), and to remove appendix A at part 101. (On our own initiative, we also revised the citation to refer to the *Official Methods of Analysis* instead of *Official Methods of Analysis of AOAC INTERNATIONAL* to correspond to how the publication is named currently.)

- The final rule also amends §§ 101.100(a)(4) and 130.9(a) to add an LC–MS/MS method for determining sulfite concentrations in foods. This method is a faster and more sensitive way to determine sulfite concentrations in foods. FDA's current methodology is an acceptable method for quantifying sulfites, but (among other things) is time-consuming, has a method detection limit of 10 ppm, and is unable to accurately determine sulfite concentrations in some samples. The LC–MS/MS method is a more rapid, specific alternative to Official Method 990.28, with a lower detection limit, and has been validated by other labs to ensure its accuracy for widespread use. Sample preparation using the LC–MS/MS method involves routine extraction techniques that can easily be batched, allowing for the completion of as many as 30 samples by a single analyst in a single day. By using the LC–MS/MS method, FDA can improve efficiency in testing and better enforce the labeling requirements for sulfites.
- The final rule also amends the unit of measure specified in §§ 101.100(a)(4) and 130.9(a) to include milligrams per kilogram, which is equivalent to parts per million, to be consistent with the unit of measure specified in the new analytical method.
- As explained earlier in section III, we also revised the final rule to restate where the referenced materials can be found and included FDA's Dockets Management Staff as a location where the referenced materials can be found.

VI. Effective/Compliance Date(s)

The preamble to the proposed rule said that we would make any final rule resulting from the rulemaking effective 30 days after its date of publication in the **Federal Register** (84 FR 48809 at 48812).

We did not receive any comments on the proposed effective date. Therefore, the final rule will become effective on February 17, 2022.

VII. Economic Analysis of Impacts

We have examined the impacts of this rule under Executive Order 12866, Executive Order 13563, the Regulatory Flexibility Act (5 U.S.C. 601–612), and the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). Executive Orders 12866 and 13563 direct us to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). We believe that the final rule is not a significant regulatory action as defined by Executive Order 12866.

The Regulatory Flexibility Act requires us to analyze regulatory options that would minimize any significant impact of a rule on small entities. Because the scope of this rule is limited to FDA, we certify that the final rule will not have a significant economic impact on a substantial number of small entities.

The Unfunded Mandates Reform Act of 1995 (section 202(a)) requires us to prepare a written statement, which includes an assessment of anticipated costs and benefits, before issuing ''any rule that includes any 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 $158 million, using the most current (2020) Implicit Price Deflator for the Gross Domestic Product. The final rule will not result in an expenditure in any year that meets or exceeds this amount.

The final rule amends the regulations that specify the method of analysis that FDA uses to determine the concentration of sulfites in foods. The currently specified method of analysis is the optimized Monier-Williams method. The final rule updates the incorporation by reference for FDA's current methodology and adds to this a recently developed, accurate, and more efficient analytical method of analysis, referred to as the LC–MS/MS method. The LC–MS/MS method will serve as the primary method used by FDA to determine sulfite concentrations in foods.

The benefits of this final rule are the cost savings, in the form of time savings, associated with use of the LC–MS/MS method. There is no impact from the update to the incorporation by reference for FDA's current methodology (*i.e.,* the optimized Monier-Williams method) because only the reference will change, not the method. Over a 10-year time horizon, at a three percent discount rate, the present value of estimated benefits is $1.08 million, with a lower bound of $0.57 million and an upper bound of $1.72 million. At a seven percent discount rate, the present value of estimated benefits is $0.89 million, with a lower bound of $0.47 million and an upper bound of $1.41 million. In table 1, annualized estimated benefits range from $0.07 million to $0.2 million per year, with a primary estimate of $0.13 million per year, using either a three or seven percent discount rate.

The cost of this final rule consists of both one-time validation costs and recurring materials costs associated with use of the LC–MS/MS method. Over a 10-year time horizon, at a three percent discount rate, the present value of total estimated costs is $0.20 million, with a lower bound of $0.19 million and an upper bound of $0.21 million. At a seven percent discount rate, the present value of total estimated costs is $0.17 million, with a lower bound of $0.16 million and an upper bound of $0.18 million. In table 1, estimated annualized costs are $0.02 million per year, using either a three or seven percent discount rate.

The estimated net benefits of this final rule are defined as the difference between the estimated benefits and the estimated costs of the rule. Over a 10-year time horizon, at a three percent discount rate, the present value of estimated net benefits ranges from $0.38 million to $1.51 million, with a primary estimate of $0.88 million. At a seven percent discount rate, the present value of estimated net benefits ranges from $0.31 million to $1.24 million, with a primary estimate of $0.72 million. Using either a three or seven percent discount rate, annualized estimated net benefits range from $0.04 million to $0.18 million per year, with a primary estimate of $0.10 million per year.

TABLE 1—SUMMARY OF BENEFITS, COSTS, AND DISTRIBUTIONAL EFFECTS OF THE PROPOSED RULE

[Millions of 2019$]

Category	Primary estimate	Low estimate	High estimate	Units			Notes
				Year dollars	Discount rate (%)	Period covered (years)	
Benefits:							
Annualized Monetized $millions/year	$0.13	$0.07	$0.20	2019	7	10	Are cost savings.
	0.13	0.07	0.20	2019	3	10	Are cost savings.
Annualized Quantified					7		
					3		
Qualitative							
Costs:							
Annualized Monetized $millions/year	0.02	0.02	0.03	2019	7	10	
	0.02	0.02	0.02	2019	3	10	
Annualized Quantified					7		
					3		
Qualitative							
Transfers:							
Federal Annualized Monetized $millions/year					7		
					3		
From/To	From:			To:			
Other Annualized Monetized $millions/year					7		
					3		

TABLE 1—SUMMARY OF BENEFITS, COSTS, AND DISTRIBUTIONAL EFFECTS OF THE PROPOSED RULE—Continued
[Millions of 2019$]

Category	Primary estimate	Low estimate	High estimate	Units			Notes
				Year dollars	Discount rate (%)	Period covered (years)	
From/To	From:			To:			
Effects: State, Local or Tribal Government. Small Business. Wages. Growth.							

We have developed a comprehensive Economic Analysis of Impacts that assesses the impacts of the final rule. The full analysis of economic impacts is available in the docket for this final rule (Ref. 1) and at *https://www.fda.gov/about-fda/reports/economic-impact-analyses-fda-regulations*.

VIII. Analysis of Environmental Impact

We have determined under 21 CFR 25.30(h) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

IX. Paperwork Reduction Act of 1995

This final rule contains no collection of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

X. Federalism

We have analyzed this final rule in accordance with the principles set forth in Executive Order 13132. We have determined that the rule does not contain policies that have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, we conclude that the rule does not contain policies that have federalism implications as defined in the Executive order and, consequently, a federalism summary impact statement is not required.

XI. Consultation and Coordination With Indian Tribal Governments

We have analyzed this rule in accordance with the principles set forth in Executive Order 13175. We have determined that the rule does not contain policies that would 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. Accordingly, we conclude that the rule does not contain policies that have tribal implications as defined in the Executive order and, consequently, a tribal summary impact statement is not required.

XII. Reference

The following reference is on display in the Dockets Management Staff (see **ADDRESSES**) and is available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday; it is also available electronically at *https://www.regulations.gov*. FDA has verified the website address, as of the date this document publishes in the **Federal Register**, but websites are subject to change over time.

1. FDA, ''Amendment to Add a New Method for the Analysis of Sulfites in Foods: Final Regulatory Impact Analysis,'' 2020. Also available at *https://www.fda.gov/about-fda/reports/economic-impact-analyses-fda-regulations*.

List of Subjects

21 CFR Part 101

Food labeling, Incorporation by reference, Nutrition, Reporting and recordkeeping requirements.

21 CFR Part 130

Food additives, Food grades and standards, Incorporation by reference.

Therefore, under the Federal Food, Drug, and Cosmetic Act, and under authority delegated to the Commissioner of Food and Drugs, 21 CFR parts 101 and 130 are amended as follows:

PART 101—FOOD LABELING

■ 1. The authority citation for part 101 continues to read as follows:

Authority: 15 U.S.C. 1453, 1454, 1455; 21 U.S.C. 321, 331, 342, 343, 348, 371; 42 U.S.C. 243, 264, 271.

■ 2. Amend § 101.100 by revising paragraph (a)(4) and adding paragraph (j) to read as follows:

§ 101.100 Food; exemptions from labeling.

(a) * * *

(4) For the purposes of paragraph (a)(3) of this section, any sulfiting agent (sulfur dioxide, sodium sulfite, sodium bisulfite, potassium bisulfite, sodium metabisulfite, and potassium metabisulfite) that has been added to any food or to any ingredient in any food and that has no technical effect in that food will be considered to be present in an insignificant amount only if no detectable amount of the agent is present in the finished food. A detectable amount of sulfiting agent is 10 parts per million (ppm or mg/kg) or more of the sulfite in the finished food. Compliance with this paragraph (a)(4) will be determined using either:

(i) Determination of Sulfite in Food by Liquid Chromatography Tandem Mass Spectrometry; or

(ii) AOAC Official Method 990.28.

* * * * *

(j) The standards required in this section are 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. All approved material is available for inspection at the Food and Drug Administration's, Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500, and available from the other sources listed in this paragraph (j). It is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email *fedreg.legal@nara.gov* or go to *www.archives.gov/federal-register/cfr/ibr-locations.html*.

(1) AOAC International, 2275 Research Blvd., Ste. 300, Rockville, MD 20850–3250.

(i) AOAC Official Method 990.28, Sulfites in Foods, Optimized Monier-Williams Method, Section 47.3.43,

Official Methods of Analysis, 21st edition, 2019.

(ii) Determination of Sulfite in Food by Liquid Chromatography Tandem Mass Spectrometry: Collaborative Study, Katherine S. Carlos and Lowri S. De Jager; *Journal of AOAC International,* Vol. 100, No. 6, 2017, pp. 1785–1794.

(2) [Reserved]

Appendix A to Part 101 [Removed and Reserved]

■ 3. Remove and reserve appendix A to part 101.

PART 130—FOOD STANDARDS: GENERAL

■ 4. The authority citation for part 130 continues to read as follows:

Authority: 21 U.S.C. 321, 336, 341, 343, 371.

■ 5. Amend § 130.9 by revising paragraph (a) and adding paragraph (c) to read as follows:

§ 130.9 Sulfites in standardized food.

(a) Any standardized food that contains a sulfiting agent or combination of sulfiting agents that is functional and provided for in the applicable standard or that is present in the finished food at a detectable concentration is misbranded unless the presence of the sulfiting agent or agents is declared on the label of the food. A detectable amount of sulfiting agent is 10 parts per million (ppm or mg/kg) or more of the sulfite in the finished food. The concentration of sulfite in the finished food will be determined using either:

(1) Determination of Sulfite in Food by Liquid Chromatography Tandem Mass Spectrometry; or

(2) AOAC Official Method 990.28.

* * * * *

(c) The standards required in this section are 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. All approved material is available for inspection at the Food and Drug Administration, Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500, and available from AOAC International, 2275 Research Blvd., Ste. 300, Rockville, MD 20850–3250. It is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email *fedreg.legal@nara.gov* or go to *www.archives.gov/federal-register/cfr/ibr-locations.html.*

(1) AOAC Official Method 990.28, Sulfites in Foods, Optimized Monier-Williams Method, Section 47.3.43, Official Methods of Analysis, 21st edition, 2019.

(2) Determination of Sulfite in Food by Liquid Chromatography Tandem Mass Spectrometry: Collaborative Study, Katherine S. Carlos and Lowri S. De Jager; *Journal of AOAC International,* Vol. 100, No. 6, 2017, pp. 1785–1794.

Dated: January 11, 2022.

Janet Woodcock,

Acting Commissioner of Food and Drugs.

[FR Doc. 2022–00816 Filed 1–14–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 870

[Docket No. FDA–2021–N–0914]

Medical Devices; Cardiovascular Devices; Classification of the Electrocardiograph Software for Over-the-Counter Use

AGENCY: Food and Drug Administration, Department of Health and Human Services (HHS).

ACTION: Final amendment; final order.

SUMMARY: The Food and Drug Administration (FDA, Agency, or we) is classifying the electrocardiograph software for over-the-counter use into class II (special controls). The special controls that apply to the device type are identified in this order and will be part of the codified language for the electrocardiograph software for over-the-counter use's classification. We are taking this action because we have determined that classifying the device into class II (special controls) will provide a reasonable assurance of safety and effectiveness of the device. We believe this action will also enhance patients' access to beneficial innovative devices.

DATES: This order is effective January 18, 2022. The classification was applicable on September 11, 2018.

FOR FURTHER INFORMATION CONTACT: Luke Ralston, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 2311, Silver Spring, MD 20993–0002, 301–796–6362, *Luke.Ralston@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Upon request, FDA has classified the electrocardiograph software for over-the-counter use as class II (special controls), which we have determined will provide a reasonable assurance of safety and effectiveness. In addition, we believe this action will enhance patients' access to beneficial innovation, by placing the device into a lower device class than the automatic class III assignment.

The automatic assignment of class III occurs by operation of law and without any action by FDA, regardless of the level of risk posed by the new device. Any device that was not in commercial distribution before May 28, 1976, is automatically classified as, and remains within, class III and requires premarket approval unless and until FDA takes an action to classify or reclassify the device (see 21 U.S.C. 360c(f)(1)). We refer to these devices as ''postamendments devices'' because they were not in commercial distribution prior to the date of enactment of the Medical Device Amendments of 1976, which amended the Federal Food, Drug, and Cosmetic Act (FD&C Act).

FDA may take a variety of actions in appropriate circumstances to classify or reclassify a device into class I or II. We may issue an order finding a new device to be substantially equivalent under section 513(i) of the FD&C Act (see 21 U.S.C. 360c(i)) to a predicate device that does not require premarket approval. We determine whether a new device is substantially equivalent to a predicate device by means of the procedures for premarket notification under section 510(k) of the FD&C Act (21 U.S.C. 360(k)) and part 807 (21 CFR part 807).

FDA may also classify a device through ''De Novo'' classification, a common name for the process authorized under section 513(f)(2) of the FD&C Act. Section 207 of the Food and Drug Administration Modernization Act of 1997 established the first procedure for De Novo classification (Pub. L. 105–115). Section 607 of the Food and Drug Administration Safety and Innovation Act modified the De Novo application process by adding a second procedure (Pub. L. 112–144). A device sponsor may utilize either procedure for De Novo classification.

Under the first procedure, the person submits a 510(k) for a device that has not previously been classified. After receiving an order from FDA classifying the device into class III under section 513(f)(1) of the FD&C Act, the person then requests a classification under section 513(f)(2).

Under the second procedure, rather than first submitting a 510(k) and then a request for classification, if the person determines that there is no legally marketed device upon which to base a determination of substantial

equivalence, that person requests a classification under section 513(f)(2) of the FD&C Act.

Under either procedure for De Novo classification, FDA is required to classify the device by written order within 120 days. The classification will be according to the criteria under section 513(a)(1) of the FD&C Act. Although the device was automatically placed within class III, the De Novo classification is considered to be the initial classification of the device.

We believe this De Novo classification will enhance patients' access to beneficial innovation. When FDA classifies a device into class I or II via the De Novo process, the device can serve as a predicate for future devices of that type, including for 510(k)s (see section 513(f)(2)(B)(i) of the FD&C Act). As a result, other device sponsors do not have to submit a De Novo request or premarket approval application to market a substantially equivalent device (see section 513(i) of the FD&C Act, defining ''substantial equivalence''). Instead, sponsors can use the less-burdensome 510(k) process, when necessary, to market their device.

II. De Novo Classification

On August 14, 2018, FDA received Apple Inc.'s request for De Novo classification of the ECG App. FDA reviewed the request in order to classify the device under the criteria for classification set forth in section 513(a)(1) of the FD&C Act.

We classify devices into class II if general controls by themselves are insufficient to provide reasonable assurance of safety and effectiveness, but there is sufficient information to establish special controls that, in combination with the general controls, provide reasonable assurance of the safety and effectiveness of the device for its intended use (see 21 U.S.C. 360c(a)(1)(B)). After review of the information submitted in the request, we determined that the device can be classified into class II with the establishment of special controls. FDA has determined that these special controls, in addition to the general controls, will provide reasonable assurance of the safety and effectiveness of the device.

Therefore, on September 11, 2018, FDA issued an order to the requester classifying the device into class II. In this final order, FDA is codifying the classification of the device by adding 21 CFR 870.2345.[1] We have named the generic type of device electrocardiograph software for over-the-counter use, and it is identified as a device that creates, analyzes, and displays electrocardiograph data and can provide information for identifying cardiac arrhythmias. This device is not intended to provide a diagnosis.

FDA has identified the following risks to health associated specifically with this type of device and the measures required to mitigate these risks in table 1.

TABLE 1—ELECTROCARDIOGRAPH SOFTWARE FOR OVER-THE-COUNTER USE RISKS AND MITIGATION MEASURES

Identified risks	Mitigation measures
Poor quality electrocardiograph (ECG) signal resulting in failure to detect arrhythmia.	Clinical performance testing, Human factors testing, and Labeling.
Misinterpretation and/or over-reliance on device output, leading to: • Failure to seek treatment despite acute symptoms • Discontinuing or modifying treatment for chronic heart condition	Human factors testing, and Labeling.
False negative resulting in failure to identify arrhythmia and delay of further evaluation or treatment.	Clinical performance testing, Software verification, validation, and hazard analysis; Non-clinical performance testing; and Labeling.
False positive resulting in additional unnecessary medical procedures ..	Clinical performance testing; Software verification, validation, and hazard analysis; Non-clinical performance testing; and Labeling.

FDA has determined that special controls, in combination with the general controls, address these risks to health and provide reasonable assurance of safety and effectiveness. For a device to fall within this classification, and thus avoid automatic classification in class III, it would have to comply with the special controls named in this final order. The necessary special controls appear in the regulation codified by this order. This device is subject to premarket notification requirements under section 510(k) of the FD&C Act.

III. Analysis of Environmental Impact

The Agency has determined under 21 CFR 25.34(b) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

IV. Paperwork Reduction Act of 1995

This final order establishes special controls that refer to previously approved collections of information found in other FDA regulations and guidance. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). The collections of information in the guidance document ''De Novo Classification Process (Evaluation of Automatic Class III Designation)'' have been approved under OMB control number 0910–0844; the collections of information in 21 CFR part 814, subparts A through E, regarding premarket approval, have been approved under OMB control number 0910–0231; the collections of information in part 807, subpart E, regarding premarket notification submissions, have been approved under OMB control number 0910–0120; the collections of information in 21 CFR part 820, regarding quality system regulation, have been approved under OMB control number 0910–0073; and the collections of information in 21 CFR part 801, regarding labeling, have been approved under OMB control number 0910–0485.

List of Subjects in 21 CFR Part 870

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 870 is amended as follows:

[1] FDA notes that the ''ACTION'' caption for this final order is styled as ''Final amendment; final order,'' rather than ''Final order.'' Beginning in December 2019, this editorial change was made to indicate that the document ''amends'' the Code of Federal Regulations. The change was made in accordance with the Office of Federal Register's (OFR) interpretations of the Federal Register Act (44 U.S.C. chapter 15), its implementing regulations (1 CFR 5.9 and parts 21 and 22), and the Document Drafting Handbook.

PART 870—CARDIOVASCULAR DEVICES

■ 1. The authority citation for part 870 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 360*l,* 371.

■ 2. Add § 870.2345 to subpart C to read as follows:

§ 870.2345 Electrocardiograph software for over-the-counter use.

(a) *Identification.* An electrocardiograph software device for over-the-counter use creates, analyzes, and displays electrocardiograph data and can provide information for identifying cardiac arrhythmias. This device is not intended to provide a diagnosis.

(b) *Classification.* Class II (special controls). The special controls for this device are:

(1) Clinical performance testing under anticipated conditions of use must demonstrate the following:

(i) The ability to obtain an electrocardiograph of sufficient quality for display and analysis; and

(ii) The performance characteristics of the detection algorithm as reported by sensitivity and either specificity or positive predictive value.

(2) Software verification, validation, and hazard analysis must be performed. Documentation must include a characterization of the technical specifications of the software, including the detection algorithm and its inputs and outputs.

(3) Non-clinical performance testing must validate detection algorithm performance using a previously adjudicated data set.

(4) Human factors and usability testing must demonstrate the following:

(i) The user can correctly use the device based solely on reading the device labeling; and

(ii) The user can correctly interpret the device output and understand when to seek medical care.

(5) Labeling must include:

(i) Hardware platform and operating system requirements;

(ii) Situations in which the device may not operate at an expected performance level;

(iii) A summary of the clinical performance testing conducted with the device;

(iv) A description of what the device measures and outputs to the user; and

(v) Guidance on interpretation of any results.

Dated: January 7, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–00827 Filed 1–14–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF THE INTERIOR

National Indian Gaming Commission

25 CFR Part 575

Annual Adjustment of Civil Monetary Penalty To Reflect Inflation

AGENCY: National Indian Gaming Commission.

ACTION: Final rule.

SUMMARY: In compliance with the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (the Act) and Office of Management and Budget (OMB) guidance, the National Indian Gaming Commission (NIGC or Commission) is amending its civil monetary penalty rule to reflect an annual adjustment for inflation in order to improve the penalty's effectiveness and maintain its deterrent effect. The Act provides that the new penalty level must apply to penalties assessed after the effective date of the increase, including when the penalties whose associated violation predate the increase.

DATES: This rule is effective January 18, 2022. This final rule is applicable beginning on January 15, 2022.

FOR FURTHER INFORMATION CONTACT: Armando J. Acosta, Senior Attorney, Office of General Counsel, National Indian Gaming Commission, at (202) 632–7003; fax (202) 632–7066 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

I. Background

On November 2, 2015, the President signed into law the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Sec. 701 of Pub. L. 114–74). Beginning in 2017, the Act requires agencies to make annual inflationary adjustments to their civil monetary penalties by January 15th of each year, in accordance with annual OMB guidance.

II. Calculation of Annual Adjustment

In December of every year, OMB issues guidance to agencies to calculate the annual adjustment. According to OMB, the cost-of-living adjustment multiplier for fiscal year 2022 is 1.06222, based on the Consumer Price Index for the month of October 2021, not seasonally adjusted.

Pursuant to this guidance, the Commission has calculated the annual adjustment level of the civil monetary penalty contained in 25 CFR 575.4 (''The Chairman may assess a civil fine, not to exceed $54,157 per violation, against a tribe, management contractor, or individual operating Indian gaming for each notice of violation . . .''). The 2022 adjusted level of the civil monetary penalty is $57,527 ($54,157 × 1.06222).

III. Regulatory Matters

Regulatory Planning and Review

This final rule is not a significant rule under Executive Order 12866.

(1) This rule will not have an effect of $100 million or more on the economy or will not adversely affect, in a material way, the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities.

(2) This rule will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency.

(3) This rule does not involve entitlements, grants, user fees, or loan programs or the rights or obligations of recipients.

(4) This regulatory change does not raise novel legal or policy issues.

Regulatory Flexibility Act

The Commission certifies that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because the rule makes annual adjustments for inflation.

Small Business Regulatory Enforcement Fairness Act

This final rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. It will not result in the expenditure by state, local, or tribal governments, in the aggregate, or by the private sector of $100 million or more in any one year. The rule will not result in a major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions. Nor will this rule have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of the U.S.-based enterprises to compete with foreign-based enterprises.

Unfunded Mandates Reform Act

This final rule does not impose an unfunded mandate of more than $100 million per year on state, local, or tribal

governments or the private sector. The rule also does not have a significant or unique effect on state, local, or tribal governments or the private sector. Therefore, a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

Takings

Under the criteria in Executive Order 12630, this final rule does not affect individual property rights protected by the Fifth Amendment nor does it involve a compensable ''taking.'' Thus, a takings implication assessment is not required.

Federalism

Under the criteria in Executive Order 13132, this final rule has no 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.

Civil Justice Reform

This final rule complies with the requirements of Executive Order 12988. Specifically, this rule has been reviewed to eliminate errors and ambiguity and written to minimize litigation. It is written in clear language and contains clear legal standards.

Consultation With Indian Tribes

In accordance with the President's memorandum of April 29, 1994, *Government-to-Government Relations with Native American Tribal Governments,* Executive Order 13175 (59 FR 22951, November 6, 2000), the Commission has determined that consultations with Indian gaming tribes is not practicable, as Congress has mandated that annual civil penalty adjustments in the Act be implemented no later than January 15th of each year.

Paperwork Reduction Act

This final rule does not affect any information collections under the Paperwork Reduction Act.

National Environmental Policy Act

This final rule does not constitute a major Federal action significantly affecting the quality of the human environment.

Information Quality Act

In developing this final rule, the Commission did not conduct or use a study, experiment, or survey requiring peer review under the Information Quality Act (Pub. L. 106–554).

Effects on the Energy Supply

This final rule is not a significant energy action under the definition in Executive Order 13211. A Statement of Energy Effects is not required.

Clarity of This Regulation

The Commission is 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 that the Commission publishes must:

(a) Be logically organized;

(b) use the active voice to address readers directly;

(c) use clear language rather than jargon;

(d) be divided into short sections and sentences; and

(e) use lists and tables wherever possible.

Required Determinations Under the Administrative Procedure Act

In accordance with the Act, agencies are to annually adjust civil monetary penalties without providing an opportunity for notice and comment, and without a delay in its effective date. Therefore, the Commission is not required to complete a notice and comment process prior to promulgation.

List of Subjects in 25 CFR Part 575

Administrative practice and procedure, Gaming, Indian lands, Penalties.

For the reasons set forth in the preamble, the Commission amends 25 CFR part 575 as follows:

PART 575—CIVIL FINES

■ 1. The authority citation for part 575 continues to read as follows:

Authority: 25 U.S.C. 2705(a), 2706, 2713, 2715; and Sec. 701, Pub. L. 114–74, 129 Stat. 599.

§ 575.4 [Amended]

■ 2. Amend the introductory text of § 575.4 by removing ''$54,157'' and adding in its place ''$57,527''.

Dated: January 12, 2022.

E. Sequoyah Simermeyer,

Chairman.

Jeannie C. Hovland,

Vice Chair.

[FR Doc. 2022–00835 Filed 1–14–22; 8:45 am]

BILLING CODE 7565–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2022–0006]

RIN 1625–AA00

Safety Zone; St. Clair Icy Bazaar Fireworks, St. Clair River, MI

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

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters within a 50-yard radius of a portion of the St. Clair River, St. Clair, MI. This zone is necessary to protect spectators and vessels from potential hazards associated with the St. Clair Icy Bazaar Fireworks.

DATES: This temporary final rule is effective from 6 p.m. on January 22, 2022, through 6:30 p.m. on January 23, 2022.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2022–0006 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, call or email Tracy Girard, Prevention Department, Sector Detroit, Coast Guard; telephone 313–568–9564, or email *Tracy.M.Girard@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port Detroit
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b) (B), the Coast Guard finds that

good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because doing so would be impracticable. The Coast Guard did not receive the final details of this fireworks display in time to publish an NPRM. As such, it is impracticable to publish an NPRM because we lack sufficient time to provide a reasonable comment period and then consider those comments before issuing the rule. To provide such a comment period would prevent the Coast Guard from enforcing the safety zone at the time of the event, leaving the public in danger from the hazards associated with a firework display.

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 Detroit (COTP) has determined that potential hazard associated with fireworks from 6 p.m. on January 22, 2022, through 6:30 p.m. on January 23, 2022, will be a safety concern to anyone within a 50-yard radius of the launch site. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while the fireworks are being displayed.

IV. Discussion of the Rule

This rule establishes a safety zone from 6 p.m. on January 22, 2022, through 6:30 p.m. on January 23, 2022. The safety zone will be enforced from 6 p.m. until 6:30 p.m. on January 22, 2022. In the case of predicted inclement weather on January 22, 2022, this safety zone will be enforced from 6 p.m. to 6:30 p.m. on January 23, 2022. The safety zone will encompass all U.S. navigable waters of the St. Clair River, St. Clair, MI, within a 50-yard radius of position 42°49.477′ N, 082°29.107′ W (NAD 83). No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration, and time-of-year of the safety zone. Vessel traffic will be able to safely transit around this safety zone which will impact a small designated area of the St. Clair River from 6 p.m. until 6:30 p.m. on January 22, 2022, or January 23, 2022. Moreover, the Coast Guard will issue Broadcast Notice to Mariners (BNM) via VHF–FM marine channel 16 about the zone and the rule allows vessels to seek permission to enter the zone.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section 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 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 lasting less than one hour that will prohibit entry into a designated area. It is categorically excluded from further review under paragraph L60(a) in Table 3–1 of U.S. Coast Guard Environmental Planning Implementing Procedures 5090.1. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T09–0006 to read as follows:

§ 165.T09–0006 Safety Zone; St. Clair Icy Bazaar Fireworks, St. Clair River, MI.

(a) *Location.* A safety zone is established to include all U.S. navigable waters of the St. Clair River, St. Clair, MI, within a 50-yard radius of position 42°49.477′ N, 082°29.107′ W (NAD 83).

(b) *Enforcement period.* The regulated area described in paragraph (a) of this section will be enforced from 6 p.m. until 6:30 p.m. on January 22, 2022. In the case of inclement weather on January 22, 2022, this safety zone will be enforced from 6 p.m. to 6:30 p.m. on January 23, 2022.

(c) *Regulations.* (1) No vessel or person may enter, transit through, or anchor within the safety zone unless authorized by the Captain of the Port Detroit (COTP), or his on-scene representative.

(2) The safety zone is closed to all vessel traffic, except as may be permitted by the COTP or his on-scene representative.

(3) The ''on-scene representative'' of COTP is any Coast Guard commissioned, warrant or petty officer or a Federal, State, or local law enforcement officer designated by or assisting the Captain of the Port Detroit to act on his behalf.

(4) Vessel operators shall contact the COTP or his on-scene representative to obtain permission to enter or operate within the safety zone. The COTP or his on-scene representative may be contacted via VHF Channel 16 or at (313) 568–9464. Vessel operators given permission to enter or operate in the regulated area must comply with all directions given to them by the COTP or his on-scene representative.

Dated: January 5, 2022.

Brad W. Kelly,

Captain, U.S. Coast Guard, Captain of the Port Detroit.

[FR Doc. 2022–00792 Filed 1–14–22; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2022–0020]

RIN 1625–AA87

Security Zones; Corpus Christi Ship Channel, Corpus Christi, TX

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

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing two temporary, 500-yard radius, moving security zones for certain Liquefied Natural Gas Carriers (LNGC) within the Corpus Christi Ship Channel and La Quinta Channel. The security zones are needed to protect the vessels and the marine environment from potential hazards created by Liquefied Natural Gas (LNG) cargo aboard the vessels. Entry of vessels or persons into these zones is prohibited unless specifically authorized by the Captain of the Port Sector Corpus Christi or a designated representative.

DATES: This rule is effective without actual notice from 12:01 a.m. until 11:59 p.m. on January 18, 2022. For the purposes of enforcement, actual notice will be used from January 12, 2022, until 12:01 a.m. on January 18, 2022.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Commander Anthony Garofalo, Sector Corpus Christi Waterways Management Division, U.S. Coast Guard; telephone 361–939–5130, email *Anthony.M.Garofalo@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port Sector Corpus Christi
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. We must establish these security zones by January 12, 2022, to ensure security of these vessels and lack sufficient time to provide a reasonable comment period and then consider those comments before issuing the rule.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be contrary to the public interest because immediate action is needed to provide for the security of these vessels.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port Sector Corpus Christi (COTP) has determined that potential hazards associated with the transit of the Motor Vessel (M/V) GASLOG WALES and M/V VALENCIA KNUTSEN when loaded will be a security concern within a 500-yard radius of the vessels. This rule is needed to protect the vessels while the vessels are transiting within Corpus Christi, TX,

from January 12, 2022 through January 18, 2022.

IV. Discussion of the Rule

The Coast Guard is establishing two 500-yard radius temporary moving security zones around M/V GASLOG WALES and M/V VALENCIA KNUTSEN. The zones for the vessels will be enforced from the time the first vessel departs loaded on January 12, 2022, until the last vessels departs the Corpus Christi Ship Channel and La Quinta Channel loaded on January 18, 2022. The duration of the zones is intended to protect the vessels and cargo on board while the vessels are in transit. No vessel or person will be permitted to enter the security zones without obtaining permission from the COTP or a designated representative.

Entry into these security zones is prohibited unless authorized by the COTP or a designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard (USCG) assigned to units under the operational control of USCG Sector Corpus Christi. Persons or vessels desiring to enter or pass through this zone must request permission from the COTP or a designated representative on VHF–FM channel 16 or by telephone at 361–939–0450. If permission is granted, all persons and vessels shall comply with the instructions of the COTP or designated representative. The COTP or a designated representative will inform the public through Broadcast Notices to Mariners (BNMs), Local Notices to Mariners (LNMs), and/or Marine Safety Information Bulletins (MSIBs) as appropriate of the enforcement times and dates for this security zone.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, duration, and location of the security zones. This rule will impact a small designated area of 500-yards around the vessels in the Corpus Christi Ship Channel and La Quinta Channel over a 4 hour period of time as each vessel transits the channel. Moreover, the rule allows vessels to seek permission to enter the zones.

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 temporary security zones may be small entities, for the reasons stated in section V.A above, this rule will not have a significant economic impact on any vessel owner or operator.

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section 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 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 moving security zones lasting for the duration of time that the M/V GASLOG WALES and M/V VALENCIA KNUTSEN are within the Corpus Christi Ship Channel and La Quinta Channel while loaded with

cargo. It will prohibit entry within a 500 yard radius of M/V GASLOG WALES and M/V VALENCIA KNUTSEN while the vessels are transiting loaded within Corpus Christi Ship Channel and La Quinta Channel. It is categorically excluded from further review under L60 in Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T08–0020 to read as follows:

§ 165.T08–0020 Security Zones; Corpus Christi Ship Channel, Corpus Christi, TX.

(a) *Location.* The following areas are two security zones: All navigable waters encompassing a 500-yard radius around each of the following vessels: M/V GASLOG WALES and M/V VALENCIA KNUTSEN while the vessels are in the Corpus Christi Ship Channel and La Quinta Channel.

(b) *Effective period.* This section is effective without actual notice from 12:01 a.m. until 11:59 p.m. on January 18, 2022. For the purposes of enforcement, actual notice will be used from January 12, 2022, until 12:01 a.m. on January 18, 2022.

(c) *Regulations.* (1) The general regulations in § 165.33 apply. Entry into the zones is prohibited unless authorized by the Captain of the Port Sector Corpus Christi (COTP) or a designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard (USCG) assigned to units under the operational control of USCG Sector Corpus Christi.

(2) Persons or vessels desiring to enter or pass through the zones must request permission from the COTP Sector Corpus Christi on VHF–FM channel 16 or by telephone at 361–939–0450.

(3) If permission is granted, all persons and vessels shall comply with the instructions of the COTP or designated representative.

(d) *Information broadcasts.* The COTP or a designated representative will inform the public through Broadcast Notices to Mariners (BNMs), Local Notices to Mariners (LNMs), and/or Marine Safety Information Bulletins (MSIBs) as appropriate of the enforcement times and dates for these security zones.

Dated: January 11, 2022.

H.C. Govertsen,

Captain, U.S. Coast Guard, Captain of the Port Sector Corpus Christi.

[FR Doc. 2022–00786 Filed 1–14–22; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2017–0583; EPA–R05–OAR–2019–0311; EPA–R05–OAR–2020–0501; FRL 9056–03–R5]

Air Plan Approval; Illinois; Removal of Infrastructure SIP Requirements for the 2012 $PM_{2.5}$ and 2015 Ozone NAAQS

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Due to the receipt of an adverse comment on a direct final rule published on September 29, 2021, the Environmental Protection Agency (EPA) is revising its regulations approving elements of a State Implementation Plan revision submitted by the Illinois Environmental Protection Agency on September 29, 2017, May 16, 2019, and September 22, 2020. The submitted revisions were intended to address the infrastructure requirements of section 110 of the Clean Air Act for the 2012 annual fine particulate matter ($PM_{2.5}$) and 2015 ozone National Ambient Air Quality Standards (NAAQS).

DATES: This final rule is effective January 18, 2022.

FOR FURTHER INFORMATION CONTACT: Olivia Davidson, Environmental Scientist, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–0266. *davidson.olivia@epa.gov.* The EPA Region 5 office is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays and facility closures due to COVID–19.

SUPPLEMENTARY INFORMATION: EPA published a direct final rule on September 29, 2021 (86 FR 53872), approving elements of a State Implementation Plan (SIP) revision submitted by the State of Illinois regarding the infrastructure requirements of section 110 of the Clean Air Act (CAA) for the 2012 $PM_{2.5}$ and 2015 ozone NAAQS and approving the infrastructure requirements related to Prevention of Significant Deterioration (PSD) for previous NAAQS. In the direct final rule, EPA stated that if adverse comments were received by October 29, 2021, the rule would be withdrawn and not take effect. On October 27, 2021, EPA received a comment. EPA believes this comment is adverse and, therefore, EPA is revising its regulations because EPA was unable to withdraw the direct final rule before it took effect. EPA will address the comment in a subsequent final action based upon the proposed action also published on September 29, 2021. *See* 86 FR 53915. EPA will not institute a second comment period on this action.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Particulate matter.

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

Dated: January 11, 2022.

Debra Shore,

Regional Administrator, Region 5.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

■ 2. In § 52.720, the table in paragraph (e) is amended under the heading ''Section 110(a)(2) Infrastructure Requirements'' by:

■ a. Revising the entries for ''1997 8-hour Ozone NAAQS Infrastructure Requirements'', ''1997 $PM_{2.5}$ NAAQS Infrastructure Requirements'', ''2006 24-hour $PM_{2.5}$ NAAQS Infrastructure

Requirements'', ''2008 Lead NAAQS Infrastructure Requirements'', ''2008 Ozone NAAQS Infrastructure Requirements'', ''2010 NO_2 NAAQS Infrastructure Requirements'', ''2010 SO_2 NAAQS Infrastructure Requirements'', and ''2012 $PM_{2.5}$ NAAQS Infrastructure Requirements''; and

■ b. Removing the entry ''2015 Ozone NAAQS Infrastructure Requirements''.

The revisions read as follows:

§ 52.720 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED ILLINOIS NONREGULATORY AND QUASI-REGULATORY PROVISIONS

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Comments
*	*	*	*	* * *
Section 110(a)(2) Infrastructure Requirements				
1997 8-hour Ozone NAAQS Infrastructure Requirements.	Statewide	12/12/2007	7/13/2011, 76 FR 41075	CAA elements 110(a)(2)(A), (B), (C) with respect to enforcement, (D)(ii), (E) through (H), (J) except for prevention of significant deterioration (PSD), and (K) through (M) have been approved. CAA elements 110(a)(2)(C) and (J) with respect to PSD have been disapproved.
1997 $PM_{2.5}$ NAAQS Infrastructure Requirements.	Statewide	12/12/2007	7/13/2011, 76 FR 41075	CAA elements 110(a)(2)(A), (B), (C) with respect to enforcement, (D)(ii), (E) through (H), (J) except for prevention of significant deterioration (PSD), and (K) through (M) have been approved. CAA elements 110(a)(2)(C) and (J) with respect to PSD have been disapproved.
2006 24-hour $PM_{2.5}$ NAAQS Infrastructure Requirements.	Statewide	8/9/2011, supplemented on 8/25/2011, 6/27/2012, and 7/5/2017.	9/23/2019, 84 FR 4967	All CAA infrastructure elements under 110(a)(2) have been approved except (D)(i)(I) [Prongs 1 and 2], (D)(ii), and the PSD portions of (C), (D)(i)(II) [Prong 3], and (J), which have been disapproved. The disapproved elements have Federal Implementation Plans (FIP) in place and no further action is needed.
2008 Lead NAAQS Infrastructure Requirements.	Statewide	12/31/2012 and 7/5/2017.	9/23/2019, 84 FR 49671	All CAA infrastructure elements under 110(a)(2) have been approved except (D)(ii), and the PSD portions of (C), (D)(i)(II) [Prong 3], and (J), which have been disapproved. The disapproved elements have Federal Implementation Plans (FIP) in place and no further action is needed.
2008 Ozone NAAQS Infrastructure Requirements.	Statewide	12/31/2012 and 7/5/2017.	9/23/2019, 84 FR 49671	All CAA infrastructure elements under 110(a)(2) have been approved except (D)(i)(I) [Prongs 1 and 2], (D)(ii), and the PSD portions of (C), (D)(i)(II) [Prong 3], and (J), which have been disapproved. The disapproved elements have Federal Implementation Plans (FIP) in place and no further action is needed.
2010 NO_2 NAAQS Infrastructure Requirements.	Statewide	12/31/2012 and 7/5/2017.	9/23/2019, 84 FR 49671	All CAA infrastructure elements under 110(a)(2) have been approved except (D)(ii), and the PSD portions of (C), (D)(i)(II) [Prong 3], and (J), which have been disapproved. The disapproved elements have Federal Implementation Plans (FIP) in place and no further action is needed.
2010 SO_2 NAAQS Infrastructure Requirements.	Statewide	12/31/2012 and 7/5/2017.	9/23/2019, 84 FR 49671	All CAA infrastructure elements under 110(a)(2) have been approved except (D)(ii), and the PSD portions of (C), (D)(i)(II) [Prong 3], and (J), which have been disapproved, and (D)(i)(I) [Prongs 1 and 2], which have not yet been submitted. The disapproved elements have Federal Implementation Plans (FIP) in place and no further action is needed.
2012 $PM_{2.5}$ NAAQS Infrastructure Requirements.	Statewide	9/29/2017	6/20/2019, 84 FR 28745	Fully approving CAA transport requirements of (D)(i)(I).

[FR Doc. 2022–00785 Filed 1–14–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2015–0699; FRL–9271–02–R5]

Air Plan Approval; Ohio; Partial Approval and Partial Disapproval of the Muskingum River SO_2 Nonattainment Area Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is partially approving and partially disapproving a revision to the Ohio State Implementation Plan (SIP) intended to provide for attainment of the 2010 primary, health-based 1-hour sulfur dioxide (SO_2) national ambient air quality standard (NAAQS or ''standard'') for the Muskingum River SO_2 nonattainment area. This SIP revision (hereinafter referred to as the Muskingum River SO_2 plan or plan) includes Ohio's attainment demonstration and other attainment planning elements required under the Clean Air Act (CAA). By this action, EPA is approving the base year

emissions inventory and affirming that the nonattainment new source review requirements for the area have been met. EPA is disapproving the attainment plan, since the plan relies on, among other things, acquisition of a parcel of land by a facility located within the nonattainment area, Globe Metallurgical (Globe), that has not occurred. Additionally, EPA is disapproving the plan for failing to meet the requirements for meeting reasonable further progress (RFP) toward attainment of the NAAQS, reasonably available control measures/reasonably available control technology (RACM/RACT), emission limitations and control measures as necessary to attain the NAAQS, and contingency measures.

DATES: This final rule is effective on February 17, 2022.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2015–0699. All documents in the docket are listed on the *www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either through *www.regulations.gov* or at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays and facility closures due to COVID–19. We recommend that you telephone Gina Harrison, Environmental Scientist, at (312) 353–6596 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Gina Harrison, Environmental Scientist, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–6956, *harrison.gina@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. What actions did EPA propose in this SIP submission?

On November 30, 2021,[1] EPA proposed to partially approve and partially disapprove Ohio's SO_2 plan for the Muskingum River area submitted on April 3, 2015, and October 13, 2015, and supplemented on June 23, 2020, and June 1, 2021. Prior to the November 30, 2021, proposed rule, on September 29, 2020,[2] EPA proposed to approve Ohio's SO_2 plan for the Muskingum River area. EPA also proposed to approve and incorporate by reference Ohio EPA's DFFOs issued to Globe on June 23, 2020, including emission limits and associated compliance monitoring, recordkeeping, and reporting requirements. In addition, EPA proposed to approve the base year emissions inventory and to affirm that the new source review requirements for the area had previously been met.

EPA's notice of proposed rulemaking provided an explanation of the applicable provisions in the CAA and the measures and limitations identified in Ohio's attainment plan to satisfy these provisions. Ohio's plan was based on, among other things, Globe purchasing a tract of property to the north of the facility that was modeled to be impacted by SO_2 emissions from the facility. EPA found that the inclusion of this property within Globe's fenceline was necessary to demonstrate that no violations of the 1-hour SO_2 NAAQS would occur outside of company property.

On June 1, 2021, EPA learned from Ohio EPA that Globe had decided not to purchase the land as anticipated by the attainment plan. As the attainment demonstration relied on the inclusion of this property within Globe's fenceline, failure to obtain the land renders the attainment demonstration invalid. Without a valid attainment demonstration, the proposed plan does not meet the requirements for meeting RFP toward attainment of the NAAQS, RACM/RACT, emission limitations and control measures as necessary to attain the NAAQS, and contingency measures. Final action to disapprove the attainment demonstration will start sanctions and Federal implementation plan (FIP) clocks for this area under CAA sections 179(a)–(b) and 110(c), respectively. Sanctions and FIP clocks will be terminated by an EPA rulemaking approving a revised attainment demonstration.

II. What is EPA's response to comments received on the proposed rulemaking?

The proposed action described above provided a public comment period that closed on December 30, 2021. EPA received no comments on the proposed action.

III. What action is EPA taking?

EPA is approving the base year emissions inventory and affirming that the new source review requirements for the area have been met. EPA is disapproving Ohio's attainment demonstration for the Muskingum River SO_2 nonattainment area, as well as the requirements for meeting RFP toward attainment of the NAAQS, RACM/RACT, emission limitations and control measures as necessary to attain the NAAQS, and contingency measures.

This disapproval starts sanctions clocks for this area under CAA section 179(a)–(b), including a requirement for 2-for-1 offsets for any major new sources or major modifications 18 months after the effective date of this action, and highway funding sanctions 6 months thereafter, as well as initiate an obligation for EPA to promulgate a FIP within 24 months, under CAA section 110(c), unless in the meantime EPA has approved a plan that satisfies the requirements that EPA is finding unsatisfied. Ohio has committed to submit a supplemental submittal addressing EPA's concerns. Evaluation of such submittal would take place in a subsequent action.

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action partially approves and partially disapproves 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);

[1] 86 FR 67885 (November 30, 2021).

[2] 85 FR 60933 (September 29, 2020).

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

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

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

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

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

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

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 21, 2022. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: January 11, 2022.

Debra Shore,

Regional Administrator, Region 5.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

■ 2. In § 52.1870, the table in paragraph (e) is amended under the heading ''Summary of Criteria Pollutant Attainment Plans'' by adding an entry for ''SO_2 (2010)'' after the entry for ''SO_2 (2010)'' (with a State date of 2/16/2017) to read as follows:

§ 52.1870 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED OHIO NONREGULATORY AND QUASI-REGULATORY PROVISIONS

Title	Applicable geographical or non-attainment area	State date	EPA approval	Comments
*	*	*	*	*
Summary of Criteria Pollutant Attainment Plans				
*	*	*	*	*
SO_2 (2010)	Muskingum River	6/23/2020	1/18/2022, [INSERT **FEDERAL REGISTER** CITATION].	EPA is approving only the emissions inventory and nonattainment NSR elements.
*	*	*	*	*

■ 3. Section 52.1873 is amended by adding paragraph (b) to read as follows:

§ 52.1873 Approval status.

* * * * *

(b) The Administrator disapproves Ohio's attainment demonstration, submitted on April 3, 2015, and October 13, 2015, and supplemented on June 23, 2020, and June 1, 2021, for the Muskingum River SO_2 nonattainment area.

[FR Doc. 2022–00784 Filed 1–14–22; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[RTID 0648–XB717]

Fisheries of the Northeastern United States; Summer Flounder Fishery; Retroactive Quota Transfer From MA to CT

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

ACTION: Notification of quota transfer.

SUMMARY: NMFS announces that the Commonwealth of Massachusetts is transferring a portion of its 2021 commercial summer flounder quota to the State of Connecticut. This retroactive adjustment to the 2021 fishing year quota is necessary to comply with the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan quota transfer provisions. This announcement informs the public of the retroactively revised

2021 commercial quotas for Massachusetts and Connecticut.

DATES: Effective January 12, 2022.

FOR FURTHER INFORMATION CONTACT: Laura Deighan, Fishery Management Specialist, (978) 281–9184.

SUPPLEMENTARY INFORMATION: Regulations governing the summer flounder fishery are found in 50 CFR 648.100 through 648.110. These regulations require annual specification of a commercial quota that is apportioned among the coastal states from Maine through North Carolina. The process to set the annual commercial quota and the percent allocated to each state is described in § 648.102 and final 2021 allocations were published on December 21, 2020 (85 FR 82946).

The final rule implementing Amendment 5 to the Summer Flounder Fishery Management Plan (FMP), as published in the **Federal Register** on December 17, 1993 (58 FR 65936), provided a mechanism for transferring summer flounder commercial quota from one state to another. Two or more states, under mutual agreement and with the concurrence of the NMFS Greater Atlantic Regional Administrator, can transfer or combine summer flounder commercial quota under § 648.102(c)(2). The Regional Administrator is required to consider three criteria in the evaluation of requests for quota transfers or combinations: The transfer or combinations would not preclude the overall annual quota from being fully harvested; the transfer addresses an unforeseen variation or contingency in the fishery; and the transfer is consistent with the objectives of the FMP and the Magnuson-Stevens Fishery Conservation and Management Act. The Regional Administrator has determined these three criteria have been met for the transfer approved in this notification.

Massachusetts is transferring 40,000 lb (18,144 kg) to Connecticut through mutual agreement of the states. This transfer was requested to ensure Connecticut would not exceed its 2021 quota. The revised summer flounder quotas for 2021 are: Massachusetts, 985,159 lb (446,861 kg) and Connecticut, 709,376 lb (321,768 kg).

Given the timing of the states' request, we were unable to process the transfer before the December 31 end of the 2021 fishing year. The retroactively adjusted quotas will be used to calculate overages for the 2021 fishing year and adjust, as needed, 2022 summer flounder quotas.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR 648.162(e)(1)(i) through (iii), which was issued pursuant to section 304(b), and is exempted from review under Executive Order 12866.

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

Dated: January 11, 2022.

Ngagne Jafnar Gueye,

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

[FR Doc. 2022–00738 Filed 1–12–22; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 210217–0022; RTID 0648–XB722]

Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish in the Red King Crab Savings Subarea of the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for groundfish by vessels using nonpelagic trawl gear in the Red King Crab Savings Subarea of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary because the State of Alaska, Department of Fish and Game did not established a guideline harvest level fishery for red king crab in the Bristol Bay area for the 2021/2022 fishing year.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), January 20, 2022, through 2400 hours, A.l.t., December 31, 2022.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907–586–7447.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

In accordance with § 679.21(e)(3)(ii)(B)(*1*), this action is necessary because the State of Alaska, Department of Fish and Game did not established a guideline harvest level fishery for red king crab in the Bristol Bay area for the 2021/2022 fishing year. Consequently, the Regional Administrator is prohibiting directed fishing for groundfish by vessels using nonpelagic trawl gear in the Red King Crab Savings Subarea of the BSAI.

While this closure is effective the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR part 679, which was issued pursuant to section 304(b), and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the directed fishing closure of groundfish by vessels using nonpelagic trawl gear in the Red King Crab Savings Subarea of the BSAI. NMFS was unable to publish a notification providing time for public comment because the most recent, relevant data only became available as of January 1, 2022.

The Assistant Administrator for Fisheries, NOAA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

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

Dated: January 11, 2022.

Ngagne Jafnar Gueye,

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

[FR Doc. 2022–00739 Filed 1–14–22; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 87, No. 11
Tuesday, January 18, 2022

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

DEPARTMENT OF ENERGY

10 CFR Part 430

[EERE–2021–BT–TP–0023]

RIN 1904–AF18

Energy Conservation Program: Test Procedures for Cooking Products; Extension of Comment Period

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of proposed rulemaking and notification of data availability; extension of public comment period.

SUMMARY: The U.S. Department of Energy (''DOE'') is extending the public comment period for the notice of proposed rulemaking (''NOPR'') that DOE published on November 4, 2021, regarding a proposal for a new test procedure for conventional cooking tops, a category of cooking products, that would replace the procedure that DOE withdrew on August 18, 2020. DOE is also extending the public comment period for a notification of data availability (''NODA'') that DOE published on December 16, 2021, regarding the results of DOE's recently completed test program assessing the repeatability and reproducibility of the proposed test procedure.

DATES: The comment period for the NOPR which published on November 4, 2021 (86 FR 60974) and the NODA which published on December 16, 2021 (86 FR 71406), is extended by 30 days. DOE will accept comments, data, and information regarding this NOPR and the test results no later than February 17, 2022.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at *www.regulations.gov.* Follow the instructions for submitting comments. Alternatively, interested persons may submit comments, identified by docket number EERE–2021–BT–TP–0023, by any of the following methods:

1. *Federal eRulemaking Portal: www.regulations.gov.* Follow the instructions for submitting comments.

2. *Email: Cooking Products2021@ee.doe.gov.* Include the docket number EERE–2021–BT–TP–0023 in the subject line of the message.

No telefacsimiles (''faxes'') will be accepted. For detailed instructions on submitting comments and additional information on this process, see section II of this document.

Although DOE has routinely accepted public comment submissions through a variety of mechanisms, including postal mail and hand delivery/courier, the Department has found it necessary to make temporary modifications to the comment submission process in light of the ongoing coronavirus (''COVID–19'') pandemic. DOE is currently accepting only electronic submissions at this time. If a commenter finds that this change poses an undue hardship, please contact Appliance Standards Program staff at (202) 586–1445 to discuss the need for alternative arrangements. Once the COVID–19 pandemic health emergency is resolved, DOE anticipates resuming all of its regular options for public comment submission, including postal mail and hand delivery/courier.

Docket: The docket for this activity, which includes **Federal Register** notices, public meeting attendee lists and transcripts, comments, and other supporting documents/materials, is available for review at *www.regulations.gov.* All documents in the docket are listed in the *www.regulations.gov* index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

The docket web page can be found at *www.regulations.gov/docket/EERE-2021-BT-TP-0023.* The docket web page contains instructions on how to access all documents, including public comments in the docket. See section II of this document for information on how to submit comments through *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT:

Dr. Stephanie Johnson, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 287–1943. Email: *ApplianceStandardsQuestions@ee.doe.gov.*

Ms. Celia Sher, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 287–6122. Email: *Celia.Sher@hq.doe.gov.*

For further information on how to submit a comment or review other public comments and the docket contact the Appliance and Equipment Standards Program staff at (202) 287–1445 or by email: *ApplianceStandardsQuestions@ee.doe.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Background

On August 18, 2020, DOE published a final rule (''August 2020 Final Rule'') withdrawing the then-current test procedure for conventional cooking tops. 85 FR 50757. DOE initiated the rulemaking for the August 2020 Final Rule in response to a petition for rulemaking submitted by the Association of Home Appliance Manufacturers (''AHAM''), in which AHAM asserted that the then-current test procedure for gas cooking tops was not representative, and, for both gas and electric cooking tops, had such a high level of variation that it did not produce accurate results for certification and enforcement purposes and did not assist consumers in making purchasing decisions based on energy efficiency (''AHAM petition''). 85 FR 50757, 50760; *see also* 80 FR 17944 (Apr. 25, 2018).

In January 2020, DOE initiated a round robin test program to further investigate the water-heating approach used in the withdrawn test procedure and the issues raised in the AHAM petition. Testing was conducted according to the cooking top test procedure, as published in a final rule on December 16, 2016, that was withdrawn in the August 2020 Final Rule.

DOE published a NOPR on November 4, 2021 (''November 2021 NOPR'') in which it presented results from the initial round robin test procedure and proposed to re-establish a test procedure for conventional cooking tops. 86 FR

60974. The proposed test procedure would adopt the latest version of the relevant industry standard with modifications to adapt the test method to gas cooking tops, offer an optional method for burden reduction, normalize the energy use of each test cycle, include measurement of standby mode and off mode energy use, update certain test conditions, and provide certain clarifying language. *Id.*

In addition, following the August 2020 Final Rule, DOE initiated a second round robin test program in May 2021 in response to changes to electric cooking tops on the market and to evaluate potential variability in testing gas cooking tops. This second round robin test program followed the test procedure as proposed in the November 2021 NOPR. Because this second round robin testing program was ongoing at the time of the November 2021 NOPR, DOE published a NODA on December 16, 2021 (''December 2021 NODA''), presenting the results of the second round robin test program, and extended the public comment period for the November 2021 NOPR to receive comment, data, and information regarding both the proposals in the November 2021 NOPR and the results presented in the December 2021 NODA. 86 FR 71406.

II. Extension of Comment Period

Comments on the November 2021 NOPR were originally due on January 3, 2022. In light of the results presented in the December 2021 NODA, DOE determined that it was appropriate to extend the comment period on the November 2021 NOPR until January 18, 2022, to allow additional time for interested parties to prepare and submit comments on the November 2021 NOPR and the December 2021 NODA. 86 FR 71406. On December 22, 2021, DOE received a comment from AHAM requesting that DOE extend the comment period for the November 2021 NOPR and the December 2021 NODA until March 31, 2022.[1]

AHAM stated that it was in the process of conducting its own testing at two third-party laboratories in order to assess possible cooking top test modifications, and that it expected to complete this testing, including analysis of data, by March 11, 2022. Furthermore, AHAM expected that analysis of the results of the testing would be completed by the AHAM cooking top test procedure development task force (''AHAM Task Force'')[2] and written comments prepared for submittal to DOE by March 31, 2022. (AHAM, No. 7 at p. 2)[3] In addition, AHAM asserted that it needed additional time to comment on the proposals in the November 2021 NOPR, in light of the data presented in the December 2021 NODA, to ensure a defensible test procedure. *Id.*

In requesting the extension of the comment period until March 31, 2022, AHAM also referenced vacation schedules of its members at the end of the year and the open comment periods for the test procedures for clothes washers and consumer refrigerators, products manufactured by certain of AHAM's members that also manufacture conventional cooking tops. (AHAM, No. 7 at p. 2)

DOE notes that it has engaged with the AHAM Task Force since February 2021, and in this context has provided to all participating members of the task force results of DOE's testing, on an ongoing basis to help inform the development of AHAM's cooking top test procedures. In doing so, DOE has provided significant input and recommendations consistent with the proposals in the November 2021 NOPR to aid in the alignment of AHAM's test procedures under development and a potential future DOE cooking top test procedure. Throughout the course of numerous AHAM Task Force meetings, members have provided feedback on the methodology.

In consideration of its significant engagement with the AHAM Task Force, including ongoing presentation of DOE's testing results to the task force members, DOE has reviewed AHAM's request for a further extension of the comment period for the November 2021 NOPR and December 2021 NODA, and considered the benefit to stakeholders in providing additional time to review the NOPR and NODA and gather information/data that DOE is seeking. Accordingly, DOE has determined that such an extension of the comment period is appropriate and is hereby extending the comment period for the November 2021 NOPR and December 2021 NODA, and will accept comments, data, and information on and before February 17, 2022. DOE specifically encourages AHAM to submit data and results of its testing program so that these may be made available to interested parties in the docket for this rulemaking.

Submitting comments via www.regulations.gov. The *www.regulations.gov* web page will require you to provide your name and contact information. Your contact information will be viewable to DOE Building Technologies staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). If your comment is not processed properly because of technical difficulties, DOE will use this information to contact you. If DOE cannot read your comment due to technical difficulties and cannot contact you for clarification, DOE may not be able to consider your comment.

However, your contact information will be publicly viewable if you include it in the comment or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. Persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

Do not submit to *www.regulations.gov* information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information (''CBI'')). Comments submitted through *www.regulations.gov* cannot be claimed as CBI. Comments received through the website will waive any CBI claims for the information submitted. For information on submitting CBI, see the Confidential Business Information section.

DOE processes submissions made through *www.regulations.gov* before posting. Normally, comments will be posted within a few days of being submitted. However, if large volumes of comments are being processed simultaneously, your comment may not be viewable for up to several weeks. Please keep the comment tracking number that *www.regulations.gov* provides after you have successfully uploaded your comment.

Submitting comments via email. Comments and documents submitted via email also will be posted to

[1] DOE has posted this comment to the docket at *www.regulations.gov/comment/EERE-2021-BT-TP-0023-0007.*

[2] The AHAM Task Force comprises AHAM representatives, member manufacturers, efficiency advocates, DOE, and DOE contractors. DOE participation in the AHAM Task Force began in February 2021.

[3] The parenthetical reference provides a reference for information located in the docket of DOE's rulemaking to develop test procedures for cooking products. (Docket No. EERE–2021–BT–TP–0023, which is maintained at *www.regulations.gov/#!docketDetail;D=EERE-2021-BT-TP-0023*). The references are arranged as follows: (commenter name, comment docket ID number, page of that document).

www.regulations.gov. If you do not want your personal contact information to be publicly viewable, do not include it in your comment or any accompanying documents. Instead, provide your contact information on a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. The cover letter will not be publicly viewable as long as it does not include any comments.

Include contact information each time you submit comments, data, documents, and other information to DOE. No faxes will be accepted.

Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide documents that are not secured, written in English and free of any defects or viruses. Documents should not contain special characters or any form of encryption and, if possible, they should carry the electronic signature of the author.

Campaign form letters. Please submit campaign form letters by the originating organization in batches of between 50 to 500 form letters per PDF or as one form letter with a list of supporters' names compiled into one or more PDFs. This reduces comment processing and posting time.

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

It is DOE's policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

Signing Authority

This document of the Department of Energy was signed on January 9, 2022, by Kelly J. Speakes-Backman, Principal Deputy Assistant Secretary for Energy Efficiency and Renewable Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE **Federal Register** Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on January 11, 2022.

Treena V. Garrett,

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

[FR Doc. 2022–00725 Filed 1–14–22; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2021–0775; Notice No. 25–21–03–SC]

Special Conditions: FedEx Express, Airbus Model A321–200 Airplanes; Installation of an Infrared Laser Countermeasure System

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This action proposes special conditions for the Airbus Model A321–200 airplane. This airplane, as modified by FedEx Express (FedEx), will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. This design feature is a system that emits infrared laser energy outside the aircraft as a countermeasure against heat-seeking missiles. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These proposed special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: Send comments on or before March 4, 2022.

ADDRESSES: Send comments identified by Docket No. FAA–2021–0775 using any of the following methods:

- *Federal eRegulations Portal:* Go to *https://www.regulations.gov/* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

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

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 document 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 document, 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 document. Send submissions containing CBI to the person indicated in the Contact section below. Comments that the FAA receives which are not specifically designated as CBI will be placed in the public docket for this rulemaking.

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

FOR FURTHER INFORMATION CONTACT: Eric Peterson, Safety Risk Management

Section, AIR–633, Policy and Innovation Division, Aircraft Certification Service, Federal Aviation Administration, 2200 South 216th Street, Des Moines, Washington 98198; telephone and fax 206–231–3413; email *Eric.M.Peterson@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Background

On October 16, 2019, FedEx applied for a supplemental type certificate to install a laser-based missile-defense system, which directs infrared laser energy toward heat-seeking missiles, on the Airbus Model A321–200 airplane. This airplane, which is a derivative of the Airbus Model A321 series airplanes currently approved under Type Certificate No. A28NM, is a twin-engine, transport-category jet with allowable seating for 220 passengers, and a maximum takeoff weight of 89,000 pounds.

Type Certification Basis

Under the provisions of title 14, Code of Federal Regulations (14 CFR) 21.101, FedEx must show that the Airbus Model A321–200 airplane, as changed, continues to meet the applicable provisions of the regulations listed in Type Certificate No. A28NM, or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA.

If the Administrator finds that the applicable airworthiness regulations (*e.g.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the Airbus Model A321–200 airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the applicant apply for a supplemental type certificate to modify any other model included on the same type certificate to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Airbus Model A321–200 airplane must comply with the fuel-vent and exhaust-emission requirements of 14 CFR part 34, and the noise-certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.101.

Novel or Unusual Design Features

The Airbus Model A321–200 airplane, as modified by FedEx, will incorporate the following novel or unusual design feature:

A system that emits infrared laser energy outside the aircraft.

Discussion

In recent years, in several incidents abroad, civilian aircraft were fired upon by man-portable air defense systems (MANPADS). This has led several companies to design and adapt systems like a laser-based missile-defense system for installation on civilian aircraft, to protect those aircraft against heat-seeking missiles. The FedEx missile-defense system directs infrared laser energy toward an incoming missile, in an effort to interrupt the missile's tracking of the aircraft's heat.

Infrared laser energy can pose a hazard to persons on the aircraft, on the ground, and on other aircraft. The risk is heightened because infrared light is invisible to the human eye. Human exposure to infrared laser energy can result in eye and skin damage, and affect a flight crew's ability to control the aircraft. Infrared laser energy also can affect other aircraft, whether airborne or on the ground, and property, such as fuel trucks and airport equipment, in a manner that adversely affects aviation safety.

FAA design standards for transport category airplanes did not envisage that a design feature could project infrared laser energy outside the airplane. The FAA's design standards are inadequate to address this capability. Therefore, this system is a novel or unusual design feature, and the FAA has developed these proposed special conditions to establish a level of safety equivalent to that of the regulations.

Special conditions are also warranted, per 14 CFR 21.16, because FAA design standards are inappropriate for this design feature. Title 14, Code of Federal Regulations 25.1301 requires installed equipment to be of a design that is appropriate for its intended function. The FAA has no basis to determine whether this missile-defense system will successfully perform its intended function of thwarting heat-seeking missiles.

The special conditions that the FAA proposes, to address the installation of the missile-defense system on this model of airplane, are as follows.

Ground Activation. Condition 1 requires the design to have means to prevent inadvertent operation of the system while the airplane is on the ground, including during maintenance. These means must identify and address all foreseeable failure modes that may result in inadvertent operation. These modes include errors in airplane maintenance and operating procedures, such as erroneously setting the system to ''air'' mode while the airplane is on the ground. The applicant could show such failure modes, their risks, and how they will be addressed, by conducting safety assessments and incorporating prevention strategies into the design.

In-Flight Activation. Condition 2 requires that the system be designed so that in-flight operation does not result in damage to the airplane or to other aircraft, or injury to any person. To account for these effects, the applicant's analysis should include effects from the system's erroneous operation, from system failures, and from failures that may not be readily detectable prior to flight (*i.e.,* latent failures). The applicant may address this condition through safety assessments and incorporation of prevention strategies into its design. The ''operation'' addressed by Condition 2 includes all operation of the system, whether intentional, inadvertent, or automatic.

Markings, instructions, and other information. Conditions 3, 4, and 5 are intended to protect certain categories of persons based upon their expected interaction with the system. These conditions require the design to supply certain safety information to these persons.

Condition 3 requires the design to provide pertinent laser-safety information to maintenance and service personnel at the location of the installation. At a minimum, such ''pertinent'' information will include information about potential hazards to persons who are using optical magnification devices, such as magnifying glasses or binoculars. The warning information should be consistent with the laser's classification in 21 CFR 1040.

Condition 4 requires the airplane instructions for continued airworthiness to contain the appropriate warnings

related to the laser's classification. Like the warning information to be provided at the location of the laser system's installation, the purpose of this condition is to ensure any person maintaining the system is aware of the hazards, including those related to the use of magnifying glasses or binoculars.

Condition 5 requires the applicant to update the airplane operating limitations and information required under 14 CFR 25.1581. The airplane flight-manual supplement insert must describe the intended function of the missile-defense system, its intended operation, and the phases of flight in which it may be used. The insert also must add a caution that describes the significant risk of injury the missile-defense system poses to others while in proximity to other aircraft, airports, and populated areas.

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

After considering public comment, should the FAA impose these special conditions on the applicant, and issue a supplemental type certificate for the installation of this system, such approvals would not constitute approval to operate the system. FAA Advisory Circular 70–1, ''Outdoor Laser Operations,'' provides guidance on obtaining operational approval.

Applicability

As discussed above, these proposed special conditions are applicable to the Airbus Model A321–200 airplane, as modified by FedEx, with the laser-based missile-defense system installed. Should FedEx apply at a later date for a supplemental type certificate to modify any other model included on Type Certificate No. A28NM to incorporate the same novel or unusual design feature, these special conditions would apply to that model as well.

Conclusion

This action affects only a certain novel or unusual design feature on one model of airplane. It is not a rule of general applicability and affects only the applicant.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

Authority Citation

The authority citation for these special conditions is as follows:

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

The Proposed Special Conditions

Accordingly, the Federal Aviation Administration (FAA) proposes the following special conditions as part of the type certification basis for the Airbus Model A321–200 airplane with a laser-based missile-defense system, as modified by FedEx.

1. The system must have means that prevent the inadvertent activation of the system on the ground, including during airplane maintenance and ground handling. Such means must address all foreseeable failure modes and operating and maintenance errors.

2. The system must be designed so that its operation in-flight does not result in damage to the airplane or other aircraft, or injury to any person. Operation of the system must not be capable of compromising continued safe flight and landing of other aircraft and the airplane on which it is installed, either by direct damage, laser-reflective damage, or through distraction or incapacitation of crew.

3. Laser-safety information for maintaining or servicing the airplane must be prominently placarded on the airplane or laser-based missile-defense system at the location of the laser installation.

4. Instructions for continued airworthiness for installation, removal, and maintenance of the laser-based missile-defense system must contain warnings appropriate to the laser classification concerning the hazards associated with exposure to laser radiation. This includes instructions regarding potential hazards to personnel who are using optical magnification devices such as magnifying glasses or binoculars.

5. The airplane flight manual supplement (AFMS) must describe the intended functions of the installed laser systems, to include identifying the intended operations and phases of flight. The AFMS must state: *Caution:* The operation of the installed laser system could pose significant risk of injury to others while in proximity to other aircraft, airports, and populated areas.

Issued in Kansas City, Missouri, on January 7, 2022.

Patrick R. Mullen,

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

[FR Doc. 2022–00505 Filed 1–14–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–1183; Project Identifier AD–2021–01193–E]

RIN 2120–AA64

Airworthiness Directives; CFM International, S.A. Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all CFM International, S.A. (CFM) LEAP–1A23, LEAP–1A24, LEAP–1A24E1, LEAP–1A26, LEAP–1A26CJ, LEAP–1A26E1, LEAP–1A29, LEAP–1A29CJ, LEAP–1A30, LEAP–1A32, LEAP–1A33, LEAP–1A33B2, and LEAP–1A35A model turbofan engines. This proposed AD was prompted by the detection of melt-related freckles in the billet, which may reduce the life of certain compressor rotor stages 6–10 spools, high pressure turbine (HPT) rotor interstage seals, HPT rotor stage 2 disks, low pressure turbine (LPT) stage 1 disks, LPT stage 2 disks, LPT stage 3 disks, and LPT stage 4 disks. This proposed AD would require revising the airworthiness limitations section (ALS) of the applicable CFM LEAP–1A Engine Shop Manual (ESM) and the operator's existing approved continuous airworthiness maintenance program (CAMP) to incorporate reduced life limits for these parts. This proposed AD would also require the removal of certain LPT stage 4 disks identified by serial number (S/N) prior to their new life limits. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by March 4, 2022.

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

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

For service information identified in this NPRM, contact CFM International, S.A., Aviation Operations Center, 1 Neumann Way, M/D Room 285, Cincinnati, OH 45125; phone: (877) 432–3272; email: *fleetsupport@ge.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222–5110.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–1183; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Mehdi Lamnyi, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238–7743; fax: (781) 238–7199; email: *Mehdi.Lamnyi@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2021–1183; Project Identifier AD–2021–01193–E'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Mehdi Lamnyi, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803. 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 was notified by the manufacturer of the detection of melt-related freckles in the billet, which may reduce the life of certain compressor rotor stages 6–10 spools, HPT rotor interstage seals, HPT rotor stage 2 disks, LPT stage 1 disks, LPT stage 2 disks, LPT stage 3 disks, and LPT stage 4 disks (life-limited parts (LLPs)). Through the manufacturer's investigation, it was determined that these LLPs may have subsurface anomalies that developed during the manufacturing process, resulting in a lower life capability. As a result of its investigation, the manufacturer determined the need to reduce the life limits of these LLPs. To reflect these reduced life limits, the manufacturer revised the CFM ALS, Chapter 05 of CFM LEAP 1A ESM. Additionally, the manufacturer published service information that specifies procedures for the removal and replacement of these LLPs before reaching their new life limits.

The FAA is proposing to require operators to update the ALS of the applicable CFM LEAP–1A ESM, with the reduced life limits for these LLPs. The FAA is also proposing to require operators to remove certain LPT stage 4 disks identified by S/N before reaching their new life limits. The LPT stage 4 disks, identified by S/N in Figure 1 to paragraph (g)(2) of this proposed AD, were discovered by the manufacturer after publication of the ALS updates. This condition, if not addressed, could result in uncontained debris release, damage to the engine, and damage to the airplane.

FAA's Determination

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

Related Service Information Under 1 CFR Part 51

The FAA reviewed CFM High Pressure Compressor Rotor Life Limits LEAP 1A–05–11–02–01A–0B1B–C, Issue 010–00, dated September 15, 2021 (CFM LEAP 1A–05–11–02–01A–0B1B–C); CFM High Pressure Turbine Rotor Life Limits LEAP 1A–05–11–03–01A–0B1B–C, Issue 007–00, dated September 15, 2021 (CFM LEAP 1A–05–11–03–01A–0B1B–C); and CFM Low Pressure Turbine Rotor Life Limits LEAP 1A–05–11–04–01A–0B1B–C, Issue 009–00, dated June 1, 2021 (LEAP 1A–05–11–04–01A–0B1B–C). CFM LEAP 1A–05–11–02–01A–0B1B–C, CFM LEAP 1A–05–11–03–01A–0B1B–C, and CFM LEAP 1A–05–11–04–01A–0B1B–C provide the new life limits for the LLPs. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in **ADDRESSES**.

Other Related Service Information

The FAA reviewed CFM LEAP 1A–05–11–02–01A–0B1B–C, Issue 009–00, dated July 26, 2021; and CFM LEAP 1A–05–11–03–01A–0B1B–C, Issue 006–00, dated July 26, 2021. This service information provides the new life limits for the LLPs.

The FAA also reviewed CFM Service Bulletin (SB) LEAP–1A–72–00–0413–01A–930A–D, Issue 004–00, dated December 11, 2021 (CFM SB LEAP–1A–72–00–0413–01A–930A–D). CFM SB LEAP–1A–72–00–0413–01A–930A–D specifies procedures for removing and replacing the LLPs, and provides new life limits for certain S/Ns of the LLPs.

Proposed AD Requirements in This NPRM

This proposed AD would require revising the ALS of the CFM LEAP–1A ESM, as applicable to each affected engine model, and the operator's existing approved CAMP to incorporate reduced life limits for certain LLPs. This proposed AD also requires replacement of two LPT stage 4 disks.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 256 engines installed on airplanes of U.S. registry. The FAA estimates that 256 engines installed on airplanes of U.S. registry would require revising the ALS of the CFM LEAP–1A ESM and the operator's existing approved CAMP. The FAA estimates that zero airplanes of

U.S. registry would require replacement of the LPT stage 4 disk.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Revise ALS of Engine Manual and the operator's existing approved CAMP.	1 work-hour × $85 per hour = $85	$0	$85	$21,760

The FAA estimates the following costs to replace the LPT stage 4 disk:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replace LPT Stage 4 disk	225 work-hours × $85 per hour = $19,125	$129,000	$148,125	$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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

CFM International, S.A.: Docket No. FAA–2021–1183; Project Identifier AD–2021–01193–E.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by March 4, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to CFM International, S.A. (CFM) LEAP–1A23, LEAP–1A24, LEAP–1A24E1, LEAP–1A26, LEAP–1A26CJ, LEAP–1A26E1, LEAP–1A29, LEAP–1A29CJ, LEAP–1A30, LEAP–1A32, LEAP–1A33, LEAP–1A33B2, and LEAP–1A35A model turbofan engines.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by the detection of melt-related freckles in the billet, which may reduce the life of certain compressor rotor stages 6–10 spools, high pressure turbine (HPT) rotor interstage seals, HPT rotor stage 2 disks, low pressure turbine (LPT) stage 1 disks, LPT stage 2 disks, LPT stage 3 disks, and LPT stage 4 disks. The FAA is issuing this AD to prevent the failure of the high-pressure compressor, HPT rotor, and LPT rotor. The unsafe condition, if not addressed, could result in release of uncontained debris, damage to the engine, and damage to the airplane.

(f) Compliance

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

(g) Required Actions

(1) Within 60 days after the effective date of this AD, revise the airworthiness limitations section (ALS) of the applicable CFM LEAP–1A Engine Shop Manual (the ESM) and the operator's existing approved continuous airworthiness maintenance program (CAMP) by incorporating the following service information:

(i) CFM High Pressure Compressor Rotor Life Limits LEAP 1A–05–11–02–01A–0B1B–C, Issue 010–00, dated September 15, 2021; and

(ii) CFM High Pressure Turbine Rotor Life Limits LEAP 1A–05–11–03–01A–0B1B–C, Issue 007–00, dated September 15, 2021; and

(iii) CFM Low Pressure Turbine Rotor Life Limits LEAP 1A–05–11–04–01A–0B1B–C, Issue 009–00, dated June 1, 2021.

(2) Before the LPT stage 4 disk, P/N 362–039–520–0, with serial numbers identified in Figure 1 to paragraph (g)(2) of this AD (Figure 1) accumulates the cycles in Figure 1, or within 100 cycles after the effective date of this AD, whichever occurs later, remove the affected LPT stage 4 disk from service and replace with a part eligible for installation.

Figure 1 to Paragraph (g)(2) – Life Limits for LPT Stage 4 Disks, P/N 362-039-520-0

LPT Stage 4 Disk Serial Number	Life Limit for LEAP-1A23, -1A24, -1A24E1, -1A26, -1A26E1, -1A29, -1A30, -1A32, -1A33, -1A33B2, and -1A35A	Life Limit for LEAP-1A26CJ and -1A29CJ
PC975638	2,500 cycles	1,400 cycles
PC975635		

(h) Credit for Previous Actions

(1) You may take credit for the action required by paragraph (g)(1)(i) of this AD if the following service information was incorporated into the ALS of the applicable ESM and the operator's existing approved CAMP prior to the effective date of this AD: CFM High Pressure Compressor Rotor Life Limits LEAP 1A–05–11–02–01A–0B1B–C, Issue 009–00, dated July 26, 2021.

(2) You may take credit for the action required by paragraph (g)(1)(ii) of this AD if the following service information was incorporated into the ALS of the applicable ESM and the operator's existing approved CAMP prior to the effective date of this AD: CFM High Pressure Turbine Rotor Life Limits LEAP 1A–05–11–03–01A–0B1B–C, Issue 006–00, dated July 26, 2021.

(i) 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 (j)(1) of this AD. You may email your request 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.

(j) Related Information

(1) For more information about this AD, contact Mehdi Lamnyi, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238–7743; fax: (781) 238–7199; email: *Mehdi.Lamnyi@faa.gov*.

(2) For service information identified in this AD, contact CFM International, S.A., Aviation Operations Center, 1 Neumann Way, M/D Room 285, Cincinnati, OH 45125; phone: (877) 432–3272; email: *fleetsupport@ge.com*. You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222–5110.

Issued on January 7, 2022.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2022–00509 Filed 1–14–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–1150; Airspace Docket No. 21–ASW–28]

RIN 2120–AA66

Proposed Amendment of the Class E Airspace; Watonga, OK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend the Class E airspace at Watonga, OK. The FAA is proposing this action due to an airspace review conducted as part of the decommissioning of the Kingfisher very high frequency (VHF) omnidirectional range (VOR) as part of the VOR Minimal Operational Network (MON) Program. The name and geographic coordinates of the airport would also be updated to coincide with the FAA's aeronautical database.

DATES: Comments must be received on or before March 4, 2022.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–9826, or (800) 647–5527. You must identify FAA Docket No. FAA–2021–1150/Airspace Docket No. 21–ASW–28, at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

FAA Order JO 7400.11F, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *https://www.faa.gov/air_traffic/publications/*. For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. FAA Order JO 7400.11F is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order JO 7400.11F at NARA, email: *fr.inspection@nara.gov* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

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 and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2021–1150/Airspace Docket No. 21–ASW–28.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *https://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *https://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 the **ADDRESSES** section for the 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 Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 by amending the Class E airspace extending upward from 700 feet above the surface to within a 6.4-mile (decreased from a 6.5-mile) radius of Watonga Regional Airport, Watonga, OK; and updating the name (previously Watonga Airport) and geographic coordinates of the airport to coincide with the FAA's aeronautical database.

This action is the result of an airspace review conducted as part of the decommissioning of the Kingfisher VOR, which provided navigation information for the instrument procedures at this airport, as part of the VOR MON Program.

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

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

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, would 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 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

ASW OK E5 Watonga, OK [Amended]

Watonga Regional Airport, OK
(Lat. 35°51′52″ N, long. 98°25′15″ W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Watonga Regional Airport.

Issued in Fort Worth, Texas, on January 10, 2022.

Martin A. Skinner,

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

[FR Doc. 2022–00567 Filed 1–14–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–1108; Airspace Docket No. 21–ASO–39]

RIN 2120–AA66

Proposed Amendment of Class D Airspace and Class E Airspace; Lawrenceville, GA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class D airspace and Class E airspace extending upward from 700 feet above the surface in Lawrenceville, GA. This action would update the airport's name in both the Class D and E airspace to Gwinnett County/Briscoe Field. In addition, this action would amend the Class D airspace by creating an extension to the southwest. The Class E airspace extending upward from 700 feet above the surface would be amended by increasing the radius and eliminating the extension to the east. Also, this action would eliminate the Gwinnett Non-directional Beacon (NDB) from the legal description. This action would also make an editorial change replacing the term Airport/Facility Directory with the term Chart Supplement in the legal description of the Class D airspace. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations in the area.

DATES: Comments must be received on or before March 4, 2022.

ADDRESSES: Send comments on this proposal to: the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001; Telephone: (800) 647–5527, or (202) 366–9826. You must identify the Docket No. FAA–2021–1108; Airspace Docket No. 21–ASO–39 at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov*.

FAA Order JO 7400.11F, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *https://www.faa.gov/air_traffic/publications/*. For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; Telephone: (202) 267–8783. FAA Order JO 7400.11F is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order JO 7400.11F at NARA, email *fr.inspection@nara.gov* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html*.

FOR FURTHER INFORMATION, CONTACT: John Goodson, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; Telephone (404) 305–5966.

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 would amend airspace in Lawrenceville, GA, to support IFR operations in the area.

Comments Invited

Interested persons are invited to comment on 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 (Docket No. FAA–2021–1108 and Airspace Docket No. 21–ASO–39) and be submitted in triplicate to DOT Docket Operations (see **ADDRESSES** section for the address and phone number). You may also submit comments through the internet at *https://www.regulations.gov*.

Persons 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–2021–1108; Airspace Docket No. 21–ASO–39.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this document may be changed in light of the 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 *https://www.regulations.gov*. Recently published rulemaking documents can also be accessed through the FAA's web page at *https://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 the **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 between 8:00 a.m. and 4:30 p.m., Monday through Friday, except federal holidays, at the office of the Eastern Service Center, Federal Aviation Administration, Room 350, 1701 Columbia Avenue, College Park, GA 30337.

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA proposes an amendment to 14 CFR part 71 to amend Class D airspace and Class E airspace extending upward from 700 feet above the surface for Gwinnett County/Briscoe Field Airport, Lawrenceville, GA.

The Gwinnett County/Briscoe Field Airport (formerly Gwinnett County-Briscoe Field Airport) Class D airspace would be amended by updating the

airport's name, and adding an extension 1 mile each side of the airports 244° bearing extending from the airports 4.6-mile radius to 5.5 miles southwest of the airport, and replacing the outdated term Airport/Facility Directory with the term Chart Supplement in the airport description;

The Gwinnett County/Briscoe Field Airport (formerly Lawrenceville, Gwinnett County-Briscoe Field Airport) Class E airspace extending upward from 700 feet above the surface would be amended by updating the airport's name, increasing the radius to 7.0 miles (formerly 6.5 miles), eliminating the extension to the east, and removing the Gwinnett County NDB from the description.

Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations in the area.

Class D and Class E airspace designations are published in Paragraphs 5000 and 6005, respectively, of FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The Class D and Class E airspace designations 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 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.

Lists 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 Federal Aviation Administration Order 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

ASO GA D Lawrenceville, GA [Amended]

Gwinnett County/Briscoe Field Airport, GA
(Lat. 33°58′41″ N, long. 83°57′45″ W)

That airspace extending upward from the surface to and including 3,600 feet MSL within a 4.6-mile radius of the Gwinnett County/Briscoe Field Airport and within 1.0 mile each side of the 244° bearing from the airport, extending from the 4.6-mile radius to 5.5 miles southwest of the airport. This Class D airspace is effective during the 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 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ASO GA E5 Lawrenceville, GA [Amended]

Gwinnett County/Briscoe Field Airport, GA
(Lat. 33°58′41″ N, long. 83°57′45″ W)

That airspace extending upward from 700 feet above the surface within a 7.0-mile radius of the Gwinnett County-Briscoe Field Airport.

Issued in College Park, Georgia, on January 11, 2022.

Andreese C. Davis,

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

[FR Doc. 2022–00755 Filed 1–14–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

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

RIN 2120–AA66

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

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

DATES: Comments must be received on or before March 4, 2022.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: 1(800) 647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2022–0026; Airspace Docket No. 21–AAL–68 at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.*

FAA Order JO 7400.11F, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *https://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Rules and Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. FAA Order JO 7400.11F is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order JO 7400.11F at NARA, email: *fr.inspection@nara.gov* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

FOR FURTHER INFORMATION CONTACT: Christopher McMullin, 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 expand the availability of RNAV in Alaska and improve the efficient flow of air traffic within the National Airspace System (NAS) by lessening the dependency on ground based navigation.

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–2022–0026; Airspace Docket No. 21–AAL–68) 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 *https://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–2022–0026; Airspace Docket No. 21–AAL–68''. 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 NPRM

An electronic copy of this document may be downloaded through the internet at *https://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *https://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 Western Service Center, Operations Support Group, Federal Aviation Administration, 2200 South 216th Street, Des Moines, WA 98198.

Availability and Summary of Documents for Incorporation by Reference

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

Background

In 2003, Congress enacted the Vision 100-Century of Aviation Reauthorization Act (Pub. L. 108–176), which established a joint planning and development office in the FAA to manage the work related to the Next Generation Air Transportation System (NextGen). Today, NextGen is an ongoing FAA-led modernization of the nation's air transportation system to make flying safer, more efficient, and more predictable.

In support of NextGen, this proposal is part of a larger and comprehensive T-route modernization project in the state of Alaska. The project mission statement states: ''To modernize Alaska's Air Traffic Service route structure using satellite based navigation Development of new T-routes and optimization of existing T-routes will enhance safety, increase efficiency and access, and will provide en route continuity that is not subject to the restrictions associated with ground based airway navigation.'' As part of this project, the FAA evaluated the existing Colored Airway structure for: (a) Direct replacement (*i.e.,* overlay) with a T-route that offers a similar or lower Minimum En route Altitude (MEA) or Global Navigation Satellite System Minimum En route Altitude (GNSS MEA); (b) the replacement of the Colored airway with a T-route in an optimized but similar geographic area, while retaining similar or lower MEA; or (c) removal with no route structure (T-route) restored in that area because the value was determined to be insignificant.

The aviation industry/users have indicated a desire for the FAA to transition the Alaskan en route navigation structure away from dependency on Non-Directional Beacons (NDB), and move to develop and improve the RNAV route structure. The FAA proposes to amend RNAV route T–232 that currently navigates between the Barrow, AK, (BRW) VHF Omnidirectional Radar/Distance Measuring Equipment (VOR/DME) and the Northway, AK, (ORT) VOR and Tactical Air Navigational System (VORTAC). The proposed amendments would allow for lower GNSS MEAs, while ensuring lateral separation from Special Use Airspace (SUA) in the area. The proposed route will also provide instrument approach accessibility to Allen Army Air Field, AK (PABI) Airport.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 to amend RNAV route T–232 in the vicinity of Fairbanks, AK in support of a large and comprehensive T-route modernization project for the state of Alaska. The proposed route is described below.

T–232: The FAA proposes to amend T–232 by amending the segment between the Fairbanks, AK, (FAI) VORTAC and the Big Delta, AK, (BIG) VORTAC by adding two newly established waypoints (WP); the RIVOR, AK, WP and the CUTUB, AK, WP; in order to facilitate a lower GNSS MEA and ensure lateral separation from active special use airspace (SUA) in the area. The proposal will also correct the legal description, by including the turn points, OCOCU, AK, WP, and IMARE, AK WP, and removing the BRONX, AK, Fix. The full legal description is included in ''The Proposed Amendment'' section below.

United States Area Navigation Routes are published in paragraph 6011 of FAA Order JO 7400.11F dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The RNAV 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 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

Paragraph 6011 United States Area Navigation Routes.

* * * * *

T–232 BARROW, AK (BRW) TO NORTHWAY, AK (ORT) [AMENDED]

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

* * * * *

Issued in Washington, DC, on January 11, 2022.

Michael R. Beckles,

Acting Manager, Rules and Regulations Group.

[FR Doc. 2022–00791 Filed 1–14–22; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2020–0441; FRL–9443–01–R8]

Disapproval of Air Quality Implementation Plans; Wyoming; Proposed Revisions to Regional Haze State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to disapprove a State Implementation Plan (SIP) revision submitted by the State of Wyoming on May 14, 2020, and supplemented in September and October 2020, addressing regional haze (''Wyoming's 2020 SIP revision''). Wyoming's 2020 SIP revision reverses the State's 2011 decision that emission limits consistent with the installation of selective catalytic reduction (SCR) for the Jim Bridger power plant, Units 1 and 2, are necessary to make reasonable progress under the State's long-term strategy for the first regional haze planning period. The SIP revision contains a source-specific nitrogen oxide (NO_X) reasonable progress analysis and determination that currently installed controls (low-NO_X burners with separated overfire air (LNB/SOFA)) are sufficient for reasonable progress during the first planning period for Jim Bridger Units 1 and 2, and that the emission limits associated with the installation of SCR are no longer necessary. The SIP revision also contains plant-wide monthly and annual NO_X and sulfur dioxide (SO_2) emission limits for the Jim Bridger power plant, Units 1–4. EPA is proposing to disapprove this SIP revision in full. The agency is proposing this action pursuant to sections 110 and 169A of the Clean Air Act (CAA).

DATES: *Comments:* Written comments must be received on or before February 17, 2022.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R08–OAR–2020–0441, to the Federal Rulemaking Portal: *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *www.regulations.gov.* EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www.epa.gov/dockets/commenting-epa-dockets.*

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose 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 electronically in *www.regulations.gov.* To reduce the risk of COVID–19 transmission, for this action we do not plan to offer hard copy review of the docket. Please email or call the person listed in the **FOR FURTHER INFORMATION CONTACT** section if you need to make alternative arrangements for access to the docket.

FOR FURTHER INFORMATION CONTACT: Jaslyn Dobrahner, Air and Radiation Division, EPA, Region 8, Mailcode 8P–ARD, 1595 Wynkoop Street, Denver, Colorado, 80202–1129, telephone number: (303) 312–6252, email address: *dobrahner.jaslyn@epa.gov.*

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

I. What action is EPA proposing?

On January 30, 2014, EPA promulgated a final rule titled, ''Approval, Disapproval and Promulgation of Implementation Plans; State of Wyoming; Regional Haze State Implementation Plan; Federal Implementation Plan for Regional Haze,'' approving in part a regional haze SIP revision submitted by the State of Wyoming on January 12, 2011 (2014 final rule).[1] In the 2014 final rule, EPA approved Wyoming's NO_X best available retrofit technology (BART) emission limits of 0.26 lb/MMBtu (30-day rolling average) for Jim Bridger Units 1–4, as well as the State's decision to include in its long-term strategy NO_X reasonable progress emission limits of 0.07 lb/MMBtu (30-day rolling average) for the same units, among other actions.[2]

Wyoming submitted its 2020 SIP revision on May 14, 2020.[3] The SIP revision contains amendments to Chapters 7 and 8 of Wyoming's regional haze SIP narrative and would incorporate certain conditions of Wyoming air quality permit #P0025809 into the SIP.[4] Together, the amendments provide a source-specific NO_X reasonable progress analysis and determination for Jim Bridger Units 1 and 2, remove the NO_X reasonable progress emission limits currently required for Jim Bridger Units 1 and 2, and add plant-wide monthly and annual NO_X and SO_2 emission limits for Jim Bridger Units 1–4.[5]

EPA is proposing to disapprove this SIP revision in full. Our proposed disapproval is based on the following: (1) The reasonable cost-effectiveness of the existing reasonable progress control requirements for Jim Bridger Units 1 and 2 (emission limits consistent with the installation of SCR); (2) the appreciable visibility improvement estimated to result from compliance with the existing control requirements; and (3) the fact that the State previously determined that the costs of those control requirements were reasonable and that they are necessary to satisfy the statutory requirements, and has not provided any new information that would support a revised determination that the requirements are now unreasonable. In fact, the updated cost information provided by Wyoming indicates that SCR for these units is even more cost-effective than the State estimated in 2011 and EPA estimated in its 2014 final rule, while the estimated visibility benefits remain the same as estimated in the 2014 final rule.

Based on our proposed conclusions in section IV.B in this document, we propose to find that removing the SCR requirement would interfere with the regional haze requirements of the CAA, specifically, with the requirement that SIPs contain the emission limits, schedules of compliance, and other measures that are necessary to make reasonable progress toward the national visibility goal. That is, approving Wyoming's removal of the SCR requirement would be inconsistent with the statutory requirement that Wyoming's SIP contain the measures necessary to make reasonable progress toward the national visibility goal. Furthermore, EPA cannot propose to approve Wyoming's plant-wide NO_X and SO_2 emission limits while proposing to disapprove the elimination of the SCR requirements for Units 1 and 2, because such a partial approval would render the SIP more stringent than the State intended. Regardless, as discussed in section IV.C, the installation of SCR on Units 1 and 2 is estimated to reduce NO_X by at least 3,000 tons per year (tpy) based on current utilization. EPA believes it is reasonable to conclude that the plant-wide NO_X and SO_2 emission limits that Wyoming has required in lieu of the existing control requirements would not provide similar or greater emissions reductions or visibility improvement compared to two additional SCRs, as claimed by the State.

II. Background

A. Requirements of the Clean Air Act and EPA's Regional Haze Rule

In section 169A of the CAA, Congress created a program for protecting visibility in national parks and wilderness areas. This section of the

[1] 79 FR 5032 (January 30, 2014).

[2] The BART determination compliance date for all units was March 4, 2019. Reasonable progress determination compliance dates for each include: Unit 1 = December 31, 2022; Unit 2 = December 31, 2021; Unit 3 = December 31, 2015; and Unit 4 = December 31, 2016.

[3] At the request of EPA, Wyoming supplemented the original SIP submittal with additional documentation on September 8, 2020, and October 6, 2020.

[4] State of Wyoming, ''Addressing Regional Haze Visibility Protection For The Mandatory Federal Class I Areas Required Under 40 CFR 51.309,'' Revised May 14, 2020 (''Wyoming 2020 SIP Revision'').

[5] Wyoming's SIP revision refers to these limits as ''voluntary visibility enhancing emission limits.'' They represent a separate SIP component from Wyoming's source-specific reasonable progress analysis and determination. The limits were voluntarily proposed by PacifiCorp to reduce regional haze causing pollutants. Wyoming 2020 SIP Revision at 8–9.

CAA establishes ''as a national goal the prevention of any future, and the remedying of any existing, impairment of visibility in mandatory Class I Federal areas which impairment results from manmade air pollution.'' [6]

EPA promulgated a rule to address regional haze on July 1, 1999.[7] The Regional Haze Rule revised the existing visibility regulations [8] to integrate provisions addressing regional haze and established a comprehensive visibility protection program for Class I areas. The requirements for regional haze, found at 40 CFR 51.308 and 40 CFR 51.309, are included in EPA's visibility protection regulations at 40 CFR 51.300 through 40 CFR 51.309.[9]

The CAA requires each state to develop a SIP to meet various air quality requirements, including protection of visibility.[10] Regional haze SIPs must assure reasonable progress toward the national goal of preventing future and remedying existing manmade visibility impairment in Class I areas. A state must submit its SIP and SIP revisions to EPA for approval.[11] Once approved, a SIP is enforceable by EPA and citizens under the CAA; that is, the SIP is federally enforceable.

B. Best Available Retrofit Technology

Section 169A(b)(2) of the CAA requires SIPs to contain such measures as may be necessary to make reasonable progress toward meeting the national visibility goal. Section 169(b)(2)(A) specifies that one such requirement is for certain categories of existing major stationary sources built between 1962 and 1977 to procure, install, and operate BART as determined by the states through their SIPs. Under the Regional Haze Rule, states (or EPA, in the case of a Federal implementation plan (FIP)) are directed to make BART determinations for such ''BART-eligible'' sources—typically larger, often uncontrolled, and older stationary sources—that may reasonably be anticipated to cause or contribute to any visibility impairment in a Class I area.[12] Rather than requiring source-specific BART controls, states also have the flexibility to adopt an emissions trading program or other alternative program as long as the alternative will achieve greater reasonable progress toward natural visibility conditions than BART.[13]

One such ''BART alternative'' is included in 40 CFR 51.309, and is an option for nine states termed the ''Transport Region States,'' which include Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Utah, and Wyoming. Transport Region States can adopt regional haze strategies based on recommendations from the Grand Canyon Visibility Transport Commission (GCVTC) for protecting visibility in the 16 Class I areas on the Colorado Plateau.[14]

As part of its overall plan for making reasonable progress toward the national visibility goal for those 16 Class I areas, the GCVTC submitted a program to EPA, known as the Western SO_2 Backstop Trading Program, containing annual SO_2 emissions reduction milestones and detailed provisions for a backstop trading program to be implemented automatically if states' measures fail to achieve the SO_2 milestones. EPA approved the Backstop Trading Program as a BART alternative for SO_2 emissions.[15] Transport Region States' SIPs must also contain BART requirements for stationary-source emissions of NO_X and particulate matter.[16]

C. Long-Term Strategy and Reasonable Progress Requirements

In addition to the BART requirements, the CAA's visibility protection provisions also require that states' regional haze SIPs contain a ''long-term (ten to fifteen years) strategy for making reasonable progress toward meeting the national goal. . . .'' [17] The long-term strategy must address regional haze visibility impairment for each mandatory Class I area within the state and each mandatory Class I area located outside the state that may be affected by emissions from the state. It must include the enforceable emission limitations, compliance schedules, and other measures necessary to achieve the reasonable progress goals.[18] The reasonable progress goals, in turn, are calculated for each Class I area based on the control measures states have selected for sources by applying the four statutory ''reasonable progress'' factors, which are ''the costs of compliance, the time necessary for compliance, the energy and non-air quality environmental impacts of compliance, and the remaining useful life of any existing source subject to such requirement.'' [19] That is, states consider the four reasonable progress factors, and certain other factors listed in § 51.308(d)(3) of the Regional Haze Rule, to determine what controls must be included in the long-term strategy. Those controls are represented in the long-term strategy, *i.e.,* the SIP, as emission limits, schedules of compliance, and other measures. The reasonable progress goals are the predicted visibility outcome of implementing the long-term strategy in addition to ongoing pollution control programs stemming from other CAA requirements.

Unlike BART determinations, which are required only for the first regional haze planning period SIPs,[20] states are

[6] 42 U.S.C. 7491(a). Areas designated as mandatory Class I Federal areas consist of national parks exceeding 6,000 acres, wilderness areas and national memorial parks exceeding 5,000 acres, and all international parks that were in existence on August 7, 1977. 42 U.S.C. 7472(a). In accordance with section 169A of the CAA, EPA, in consultation with the Department of Interior, promulgated a list of 156 areas where visibility is identified as an important value. 44 FR 69122 (November 30, 1979). The extent of a mandatory Class I area includes subsequent changes in boundaries, such as park expansions. 42 U.S.C. 7472(a). Although states and tribes may designate as Class I additional areas whose visibility they consider to be an important value, the requirements of the visibility program set forth in section 169A of the CAA apply only to ''mandatory Class I Federal areas.'' Each mandatory Class I Federal area is the responsibility of a ''Federal Land Manager.'' 42 U.S.C. 7602(i). When we use the term ''Class I area'' in this action, we mean a ''mandatory Class I Federal area.''

[7] 64 FR 35714, 35714 (July 1, 1999) (codified at 40 CFR part 51, subpart P).

[8] EPA had previously promulgated regulations to address visibility impairment in Class I areas that is ''reasonably attributable'' to a single source or small group of sources, *i.e.,* reasonably attributable visibility impairment (RAVI). 45 FR 80084, 80084 (December 2, 1980).

[9] EPA revised the Regional Haze Rule on January 10, 2017. 82 FR 3078 (January 10, 2017). Under the revised Regional Haze Rule, the requirements in 40 CFR 51.308(d) and (e) apply to first implementation period SIP submissions and 40 CFR 51.308(f) applies to submissions for the second and subsequent implementation periods. 82 FR 3087; see also 81 FR 26942, 26952 (May 4, 2016).

[10] See 42 U.S.C. 7410(a), 7491, and 7492; CAA sections 110(a), 169A, and 169B.

[11] 42 U.S.C. 7491(b)(2); 7410.

[12] 40 CFR 51.308(e). EPA designed the Guidelines for BART Determinations Under the Regional Haze Rule (Guidelines) ''to help States and others (1) identify those sources that must comply with the BART requirement, and (2) determine the level of control technology that represents BART for each source.'' 40 CFR part 51, appendix Y, I.A. Section II of the Guidelines describes the four steps to identify BART sources, and Section III explains how to identify BART sources (*i.e.,* sources that are ''subject to BART'').

[13] 40 CFR 51.308(e)(2). *WildEarth Guardians* v. *EPA,* 770 F.3d 919, 934 (10th Cir. 2014).

[14] The Colorado Plateau is a high, semi-arid tableland in southeast Utah, northern Arizona, northwest New Mexico, and western Colorado. The 16 mandatory Class I areas are the Grand Canyon National Park, Mount Baldy Wilderness, Petrified Forest National Park, Sycamore Canyon Wilderness, Black Canyon of the Gunnison National Park Wilderness, Flat Tops Wilderness, Maroon Bells Wilderness, Mesa Verde National Park, Weminuche Wilderness, West Elk Wilderness, San Pedro Park Wilderness, Arches National Park, Bryce Canyon National Park, Canyonlands National Park, Capital Reef National Park, and Zion National Park.

[15] 64 FR 35714 (July 1, 1999); 68 FR 33764 (June 5, 2003).

[16] 40 CFR 51.309(d)(4)(vi).

[17] 42 U.S.C. 7491(b)(2)(B).

[18] See 42 U.S.C. 7491(b)(2); 40 CFR 51.308(d)(3).

[19] 42 U.S.C. 7491(g)(1); 40 CFR 51.308(d)(1)(i)(A).

[20] Under the Regional Haze Rule, SIPs are due for each regional haze planning period, or implementation period. The terms ''planning

Continued

required to submit updates to their long-term strategies, including new reasonable progress analyses and reasonable progress goals, in the form of SIP revisions on July 31, 2021, and at specific intervals thereafter.[21] In addition, each state must periodically submit a report to EPA at five-year intervals beginning five years after the submission of the initial regional haze SIP, evaluating the state's progress toward meeting the reasonable progress goals for each Class I area within the state.[22]

By meeting all the requirements of 40 CFR 51.309, including but not limited to the section 309-specific BART requirements, a Transport Region State can be deemed to be making reasonable progress toward the national goal for the first implementation period for the 16 Class I areas on the Colorado Plateau.[23] For stationary sources, the section 309 requirements include any necessary long-term strategies for reasonable progress for particulate matter (PM) and NO_X emissions.[24] Additionally, the State of Wyoming includes several non-Colorado Plateau Class I areas, and thus was also required to submit a long-term strategy for those Class I areas.[25]

D. Consultation With Federal Land Managers

The Regional Haze Rule requires that a state consult with Federal Land Managers (FLMs) before adopting and submitting a required SIP submittal or revision. Further, a state must include a summary of the FLMs' conclusions and recommendations in its notice to the public,[26] as well as include in its submission to EPA a description of how it addressed any comments provided by the FLMs.[27]

III. Wyoming's Regional Haze SIP Revisions

A. Background

The Jim Bridger power plant is in Sweetwater County, Wyoming, and is owned in part and operated by PacifiCorp. The power plant is composed of four 530 megawatt (MW) tangentially fired boilers burning pulverized coal for a total net generating capacity of 2,120 MW. Wyoming determined that all four units are subject to BART.[28]

Wyoming submitted a SIP on January 12, 2011, that addressed regional haze requirements under 40 CFR 51.309 for the first regional haze planning period. The State's regional haze SIP determined that NO_X BART for Jim Bridger Units 1–4 was new LNB/SOFA. Compliance with the BART emission limits was required by March 4, 2019, for all four Jim Bridger units.[29] The State also determined that emission limits consistent with the installation of SCR were necessary to satisfy the reasonable progress (not BART) requirements. Wyoming's SIP required compliance with these emission limits by December 31, 2022, December 31, 2021, December 31, 2015, and December 31, 2016, for Units 1–4, respectively.[30] The State indicated that the delayed timeline for installing SCR was based on the large number of retrofits that PacifiCorp was undertaking or helping to finance at power plants in Wyoming, Utah, Colorado, and Arizona.[31]

In June 2012, we proposed to find the State's BART determination for Jim Bridger Units 1 and 2 unreasonable. We explained that the cost-effectiveness values for LNB/SOFA + SCR were reasonable and within the range that Wyoming had determined to be reasonable for other BART sources. We further explained that the associated visibility improvement and NO_X emissions reductions were significant. Because the State's compliance date for installing SCR was beyond the five years allowed by the statute for BART sources, we proposed to disapprove the State's BART determination and proposed a FIP requiring a NO_X emission limit consistent with the installation of SCR with a compliance deadline of no later than five years after EPA took final action.[32]

Alternatively, EPA proposed to conclude that while BART for all four Jim Bridger units was LNB/SOFA + SCR when the units were considered individually, *i.e.,* without regard to other units in the PacifiCorp system, when considering all PacifiCorp's units with their additional retrofit obligations, BART was LNB/SOFA + SCR on Units 3 and 4 and LNB + OFA on Units 1 and 2. EPA explained that, based on claims by the State and PacifiCorp, costs, considered broadly across all four units as well as for units in other states, could be unreasonable for PacifiCorp to incur within five years of EPA's final action. EPA then proposed in the alternative to approve Wyoming's BART and reasonable progress determinations for Units 1 and 2, the latter of which would require an SCR emission limit by December 31, 2021, for Unit 2, and December 31, 2022, for Unit 1. EPA noted that the Agency believed it ''may be reasonable and feasible for [SCR] to be completed somewhat earlier'' but that, given the context, it ''may be appropriate to give considerable deference to the State's conclusions about what controls are reasonable and when they should be implemented.'' [33]

In 2013, EPA issued another proposal after the Agency conducted its own cost analyses and visibility modeling. As in 2012, EPA proposed two options in the alternative. In proposing to approve the State's BART and reasonable progress determinations for Jim Bridger Units 1 and 2, EPA again cited the fact that PacifiCorp may be required to install several additional retrofits at units in Wyoming and in other states and proposed to give deference to the State under the circumstances.[34]

In the alternative, EPA again proposed in 2013 to determine that BART for Jim Bridger Units 1 and 2 is LNB/SOFA + SCR and is required within five years of EPA's final action. EPA explained that the cost-effectiveness values for installing SCR were reasonable and the visibility improvement at the most impacted Class I area was significant. EPA further explained that the cost estimates were within the range that Wyoming in its SIP and EPA in other SIP and FIP actions have considered reasonable in the BART context.[35]

After considering comments received on the 2012 and 2013 proposals, in the 2014 final rule, EPA finalized approval of Wyoming's determination that BART for Jim Bridger Units 1 and 2 was LNB/SOFA and that SCR should be required for reasonable progress as part of the State's long-term strategy by 2021 and 2022. EPA explained that the updated source-wide visibility improvement associated with the installation of LNB/SOFA + SCR would be significant (1.25–

period'' and ''implementation period'' are used interchangeably in this document.

[21] 40 CFR 51.308(f). The 2021 deadline was originally in 2018; EPA revised this deadline in 2017. 82 FR 3078 (January 10, 2017); see also 40 CFR 51.308(f). Following the 2021 SIP revision deadline, the next SIP revision is due in 2028. 40 CFR 51.308(f).

[22] 40 CFR 51.308(g); 51.309(d)(10).

[23] 40 CFR 51.309(a).

[24] 40 CFR 51.309(d)(4)(vii).

[25] 79 FR 5199.

[26] 42 U.S.C. 7491(d).

[27] 40 CFR 51.308(i).

[28] 77 FR 33022, 33030, 33035 (June 4, 2012).

[29] 79 FR 5221. Installation of new LNB with SOFA (LNB/SOFA) corresponds to a NO_X emission limit of 0.26 lb/MMBtu (30-day rolling average).

[30] Id. Installation and operation of SCR corresponds to a NO_X emission limit of 0.07 lb/MMBtu (30-day rolling average).

[31] 77 FR 33053; see also State of Wyoming, ''Addressing Regional Haze Visibility Protection For The Mandatory Federal Class I Areas Required Under 40 CFR 51.309,'' January 7, 2011, at 102.

[32] 77 FR 33053.

[33] 77 FR 33054.

[34] 78 FR 34738, 34755–56 (June 10, 2013). However, of the twenty retrofit actions referenced in EPA's 2013 proposal, PacifiCorp has installed only two SCRs in Wyoming and three SCRs and one SNCR in Colorado to date.

[35] 78 FR 34780.

1.5 deciviews) with unit-specific visibility benefits for Units 1 and 2 at 0.27–0.37 deciviews at the most impacted Class I area (Bridger), respectively. We explained that ''[t]he fact that Jim Bridger Station affects a number of other Class I areas [(in addition to Bridger)], which would also see appreciable visibility improvement with the installation of LNB/SOFA + SCR, also weighs in favor of selecting this option as BART.'' [36] We also found that the updated average cost-effectiveness of LNB/SOFA + SCR at $2,635 and $3,403/ton for Units 1 and 2, respectively, was in line with what we had found to be acceptable in other determinations,[37] in addition to finding that the incremental cost-effectiveness of $7,447 and $8,968/ton for Units 1 and 2, respectively, was on the high end of what we had found to be reasonable in other determinations.[38] However, EPA ultimately concluded that, ''while we believe that these costs and visibility improvements could potentially justify LNB/SOFA + SCR as BART, because this is a close call and because the State has chosen to require SCR as a reasonable progress control, we believe deference to the State is appropriate in this instance.'' [39] We thus finalized the State's determination to require LNB/SOFA as BART controls with a corresponding emission limit of 0.26 lb/MMBtu by March 4, 2019, for Jim Bridger Units 1 and 2, and the State's determination to require SCR as part of the State's long-term strategy necessary to achieve reasonable progress with a corresponding emission limit of 0.07 lb/MMBtu (30-day rolling average) by 2022 and 2021 for Jim Bridger Units 1 and 2, respectively.[40]

B. May 14, 2020 Submittal

Notwithstanding the State's 2011 determination to require the installation of SCR as being necessary for reasonable progress in the State's long-term strategy for Jim Bridger 1 and 2 in 2021 and 2022, and the deference EPA afforded the State's determination in the 2014 final rule (instead of requiring SCR as BART controls within five years of EPA's action), on May 14, 2020, Wyoming submitted a SIP revision for the purpose of amending the State's regional haze SIP and removing the SCR requirement for Jim Bridger Units 1 and 2.[41] Wyoming stated that ''[d]ue to the significant costs of installing SCR on Units 1 and 2, and the potential impact of those costs to PacifiCorp's customers, PacifiCorp reassessed its compliance with the Regional Haze Rule and developed an alternative regional haze compliance strategy . . . .'' [42]

The State's 2020 SIP revision contains a source-specific, NO_X-only reasonable progress analysis and determination for Jim Bridger Units 1 and 2, as well as plant-wide annual and monthly NO_X and SO_2 emission limits for Jim Bridger Units 1–4. Specifically, the amendments provide a source-specific reasonable progress four-factor analysis and consideration of visibility benefits for Jim Bridger Units 1 and 2 to demonstrate that the current LNB/SOFA NO_X BART controls also satisfy the reasonable progress requirements for those units for the first planning period. The SIP revision thereby would remove the existing reasonable progress requirement for Jim Bridger Units 1 and 2 to comply with emission limits of 0.07 lb/MMBtu in 2021 and 2022 (Table 1).

TABLE 1—EXISTING AND PROPOSED NO_X EMISSION LIMITS FOR JIM BRIDGER UNITS 1–4

Unit	Existing NO_X BART emission limit (30-day rolling average; lb/MMBtu) [1]	Existing NO_X reasonable progress emission limit (30-day rolling average; lb/MMBtu) [2]	Proposed NO_X reasonable progress emission limit (30-day rolling average; lb/MMBtu)
1	0.26	0.07	0.26
2	0.26	0.07	0.26
3	0.26	0.07	[3] N/A
4	0.26	0.07	[3] N/A

[1] Compliance date is March 4, 2019; no changes to the NO_X BART emission limits are proposed.
[2] Compliance dates for each is: Unit 1 = December 31, 2022; Unit 2 = December 31, 2021; Unit 3 = December 31, 2015; and Unit 4 = December 31, 2016.
[3] No change to existing NO_X reasonable progress emission limit of 0.07 lb/MMBtu (30-day rolling average).

[36] 79 FR 5048.

[37] 79 FR 5040, 5048. Note that the text at 79 FR 5048 misstates the average cost-effectiveness for LNB/SOFA + SCR at Units 1 and 2. The correct figures are stated in Table 5 and 6 at 79 FR 5040. Note that for Jim Bridger Units 3 and 4, we disagreed with Wyoming's conclusion that BART was not LNB/SOFA + SCR, but we nonetheless approved the State's BART and reasonable progress determinations of 0.26 lb/MMBtu (30-day rolling average) and 0.07 lb/MMBtu (30-day rolling average), respectively, because the compliance deadlines for SCR were all within the statutory timeframe for BART. 77 FR 33035–36; 79 FR 5046, 5221.

[38] 79 FR 5048.

[39] Id.

[40] 79 FR 5048–49.

[41] Letter dated May 12, 2020, from Todd Parfitt, Director, Wyoming Department of Environmental Quality, to Gregory Sopkin, Regional Administrator, EPA Region 8, Subject: State Implementation Plant Approval Request—Regional Haze 309(g) SIP revision for PacifiCorp Jim Bridger Power Plant.

[42] Wyoming 2020 SIP Revision at 3.

In addition, Wyoming's 2020 SIP revision would add federally enforceable month-by-month plant-wide NO_X and SO_2 emission limits across all four Jim Bridger units, as well as an enforceable annual plant-wide NO_X and SO_2 emissions cap of 17,500 tpy, effective January 1, 2022 (Table 2). The plant-wide monthly and annual emission limits for Jim Bridger Units 1–4 are already State-enforceable through Wyoming air quality permit #P0025809. The final permit was issued on May 5, 2020.[43]

TABLE 2—ENFORCEABLE MONTHLY PLANT-WIDE BLOCK NO_X AND SO_2 EMISSION LIMITS FOR JIM BRIDGER UNITS 1–4, EFFECTIVE JANUARY 1, 2022

Month	Total units 1–4 NO_X emission limit (monthly average basis) (lb/hour)	Total units 1–4 SO_2 emission limit (monthly average basis) (lb/hour)
January	2,050	2,100
February	2,050	2,100
March	2,050	2,100
April	2,050	2,100
May	2,200	2,100
June	2,500	2,100
July	2,500	2,100
August	2,500	2,100
September	2,500	2,100
October	2,300	2,100
November	2,030	2,100
December	2,050	2,100

C. Summary of Wyoming's Reasonable Progress Reassessment

Pursuant to CAA section 169A(g)(1) and 40 CFR 51.308(d)(1)(i)(A), in determining the measures necessary to make reasonable progress, a state must take into account the following four factors and demonstrate how they were taken into consideration in making a reasonable progress determination:

- Costs of Compliance;
- Time Necessary for Compliance;
- Energy and Non-Air Quality Environmental Impacts of Compliance; and
- Remaining Useful Life of Any Potentially Affected Sources.

In order to conduct a source-specific reasonable progress assessment for Jim Bridger Units 1 and 2, the State took into consideration the four required factors and also included visibility improvement as an additional factor in its reasonable progress analysis.[44] Wyoming relied on information provided by PacifiCorp and EPA for evaluating potential reasonable progress NO_X emissions controls—LNB/SOFA, LNB/SOFA + selective non-catalytic reduction (SNCR), and LNB/SOFA + SCR—at Jim Bridger.[45]

1. Costs of Compliance

For the source-specific reasonable progress analysis associated with this action, Wyoming relied on cost information provided by PacifiCorp. PacifiCorp used NO_X emission rates for LNB/SOFA of 0.187 lb/MMBtu and 0.192 lb/MMBtu (annual average) reflective of the actual emissions rate (2013–2015) for Units 1 and 2, respectively. The anticipated NO_X emission rate for LNB/SOFA + SNCR was assumed to be 0.15 lb/MMBtu (annual) for both Units 1 and 2. The NO_X emission rate for LNB/SOFA + SCR was assumed to be 0.05 lb/MMBtu (annual), which corresponds to the 0.07 lb/MMBtu LNB/SOFA + SCR NO_X 30-day rolling average emission limits for Units 1 and 2 that EPA approved in the 2014 final rule.

Wyoming's source-specific reasonable progress analysis for Units 1 and 2 based capital costs and annual operating and maintenance (O&M) costs on the actual costs incurred to install and operate SCR technology on Jim Bridger Units 3 and 4, as well as the actual costs to install LNB/SOFA on Units 1 and 2 (Table 3). Capital costs for SNCR technology were estimated based on recent similarly sized projects (Table 3).[46]

TABLE 3—PACIFICORP'S TOTAL CAPITAL AND O&M COSTS FOR THE JIM BRIDGER UNITS 1 AND 2 REASONABLE PROGRESS ANALYSIS

NO_X control technology	Total installed capital costs ($)		Total O&M costs ($/year)	
	Unit 1	Unit 2	Unit 1	Unit 2
LNB/SOFA	$8,410,000	$7,986,000	.....	.....
SNCR	15,538,000	15,538,000	2,954,000	3,158,000
SCR	140,428,000	140,428,000	2,580,000	2,527,000

[43] Letter dated May 5, 2020, from Nancy E. Vehr, Administrator, Air Quality Division, Wyoming Department of Environmental Quality, to James Owens, Director, Environmental Services, PacifiCorp, Subject: Permit #P0025809 (Permit #0025809).

[44] The visibility benefit of an emissions reduction measure is not listed as a required factor, but neither the CAA nor the Regional Haze Rule prohibits a state from considering visibility benefits when it determines what emissions control measures are required for a source to make reasonable progress at a Class I area. Therefore, a state may consider the visibility benefits of potential control measures when determining what is necessary to make reasonable progress.

[45] Wyoming 2020 SIP Revision at 3; see also PacifiCorp, Jim Bridger Power Plant Reasonable Progress Determination to Support PacifiCorp's Reasonable Progress Reassessment (PacifiCorp Reassessment), February 2019.

[46] Wyoming 2020 SIP Revision, PacifiCorp, Corrected JB RP Reassessment NO_X Comparison Tables, October 6, 2020.

PacifiCorp annualized capital costs using the capital recovery factor (CRF) approach described in EPA's Control Cost Manual using 20-year and 30-year amortization periods for SNCR and SCR, respectively.[47] Total annual costs were calculated as the sum of the annualized capital costs and total O&M costs. The cost-effectiveness of each NO_X control technology was calculated on a dollar-per-ton of pollutant removed basis by dividing the total annual costs by the reduction in annual NO_X emissions associated with each NO_X emissions control technology (*i.e.,* LNB/SOFA, LNB/SOFA + SNCR, LNB/SOFA + SCR). Similarly, PacifiCorp calculated the incremental cost-effectiveness of each NO_X control technology on a dollar-per-ton of pollutant removed basis by dividing the difference of the total annual costs (of one control technology compared to that of the next most stringent control technology) by the difference in the reduction in annual NO_X emissions (of the two control technologies).

The summary of cost-effectiveness figures for Wyoming's reasonable progress analysis for Jim Bridger Units 1 and 2 is shown in Table 4. Baseline NO_X emissions (2001–2003) are 8,432 tpy and 7,575 tpy for Units 1 and 2, respectively.

TABLE 4—SUMMARY OF JIM BRIDGER UNITS 1 AND 2 NO_X REVISED REASONABLE PROGRESS COST ANALYSIS [48]

NO_X control technology	NO_X emissions rate (lb/MMBtu; annual)	Emissions reduction (tpy)	Annualized cost ($/year)	Average cost-effectiveness ($/ton)	Incremental cost-effectiveness ($/ton)
Unit 1					
LNB/SOFA	[1] 0.187	4,414	$794,000	$180	
LNB/SOFA + SNCR	[2] 0.15	5,209	5,215,000	1,001	5,560
LNB/SOFA + SCR	0.05	7,358	14,692,000	1,997	4,410
Unit 2					
LNB/SOFA	[1] 0.192	3,649	754,000	207	
LNB/SOFA + SNCR	[2] 0.15	4,508	5,379,000	1,193	5,385
LNB/SOFA + SCR	0.05	6,552	14,599,000	2,228	4,510

[1] lb/MMBtu, annual average.
[2] lb/MMBtu, annual. The controlled NO_X emission rate with SNCR was assumed to be 0.15 lb./MMBtu, which corresponds with a reduction of approximately 20 percent.

Wyoming also summarized the total estimated capital costs and annual costs combined for Units 1 and 2 for the installation of SCR and SNCR, in addition to the LNB/SOFA NO_X emissions controls already installed, for the revised reasonable progress analysis (Table 5).

TABLE 5—TOTAL CAPITAL AND ANNUAL COSTS FOR JIM BRIDGER UNITS 1 AND 2 REVISED REASONABLE PROGRESS ANALYSIS [49]

NO_X control technology	Control efficiency (%)	Capital costs ($)	Annual costs ($/year)
LNB/SOFA	53	$16,396,000	$1,548,000
LNB/SOFA + SNCR	63	47,472,000	10,594,000
LNB/SOFA + SCR	87	297,252,000	29,291,000

Although Jim Bridger Units 3 and 4 are not included in the reasonable progress analysis, Wyoming noted that the total capital cost for LNB/SOFA + SCR installation on Units 3 and 4, which are already installed, was $310,959,000. Ultimately, Wyoming concluded that the installation of SCR on Jim Bridger Units 1 and 2 would cost ''hundreds of millions more'' than the costs already incurred for LNB/SOFA NO_X emissions controls while SNCR would cost ''tens of millions more'' than the costs already incurred for LNB/SOFA NO_X emissions controls.[50]

2. Time Necessary for Compliance

As stated previously, the SIP approved by EPA on January 30, 2014, requires an emission limit of 0.07 lb/MMBtu associated with the installation of LNB/SOFA + SCR on Jim Bridger Unit 1 by December 31, 2022, and on Unit 2 by December 31, 2021. Wyoming stated in the 2020 SIP revision that if SNCR installation was required, the compliance timelines would match the SCR timeline. The current LNB/SOFA NO_X emissions controls were installed in 2010 and 2005 for Units 1 and 2, respectively.[51]

3. Energy and Non-Air Quality Environmental Impacts of Compliance

The State identified that SCR control technology would periodically produce solid waste when the catalyst is changed. Additionally, Wyoming stated that SCR control technology would require the storage and use of ammonia, while SNCR would require the storage

[47] EPA, ''Control Cost Manual,'' Section 4, Chapter 1, April 25, 2019, page 1–53–54, and Chapter 2, June 2019, page 80, available at *https://www.epa.gov/economic-and-cost-analysis-air-pollution-regulations/cost-reports-and-guidance-air-pollution* (last visited December 2021).

[48] Wyoming 2020 SIP Revision, PacifiCorp, Corrected JB RP Reassessment NO_X Comparison Tables, October 6, 2020.

[49] Wyoming 2020 SIP Revision at 5.

[50] Id.

[51] Id. at 6.

and use of urea. With respect to energy use, the State estimated that SNCR would require 6 times the energy required by the current NO_X control technology (LNB/SOFA), and SCR would require 150 times the energy required by LNB/SOFA. Wyoming further stated that SCR would require the use of an additional 10.4 megawatts of energy. Wyoming did not anticipate any additional negative non-air environmental impacts associated with the current LNB/SOFA NO_X emissions controls.[52]

4. Remaining Useful Life

For this evaluation, Wyoming stated that the expected life of the source is less than the expected life of the emissions control technology, which is 30 years for SCR and 20 years for SNCR. However, Wyoming did not provide an enforceable shutdown date that would ensure that the expected life of the source would in fact be reduced.[53] Therefore, notwithstanding the State's expectation of a shortened remaining useful life for the source, it used the full 30-year and 20-year periods for SCR and SNCR, respectively, in its analyses.

5. Visibility Improvement

Although visibility improvement is not one of the four statutory factors for reasonable progress, Wyoming elected to include visibility improvement in the reasonable progress analysis for Jim Bridger Units 1 and 2. Wyoming did not complete new visibility modeling for the reasonable progress analysis and determination. Instead, the State relied upon EPA's CALPUFF modeling results contained in the 2014 final rule to assess the visibility impacts of the NO_X emissions control technologies evaluated, *i.e.,* for LNB/SOFA, LNB/SOFA + SNCR, LNB/SOFA + SCR.[54] In our 2014 final rule, we evaluated the CALPUFF visibility modeling of the Jim Bridger power plant for the most impacted Class I area, Bridger Wilderness (Table 6).[55]

TABLE 6—SUMMARY OF JIM BRIDGER POWER PLANT NO_X VISIBILITY ANALYSIS IN EPA'S 2014 FINAL RULE

Jim Bridger	Visibility Improvement (deciviews) [1] (modeled results using an ammonia background based on a monitored monthly varying concentration/modeled results using IWAQM default 0.5 ppb background ammonia) [3]		
	LNB/SOFA	LNB/SOFA + SNCR	LNB/SOFA + SCR
Unit 1	0.17/0.23	0.20/0.27	0.27/0.37
Unit 2	0.16/0.21	0.19/0.25	0.27/0.36
Unit 3	0.14/0.19	0.17/0.23	0.26/0.35
Unit 4	0.25/0.23	0.30/0.28	0.45/0.42
Total [2]	0.72/0.86	0.86/1.03	1.25/1.5

[1] For most impacted Class I area, Bridger Wilderness.
[2] The total visibility improvement was estimated as the sum of the visibility improvement from each unit.
[3] EPA, Air Quality Modeling Protocol; Wyoming Regional Haze Implementation Plan, January 2014.

The State noted that EPA determined in 2014 that the unit-specific visibility benefits for LNB/SOFA + SCR installation on Units 1 and 2 were ''modest'' at 0.27 to 0.37 deciviews. In addition, the State noted that the incremental visibility improvement, as determined by EPA, of LNB/SOFA + SCR over LNB/SOFA, was 0.10 to 0.14 deciviews for Unit 1 and 0.11 to 0.15 deciviews for Unit 2. The State further noted that incremental improvement of LNB/SOFA + SNCR over LNB/SOFA was smaller at between 0.03–0.04 deciviews for both Units 1 and 2.[56]

In addition to comparing the visibility impacts associated with each NO_X emissions control technology, Wyoming also pointed to PacifiCorp's estimated NO_X emissions reductions. The State asserted that the current LNB/SOFA NO_X emissions controls already have reduced NO_X emissions from the 2001–2003 baseline by a combined 8,063 tpy for Units 1 and 2. The installation of SCR would reduce NO_X emissions from the 2001–2003 baseline by an additional 5,848 tpy (Units 1 and 2 combined), while the installation of SNCR would reduce NO_X emissions from the baseline by an additional 1,655 tpy.[57]

According to the State, in spite of the additional NO_X emissions reductions achievable through each NO_X control technology, EPA's 2014 modeling demonstrates that the installation of SCR on Units 1 and 2 would result in only modest incremental visibility benefits of 0.10–0.15 deciviews (per unit) when compared to current LNB/SOFA NO_X emissions controls on Units 1 and 2. The State concluded that these visibility improvements are not significant enough to outweigh the substantial cost of installing SCR. Instead, Wyoming concluded that relying on the current NO_X emissions controls (LNB/SOFA) is the reasonable choice for Jim Bridger Units 1 and 2.[58]

6. Reasonable Progress Demonstration

[52] Id. at 6.

[53] Id. at 4.

[54] See id. at 7. In the 2014 final rule, EPA addressed comments on the visibility improvement modeling by developing a new protocol that makes several improvements in the modeling, including the latest regulatory version of the CALPUFF model at the time of the rule (version 5.8), the use of an improved method to assess the effects of pollutants on light scattering and visibility impairment (Method 8), the use of background ammonia concentrations based on monitoring data and regulatory default concentrations for the area, and the use of an ammonia-limiting correction to treat sources with multiple units. We used two sets of background ammonia concentrations based on representative monthly varying ammonia concentrations and default concentrations for forested areas.

[55] 79 FR 5048.

[56] Wyoming 2020 SIP Revision at 7.

[57] Id.

[58] Id. at 7–8.

After considering each of the four reasonable progress factors, states must demonstrate how those factors, and visibility improvement if included in the analysis, were taken into consideration in making a reasonable progress determination.[59] Thus, after consideration of the four factors, along with an evaluation of the modeled visibility impacts at the most impacted Class I area (Bridger Wilderness), Wyoming determined that no additional controls beyond BART are necessary for Jim Bridger Units 1 and 2 under the reasonable progress provisions for the first regional haze planning period. Wyoming determined that, ''[w]hile SCR installation on Units 1 & 2 could be expected to be more efficient in controlling NO_X emission than either SNCR installation or relying on Current Unit 1–2 NO_X Controls [(LNB/SOFA)], the estimated capital costs, annual costs, and cost-effectiveness are far higher for SCR and SNCR, compared with little modeled visibility benefit.'' [60] In addition, the State explained that SCR will produce solid waste every time the catalyst must be replaced and will have higher electricity requirements. The State further explained that the current NO_X controls are already in use and do not require additional time for compliance.[61]

Wyoming stated that its reasonable progress determination for Jim Bridger Units 1 and 2 is consistent with several similar EPA decisions where EPA rejected SNCR and SCR because the cost-effectiveness values associated with the control measures were significantly higher and/or the NO_X emissions reductions achieved were not that much more than combustion controls (LNB) alone.[62] Furthermore, Wyoming stated that it considers the costs that PacifiCorp has already incurred on NO_X emissions control technology at the Jim Bridger power plant and the associated improvement in visibility to be sufficient for reasonable progress.[63]

In summary, Wyoming concluded that the reasonable progress analysis demonstrates that the current NO_X emissions controls (LNB/SOFA) on Units 1 and 2, including the current NO_X emission limits of 0.26 lb/MMBtu (30-day rolling average), which apply to each unit, constitute NO_X reasonable progress for Jim Bridger Units 1 and 2. Therefore, Wyoming's 2020 SIP revision would remove the emission limits of 0.07 lb/MMBtu (30-day rolling average) associated with the installation of SCR at Jim Bridger Units 1 and 2 as part of the State's long-term strategy to achieve reasonable progress at several Class I areas for the first planning period.[64]

D. Summary of Wyoming's Plant-Wide Monthly and Annual NO_X and SO_2 Emission Limits for Jim Bridger

In addition to concluding that emission limits consistent with LNB/SOFA are sufficient for reasonable progress for Jim Bridger Units 1 and 2, the State asserted that PacifiCorp's plant-wide monthly and annual NO_X and SO_2 emission limits for Jim Bridger Units 1–4 strengthen and support the reasonable progress determination for Jim Bridger Units 1 and 2. Specifically, the State quoted EPA's 2007 Reasonable Progress Goals Guidance (2007 Guidance), which provides that States ''have flexibility in how to take into consideration [the] statutory factors and any other factors [the state has] determined to be relevant,'' [65] in claiming that PacifiCorp's monthly plant-wide NO_X and SO_2 emission limits (shown in Table 2) and the annual plant-wide NO_X and SO_2 emissions cap of 17,500 tpy are relevant in Wyoming's revised reasonable progress analysis and determination. The State pointed to a number of factors to describe how the plant-wide monthly and annual NO_X and SO_2 emission limits bolster the revised reasonable progress analysis. These include what the State asserted are greater modeled visibility improvement, lower costs, and fewer overall energy and environmental impacts than the installation of SCR and SNCR on Units 1 and 2.[66]

Wyoming relied on CALPUFF visibility modeling conducted by PacifiCorp to evaluate visibility improvement associated with the plant-wide monthly and annual NO_X and SO_2 emission limits compared to LNB/SOFA + SCR and LNB/SOFA + SNCR.[67] The CALPUFF modeling report used the following three metrics to evaluate the results:

- The 98th percentile modeled delta-deciview, averaged over the 3 years modeled and applied to each Class I area individually;
- The number of modeled days (summed over the 3 years modeled) with a plant-wide impact above 0.5 delta-deciview, applied to each Class I area individually; and
- The number of modeled days (summed over the 3 years modeled) with a plant-wide impact above 1.0 delta-deciview, applied to each Class I area individually.

Under all three metrics, Wyoming asserted that the updated CALPUFF modeling results demonstrate that the plant-wide monthly and annual NO_X and SO_2 emission limits resulted in greater visibility improvement than SCR and SNCR.[68]

With respect to the 98th percentile metric, the State asserted that the visibility impacts for the Jim Bridger power plant under the SCR, SNCR, and plant-wide monthly and annual NO_X and SO_2 emission limits scenarios are 0.760, 0.930, and 0.653 deciviews, respectively.[69] Wyoming further asserted that the number of CALPUFF-modeled days resulting in a plant-wide visibility impact above 0.5 delta-deciviews over a three-year period under the SCR, SNCR, and plant-wide monthly and annual NO_X and SO_2 emission limits scenarios are 475, 597, and 371 days, respectively. Finally, with respect to the number of CALPUFF-modeled days resulting in a plant-wide visibility impact above 1.0 delta-deciview over a three-year period under the SCR, SNCR, and plant-wide monthly and annual NO_X and SO_2 emission limits scenarios are 127, 195, and 108 days, respectively, according to the State.[70]

According to Wyoming, installation of SCR and SNCR on Units 1 and 2 will result in the reduction of NO_X emissions of 5,848 and 1,655 tpy respectively, relative to ''current operating potential.'' ''Current operating potential,'' as defined in PacifiCorp's technical analysis, is based on a combination of recent emission rates with plant-wide heat input (*i.e.,* utilization) from the 2001–2003 period.[71] Implementation of the plant-wide monthly and annual NO_X and SO_2 emission limits will result in the reduction of NO_X and SO_2

[59] 40 CFR 51.308(d)(1)(i)(A).

[60] Wyoming 2020 SIP Revision at 7.

[61] Id.

[62] Id. at 7, 8 (citing 77 FR 24794 (April 25, 2012), 77 FR 11879 (February 28, 2012), 77 FR 18052 (March 26, 2012), 77 FR 23988 (April 20, 2012), 83 FR 62204 (November 30, 2018), 80 FR 18944 (April 8, 2015), 77 FR 21896 (April 12, 2012)).

[63] Id. at 7.

[64] Id. at 8.

[65] Wyoming 2020 SIP Revision at 8–9 (quoting EPA's ''Guidance for Setting Reasonable Progress Goals Under the Regional Haze Program,'' June 1, 2007 (2007 Guidance)).

[66] Wyoming 2020 SIP Revision at 8–12.

[67] Wyoming chose the CALPUFF visibility model because it was the same model used to analyze the existing reasonable progress requirements (79 FR 5039). See Wyoming 2020 SIP Revision at 11.

[68] Id. at 11–12.

[69] Averaged across all impacted Class I areas, including Bridger Wilderness, Fitzpatrick Wilderness, Grand Teton National Park, Mt. Zirkel Wilderness, Rocky Mountain National Park, Rawah Wilderness, Teton Wilderness, Washakie Wilderness, and Yellowstone National Park. PacifiCorp Reassessment at 15.

[70] Id. at 11–12.

[71] See PacifiCorp Reassessment, Attachment 1 at 21.

emissions of 6,056 tpy relative to a baseline of 2001–2003 utilization. In addition to reductions in NO_X and SO_2 emissions, Wyoming stated that the plant-wide emission limits will reduce all emissions from the Jim Bridger power plant, including PM, mercury (Hg), greenhouse gases (GHG), carbon monoxide (CO), carbon dioxide (CO_2), and sulfuric acid (H_2SO_4), as well as reduce coal consumption, coal combustion residual production and disposal, and raw water consumption.[72]

To compare cost-effectiveness estimates, the State relied on PacifiCorp's analysis using total tons of SO_2 and NO_X reduced from ''current operating potential'' under the assumption that the pollutants would have equivalent visibility impacts (Table 7).

TABLE 7—PACIFICORP'S SUMMARY OF JIM BRIDGER UNITS 1–4, COST ANALYSIS FOR SCR, SNCR, AND PLANT-WIDE MONTHLY AND ANNUAL NO_X AND SO_2 EMISSION LIMITS

Jim Bridger	Control technology	Capital cost ($)	Annualized cost ($/year)	Cost-effectiveness ($/ton)
Units 1–2	SCR	280,856,000	27,743,000	4,744
Units 1–2	SNCR	31,076,000	9,046,000	5,469
Units 1–4	Monthly and Annual Plant-Wide Emission Limits.	4,659,000	2,115,000	349

Wyoming also asserted that the plant-wide monthly and annual NO_X and SO_2 emission limits are more cost-effective than SCR or SNCR. Furthermore, Wyoming claimed that even if all three emissions control measures are compared on a NO_X-only basis (excluding SO_2), the plant-wide monthly and annual NO_X and SO_2 emission limits remain the most cost-effective option.[73]

In addition to the asserted visibility and cost benefits associated with the plant-wide monthly and annual NO_X and SO_2 emission limits, Wyoming compared the energy and non-air quality environmental impacts of compliance. First, Wyoming contended that, as compared to the use of SCR, the plant-wide monthly and annual NO_X and SO_2 emission limits would allow approximately 10.4 megawatts of electrical energy required by SCR for Units 1 and 2 to be instead directed to the electrical grid to power approximately 8,761 average homes. Second, Wyoming asserted that the installation of SCR controls on Units 1 and 2 would not restrict the capacity factor of these units (*e.g.,* the annual heat output), so these units could operate with a potential average annual capacity factor of 100 percent. In contrast, Wyoming explained that implementation of the plant-wide monthly and annual NO_X and SO_2 emission limits would limit the capacity of all four units and effectively limit annual boiler heat input, thereby also providing a reduction in the consumption of natural resources (*i.e.,* water and coal). Third, Wyoming asserted that the installation of SCR at Units 1 and 2 would result in additional storage and use of ammonia and create more coal combustion residuals. Likewise, the installation of SNCR on Units 1 and 2 would result in additional storage and use of urea and would also create more coal combustion residuals compared to the plant-wide monthly and annual NO_X and SO_2 emission limits. Finally, Wyoming asserted that the plant-wide monthly and annual NO_X and SO_2 emission limits provide the entire facility the flexibility to ''load follow'' or accommodate intermittent influx of renewable energy into the western power grid, which has larger scale environmental impacts in Wyoming and across the West.[74]

IV. EPA's Evaluation and Proposed Disapproval of Wyoming's Regional Haze SIP Revisions

A. Basis for Proposed Disapproval

Although states have discretion under the Regional Haze Rule to balance the four statutory factors in making control determinations for sources, their analyses must be both reasoned and moored to the statutory requirement to make reasonable progress toward the national visibility goal.[75] The Regional Haze Rule provides that, ''in determining whether the State's goal for visibility improvement provides for reasonable progress toward natural visibility conditions, the Administrator will evaluate'' the state's demonstration under 40 CFR 51.308(d)(1)(i) and (ii).[76] Thus, our regulations and the CAA require that we review the reasonableness of the State's reasonable progress determination in light of the goal of achieving natural visibility conditions. This approach is also inherent in our role as the administrative agency empowered to review and approve SIPs. In this SIP review action, EPA is not only authorized, but required to exercise independent technical judgement in evaluating the adequacy of the State's regional haze SIP, including its reasonable progress determinations.[77]

For the reasons described in section IV.B. below, EPA proposes to disapprove Wyoming's regional haze SIP revision. Our proposed action is based on an evaluation of Wyoming's 2020 SIP revision under the regional haze requirements at 40 CFR 51.300–51.309 and CAA section 169A. The revisions were also evaluated against the general SIP requirements contained in CAA section 110 and our regulations applicable to this action. Additionally, EPA is not reopening, and thus not accepting comment on, EPA's 2014 approval of Wyoming's BART determinations for Jim Bridger Units 1–4 or EPA's 2014 approval of the emission limits Wyoming required as reasonable progress controls for Jim Bridger Units 3 and 4. Any comments on these issues will be deemed beyond the scope of this action.

[72] Id. at 9–10.

[73] Id. at 9–10.

[74] Id. at 10–11.

[75] *Cf. Arizona* v. *EPA,* 815 F.3d 519, 531 (9th Cir. 2016) (While states have discretion to balance the five BART factors, they must also adhere to certain requirements when conducting BART analyses. EPA may not approve BART determinations that are based on analyses that are unreasoned or unmoored to the statutory provisions.) (citing *N. Dakota* v. *EPA,* 730 F.3d 750, 761 (8th Cir. 2013)).

[76] 40 CFR 51.308(d)(1)(iii).

[77] 42 U.S.C. 7410(a)(2)(J), (*l*), (k)(3); 7491(a)(1), (b)(2)(B); *Oklahoma* v. *EPA,* 723 F.3d 1201 (10th Cir. 2013).

B. EPA's Proposed Disapproval of Wyoming's Reasonable Progress Determination for Jim Bridger Units 1 and 2

We are proposing to disapprove Wyoming's regional haze SIP revision for the NO_X reasonable progress determination for Jim Bridger Units 1 and 2.

In our analysis of the Wyoming 2020 SIP revision, we evaluated Wyoming's reasonable progress determination for Jim Bridger Units 1 and 2 under 40 CFR 51.308(d)(1)(i)(A). Under this requirement, a state must consider the following four factors and include a demonstration of how they were taken into consideration in making a reasonable progress determination:

- Costs of Compliance;
- Time Necessary for Compliance;
- Energy and Non-Air Quality Environmental Impacts of Compliance; and
- Remaining Useful Life of Any Potentially Affected Sources.

The State has discretion to reasonably weigh these four factors, along with visibility improvement if it so chooses, to determine what controls are necessary to include in the long-term strategy for a specific source. States exercise this discretion within the context of the statutory requirement to make reasonable progress toward the national visibility goal.[78]

1. Basis of Our Proposed Disapproval

We are proposing to find that Wyoming's 2020 SIP revision does not provide a reasonable basis for reversing the State's 2011 determination of what reasonable progress controls are necessary for Jim Bridger Units 1 and 2 for the first planning period. Our proposed disapproval is based on the following: (1) The reasonable cost-effectiveness of the existing control requirements for Jim Bridger Units 1 and 2 (emission limits consistent with the installation of SCR); (2) the appreciable visibility improvement estimated to result from compliance with the existing reasonable progress control requirements; and (3) the fact that the State previously determined that the costs of those control requirements were reasonable and that they are necessary to satisfy the statutory requirements, and has not provided any new information that would support a revised determination that the existing control requirements are now unreasonable. Because the State has not provided adequate justification for reversing its 2011 determination, removing the existing emission limits reflecting LNB/SOFA + SCR from the SIP would be inconsistent with the requirement that SIPs contain the measures necessary to make reasonable progress toward the national visibility goal. We therefore propose to disapprove the State's 2020 SIP revision.

As an initial matter, we propose to find that the State reasonably characterized the four factors required in a reasonable progress analysis, including the costs of compliance, the time necessary for compliance, energy and non-air quality environmental impacts of compliance, and the remaining useful life of any potentially affected sources. In addition, we agree with the State that, although visibility improvement is not one of the four factors required by CAA section 169A(g)(1) and 40 CFR 51.308(d)(1)(i)(A), visibility improvement (along with the statutory factors) can be considered to determine what control measures are necessary to make reasonable progress.[79]

We are also specifically proposing to find that Wyoming's revised cost calculation is appropriate, including: (1) The use of actual annual average (2013–2015) NO_X emissions rates for LNB/SOFA; (2) the use of NO_X emissions rates of 0.15 and 0.05 lb/MMBtu (annual) for LNB/SOFA + SNCR and LNB/SOFA + SCR, respectively; (3) the use of amortization periods of 20, 20, and 30 years for LNB/SOFA, SNCR and SCR, respectively; (4) the use of actual costs for the installation and operation of SCR taken from those incurred for Units 3 and 4; and (5) the use of a baseline of 2001–2003 emissions to analyze cost and visibility associated with LNB/SOFA, LNB/SOFA + SNCR, and LNB/SOFA + SCR.

However, as explained previously, notwithstanding our proposed finding that Wyoming reasonably characterized relevant information under each of the four statutory factors, we are proposing to find that the State did not reasonably consider that information in reaching its revised reasonable progress determination.

Of the four reasonable progress factors and the optional visibility improvement factor, the State placed significant emphasis on the costs of compliance in its analysis of controls for Jim Bridger Units 1 and 2. Consistent with the State's analysis, we afford this factor similar significance in our evaluation here. We are also evaluating the visibility improvement information that Wyoming considered in the SIP revision, as well as the other three factors—remaining useful life, time necessary for compliance, and energy and non-air environmental impacts. After a consideration of all five of these factors, we propose to conclude that the State's determination that the installation of SCR is not necessary for reasonable progress is unreasonable.

a. Costs of Compliance

In order to evaluate Wyoming's 2020 SIP revision with respect to the cost of compliance, we first evaluate Wyoming's characterization of the costs using the updated Control Cost Manual. Next, we evaluate the reasonableness of the costs associated with the installation of SCR on Units 1 and 2 with respect to average and incremental cost-effectiveness and the State's explanation for why requiring SCR on Units 1 and 2 is unreasonable.

The revised NO_X control cost estimates in Wyoming's 2020 SIP revision are based on the current version of the Control Cost Manual, which has been revised since our 2014 final rule. As updated, the Control Cost Manual includes a 30-year equipment life for SCR.[80] The change in equipment life estimate from 20 to 30 years for SCR affects annual cost estimates, as well as average cost-effectiveness and incremental cost-effectiveness estimates. We propose to find Wyoming's use of the updated Control Cost Manual appropriate.

In the 2020 SIP revision, Wyoming provided updated capital costs, annual costs, and average and incremental cost-effectiveness figures for SNCR, SCR, and the plant-wide annual and monthly limits.[81] The 2007 Guidance instructs that states should evaluate both average and incremental costs according to the Control Cost Manual to maintain and improve consistency.[82] These figures take into account capital and annual costs and allow states and EPA to compare costs of controls industry wide. EPA's guidance further cautions against

[78] 42 U.S.C. 7491(a)(1), (b)(2)(B); 40 CFR 51.308(d)(1)(iii).

[79] See 77 FR 57864, 57899 (September 18, 2012), 79 FR 9318, 9353–54 (February 18, 2014), 81 FR 296, 309–310 (January 5, 2016). See also 2007 Guidance at page 5–1.

[80] EPA, ''Control Cost Manual,'' Section 4, Chapter 2, June 2019, page 80, available at *https://www.epa.gov/economic-and-cost-analysis-air-pollution-regulations/cost-reports-and-guidance-air-pollution* (last visited December 2021).

[81] Wyoming 2020 SIP Revision at 4–5.

[82] 2007 Guidance at page 5–1, 2 (referring to the BART Guidelines and Control Cost Manual). See also 40 CFR part 51, appendix Y, IV.D.4.b (''For purposes of air pollutant analysis, 'effectiveness' is measured in terms of tons of pollutant emissions removed, and 'cost' is measured in terms of annualized control costs. We recommend two types of cost-effectiveness calculations—average cost effectiveness, and incremental cost effectiveness.'').

considering in isolation the capital costs of a control option, as large or small capital costs alone are not dispositive of the reasonableness of a potential control.[83] Thus, we deem the average and incremental cost-effectiveness figures most relevant to our consideration of Wyoming's revised cost analysis.

In the revised cost analysis for the 2020 SIP revision, Wyoming's cost estimates show an average cost-effectiveness for LNB/SOFA + SCR for Units 1 and 2 of $1,997 and $2,228 per ton of NO_X removed, respectively.[84] Wyoming's cost estimates also show an incremental cost-effectiveness for LNB/SOFA + SCR for Units 1 and 2 of $4,410 and $4,510 per ton of NO_X removed, respectively, relative to the next-most-stringent control (LNB/SOFA + SNCR).[85]

Based on the State's estimates, the costs of the existing control requirements (LNB/SOFA + SCR) are eminently reasonable. Indeed, in 2011, the State deemed reasonable an average cost-effectiveness of $2,258 per ton of NO_X removed (LNB/SOFA + SCR) and incremental cost-effectiveness of $5,721 per ton of NO_X removed (LNB/SOFA + SCR) for each unit when it required SCRs as reasonable progress controls.[86] Similarly, EPA concluded in our 2014 final rule that our revised average cost-effectiveness figures for LNB/SOFA + SCR for Units 1 and 2 of $2,635 and $3,403 per ton and our revised incremental cost-effectiveness figures for LNB/SOFA + SCR for Units 1 and 2 of $7,447 and $8,968 were reasonable.[87]

Relatedly, in our 2014 final rule, we required through a Federal implementation plan an emission limit consistent with the installation of new LNB/OFA + SCR at four other units in Wyoming with higher cost-effectiveness figures: LNB/OFA + SCR at Laramie River Station Units 1, 2, and 3 had an average cost-effectiveness of $4,461, $4,424, and $4,375 per ton and incremental cost-effectiveness of $5,449, $5,871, and $5,667 per ton, respectively,[88] and LNB/OFA + SCR at Wyodak had an average cost-effectiveness of $4,036 per ton and incremental cost-effectiveness of $6,233 per ton.[89]

Thus, the revised average cost-effectiveness and incremental cost-effectiveness for installing SCR on Jim Bridger Units 1 and 2 in Wyoming's 2020 SIP revision are even lower than what Wyoming determined were reasonable for the same units in 2011. And the revised cost-effectiveness figures are even lower than what EPA in 2014 determined were reasonable for Jim Bridger Units 1 and 2 and for four other units addressed in the 2014 final rule.[90]

In 2014, EPA ultimately deferred to Wyoming's BART and reasonable progress determinations for Jim Bridger, even though the available information suggested that SCR was reasonable as BART, given the State's commitment to require SCR as reasonable progress controls. But here, the State submitted a SIP revision that does not warrant such deference. Specifically, the cost associated with installing and operating the currently required controls on Jim Bridger Units 1 and 2 has not increased beyond what the State determined in 2011 was reasonable. Wyoming has asserted only that not requiring emission limits reflecting SCR for Units 1 and 2 will be less costly than requiring them and the amount that PacifiCorp has spent to date on NO_X control technology at Jim Bridger is sufficient for reasonable progress. Neither of these justifications offers a compelling basis for removing the existing control requirements, as both were expected and acknowledged at the time of Wyoming's 2011 decision to require the controls. Additionally, we note again that the expected fleetwide installations of SCRs that PacifiCorp had previously anticipated have not come to pass.[91] Regardless, in 2011, Wyoming determined the costs the source would incur were reasonable and that emission limits reflecting LNB/SOFA + SCR are necessary to meet the statutory requirements. The State has offered no reasonable explanation for its reversal, *i.e.,* for why the revised, even lower cost-effectiveness estimates for SCR are now unreasonable such that an emission limit associated with SCR is no longer necessary to meet the requirement to make reasonable progress.

In summary, we disagree with Wyoming that the cost analysis strongly favors removing the existing SCR-based requirement[92] for the following reasons: (1) The average cost-effectiveness and incremental cost-effectiveness for installing SCR on Units 1 and 2 in Wyoming's 2020 SIP revision are even lower than what Wyoming determined were reasonable in 2011 and lower than what we found to be reasonable for the installation of LNB/SOFA + SCR in similar instances in 2014; (2) the State has offered no reasonable explanation for why the revised, lower cost-effectiveness estimates for SCR are now unreasonable; and (3) Wyoming has not provided any new information that would support a revised determination that the costs of the existing control requirements are now unreasonable.

b. Visibility Improvement

For Jim Bridger, the projected visibility improvements associated with the installation of LNB/SOFA and SCR are between 0.27–0.37 and 0.27–0.36 deciviews for Units 1 and 2, respectively, at the most impacted Class I area, Bridger Wilderness (Table 6). Additionally, the installation of SCR at Units 1 and 2 would result in visibility improvement at numerous other Class I areas.[93]

[83] See 40 CFR part 51, appendix Y, IV.D.4.g.

[84] See Table 4 in this document. Because we are finding the most stringent control technology (SCR) reasonable, and because Wyoming did not request that we evaluate other control technologies, we are not evaluating additional control technologies. See 40 CFR part 51, appendix Y, IV.D.1.9.

[85] See Table 4 in this document.

[86] 77 FR 33053.

[87] 79 FR 5048.

[88] 79 FR 5039–40. The NO_X emission limit for Units 1, 2, and 3 were revised (through settlement) on May 20, 2019, to 0.06 lb/MMBtu by July 1, 2019, 0.15 lb/MMBtu by December 31, 2018, and 0.15 lb/MMBtu by December 31, 2018, respectively. 84 FR 22711 (May 20, 2019).

[89] 79 FR 5044. The NO_X emission limit at Wyodak is subject to ongoing litigation and settlement discussions.

[90] The examples cited by Wyoming in the 2020 SIP revision do not establish that the revised cost-effectiveness figures for Jim Bridger Units 1 and 2 are unreasonable. Indeed, the average cost-effectiveness figures in the examples are higher than or similar to Wyoming's revised cost estimates. See 80 FR 18944, 18975 (April 8, 2015) (proposed rule stating that LNB/SOFA + SCR average ($3,552 and $2,749 per ton) and incremental ($6,717 and $5,736 per ton) cost-effectiveness figures were ''within the range of what we consider to be cost-effective'' for BART but incremental visibility improvement of 0.069 deciviews at a single Class I area is ''relatively small'' in light of incremental cost-effectiveness figures); 77 FR 21896, 21901 (April 12, 2012) (proposed rule stating that LNB/OFA + SCR average cost-effectiveness figures of $2,110, $1,967, and $2,183 and incremental cost-effectiveness figures of $4,534, $4,330, and $2,756 were not cost prohibitive or sufficiently large to warrant eliminating SCR from consideration as BART).

[91] See supra note 37.

[92] Wyoming 2020 SIP Revision at 5.

[93] For Jim Bridger Unit 1, using monthly varying ammonia concentrations, model visibility improvements with LNB/OFA + SCR were 0.37 deciviews at Bridger; 0.26 deciviews at Fitzpatrick; 0.29 deciviews at Mt Zirkel; 0.35 deciviews at Rawah; 0.36 deciviews at Rocky Mountain; 0.17 deciviews at Grand Teton; 0.14 deciviews at Teton; 0.19 deciviews at Washakie; and 0.15 deciviews at Yellowstone. For Jim Bridger Unit 1, using a constant 0.5 ppb ammonia concentration, model visibility improvements with LNB/OFA/SCR were: 0.37 deciviews at Bridger; 0.26 deciviews at Fitzpatrick; 0.29 deciviews at Mt Zirkel; 0.35 deciviews at Rawah; 0.36 deciviews at Rocky Mountain; 0.17 deciviews at Grand Teton; 0.14 deciviews at Teton; 0.19 deciviews at Washakie; and 0.15 deciviews at Yellowstone. For Jim Bridger Unit 2, using monthly varying ammonia concentrations, model visibility improvements with LNB/OFA/SCR were: 0.36 deciviews at Bridger; 0.26 deciviews at Fitzpatrick; 0.28 deciviews at Mt Zirkel; 0.35 deciviews at Rawah; 0.36 deciviews at

As an initial matter, Wyoming mischaracterizes our 2014 final rule in its 2020 SIP revision when it asserts that EPA ''determined that the unit-specific visibility benefits for LNB/SOFA + SCR installation on Units 1 and 2 were 'modest' (0.27 to 0.37 deciviews).'' [94] In the 2014 final rule, EPA stated that the visibility improvement associated with the installation of SCR is ''significant on a source-wide basis (1.25 to 1.5 deciviews),'' while ''[t]he unit-specific benefits for Units 1 and 2 are *somewhat more* modest (0.27–0.37 deciviews).'' [95] That is to say, the unit-specific benefits were relatively less than the benefits for the entire source, which will always be the case. Thus, we did not characterize the visibility improvement associated with the installation of SCR at Jim Bridger Units 1 and 2 as merely ''modest,'' and we do not agree with Wyoming's characterization of the associated visibility improvement as such now. The fact remains that the installation of SCR at Jim Bridger Units 1 and 2 would yield appreciable visibility improvement at a reasonable cost.

States choosing to consider visibility benefits as an optional additional factor should not use visibility to summarily dismiss cost-effective potential controls. This is because the CAA does not explicitly list visibility as a factor that must be considered in reasonable progress determinations.[96] In this case, Wyoming is rejecting additional controls at Units 1 and 2, regardless of whether they are cost-effective, because ''installation of SCR on Units 1 & 2 would result in only modest incremental visibility benefits of .10 to .15 deciviews (per unit) when compared to LNB/SOFA on Units 1 and 2.'' This is a generally inappropriate basis on which to make reasonable progress determinations for sources. Furthermore, because Units 1 and 2 already have been controlled under BART, additional controls would be expected to make relatively smaller contributions to visibility improvement as a proportion of total impairment. This does not mean, however, that such sources need not be controlled in order to achieve the national visibility goal.[97] To the contrary, the evaluation and control of BART sources such as Jim Bridger Units 1 and 2 under the reasonable progress requirements will be necessary to achieve the national goal of the prevention of any future, and the remedying of any existing manmade impairment of visibility in Class I areas.[98]

Finally, in Wyoming's 2020 SIP revision, the visibility improvement remains unchanged from our 2014 final rule, and the State has provided no new visibility information to support a revised NO_X reasonable progress determination that the existing control requirements are now unreasonable. In summary, we disagree with Wyoming's assertion that the visibility benefits are not sufficiently meaningful to warrant cost-effective controls.

Rocky Mountain; 0.16 deciviews at Grand Teton; 0.14 deciviews at Teton; 0.19 deciviews at Washakie; and 0.14 deciviews at Yellowstone. For Jim Bridger Unit 2, using a constant 0.5 ppb ammonia concentration, model visibility improvements with LNB/OFA/SCR were: 0.36 deciviews at Bridger; 0.26 deciviews at Fitzpatrick; 0.28 deciviews at Mt Zirkel; 0.35 deciviews at Rawah; 0.36 deciviews at Rocky Mountain; 0.16 deciviews at Grand Teton; 0.14 deciviews at Teton; 0.19 deciviews at Washakie; and 0.14 deciviews at Yellowstone. 79 FR 5041.

[94] Wyoming 2020 SIP Revision at 7.

[95] 79 FR 5048 (emphasis added).

[96] Compare 42 U.S.C. 7491(g)(2) (including visibility as a factor in BART determinations) with id. 7491(g)(1) (visibility not included as an explicit factor in reasonable progress determinations); see also EPA, ''Clarifications Regarding Regional Haze State Implementation Plans for the Second Implementation Period,'' July 8, 2021 (''July 2021 Clarifications Memo'') at 12–13, available at *https://www.epa.gov/system/files/documents/2021-07/clarifications-regarding-regional-haze-state-implementation-plans-for-the-second-implementation-period.pdf*; 82 FR 3078, 3093 (January 10, 2017) (because regional haze is caused by emissions from numerous sources, in order to address it, states may not abandon controls they already have determined are reasonable based on the four statutory factors on the basis that impact on visibility conditions is subjectively assessed as not ''meaningful'').

[97] *See id.; see also* 40 CFR 51.308(e)(5) (after a state has met BART requirements, BART-eligible sources are subject to reasonable progress requirements in the same manner as other sources).

[98] As with Wyoming's cost-effectiveness examples, Wyoming's visibility examples do not support Wyoming's conclusions regarding visibility improvement. Each is an example of a proposed BART determination that does not address the fact that, in many instances, reasonable progress controls naturally yield relatively smaller visibility improvement over already-installed BART controls. Thus, the fact that we proposed to reject controls of a certain cost-effectiveness and visibility improvement for BART does not necessitate rejecting similar controls for reasonable progress. See 77 FR 24794, 24818 (April 25, 2012) (proposed rule stating that SCR is cost-effective for BART at $5,358 per ton but visibility improvement at the most impacted Class I area of 0.254 deciviews and cumulative visibility improvement at seven Class I areas of 0.273 deciviews are small and thus EPA proposed to approve determination that BART is not SCR); 77 FR 11879, 11891 (February 28, 2012) (proposed rule stating that EPA proposed to agree with state determination that certain controls for a refinery were not BART due to high costs (unavailable) and small visibility gains (0.045 to 0.16 deciview range)); 77 FR 18052, 18066 (March 26, 2012) (proposed rule stating that EPA proposed to agree with the state's determination that SCR was not BART given high cost-effectiveness ($9,900 and $15,290 per ton) and low visibility improvement (under 0.2 deciviews)); 77 FR 23988, 24013 (April 20, 2012) (proposed rule stating that SO_2 BART controls were cost-effective when values ranged from $1400 to $4800 per ton but visibility improvement ranges of 0.033 and 0.18 were ''relatively small'').

c. Other Factors

Relevant to energy and non-air quality environmental impacts, the State noted that SCR will produce solid waste when the catalyst is replaced periodically, and that requiring SCR will require significantly more electricity than LNB/SOFA. EPA's 2007 Guidance provides that to the extent energy and non-air quality environmental impacts of compliance are quantifiable, they should be included in the engineering analysis supporting the cost of compliance estimates.[99] PacifiCorp did so in the revised cost analysis for the 2020 SIP revision. As explained elsewhere in this document, even with the energy and non-air environmental costs incorporated into the cost analysis, the cost-effectiveness of SCR remains reasonable.

Additionally, the 2007 Guidance points to EPA's BART Guidelines, which provide, among other things, that (1) the fact that a control technology uses energy in and of itself does not disqualify that technology, and (2) the fact that a control technology creates waste that must be disposed of does not necessarily argue against selection of that technology, especially if the control has been applied to similar facilities elsewhere and the waste is similar to those other applications.[100] Wyoming has merely pointed out that the existing controls on Units 1 and 2 (LNB/SOFA) require less electricity to operate than SNCR or SCR and that SCR requires periodic catalyst replacement. The State has not demonstrated that the anticipated energy expenditure or waste that would be generated at Units 1 and 2 would be any different from the numerous other units for which states or EPA have required SCR. Indeed, Wyoming has already determined that energy and non-air environmental impacts did not disqualify SCR from being a reasonable control technology for two units at the same facility, *i.e.,* at Jim Bridger Units 3 and 4.[101] Based on EPA's long-standing guidance and the fact that the State has not provided any evidence to support a conclusion that the energy and non-air environmental impacts of SCR at Units 1 and 2 are unreasonable, we disagree that these factors support a conclusion that SCR is not the reasonable choice of control.

[99] 2007 Guidance at 5–2 and 5–3.

[100] 2007 Guidance at 5–2 and 5–3; 40 CFR part 51, appendix Y, IV.D.4.h–i.

[101] Additionally, in its 2011 SIP submission Wyoming did not identify any energy or non-air quality environmental impacts that would preclude selection of any of the controls evaluated for Jim Bridger, including LNB/SOFA + SCR. See 78 FR 34753.

With respect to remaining useful life, as stated above, Wyoming did not provide an enforceable shutdown date that would ensure that the expected life of Jim Bridger Units 1 and 2 would be less than the expected life of the control technology. Thus, Wyoming appropriately used the Control Cost Manual remaining useful life for SCR of 30 years in the cost analysis.

With respect to time necessary for compliance, Wyoming noted that the LNB/SOFA are already in use and thus, in contrast to SCR and SNCR, do not need any additional time for compliance. The deadline for Jim Bridger Units 1 and 2 to comply with the existing control requirements reflecting installation and operation of SCR by December 31, 2022 and December 31, 2021, respectively has existed in the SIP since 2014. We thus do not believe it is reasonable for the State to consider the time necessary for compliance as weighing in favor of not requiring SCRs as reasonable progress controls.

d. Summary of EPA's Evaluation of Wyoming's Reasonable Progress Demonstration

In summary, we propose to disapprove Wyoming's reasonable progress demonstration concluding that the NO_X emission limits associated with LNB/SOFA controls are the reasonable choice for Jim Bridger Units 1 and 2. We base our proposed disapproval on the following: (1) The reasonable average cost-effectiveness and incremental cost-effectiveness of the existing control requirements for Jim Bridger Units 1 and 2; (2) the appreciable visibility improvement estimated to result from compliance with the existing reasonable progress control requirements; (3) the fact that the State previously determined that the costs of those control requirements were reasonable given the visibility benefits, and thus necessary to satisfy the statutory requirements, and has not provided any new information that would support a revised determination that the existing control requirements are now unreasonable. Ultimately, we propose to find that because the State failed to justify its conclusion that the existing SCR requirements should be removed such that no further controls beyond BART are required for Jim Bridger Units 1 and 2, we cannot reasonably approve Wyoming's 2020 SIP revision. Because removing the existing SCR requirements would be inconsistent with the statutory requirement that SIPs contain the measures necessary to make reasonable progress, we are proposing to disapprove Wyoming's 2020 SIP revision.

C. Plant-Wide Monthly and Annual NO_X and SO_2 Emission Limits for Jim Bridger Units 1–4

Wyoming's SIP revision includes ''an alternative regional haze compliance strategy for the Jim Bridger Power Plant'' [102] that Wyoming considered as supplemental information to its revised four-factor reasonable progress analysis and determination. Wyoming asserts that the alternative regional haze compliance strategy's plant-wide monthly and annual NO_X and SO_2 emission limits are designed to reduce regional haze and create numerous other environmental benefits toward achieving natural visibility conditions at its Class I areas.[103]

The 2020 SIP revision provides that the State ''considered it appropriate to re-balance and reconsider its [reasonable progress/long-term strategy] determination and complete a four factor reasonable progress analysis on a NO_X-only basis.'' [104] Our proposed disapproval of Wyoming's reasonable progress determination for Jim Bridger Units 1 and 2 is thus based solely on the source-specific NO_X reasonable progress analysis, as this analysis and resulting determination were intended to replace the State's previous NO_X-only determination. However, we are also proposing to find that we cannot approve, and are therefore proposing to disapprove, the plant-wide emission limits, which rely on a comparative analysis that includes both NO_X and SO_2 emissions reductions.

EPA is proposing to disapprove the plant-wide monthly NO_X and SO_2 emission limits because we cannot render a SIP more stringent than intended by the state through a partial SIP approval.[105] While Wyoming has discretion to consider these limits,[106] it is our understanding that Wyoming intended to adopt and make enforceable the plant-wide monthly and annual NO_X and SO_2 emission limits, as proposed by PacifiCorp, *in lieu of* the required emission limits associated with the installation of SCR on Units 1 and 2 and not *in addition to* the required emission limits associated with the installation of SCR.[107] That is, we understand that Wyoming did not intend to implement the plant-wide monthly and annual NO_X and SO_2 emission limits together with SCR on Jim Bridger Units 1 and 2. Implementing a NO_X emission limit consistent with the installation of SCR together with plant-wide monthly and annual NO_X and SO_2 emission limits would effectively increase the stringency of the SIP beyond what was intended in the Wyoming 2020 SIP revision.[108] Thus, because EPA cannot render Wyoming's SIP more stringent than intended by the State through a partial SIP approval, and because we are proposing to disapprove Wyoming's revised NO_X reasonable progress determination as unreasonable, we are also proposing to extend our disapproval to the State's plant-wide monthly and annual NO_X and SO_2 emission limits. Wyoming may choose to submit the plant-wide monthly and annual NO_X and SO_2 emission limits to EPA in a stand-alone SIP submittal if the State would like to incorporate these emission limits into its SIP independent of the revised NO_X reasonable progress analysis and determination for Jim Bridger Units 1 and 2 contained in the 2020 SIP revision. For example, some form of plant-wide mass limits could serve as a SIP strengthening measure.

In addition to the legal basis for proposing to disapprove the plant-wide monthly and annual NO_X and SO_2 emission limits, we also note two additional considerations. These considerations relate to Wyoming and PacifiCorp's quantitative analyses in support of the plant-wide limits, which assume that Jim Bridger is still operating at historical (2001–2003) levels. Although we are not relying on these considerations as the basis of our proposed disapproval, we provide them here for completeness.

First, Wyoming analyzed the plant-wide limits assuming Jim Bridger's emissions are consistent with the plant's ''current operating potential.'' [109] As explained above, PacifiCorp's analysis defines ''current operating potential'' as

[102] Letter from Todd Parfitt, Director, Wyoming Department of Environmental Quality, to Gregory Sopkin, Regional Administrator, USEPA Region 8, Subject: State Implementation Plan Approval Request—Regional Haze 309(g) SIP Revision for PacifiCorp Jim Bridger Power Plant (May 12, 2020). See also Wyoming 2020 SIP Revision at 3.

[103] Wyoming 2020 SIP Revision at 9.

[104] Id. at 3.

[105] *Bethlehem Steel Corp.* v. *Gorsuch,* 742 F.2d 1028, 1036 (7th Cir. 1984).

[106] As stated above, Wyoming has discretion to evaluate factors (beyond the four factors) that it considers relevant in formulating its long-term strategy, 2007 Guidance at page 5–1, so long as it does so reasonably and in a manner consistent with the statute and other applicable requirements. 42 U.S.C. 7491(b)(2)(B); 40 CFR 51.308(d)(1)(iii).

[107] Wyoming 2020 SIP Revision at 9, 10, and 12.

[108] Implementation of NO_X limits consistent with installing SCRs on Units 1 and 2, combined with the plant-wide monthly SO_2 limits would likely result in some SO_2 reductions (from the monthly plant-wide limits) plus additional NO_X reductions (from meeting the 0.07 lb/MMBtu limits on Units 1 and 2) that are beyond what was intended in the SIP revision.

[109] Wyoming 2020 SIP Revision at 9.

a combination of recent emission rates with plant-wide heat input (*i.e.,* utilization) from the 2001–2003 period. Thus, the majority of the emissions reductions that Wyoming credited to the plant-wide limits [110] would be realized only if Jim Bridger was utilized at levels consistent with the 2001–2003 period. However, recent utilization of the plant, based on the 2017–2020 period, has been much lower.[111] EPA examined emissions and operations data from the 2017 to 2020 period because it reflects (1) full operation of the SCRs on Units 3 and 4 that were installed in 2015 and 2016, respectively, (2) earlier SO_2 scrubber upgrades on all four units, and (3) recent trends in plant operations, as hours of operation and heat input. To the extent Wyoming's demonstration relies on historical (2001–2003) utilization to show that the plant-wide monthly and annual NO_X and SO_2 emission limits achieve greater emissions reductions (and therefore greater visibility improvement) than SCRs on Units 1 and 2,[112] neither the CAA nor the Regional Haze Rule provide a basis for such reliance.[113]

Second (and relatedly), based on recent (2017–2020) operation of the plant, we believe it is reasonable to conclude that the plant-wide monthly and annual NO_X and SO_2 emission limits would not actually achieve similar or greater emissions reductions and visibility improvement compared to the installation of SCR on Units 1 and 2 as Wyoming contends.

Wyoming claims that the plant-wide limits will produce greater visibility improvement compared to the installation of two additional SCRs on Units 1 and 2. However, the CALPUFF visibility modeling inputs, and therefore visibility modeling results, are premised on assumptions about Jim Bridger's baseline utilization and emissions. Again, Wyoming analyzed the plant-wide emission limits assuming Jim Bridger's emissions were consistent with its plant-wide heat input from the 2001–2003 period. That is, the modeling analysis assumes heat input from a historical period that does not correspond to how the facility is currently operated.[114] The plant-wide 2017–2020 average utilization is approximately 29 percent below 2001–2003 average levels.[115] Based on the assumption of plant-wide heat input from the 2001–2003 period, the analysis of the plant-wide limits by PacifiCorp and Wyoming estimates a reduction of 5,049 tpy of SO_2 and 1,007 tpy of NO_X. Had the quantitative analysis been based on Jim Bridger's current utilization, it would have shown that the plant-wide limits would actually achieve far fewer emissions reductions going forward.[116] For example, the proposed annual plant-wide SO_2 + NO_X emission limit is 17,500 tpy. However, in the 2017–2020 period, plant-wide annual SO_2 + NO_X emissions have ranged from 14,823 to 16,004 tpy.[117] Therefore, Jim Bridger is already operating well below the proposed annual plant-wide SO_2 + NO_X emission limits. Consequently, any annual SO_2 and NO_X reductions based on the source's *actual* current operations would be much smaller than estimated from the analysis of a potential historical operation basis.

Due to the complicated nature of the proposed monthly limits and a lack of complete information,[118] EPA could not complete a full evaluation of the impact of the monthly limits on emissions and emissions reductions. However, based on the information available to EPA, it appears that while the proposed additional plant-wide monthly SO_2 and NO_X limits may restrict SO_2 emissions (and to a lesser extent NO_X emissions) in some months, the facility's recent operation has been emitting at levels similar to the proposed monthly limits.[119] Thus, the plant-wide annual and monthly limits appear to result in few actual emissions reductions based on Jim Bridger's recent operation.

In contrast, installation of two additional SCRs on Units 1 and 2 will provide significant and certain additional NO_X emissions reductions under any operating scenario compared to either recent operation or potential historical operation. With the current SIP emission limits of 0.07 lb/MMBtu (30-day rolling average) for Units 1 and 2, additional SCRs on those two units would reduce annual NO_X emissions by at least 3,000 tpy relative to the 2017–2020 period (based on actual calendar month operation over that time period).[120] Because the more recent data reflect the facility as it operates today (including emissions controls and limits that PacifiCorp and Wyoming assumed in the analysis of plant-wide limits), we believe it presents a reasonable set of operating conditions from which to evaluate which scenario would achieve greater combined NO_X and SO_2 emissions reductions in future years. Furthermore, neither PacifiCorp nor Wyoming included any information that would indicate increased operation in the future.

In conclusion, unlike the plant-wide NO_X and SO_2 emission limits, installation of two additional SCRs provides significant NO_X reductions of *at least* 3,000 tpy. Based on the information we have before us, we believe it is reasonable to conclude that the proposed plant-wide annual and monthly limits would not provide similar or greater emissions reductions or visibility improvement compared to the installation of two additional SCRs. This is especially true in comparison to recent operation of the Jim Bridger plant in the 2017 to 2020 period.

[110] See Wyoming 2020 SIP Revision at 9 (plant-wide emission limits would result in combined NO_X and SO_2 reduction of 6,056 tons/year).

[111] Compare PacifiCorp Reassessment, Attachment 1 at 21 (providing 2001–2003 average heat input used as baseline for cost-effectiveness analysis) with EPA Calculations for Wyoming 2020 SIP Revision (January 7, 2022) (Tab 1).

[112] See, *e.g.,* Wyoming 2020 SIP Revision at 9 (PacifiCorp's comparative analysis of the existing control requirements and plant-wide emission limits indicates the limits ''produce better modeled visibility and greater environmental benefits than installation of SCR or SNCR'').

[113] Unlike the BART program, which includes an extensive regulatory framework under which states can rely on such historical emissions and utilization data to demonstrate that a BART alternative achieves greater reasonable progress than BART, neither the CAA nor the Regional Haze Rule contain a similar framework for reasonable progress. Compare 40 CFR 51.308(e)(2) and (3) with (d)(1)(i)(A) and (d)(3).

[114] PacifiCorp Reassessment at 7. The PacifiCorp Reassessment also references annual heat input values that were not disclosed to EPA due to confidential forecasted capacity factors (see Attachment 3B to Attachment 1). Therefore, some assumptions are unknown and impossible to replicate.

[115] Compare PacifiCorp Reassessment, Attachment 1 at 21 (providing 2001–2003 average heat input used as baseline for cost-effectiveness analysis) with EPA Calculations for Wyoming 2020 SIP Revision (January 7, 2022) (Tab 1).

[116] Wyoming and PacifiCorp used the 2001–2003 period as the baseline for the revised cost estimates in the Wyoming 2020 SIP Revision's NO_X-only four-factor analysis for Jim Bridger Units 1 and 2. EPA believes this is a reasonable approach given the circumstances, particularly that the purpose was to compare the costs of different controls against a common baseline and that the cost and visibility figures relied on for that analysis were originally calculated for BART purposes. In contrast, EPA understands the purpose of the quantitative analysis accompanying the plant-wide monthly and annual NO_X and SO_2 emission limits was to determine whether they will result in greater prospective emissions reductions and visibility improvement than SCR. See, *e.g.,* Wyoming 2020 SIP Revision at 12 (''In addition, PacifiCorp's visibility enhancing proposal to limit overall operations at all four Jim Bridger Units adds support to Wyoming's reasonable progress revision, and ensures that visibility improvements greater than SCR installation will be achieved for the State of Wyoming.''). In this context, using a historical utilization baseline that does not reflect current or likely future plant operation obfuscates the assessment of future potential emissions reductions.

[117] EPA Calculations for Wyoming 2020 SIP Revision (January 7, 2022) (Tab 1). Data based on the information obtained from EPA's Clean Air Markets Division (CAMD) database, available at: *https://ampd.epa.gov/ampd/.*

[118] See supra note 114.

[119] EPA Calculations for Wyoming 2020 SIP Revision (January 7, 2022) (Tabs 3 and 4).

[120] Id. at Tab 2.

D. Clean Air Act Section 110(l)

Under CAA section 110(*l*), the EPA cannot approve a plan revision ''if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in section 7501 of this title), or any other applicable requirement of this chapter.'' [121] Wyoming states that the 2020 SIP revision will not interfere with reasonable further progress or other applicable requirements because there are no areas in Wyoming that are currently designated nonattainment for NO_X or particulate matter, and that with the reductions anticipated from the plant-wide annual and monthly limits, the SIP revision will not interfere with attainment or maintenance of the National Ambient Air Quality Standards (NAAQS).[122]

As an initial matter, we note that Wyoming's evaluation pursuant to CAA section 110(*l*) is overly narrow and does not address all relevant NAAQS-related considerations. Additionally, CAA section 110(*l*) applies to *all* requirements of the CAA, not just the attainment and maintenance of the NAAQS. The previous sections of this document explain how the State failed to justify its conclusion that the existing SCR requirements should be removed such that no further controls beyond BART are necessary for Jim Bridger Units 1 and 2 for reasonable progress in the first planning period. Based on our proposed conclusions in section IV.B in this document, we propose to find that removing the SCR requirement would interfere with the regional haze requirements of the CAA, specifically, with the requirement that SIPs contain the emission limits, schedules of compliance, and other measures that are necessary to make reasonable progress toward the national visibility goal. Accordingly, we propose to disapprove the Wyoming 2020 SIP revision under CAA section 110(*l*) in addition to the basis stated in section IV.B above.

E. Consultation With Federal Land Managers

Under 40 CFR 51.308(i)(2), Wyoming was obligated to provide the FLMs with an opportunity for consultation in development of the State's proposed SIP revision no less than sixty days prior to the associated public hearing or public comment opportunity. On March 29, 2019, the State of Wyoming informed the FLMs of the State's draft proposed regional haze SIP revision for the Jim Bridger power plant. In doing so, the State provided the FLMs with a copy of the draft regional haze SIP revision and provided the FLMs with sixty days to provide comments as well as the opportunity to discuss the draft SIP during a phone call on May 21, 2019.[123] The State did not receive any comments from the FLMs. Therefore, we propose to find that Wyoming met its obligations for consultation in development of the Wyoming 2020 SIP revision.

V. Summary of EPA's Proposed Action

In this action, EPA is proposing to disapprove the Wyoming 2020 SIP revision (as submitted in May 2020 and supplemented in September and October 2020), which includes amendments to Chapters 7.3.6 and 8 of Wyoming's regional haze SIP narrative, *Addressing Regional Haze Visibility Protection For The Mandatory Federal Class I Areas Required Under 40 CFR 51.309,* that contain a source-specific NO_X reasonable progress analysis and revised determination for Jim Bridger Units 1 and 2. EPA is also proposing to disapprove the plant-wide monthly and annual NO_X and SO_2 emission limits for Jim Bridger Units 1–4. Because we are proposing to disapprove the State's proposed revisions to its existing SIP requirements, we are not proposing to change any regulatory text, including text in 40 CFR 52.2620 or 40 CFR 52.2636.

VI. Statutory and Executive Order Reviews

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

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

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

[121] 43 U.S.C. 7410(*l*). Note that ''reasonable further progress'' as used in CAA section 110(*l*) is a reference to that term as defined in section 301(a) (*i.e.,* 42 U.S.C. 7501(a)), and as such means reductions required to attain the National Ambient Air Quality Standards (NAAQS) set for criteria pollutants under section 109. This term as used in section 110(*l*) (and defined in section 301(a)) is *not* synonymous with ''reasonable progress'' as that term is used in the regional haze program. Instead, section 110(*l*) provides that EPA cannot approve plan revisions that interfere with regional haze requirements (including reasonable progress requirements) insofar as they are ''other applicable requirement[s]'' of the CAA.

[122] Wyoming 2020 SIP Revision at 13. We note, however, that NO_X is not a criteria pollutant itself but instead represents a group of highly reactive gases that includes the criteria pollutant nitrogen dioxide (NO_2).

[123] Amber Potts, Wyoming Department of Environmental Quality, Record of State of Wyoming, PacifiCorp, and Federal Land Manager Consultation Meeting for the Proposed Updates to the Regional Haze (Round 1) SIP Concerning the Jim Bridger Facility, May 21, 2019. See also Wyoming Department of Environmental Quality, FLM Consultation Meeting Slides.

List of Subjects in 40 CFR Part 52

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

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

Dated: January 11, 2022.

KC Becker,

Regional Administrator, Region 8.

[FR Doc. 2022–00777 Filed 1–14–22; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 220110–0007]

RTID 0648–XX075

Fisheries of the Northeastern United States; Northeast Skate Complex; 2022 and 2023 Specifications

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes Northeast skate specifications for the 2022 fishing year, and projects specifications for fishing year 2023, as recommended by the New England Fishery Management Council. This action is necessary to establish annual allowable harvest levels for the skate fishery that prevent overfishing while enabling optimum yield, using the best scientific information available. This rule also informs the public of the proposed fishery specifications and provides an opportunity for comment.

DATES: Comments must be received by February 17, 2022.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2021–0116, by the following method:

Electronic Submission: Submit all electronic public comments via the Federal e-Rulemaking Portal.

1. Go to *https://www.regulations.gov,* and enter ''NOAA–NMFS–2021–0116'' in the Search box;

2. Click the ''Comment'' icon, complete the required fields; and

3. Enter or attach your comments.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

Copies of the Supplemental Information Report (SIR) and other supporting documents for this action are available upon request from Thomas A. Nies, Executive Director, New England Fishery Management Council, 50 Water Street, Newburyport, MA 01950. These documents are also accessible via the internet at *https://www.nefmc.org/management-plans/skates.*

FOR FURTHER INFORMATION CONTACT: Cynthia Ferrio, Fishery Policy Analyst, (978) 281–9180.

SUPPLEMENTARY INFORMATION:

Background

The New England Fishery Management Council (Council) manages a complex of seven skate species (barndoor, clearnose, little, rosette, smooth, thorny, and winter skate) in the New England and Mid-Atlantic regions under the Northeast Skate Complex Fishery Management Plan (FMP). Skates are harvested and managed in two different fishery sectors, one for food (the wing fishery) and one for bait used in other fisheries (the bait fishery). The FMP requires the review and specification of annual skate harvest limits, including: An annual catch limit (ACL), an annual catch target (ACT), a fishery-level total allowable landings limit (TAL), separate TALs for the wing and bait fisheries, and other management measures, as needed, for up to two fishing years (FY) at a time. This action proposes skate specifications for the 2022 fishing year, and projects specifications for 2023, as recommended by the Council. The current specifications that were implemented through Framework Adjustment 8 to the FMP (85 FR 33579; June 2, 2020) expire on April 30, 2022, but will roll over beyond that date until a final rule for new specifications is in effect.

Proposed Specifications

This action proposes the Council's recommended northeast skate fishery specifications for fishing year 2022 and projects unchanged specifications for fishing year 2023. These proposed catch limits are consistent with recommendations from the Council's SSC, Skate Committee, and Skate Plan Development Team (Skate PDT). The resulting proposed specifications would increase all catch limits by at least 14 percent in fishing year 2022, largely as a result of increased skate biomass throughout the complex. A comparison of the current 2021 and the proposed 2022–2023 specifications is summarized below in Table 1. The Council will review the projected 2023 specifications to determine if any changes need to be made prior to the 2023 fishing year. We will publish a notice prior to the 2023 fishing year to confirm these limits as projected or a proposed rule for any necessary changes.

TABLE 1—COMPARISON OF CURRENT 2021, AND PROPOSED 2022–2023 SKATE FISHERY SPECIFICATIONS, IN METRIC TONS

	2021 (current)	2022–23 (proposed)	Percent change
ABC/ACL	32,715	37,236	+14
ACT	29,444	33,513	+14
Overall Fishery TAL	17,864	21,142	+18
Wing TAL (66.5% of Overall TAL)	11,879	14,059	+18
Wing Season 1 TAL (57% of Wing TAL)	6,771	8,014	+18
Wing Season 2 TAL	5,108	6,045	+18
Bait TAL (33.5% of Overall TAL)	5,984	7,082	+18
Bait Season 1 TAL (30.8% of Bait TAL)	1,843	2,181	+18
Bait Season 2 TAL (37.1% of Bait TAL)	2,220	2,627	+18

TABLE 1—COMPARISON OF CURRENT 2021, AND PROPOSED 2022–2023 SKATE FISHERY SPECIFICATIONS, IN METRIC TONS—Continued

	2021 (current)	2022–23 (proposed)	Percent change
Bait Season 3 TAL	1,921	2,274	+18

The Council did not recommend changes to regulations governing the skate fishery. Although the Skate PDT considered increasing trip limits along these proposed specifications, no changes to other management measures are recommended. Trip limits were recently raised in both the wing and bait fisheries through Framework Adjustment 8 to the Skate FMP (85 FR 23240; April 27, 2020), and it was determined that it is unnecessary to consider trip limit changes again at this time.

Classification

Consistent with regulations at 50 CFR 648.320, the NMFS Assistant Administrator has determined that this proposed rule is consistent with the Northeast Skate Complex FMP, the Magnuson Stevens Fishery Conservation and Management Act, and other applicable law, subject to further consideration after public comment.

This action is exempt from review under Executive Order 12866 because it contains no implementing regulations.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The factual basis for this determination is as follows.

The Council conducted an evaluation of the potential socioeconomic impacts of the proposed measures in conjunction with a SIR. There are no proposed regulatory changes in this skate action, so none are considered in the evaluation. The proposed specifications would increase quotas in both the wing and bait skate fisheries by 18 percent in fishing year 2022 and maintain these proposed catch limits with no changes for fishing year 2023. This action proposes no changes to other management measures beyond specifications, such as per-trip possession limits.

This proposed action would affect entities that participate in commercial skate fishing (those that hold commercial skate permits and/or report skate landings). Vessels may hold multiple fishing permits and some entities own multiple vessels and/or permits. According to the Northeast Fisheries Science Center commercial ownership database, 295 commercial fishing affiliate firms owning 321 vessels landed skates during the 2018–2020 period (the most recent and complete data available), and all 295 of those commercial entities are categorized as small businesses.

The proposed specifications are expected to provide some additional operational flexibility and opportunity within the skate fishery without increasing risk to the resource or substantially changing fishing behavior. Under this action, the annual coastwide quotas would increase, but there are no proposed changes to the management measures (such as per-trip possession limits) that are most likely to affect fishery behavior. While entities issued a commercial skate permit may experience a slight positive impact related to potentially higher landings throughout the course of the entire year, short-term landings are not expected to increase. Additionally, fishing behavior and short-term landings are often based on market conditions, which are not expected to substantially change as a result of these specifications. As such, the proposed action is not expected to have an impact on the way the fishery operates/fishing behavior, or a substantial impact on the revenue of small entities.

Overall, the Council's analyses indicate that the overall economic impact of this proposed action is expected to be slightly positive, and that the proposed specifications are not expected to substantially change fishing effort, the risk of overfishing, prices/revenues, or fishery behavior. Therefore, the Council concluded, and NMFS agrees, that this action would not have a significant impact on a substantial number of small businesses. As a result, an initial regulatory flexibility analysis is not required and none has been prepared.

This action would not establish any new reporting or record-keeping requirements.

This proposed rule contains no information collection requirements under the Paperwork Reduction Act of 1995.

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

Dated: January 10, 2022.

Samuel D. Rauch, III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2022–00629 Filed 1–14–22; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 87, No. 11
Tuesday, January 18, 2022

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

DEPARTMENT OF AGRICULTURE

Office of Partnerships and Public Engagement

Notice of Request for Approval of an Information Collection

AGENCY: USDA, Office of Partnerships and Public Engagement.

ACTION: Notice and request for comments.

SUMMARY: This notice announces the Office of Partnerships and Public Engagement intention to request an extension with change for a currently approved information collection for the United States Department of Agriculture (USDA)/1890 National Scholars Program.

DATES: Comments on this notice must be received by March 18, 2022, to be assured of consideration.

ADDRESSES: The Office of Partnerships and Public Engagement invites interested persons to submit comments on this notice. Comments may be submitted by one of the following methods:

Federal eRulemaking Portal: This website provides the ability to type short comments directly into the comment field on this web page or attach a file for lengthier comments. Go to *http://www.regulations.gov.* Follow the on-line instructions at that site for submitting comments.

Mail, Including CD–ROMs, etc.: Send to: Kenya Nicholas, U.S. Department of Agriculture, Office of Partnerships and Public Engagement, 1400 Independence Avenue SW, Room 524–A, Whitten Building, Washington, DC 20250–3700.

Hand- or Courier-Delivered Submittals: Deliver to 1400 Independence Avenue SW, Room 524–A, Whitten Building, Washington, DC 20250–3700.

Instructions: All items submitted by mail or electronic mail must include the Office of Partnerships and Public Engagement. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to *http://www.regulations.gov.*

For access to background documents or comments received, go to the Office of Partnerships and Public Engagement, 1400 Independence Avenue SW, Room 524–A, Whitten Building, Washington, DC 20250–3700. Office of Partnerships and Public Engagement, Docket Room at 1400 Independence Avenue SW, Room 524–A, Whitten Building, Washington, DC 20250 between 8:00 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Kenya Nicholas, Office of Partnerships and Public Engagement, USDA/1890 National Scholars Program, 1400 Independence Avenue, Washington, DC 20250–3700; or call (202) 720–6350 or send a fax to: (202) 720–7704. You may also send an email to: *1890init@usda.gov.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces the intention of the Office of Partnerships and Public Engagement to request an extension for a currently approved information collection for the USDA/1890 National Scholars Program.

Title: USDA/1890 National Scholars Program.

OMB Number: 0503–0015.

Expiration Date of Approval: March 31, 2022.

Type of Request: Extension and revision of a currently approved information collection.

Abstract: The USDA/1890 National Scholars Program is a joint human capital initiative between the U.S. Department of Agriculture (USDA) and the 1890 Historically Black Land-Grant Universities. Through the 1890 National Scholars Program, USDA offers scholarships to high school and college students who are seeking a bachelor's degree in the fields of agriculture, food, science, or natural resource sciences and related disciplines at one of the established 1890 Land-Grant Universities. A completed application is required for graduating high school students, and college freshman and sophomores to be considered for the scholarship. The first section of the high school application requests the applicant to include biographical information (*i.e.,* name, address, age, etc.); educational background information (*i.e.,* grade point average, test scores, name of university(ies) interested in attending, and desired major); and extracurricular activities. The second section of the application is completed by the student's guidance counselor and requests information pertaining to the student's academic status, grade point average, and test scores. The last section of the application, which is to be completed by a teacher, provides information assessing the applicant's interests, habits, and potential. The first section of the college application requests the applicant to include biographical information (*i.e.,* name, address, age, etc.); educational background information) *i.e.,* grade point average, name of university currently attending and declared major); activities. The second section of the application requires the submission of a transcript; essay containing 500–800 words; two letters of recommendation submitted on behalf of the applicant. There are no sections included in the application that the letter writing officials will need to complete.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 2 hours per response.

Respondents: High School Students, College Freshman and Sophomore Students, High School Teachers and Guidance Counselors, College Department Head, Dean of a College, University Vice Presidents, or a College Professor.

Estimated Number of Respondents: 3,420 (1,140 applications).

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 6,840 hours.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the

burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments may be sent to Kenya Nicholas, U.S. Department of Agriculture, Office of Partnerships and Public Engagement, 1400 Independence Avenue SW, Room 524–A, Whitten Building, Washington, DC 20250–3700. All comments received will be available for public inspection during regular business hours at the same address.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

Kenya Nicholas,

Deputy Director, Office of Partnerships and Public Engagement.

[FR Doc. 2022–00789 Filed 1–14–22; 8:45 am]

BILLING CODE 3412–88–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Sensors and Instrumentation Technical Advisory Committee; Revised—Notice of Open Meeting

The Sensors and Instrumentation Technical Advisory Committee (SITAC) will meet on January 25, 2022, at 1:00 p.m., Eastern Standard Time, via teleconference. The Committee advises the Office of the Assistant Secretary for Export Administration on technical questions that affect the level of export controls applicable to sensors and instrumentation equipment and technology.

Agenda

Public Session

1. Welcome and Introductions.
2. Remarks from the Bureau of Industry and Security Management.
3. Industry Presentations.
4. New Business.

The open session will be accessible via teleconference on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at *Yvette.Springer@bis.doc.gov* no later than January 18, 2022.

To the extent that time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that the materials be forwarded before the meeting to Ms. Springer.

For more information contact Yvette Springer on (202) 482–2813.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2022–00764 Filed 1–14–22; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

In the Matter of: Irving Aaron Rodriguez-Solis, 2013 East 29th Street, Mission, TX 78574; Order Denying Export Privileges

On October 17, 2019, in the U.S. District Court for the Southern District of Texas, Irving Aaron Rodriguez-Solis (''Rodriguez-Solis'') was convicted of violating 18 U.S.C. 554(a). Specifically, Rodriguez-Solis was convicted of fraudulently and knowingly exporting and sending or attempting to export and send from the United States to Mexico 3,000 rounds of 7.62 x 39 caliber ammunition contrary to 22 U.S.C. 2778 (b)(2) and (c), and title 22 CFR 121.1, 123.1, 127.1, and 127.3, in violation of 18 U.S.C. 554(a) and 2. Rodriguez-Solis pled guilty to this offense on August 2, 2019. As a result of his conviction, on October 17, 2019, the Court sentenced Rodriguez-Solis to 30 months in prison and a $100 assessment.

Pursuant to Section 1760(e) of the Export Control Reform Act (''ECRA''),[1] the export privileges of any person who has been convicted of certain offenses, including, but not limited to, violations of 18 U.S.C. 554, may be denied for a period of up to ten (10) years from the date of his/her conviction. 50 U.S.C. 4819(e) (Prior Convictions). In addition, any Bureau of Industry and Security (BIS) licenses or other authorizations issued under ECRA in which the person had an interest at the time of the conviction may be revoked. *Id.*

BIS received notice of Rodriguez-Solis's conviction for violating 18 U.S.C. 554, and has provided notice and opportunity for Rodriguez-Solis to make a written submission to BIS, as provided in Section 766.25 of the Export Administration Regulations (''EAR'' or the ''Regulations''). 15 CFR 766.25.[2] BIS has not received a written submission from Rodriguez-Solis.

Based upon my review of the record and consultations with BIS's Office of Exporter Services, including its Director, and the facts available to BIS, I have decided to deny Rodriguez-Solis's export privileges under the Regulations for a period of five years from the date of Rodriguez-Solis's conviction. The Office of Exporter Services has also decided to revoke any BIS-issued licenses in which Rodriguez-Solis had an interest at the time of his conviction.[3]

Accordingly, it is hereby *ordered*:

First, from the date of this Order until October 17, 2024, Irving Aaron Rodriguez-Solis, with a last known address of 2013 East 29th Street, Mission, TX 78574, and when acting for or on his behalf, his successors, assigns, employees, agents or representatives (''the Denied Person''), may not directly or indirectly participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or engaging in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or from any other activity subject to the Regulations.

Second, no person may, directly or indirectly, do any of the following:

A. Export, reexport, or transfer (in-country) to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United

[1] ECRA was enacted as part of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, and as amended is codified at 50 U.S.C. 4801–4852. Rodriguez-Solis's conviction post-dates August 13, 2018, the date of ECRA's enactment.

[2] The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730–774 (2021).

[3] The Director, Office of Export Enforcement, is the authorizing official for issuance of denial orders, pursuant to recent amendments to the Regulations (85 FR 73411, November 18, 2020).

States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, pursuant to Section 1760(e) of the Export Control Reform Act (50 U.S.C. 4819(e)) and Sections 766.23 and 766.25 of the Regulations, any other person, firm, corporation, or business organization related to Rodriguez-Solis by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order in order to prevent evasion of this Order.

Fourth, in accordance with part 756 of the Regulations, Rodriguez-Solis may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of part 756 of the Regulations.

Fifth, a copy of this Order shall be delivered to Rodriguez-Solis and shall be published in the **Federal Register**.

Sixth, this Order is effective immediately and shall remain in effect until October 17, 2024.

John Sonderman,

Director, Office of Export Enforcement.

[FR Doc. 2022–00799 Filed 1–14–22; 8:45 am]

BILLING CODE 3510–DT–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

In the Matter of: Ernestina Hernandez-Juarez, 208 E Martinez Street, Pharr, TX 78577; Order Denying Export Privileges

On June 25, 2019, in the U.S. District Court for the Southern District of Texas, Ernestina Hernandez-Juarez (''Hernandez-Juarez'') was convicted of violating 18 U.S.C. 554(a). Specifically, Hernandez-Juarez was convicted of fraudulently and knowingly exporting and sending or attempting to export and send from the United States to Mexico, 40 Level III AR500 steel body armor plates. Hernandez-Juarez was sentenced to 18 months in prison and a $100 assessment.

Pursuant to Section 1760(e) of the Export Control Reform Act (''ECRA''),[1] the export privileges of any person who has been convicted of certain offenses, including, but not limited to, 18 U.S.C. 554, may be denied for a period of up to ten (10) years from the date of his/her conviction. 50 U.S.C. 4819(e) (Prior Convictions). In addition, any Bureau of Industry and Security (BIS) licenses or other authorizations issued under ECRA, in which the person had an interest at the time of the conviction, may be revoked. *Id.*

BIS received notice of Hernandez-Juarez's conviction for violating 18 U.S.C. 554, and has provided notice and opportunity for Hernandez-Juarez to make a written submission to BIS, as provided in Section 766.25 of the Export Administration Regulations (''EAR'' or the ''Regulations''). 15 CFR 766.25.[2] BIS has not received a written submission from Hernandez-Juarez.

Based upon my review of the record and consultations with BIS's Office of Exporter Services, including its Director, and the facts available to BIS, I have decided to deny Hernandez-Juarez's export privileges under the Regulations for a period of 10 years from the date of Hernandez-Juarez's conviction. The Office of Exporter Services has also decided to revoke any BIS-issued licenses in which Hernandez-Juarez had an interest at the time of her conviction.[3]

Accordingly, it is hereby *ordered*:

First, from the date of this Order until June 25, 2029, Ernestina Hernandez-Juarez, with a last known address of 208 E Martinez Street, Pharr, TX 78577, and when acting for or on her behalf, her successors, assigns, employees, agents or representatives (''the Denied Person''), may not directly or indirectly participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or engaging in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or from any other activity subject to the Regulations.

Second, no person may, directly or indirectly, do any of the following:

A. Export, reexport, or transfer (in-country) to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the

[1] ECRA was enacted as part of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, and as amended is codified at 50 U.S.C. 4801–4852. Hernandez-Juarez's conviction post-dates ECRA's enactment on August 13, 2018.

[2] The Regulations are currently codified in the Code of Federal Regulations at 15 CFR Parts 730–774 (2021).

[3] The Director, Office of Export Enforcement, is now the authorizing official for issuance of denial orders, pursuant to recent amendments to the Regulations (85 FR 73411, November 18, 2020).

United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, pursuant to Section 1760(e) of the Export Control Reform Act (50 U.S.C. 4819(e)) and Sections 766.23 and 766.25 of the Regulations, any other person, firm, corporation, or business organization related to Hernandez-Juarez by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order in order to prevent evasion of this Order.

Fourth, in accordance with Part 756 of the Regulations, Hernandez-Juarez may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of Part 756 of the Regulations.

Fifth, a copy of this Order shall be delivered to Hernandez-Juarez and shall be published in the **Federal Register**.

Sixth, this Order is effective immediately and shall remain in effect until June 25, 2029.

John Sonderman,

Director, Office of Export Enforcement.

[FR Doc. 2022–00800 Filed 1–14–22; 8:45 am]

BILLING CODE 3510–DT–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

In the Matter of: Consuelo Teresita Zamarripa, a/k/a Consuelo Teresita Ramirez, 4984 N FM 755, Rio Grande City, TX 78582–9309; Order Denying Export Privileges

On September 25, 2019, in the U.S. District Court for the Southern District of Texas, Consuelo Teresita Zamarripa, a/k/a Consuelo Teresita Ramirez (''Consuelo Zamarripa''), was convicted of violating 18 U.S.C. 554(a). Specifically, Consuelo Zamarripa was convicted of fraudulently and knowingly exporting and sending 2,000 rounds of 7.62 x 39 mm caliber ammunition from the United States to Mexico, in violation of 18 U.S.C. 554. As a result of her conviction, the Court sentenced Consuelo Zamarripa to 37 months in prison, three years of supervised release, and a $100 assessment.

Pursuant to Section 1760(e) of the Export Control Reform Act (''ECRA''),[1] the export privileges of any person who has been convicted of certain offenses, including, but not limited to, 18 U.S.C. 554, may be denied for a period of up to ten (10) years from the date of his/her conviction. 50 U.S.C. 4819(e) (Prior Convictions). In addition, any Bureau of Industry and Security (BIS) licenses or other authorizations issued under ECRA, in which the person had an interest at the time of the conviction, may be revoked. *Id.*

BIS received notice of Consuelo Zamarripa's conviction for violating 18 U.S.C. 554, and has provided notice and opportunity for Consuelo Zamarripa to make a written submission to BIS, as provided in Section 766.25 of the Export Administration Regulations (''EAR'' or the ''Regulations''). 15 CFR 766.25.[2] BIS has not received a written submission from Consuelo Zamarripa.

Based upon my review of the record and consultations with BIS's Office of Exporter Services, including its Director, and the facts available to BIS, I have decided to deny Consuelo Zamarripa's export privileges under the Regulations for a period of five (5) years from the date of Consuelo Zamarripa's conviction. The Office of Exporter Services has also decided to revoke any BIS-issued licenses in which Consuelo Zamarripa had an interest at the time of his conviction.[3]

Accordingly, it is hereby *ordered:*

First, from the date of this Order until September 25, 2024, Consuelo Teresita Zamarripa, a/k/a Consuelo Teresita Ramirez, with a last known address of 4984 N FM 755, Rio Grande City, TX 78582–9309, and when acting for or on her behalf, her successors, assigns, employees, agents or representatives (''the Denied Person''), may not directly or indirectly participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or engaging in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or from any other activity subject to the Regulations.

Second, no person may, directly or indirectly, do any of the following:

A. Export, reexport, or transfer (in-country) to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, pursuant to Section 1760(e) of the Export Control Reform Act (50 U.S.C. 4819(e)) and Sections 766.23 and 766.25 of the Regulations, any other person, firm, corporation, or business

[1] ECRA was enacted as part of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, and as amended is codified at 50 U.S.C. 4801–4852. Consuelo Zamarripa's conviction post-dates ECRA's enactment on August 13, 2018.

[2] The Regulations are currently codified in the Code of Federal Regulations at 15 CFR Parts 730–774 (2021).

[3] The Director, Office of Export Enforcement, is now the authorizing official for issuance of denial orders, pursuant to recent amendments to the Regulations (85 FR 73411, November 18, 2020).

organization related to Consuelo Zamarripa by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order in order to prevent evasion of this Order.

Fourth, in accordance with Part 756 of the Regulations, Consuelo Zamarripa may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of Part 756 of the Regulations.

Fifth, a copy of this Order shall be delivered to Consuelo Zamarripa and shall be published in the **Federal Register**.

Sixth, this Order is effective immediately and shall remain in effect until September 25, 2024.

John Sonderman,

Director, Office of Export Enforcement.

[FR Doc. 2022–00801 Filed 1–14–22; 8:45 am]

BILLING CODE 3510–DT–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

In the Matter of: Edna Yaritza Zamarripa, 4984 N FM 755, Rio Grande City, TX 78582–9309; Order Denying Export Privileges

On September 25, 2019, in the U.S. District Court for the Southern District of Texas, Edna Yaritza Zamarripa (''Edna Zamarripa'') was convicted of violating 18 U.S.C. 554(a). Specifically, Edna Zamarripa was convicted of fraudulently and knowingly exporting and sending 2000 rounds of 7.62 x 39 mm caliber ammunition from the United States to Mexico, in violation of 18 U.S.C. 554. As a result of her conviction, the Court sentenced Edna Zamarripa to 46 months in prison, three years of supervised release, and a $100 assessment.

Pursuant to Section 1760(e) of the Export Control Reform Act (''ECRA''),[1] the export privileges of any person who has been convicted of certain offenses, including, but not limited to, 18 U.S.C. 554, may be denied for a period of up to ten (10) years from the date of his/her conviction. 50 U.S.C. 4819(e) (Prior Convictions). In addition, any Bureau of Industry and Security (BIS) licenses or other authorizations issued under ECRA, in which the person had an interest at the time of the conviction, may be revoked. *Id.*

BIS received notice of Edna Zamarripa's conviction for violating 18 U.S.C. 554, and has provided notice and opportunity for Edna Zamarripa to make a written submission to BIS, as provided in Section 766.25 of the Export Administration Regulations (''EAR'' or the ''Regulations''). 15 CFR 766.25.[2] BIS has not received a written submission from Edna Zamarripa.

Based upon my review of the record and consultations with BIS's Office of Exporter Services, including its Director, and the facts available to BIS, I have decided to deny Edna Zamarripa's export privileges under the Regulations for a period of seven (7) years from the date of Edna Zamarripa's conviction. The Office of Exporter Services has also decided to revoke any BIS-issued licenses in which Edna Zamarripa had an interest at the time of her conviction.[3]

Accordingly, it is hereby *ordered*:

First, from the date of this Order until September 25, 2026, Edna Yaritza Zamarripa, with a last known address of 4984 N FM 755, Rio Grande City, TX 78582–9309, and when acting for or on her behalf, her successors, assigns, employees, agents or representatives (''the Denied Person''), may not directly or indirectly participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or engaging in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or from any other activity subject to the Regulations.

Second, no person may, directly or indirectly, do any of the following:

A. Export, reexport, or transfer (in-country) to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, pursuant to Section 1760(e) of the Export Control Reform Act (50 U.S.C. 4819(e)) and Sections 766.23 and 766.25 of the Regulations, any other person, firm, corporation, or business organization related to Edna Zamarripa by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order in order to prevent evasion of this Order.

Fourth, in accordance with Part 756 of the Regulations, Edna Zamarripa may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of Part 756 of the Regulations.

[1] ECRA was enacted as part of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, and as amended is codified at 50 U.S.C. 4801–4852. Edna Zamarripa's conviction post-dates ECRA's enactment on August 13, 2018.

[2] The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730–774 (2021).

[3] The Director, Office of Export Enforcement, is now the authorizing official for issuance of denial orders, pursuant to recent amendments to the Regulations (85 FR 73411, November 18, 2020).

Fifth, a copy of this Order shall be delivered to Edna Zamarripa and shall be published in the **Federal Register**.

Sixth, this Order is effective immediately and shall remain in effect until September 25, 2026.

John Sonderman,

Director, Office of Export Enforcement.

[FR Doc. 2022–00803 Filed 1–14–22; 8:45 am]

BILLING CODE 3510–DT–P

DEPARTMENT OF COMMERCE

International Trade Administration

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

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

SUMMARY: The Department of Commerce (Commerce) received scope ruling applications, requesting that scope inquiries be conducted to determine whether identified products are covered by the scope of antidumping duty (AD) and/or countervailing duty (CVD) orders and that Commerce issue scope rulings pursuant to those inquiries. In accordance with Commerce's regulations, we are notifying the public of the filing of the scope ruling applications listed below in the month of December 2021.

DATES: Applicable January 18, 2022.

FOR FURTHER INFORMATION CONTACT: Brenda E. Brown, AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482–4735.

SUPPLEMENTARY INFORMATION:

Notice of Scope Ruling Applications

In accordance with 19 CFR 351.225(d)(3), we are notifying the public of the following scope ruling applications related to AD and CVD orders and findings filed in or around the month of December 2021. This notification includes, for each scope application: (1) Identification of the AD and/or CVD orders at issue (19 CFR 351.225(c)(1)); (2) concise public descriptions of the products at issue, including the physical characteristics (including chemical, dimensional and technical characteristics) of the products (19 CFR 351.225(c)(2)(ii)); (3) the countries where the products are produced and the countries from where the products are exported (19 CFR 351.225(c)(2)(i)(B)); (4) the full names of the applicants; and (5) the dates that the scope applications were filed with Commerce and the name of the ACCESS scope segment where the scope applications can be found.[1] This notice does not include applications which have been rejected and not properly resubmitted. The scope ruling applications listed below are available on Commerce's online e-filing and document management system, Antidumping and Countervailing Duty Electronic Service System (ACCESS), at *https://access.trade.gov.*

Scope Ruling Applications

Wood Mouldings and Millwork Products from the People's Republic of China (China) (A–570–117; C–570–118); Lengthwise sawn (LSW), scarf-jointed wood reveals and wood squares; [2] produced and exported from China; submitted by Loveday Lumber Company, Inc.; December 14, 2021; ACCESS scope segments ''Loveday Lumber.''

Certain Artist Canvas from China (A–570–899); HP Recycled Satin Canvas, which is formed from canvas woven in China from recycled Chinese 100% polyester yarn, primed (coated with gesso) in Thailand, and coated with alumina (an ink-receptive top coat) in China; [3] submitted by Brand Management Group, LLC; December 17, 2021; ACCESS scope segment ''Print Canvas.''

Wooden Cabinets and Vanities and Components Thereof from China (A–570–106; C–570–107); Beverage Centers; [4] produced and exported in China; submitted by Disney; December 20, 2021; ACCESS scope segment ''Disney Beverage Station and Centers.''

Wooden Bedroom Furniture from China (A–570–890); Closet Systems; [5] produced and exported in China; submitted by Disney; December 21, 2021; ACCESS scope segment ''Disney Wardrobe-Beverage Station.''

Notification to Interested Parties

This list of scope ruling applications is not an identification of scope inquiries that have been initiated. In accordance with 19 CFR 351.225(d)(1),

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

[2] Loveday Lumber's wood reveal strips are LWS wood products with scarf joints. The wood used to make the strips is of the Paulownia species. They come in mainly triangle forms and trapezoid forms.

Loveday Lumber's triangular wood reveals are known as edge form chamfers. They are scarf-jointed LWS wood products used for bracing, blocking, and/or temporary structural forming. A chamfer is ''a corner beveled at a 45-degree angle and is created by placing a three-cornered piece of wood or other material, called a chamfer strip (or sometimes a cant strip) in the corner of the formwork.'' The triangular wood reveals Loveday Lumber imports are of the following dimensions:

- ¾″ x ¾″ legs x 1 1/16″ hypotenuse;
- 1″ x 1″ legs x 1 7/16″ hypotenuse; and
- 1 1/16″ x 1 1/16 legs x 1½″ hypotenuse.

Loveday Lumber's trapezoid wood reveals have a trapezoid cross section. They come in the following dimensions:

- ½″ thick x 3″ base x 2″ top;
- ¾″ thick x 1¾″ base x ¾″ top;
- ¾″ thick x 2″ base x ½″ top;
- ¾″ thick x 2¼″ base x ¾″ top; and
- ¾″ thick x 3″ base x 1½″ top.

Loveday Lumber's wood squares are also LWS wood products with scarf joints. The wood used is of the Paulownia species. The wood squares are also called expansion joints. They come in several different sizes according to customers' needs, but a common configuration is ½″ x ½″ x 60″. All these lengthwise sawn wood products are scarf jointed. A scarf joint is ''an end joint formed by joining with adhesive the ends of two pieces that have been tapered or beveled to for sloping plane surfaces, usually to a featheredge, and with the same slope of the plane in respect to the length in both pieces'' whereas a finger joint is ''an end joint made up of several meshing wedges or fingers of wood bonded together with an adhesive''. (*See* Tom Owens, Lab Notes: News from the Forest Products Laboratory, Forest Service, United States Department of Agriculture (Mar. 16, 2016), *https://www.fpl.fs.fed.us/labnotes/?p=26179*).

[3] Print canvas is formed from 300D/96F polyester woven fabric woven from 100% recycled polyester yarn. The polyester woven fabric is then primed (coated with gesso). Once the priming process is complete, the primed woven canvas is coated with alumina (an ink-receptive top coat). The ink-receptive alumina coating consists of a proprietary mixture. The alumina is a top coat applied over the layers of gesso.

The print canvas is described on the commercial invoice as HP Recycled Satin Canvas. The print canvas is a finished article of commerce known in the trade by multiple names including artist canvas, print canvas, pre-jet canvas, or base canvas (hereinafter ''print canvas''). The print canvas was imported into United States as a finished roll in the dimensions of 60″ x 50″. Future shipments of the print canvas will be imported into the United States as master rolls in dimensions of 24″up to 73″ wide and 500 to 15,000 feet in length or as finished rolls in the following dimensions: 24″ x 50′, 36″ x 50′, 42″ x 0′, 44″ x 0′, 50″ x 50′, 54″ x 50′, 60″ x 50′, or any other widths and lengths.

[4] Walt Disney Parks & Resorts U.S., Inc.'s (Disney) beverage centers are made of plywood and plastic laminate. The ASM–109 and ASM–109A models include a powder coated metal frame. The beverage centers are designed to be free-standing pieces of furniture that are not designed for permanent installation. While they are designed to be free-standing, because of the risk of tip-over and height of the furniture, Disney uses a cable on the centers to affix them to the wall of the hotel room.

[5] Disney's closet systems are made of plywood and plastic laminate and consist of an open wooden box frame with shelving for use as storage in hotel rooms. The closet systems do not contain any drawers or doors.

if Commerce has not rejected a scope ruling application nor initiated the scope inquiry within 30 days after the filing of the application, the application will be deemed accepted and a scope inquiry will be deemed initiated the following day–day 31.[6] Commerce's practice generally dictates that where a deadline falls on a weekend, Federal holiday, or other non-business day, the appropriate deadline is the next business day.[7] Accordingly, if the 30th day after the filing of the application falls on a non-business day, the next business day will be considered the ''updated'' 30th day, and if the application is not rejected or a scope inquiry initiated by or on that particular business day, the application will be deemed accepted and a scope inquiry will be deemed initiated on the next business day which follows the ''updated'' 30th day.[8]

In accordance with 19 CFR 351.225(m)(2), if there are companion AD and CVD orders covering the same merchandise from the same country of origin, the scope inquiry will be conducted on the record of the AD proceeding. Further, please note that pursuant to 19 CFR 351.225(m)(1), Commerce may either apply a scope ruling to all products from the same country with the same relevant physical characteristics, (including chemical, dimensional, and technical characteristics) as the product at issue, on a country-wide basis, regardless of the producer, exporter, or importer of those products, or on a company-specific basis.

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

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

Interested parties who wish to be served scope ruling applications for a particular AD or CVD order may file a request to be included on the annual inquiry service list during the anniversary month of the publication of the AD or CVD order in accordance with 19 CFR 351.225(n) and Commerce's procedures.[9]

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

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

Dated: January 12, 2022.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2022–00847 Filed 1–14–22; 8:45 am]

BILLING CODE 3510–DS–P

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

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

[8] This structure maintains the intent of the applicable regulation, 19 CFR 351.225(d)(1), to allow a day of separation between day 30 and day 31.

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

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB651]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Exempted Fishing Permit

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

ACTION: Notice of receipt of an application for exempted fishing permit; request for comments.

SUMMARY: NMFS announces the receipt of an application for an exempted fishing permit (EFP) from the Sustainable Seas Technology, LLC. If granted, the EFP would authorize the applicant to deploy modified black sea bass pots with Acoustic Subsea Buoy Retrieval Systems (ASBRS) in South Atlantic Federal waters off North Carolina, South Carolina, Georgia, and Florida. The project would examine the potential usefulness of ASBRSs for use in the black sea bass pot gear component for the commercial sector of the snapper-grouper fishery in minimizing impacts to protected species.

DATES: Written comments must be received on or before February 2, 2022.

ADDRESSES: You may submit comments on the application, identified by ''NOAA–NMFS–2021–0129'' by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to Go to *https://www.regulations.gov* and enter ''NOAA–NMFS–2021–0129'' in the Search box. Click the ''Comment'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Frank Helies, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

Electronic copies of the application and may be obtained from the Southeast Regional Office website at *https://www.fisheries.noaa.gov/southeast/science-data/black-sea-bass-pot-experimental-retrieval-project-exempted-fishing-permit/.*

FOR FURTHER INFORMATION CONTACT: Frank Helies, 727–824–5305; email: *frank.helies@noaa.gov.*

SUPPLEMENTARY INFORMATION: The EFP is requested under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*), and regulations at 50 CFR 600.745(b) concerning exempted fishing.

Currently, vertical end lines and buoys, such as those utilized with black sea bass pots in the South Atlantic, present an entanglement risk to the North Atlantic right whale, a species that is listed as endangered under the Endangered Species Act (ESA). Each fall, some right whales travel from their feeding areas in the waters off New England and Canada to the shallow, coastal waters of North Carolina, South Carolina, Georgia, and northeastern Florida. ASBRSs are a type of fishing gear that allows fish traps, including black sea bass pots, buoys, and their retrieval devices to be stored at depth until triggered for retrieval at the surface. These gear systems allow for trap and pot buoys and vertical lines to exist in the water column for minutes instead of hours or days, as they are activated via acoustic release only when fishers are present. As described in the application, the applicant believes that adaptation of ASBRSs or ''ropeless'' systems for black sea bass pot fishing in the South Atlantic could reduce the risk to these whales and other marine animals that are subject to entanglements from vertical lines and buoys.

NMFS previously issued an EFP to the applicant through a pilot project for ASBRS research similar to this in 2020 (85 FR 42831; July 15, 2020). That EFP pilot project found a 99 percent black sea bass pot gear retrieval success rate when handled by project personnel.

If granted, the EFP would exempt limited fishing gear testing activities from certain regulations for the black sea bass pot component for the commercial sector of the South Atlantic snapper-grouper fishery, specifically gear identification at 50 CFR 622.177(a)(4), area and seasonal closures at 50 CFR 622.183 (622.183(a)(1)(ii)(E), 622.183(a)(2)(vii)(E), and 622.183(b)(6)), black sea bass pot configuration restrictions and requirements at 50 CFR 622.189 (622.189(b), 622.189(e)(1), and 622.189(g)) and Atlantic large whale gear marking requirements at 50 CFR 229.32 (229.32(c)(1), 229.32(c)(2)(ii), and 229(c)(2)(iv)).

The applicant seeks an EFP to determine the following: If the ASBRS gear would continue to show a greater than 99 percent successful deployment and retrieval rate; if ASBRS gear significantly increases the time and/or expense for gear retrieval and recovery versus the current fishing method such that it might affect profitability; if ASBRS gear significantly increases time and/or expense for the repacking of gear for redeployment versus the current fishing method such that it might affect profitability; if bycatch rates for the modified black sea bass pot fishing configuration are greater than those for the traditional single pots; and if the harvest of black sea bass in the preferred inshore areas that are currently closed, would still yield enough catch to offset the cost of ASBRS fishing gear and modifications. If granted, the project would allow for expansion of gear testing from the initial pilot project off Georgia to include additional fishers off North Carolina, South Carolina, and Florida during the seasonal black sea bass pot closure to examine basic functionality, reliability, and feasibility of ropeless fishing gear and alternative rigging configurations.

Under the EFP, the applicant would collect data through an ongoing collaborative effort among different ASBRS manufacturers and fishery industry partners. If granted, the EFP would be effective from the date of issuance through August 31, 2024. In addition to this EFP request for exemption from Magnuson-Stevens Act regulations, the applicant would consult with NMFS to ensure the EFP would be consistent with North Atlantic right whale conservation measures currently in place through the ESA and Marine Mammal Protection Act. Fishers participating in this project are assumed to be receiving grant funding and/or self-funding the work. These fishers would be allowed to keep and sell all catch lawfully harvested by black sea bass pots. The proposed EFP testing area would occur in offshore Federal waters of North Carolina, South Carolina, Georgia, and Florida out to a depth of 65 meters. The inshore water depth for testing in Federal waters would not be less than 20 meters. Sampling would occur from November 15 through April 30 of each year in water depths of 20 to 65 meters. The testing would not occur in any special management zones listed in 50 CFR 622.182 or in the North Atlantic Right Whale Critical Habitat Area.

Up to 11 different black sea bass pot designs would be fished as singles and as four pot trawls in inshore areas. This would be done during the black sea bass pot closure period each year (November 15 through April 30), to compare against control pots fished under the previous EFP to yield data relative to the time expended to retrieve and rebait traditional traps pursuant to the current regulations. Using the ASBRS, the applicant would utilize virtual gear marking of the pots (marking of gear deployment location with chart plotters, GPS, and manufacturer-provided software). The applicant would also evaluate the feasibility of use of various virtual gear marking systems and share the results with fishery management partners.

Participating permitted commercial fishers would deploy experimental gear for up to 10 days each year in supervised field trials and additional unsupervised fishing trials, not to exceed 2,000 gear hauls per vessel over the length of the EFP, to evaluate the performance of ASBRS with both the experimental and standard black sea bass pot configurations. Each deployment under the EFP would be limited to 35 total pots per vessel, with an average soak time of 90 minutes per configuration. Some overnight sampling would occur for acoustic releases.

EFP Black Sea Bass Pot Configurations

Under the EFP, four regulation-sized pots would be connected together with wire connecting clips or zip ties so that only one ASBRS gear device is needed to retrieve four connected pots. Each pot would have the standard black sea bass pot single entrance and would possess one back panel of 2-inch (5.1-cm) uniform mesh. The connected four traps would test both one and two single entrances (on adjacent sides of single traps to replace the allowable two opposite entrances) to four regulation-sized trap interiors, and would otherwise comply with the requirements for black sea bass pot dimensions and construction in the South Atlantic. This experimental gear design of the four connected pots is not a chevron-style fish trap, it is a design of standard black sea bass pots connected to adjacent standard black sea bass pots. The goal of this modification is to examine ways to reduce procurement and implementation costs associated with the number of required ASBRSs to fish 35 pots.

EFP Gear Markings

Two of the technologies that would be used in the EFP utilize lift bags and buoys and are therefore unable to be line-marked as they do not incorporate line into their design. For the other technologies being tested under the EFP, all buoy lines on ASBRS gear types that use stored line would be marked in accordance with the most recent requirements pursuant to the Atlantic Large Whale Take Reduction Plan and other Federal regulations, and would have weak links with a maximum

breaking strength of 600 lb (272 kg), 1,700 lb (771 kg) maximum breaking strength sleeves, and line with a breaking strength of less than 2,200 lb (998 kg).

EFP Buoy Line

Six of the eight currently available ASBRS devices require the use of a line for retrieval that is contained and stored at depth by a line management system. The other two release devices do not use line, but instead, utilize the inflation of either a lift bag or inflatable buoy to pull a lead trap to the surface. The styles of line storage vary with device design and includes square, rectangular, domed, circular, and conical cages, oyster mesh bags, canisters, and spools. These have been successfully used in trials and testing in a variety of active fishing operations in the United States and worldwide.

Four of the ASBRS devices in the EFP require floating line to return the buoy or buoys to the surface for retrieval. Currently, the average time for appearance of buoys at depths greater than 100 ft (30.5 m) is approximately 3 minutes. Retrieval generally takes less than 2 minutes, which means that any floating line would be at the surface for less than 5 minutes, and during which time the fishing vessel would be within 20–30 ft (6.1–9.1 m) of the line. Two of the release devices do not incorporate line longer than 10 ft (3.1 m) in their design, and two devices use a harness that clips to the pot. The remaining devices use less than 150 ft (45.7 m) of line which would be stowed inside either a bag or on a spool. Sinking line cannot be used for any ASBRS as it would create a negatively buoyant strain on the buoys and not effectively allow for their return to the surface. All of the ASBRSs with a line storage system would need to be attached between the trap and the buoy. If necessary, several of the ASBRSs may also require a small anchor or weight to be attached between the pot and line-storage device or buoy in areas with higher current to keep them from fouling in the pot, as well as to ensure they are not dragged from their intended deployment area. For lift bag and buoy systems, the actual systems would be secured between the pot and the buoy/bag.

NMFS finds the application warrants further consideration based on a preliminary review. Possible conditions the agency may impose on the permit, if granted, include but are not limited to, a prohibition on conducting fishing gear testing within marine protected areas, marine sanctuaries, special management zones, or areas where they might interfere with managed fisheries without additional authorization. Additionally, NMFS may require special protections for ESA-listed species and designated critical habitat, and may require particular gear markings. A final decision on issuance of the EFP will depend on NMFS' review of public comments received on the application, consultations with the appropriate fishery management agencies of the affected states, the South Atlantic Fishery Management Council, and the U.S. Coast Guard, and a determination that the activities to be taken under the EFP are consistent with all applicable laws.

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

Dated: January 11, 2022.

Ngagne Jafnar Gueye,

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

[FR Doc. 2022–00737 Filed 1–14–22; 8:45 am]

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DEPARTMENT OF DEFENSE

Department of the Air Force

Notice of Intent To Prepare an Environmental Impact Statement for Regional Special Use Airspace Optimization To Support Air Force Missions in Arizona

AGENCY: Department of the Air Force, Federal Aviation Administration, Department of Defense.

ACTION: Notice of intent.

SUMMARY: The Department of the Air Force (DAF) is issuing this Notice of Intent (NOI) to advise the public of its intent to prepare an Environmental Impact Statement (EIS) to assess the potential environmental consequences associated with optimizing the Special Use Airspace (SUA) managed by the DAF to support aircrews stationed at Davis-Monthan Air Force Base (AFB), Luke AFB, and Morris Air National Guard Base ([ANGB] located at Tucson International Airport) in Arizona and to request comments on potential alternatives and impacts, and identification of any relevant information, studies, or analyses of any kind concerning impacts affecting the quality of the human environment.

DATES: This NOI begins the public scoping process for identifying issues and potential alternatives for consideration in the EIS. Notifications are being concurrently published in local newspapers within the potentially affected localities. Scoping comments are requested by March 4, 2022 to ensure full consideration in the Draft EIS in accordance with 40 CFR 1501.9. In-person scoping meetings will be held at the dates and locations below. All meetings will be open-house style from 5:00 p.m. to 7:00 p.m. (Local). There will not be a formal presentation, please attend at your convenience. Persons with hearing impairments should notify the DAF at least 7 days in advance of the meeting dates to ensure that sign language assistance can be available. Masks worn over the nose and mouth and social distancing are required at all in-person meetings. Spanish interpreters will be available at scoping meetings.

- *February 7, 2022.* Sonoran Desert Inn & Conference Center, 55 South Orilla Avenue, Ajo, Arizona 85321.
- *February 8, 2022.* Superior Town Hall, 199 N Lobb Avenue, Superior, Arizona 85173.
- *February 9, 2022.* Bagdad Event Center, 121 Main Street, Bagdad, Arizona 86321.
- *February 10, 2022.* Congress Fire Department, 26733 Santa Fe Road, Congress, Arizona 85332.
- *February 22, 2022.* Village Hall, 15 Jake Scott Street, Reserve, New Mexico 87830.
- *February 23, 2022.* Clifton Community Center, 100 North Coronado Blvd., Clifton, Arizona 85533.
- *February 24, 2022.* Animas High School, 1 Panther Blvd., Animas, New Mexico 88020.

In addition to the in-person meetings, the project website *www.ArizonaRegionalAirspaceEIS.com* provides a virtual presentation of the meeting materials for those persons that do not wish to attend or are unable to attend an in-person meeting. All the handout(s) and displays for the in-person meetings are available on the website.

The EIS is still in the early planning stages and the schedule is subject to change. The schedule will be updated throughout the EIS process on the project website. Major milestone dates are as follows:

- Draft EIS and Notice of Availability (NOA) publication, Fall 2023
- Draft EIS Public Comment Period and Hearing, Fall 2023
- Final EIS and NOA publication, Summer 2024
- Record of Decision signature, Summer/Fall 2024

ADDRESSES: For questions regarding the Proposed Action or EIS development, or to request sign language assistance at the in-person scoping meetings, contact Grace Keesling, at *grace.keesling.1@us.af.mil* or (210) 925–4534. Comments may be submitted through the project website *www.ArizonaRegionalAirspaceEIS.com,*

by mailing to Arizona Regional Airspace EIS, c/o Cardno, 501 Butler Farm Rd., Suite H, Hampton, VA 23666, or in person at the scoping meetings.

SUPPLEMENTARY INFORMATION: The Air Force utilizes portions of the National Airspace System (NAS) for aerial training and test activities known as Special Use Airspace (SUA). As a specific type of SUA, Military Operations Areas (MOAs) are specific airspace, defined by vertical and lateral limits, established for the purpose of separating certain military flight activates from other civil and commercial air traffic. Air Force aircrews stationed in Arizona are continually challenged to meet critical training requirements within existing MOAs established decades ago. The MOAs that are currently used for Air Force training in Arizona, specifically low altitude airspace and airspace that supports supersonic operations at low altitude, have become saturated with aircraft. While the Air Force manages an extensive network of valuable SUA in the region, including the restricted areas associated with the Barry M. Goldwater Range, the volume and attributes associated with the individual MOAs are insufficient to meet the current training requirements. The Air Force is proposing a regional approach that aims at optimizing the existing training airspace to meet current and future mission requirements of multiple users. The airspace proposed for optimization includes the following MOAs: Tombstone, Outlaw, Jackal, Reserve, Morenci, Bagdad, Gladden, Sells, Ruby, and Fuzzy. These MOAs overlie land located throughout southern Arizona and a small portion of western New Mexico.

The purpose of the Proposed Action is to optimize existing Air Force SUA to address the existing and future training deficiencies of aircrews stationed at Davis-Monthan AFB, Luke AFB, and Morris ANGB due to existing airspace limitations. The need for the Proposed Action is driven by two primary factors: The need for aircrews to be able to conduct flight training near their home base; and the need to conduct required training to ensure readiness and increase survivability. As currently configured, the identified MOAs do not provide the appropriate altitudes (down to 500 feet above ground level [AGL] and lower), terrain variety, and attributes (ability to fly supersonic at lower altitude and use of chaff and flares) to support required training.

The Proposed Action is to modify existing Air Force MOAs to address existing and future training deficiencies. The Proposed Action includes changing published times of use; adjusting the horizontal dimensions of some airspace; lowering the floor of some airspace to allow for low-altitude training; and adjusting airspace attributes to allow for supersonic speed at lower altitude and use of chaff and flares. The Proposed Action does not include any changes at the installations (personnel, infrastructure, aircraft inventory, or airfield operations), ground disturbance beneath the MOAs, or weapons deployment.

Three preliminary action alternatives that meet the purpose and need for the Proposed Action have been developed. Comments received during scoping may result in changes or additions to these alternatives. Additionally, the No Action Alternative (Alternative 1), whereby the proposed modifications of the training airspace would not occur, will be evaluated to provide a benchmark that will enable Air Force decision makers to compare the magnitude of the environmental effects of the Proposed Action and any reasonable alternatives.

Alternative 2 (Proposed Action) would optimize the existing Air Force managed airspace, including the following changes to the times of use, horizontal and vertical dimensions, and attributes: Published times of use for all MOAs would be modified to provide consistency across the airspace; Tombstone A, B, and C would be combined and the northern boundary of the MOA and associated Tombstone Air Traffic Control Assigned Airspace (ATCAA) would be expanded; an exclusion zone would be established below 13,000 feet above mean sea level (MSL) surrounding Bisbee Douglas International Airport; the floor of Tombstone MOA would be lowered to 100 AGL from the existing 500 feet AGL; the floors of Outlaw and Jackal MOAs would be lowered to 500 feet AGL from the existing 3,000 feet AGL; the floors of the Bagdad and Gladden MOAs would be lowered to 500 feet AGL from the existing 5,000 feet AGL; use of chaff would be authorized in Tombstone MOA; the minimum flare release altitude in Tombstone, Gladden, and Bagdad MOAs would be lowered to 2,000 feet AGL from 5,000 feet AGL; the minimum flare release altitude in Outlaw and Jackal MOAs would be lowered to 2,000 feet AGL from 3,000 feet AGL; and the authorization for supersonic flight would be lowered to 5,000 feet AGL from the existing 30,000 feet MSL in Tombstone, Outlaw, Jackal, Morenci, and Reserve MOAs.

Alternative 3 would include those modifications proposed for Alternative 2 except that the northern boundary of the Tombstone MOA/ATCAA would not be expanded. Additionally, to increase the volume of airspace available to support Davis-Monthan AFB, the floor of Jackal MOA would also be lowered to 100 feet AGL from the existing 3,000 feet AGL.

Alternative 4 would include those modifications proposed in Alternative 2 except supersonic flight would be authorized down to 10,000 feet AGL in the Tombstone, Outlaw, Jackal, Morenci and Reserve MOAs (vs 5,000 feet AGL in Alternative 2). While this option would not fully optimize the airspace for supersonic operations, lowering the authorized altitude in the MOAs would improve the current capabilities.

Based on previous NEPA actions in the region and familiarity with the affected environment, the following is a preliminary list of issues and concerns that will be the focus in the EIS: Noise and sonic boom impacts to domestic animals, wildlife, special status species, children, quality of life, property values, homes, and cultural resources; effects to cultural resources and Native American tribes; effects to Environmental Justice populations; aircraft safety and impacts to civilian pilots (crop dusting, predator control, and cattle management) and commercial operations; air quality impacts to wildlife and public; effects from use of chaff and flares, specifically fire risk; and effects to special use land management areas such as wilderness areas, national wildlife refuges, and national parks/monuments.

Scoping and Agency Coordination: To effectively define the full range of issues and alternatives to be evaluated in the EIS, the Air Force is soliciting comments from interested local, state and federal elected officials and agencies, Tribes, as well as interested members of the public and others. The DAF is requesting comments concerning the proposed SUA optimization, feasible alternatives, possible measures to mitigate, minimize and/or avoid adverse environmental impacts, and any other information relevant to the Proposed Action and any reasonable alternatives.

The U.S. Fish and Wildlife Service, State Historic Preservation Offices for Arizona and New Mexico, and tribes with interest in land beneath the airspace are being consulted to ensure compliance with the Endangered Species Act and National Historic Preservation Act. The Federal Aviation Administration (FAA) has agreed to be a Cooperating Agency for this action. The FAA would update aeronautical charts to reflect any modifications to existing airspace that result from this proposal and published in FAA Order

JO 7400.10(C), *Special Use Airspace* (*http://www.faa.gov/air_traffic/publications/*).

Adriane Paris,

Air Force Federal Register Liaison Officer.

[FR Doc. 2022–00749 Filed 1–14–22; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF DEFENSE

Department of the Army

Appointment to the Board of Directors of the Army West Point Athletic Association

AGENCY: Department of the Army, DOD.

ACTION: Notice of designation as an entity for which DOD personnel may participate in management activities.

SUMMARY: The Department of the Army is publishing this notice to announce that the DOD Office of General Counsel has designated the Army West Point Athletic Association is an entity for which DOD personnel may participate in management activities.

FOR FURTHER INFORMATION CONTACT: Ms. Lori L. Doughty, Academy Counsel, in writing at Office of the Staff Judge Advocate, ATTN: Ms. Lori L. Doughty, 646 Swift Road, West Point, NY 10996; by email at *lori.doughty@westpoint.edu;* or by telephone at 845–938–3205.

SUPPLEMENTARY INFORMATION: The Army West Point Athletic Association (AWPAA) is the 501(c)(3) corporation organized under the provisions of Title 10, United States Code, section 7462 to execute the U.S. Military Academy's intercollegiate athletics mission. The AWPAA is governed by a board of directors (BOD), which is responsible for the day-to-day operations of the AWPAA as well as the general corporate responsibilities of the organization. Of the minimum of seven BOD positions made available under its bylaws, three are reserved for members of the Armed Forces. The purpose of Armed Forces membership on the AWPAA BOD is to provide oversight and advice to, and coordination with AWPAA, but will not extend to the day-to-day operations of the AWPAA.

James W. Satterwhite, Jr.,

Army Federal Register Liaison Officer.

[FR Doc. 2022–00762 Filed 1–14–22; 8:45 am]

BILLING CODE 5001–03–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Business Board; Notice of Federal Advisory Committee Meeting

AGENCY: Office of the Deputy Secretary of Defense, Department of Defense (DoD).

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The DoD is publishing this notice to announce that the following Federal Advisory Committee meeting of the Defense Business Board (''the Board'') will take place.

DATES: Open to the public Wednesday, February 2, 2022 from 10:00 a.m. to 12:00 p.m. Eastern time.

ADDRESSES: Due to the current guidance on combating the Coronavirus, the meeting will be conducted virtually or by teleconference only. To participate in the meeting, see the Meeting Accessibility section for instructions.

FOR FURTHER INFORMATION CONTACT: Ms. Jennifer Hill, Designated Federal Officer of the Board in writing at Defense Business Board, 1155 Defense Pentagon, Room 5B1088A, Washington, DC 20301–1155; or by email at *jennifer.s.hill4.civ@mail.mil*; or by phone at 571–342–0070.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) (5 U.S.C.), the Government in the Sunshine Act (5 U.S.C. 552b), and 41 CFR 102–3.140 and 102–3.150.

Purpose of the Meeting: The mission of the Board is to examine and advise the Secretary of Defense on overall DoD management and governance. The Board provides independent advice reflecting an outside private sector perspective on proven and effective best business practices that can be applied to DoD.

Agenda: The Board meeting will begin February 2, 2022 at 10:00 a.m. Eastern time with opening remarks by Jennifer Hill, the Designated Federal Officer. The Board will then receive remarks by the Board Chair, and remarks by the Deputy Secretary of Defense. The Board will then receive a briefing on Energy Reform from Mr. Richard Kidd, Deputy Assistant Secretary of Defense for Energy & Environment Resilience. The meeting will conclude with closing remarks by the Board Chair and Designated Federal Officer. The latest version of the agenda will be available upon publication of the **Federal Register** on the Board's website at: *https://dbb.defense.gov/Meetings/Meeting-February-2022/.*

Meeting Accessibility: Pursuant to the FACA and 41 CFR 102–3.140, the meeting on February 2, 2022 from 10:00 a.m. to 12:00 p.m. is open to the public. Persons desiring to participate in the public session are required to register. Attendance will be by teleconference only. To attend the public session, submit your name, affiliation/organization, telephone number, and email contact information to the Board at *osd.pentagon.odam.mbx.defense-business-board@mail.mil.* Requests to attend the public meeting must be received no later than 3:00 p.m. Eastern time, on Tuesday, February 1, 2022. Upon receipt of this information, a teleconference line number will be sent to the email address provided which will allow teleconference attendance to the event. (The DBB will be unable to provide technical assistance to any user experiencing technical difficulties during the meeting.)

Written Comments and Statements: Pursuant to 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the FACA, the public or interested organizations may submit written comments or statements to the Board in response to the stated agenda of the meeting or in regard to the Board's mission in general. Written comments or statements should be submitted to Ms. Jennifer Hill, the Designated Federal Officer, via electronic mail (the preferred mode of submission) at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. Each page of the comment or statement must include the author's name, title or affiliation, address, and daytime phone number. The Designated Federal Officer must receive written comments or statements being submitted in response to the agenda set forth in this notice by January 26, 2022 to be considered by the Board. The Designated Federal Officer will review all timely submitted written comments or statements with the Board Chair, and ensure the comments are provided to all members of the Board before the meeting. Written comments or statements received after this date may not be provided to the Board until its next scheduled meeting. Pursuant to 41 CFR 102–3.140d, the Board is not obligated to allow any member of the public to speak or otherwise address the Board during the meeting. Members of the public will be permitted to make verbal comments during the meeting only at the time and in the manner described below. If a member of the public is interested in making a verbal comment at the meeting, that individual must submit a request, with a brief statement of the subject matter to be

addressed by the comment, at least three (3) business days in advance to the Designated Federal Officer, via electronic mail (the preferred mode of submission) at the addresses listed in the **FOR FURTHER INFORMATION CONTACT** section. The Designated Federal Officer will log each request, in the order received, and in consultation with the Board Chair determine whether the subject matter of each comment is relevant to the Board's mission and/or the topics to be addressed in the public meeting. Members of the public who have requested to make a comment and whose comments have been deemed relevant under the process described above will be invited to speak in the order in which the Designated Federal Officer received their requests. The Board Chair may allot a specific amount of time for comments. Please note that all submitted comments and statements will be treated as public documents and will be made available for public inspection, including, but not limited to, being posted on the Board's website.

Dated: January 12, 2022.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2022–00818 Filed 1–14–22; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

Applications for New Awards; College Assistance Migrant Program

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

ACTION: Clarification.

SUMMARY: On December 3, 2021, the Department of Education (Department) published in the **Federal Register** a notice inviting applications (NIA) for the fiscal year (FY) 2022 College Assistance Migrant Program (CAMP), Assistance Listing Number 84.149A. This notice clarifies that the deadline to submit applications for the FY 2022 competition is February 1, 2022.

DATES: Deadline for Transmittal of Applications: February 1, 2022.

FOR FURTHER INFORMATION CONTACT: Millicent Bentley-Memon, U.S. Department of Education, 400 Maryland Avenue SW, Room 3E311, Washington, DC 20202. Telephone: (202) 401–1427. Email: *Millicent.Bentley-Memon@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: On December 3, 2021, we published in the **Federal Register** a notice inviting applications for CAMP (86 FR 68653) that established the February 1, 2022 deadline to submit new award applications for the CAMP FY 2022 competition. In the initial posting of the Grant Opportunity in *Grants.gov,* the ''Original Closing Date for Applications'' was listed as February 3, 2022. This date was posted in error. Consistent with the December 3, 2021 notice, applicants must submit CAMP applications by February 1, 2022. Instructions for submitting an application can be found in the December 3, 2021 notice. The Grant Opportunity in *Grants.gov* has been updated and corrected.

Program Authority: 20 U.S.C. 1070d–2.

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

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

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

Ian Rosenblum,

Deputy Assistant Secretary for Policy and Programs, Office of Elementary and Secondary Education, Acting Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 2022–00788 Filed 1–14–22; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2021–SCC–0157]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; International Computer and Information Literacy Study (ICILS 2023) Main Study Sampling, Recruitment, and Data Collection

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

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension without change of a currently approved collection.

DATES: Interested persons are invited to submit comments on or before February 17, 2022.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this information collection request by selecting ''Department of Education'' under ''Currently Under Review,'' then check ''Only Show ICR for Public Comment'' checkbox. Comments may also be sent to *ICDocketmgr@ed.gov.*

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

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education 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: International Computer and Information Literacy Study (ICILS 2023) Main Study Sampling, Recruitment, and Data Collection.

OMB Control Number: 1850–0929.

Type of Review: Reinstatement with change of a previously approved collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 9,860.

Total Estimated Number of Annual Burden Hours: 4,817.

Abstract: The International Computer and Information Literacy Study (ICILS) is a computer-based international assessment of eighth-grade students' computer and information literacy (CIL) skills. ICILS was first administered internationally in 2013 in 21 education systems and again in 2018, when the United States participated for the first time. Our participation in this study has provided data on students' skills and experience using technology to investigate, create, and communicate, and provided a comparison of U.S. student performance and technology access and use with those of the international peers. The next administration of ICILS will be in 2023. The 2023 study will allow the U.S. to begin monitoring the progress of its students compared to that of other nations and to provide data on factors that may influence student computer and information literacy skills. The data collected through ICILS will provide valuable information with which to understand the nature and extent of the ''digital divide'' and has the potential to inform understanding of the relationship between technology skills and experience and student performance in other core subject areas.

ICILS is conducted by the International Association for the Evaluation of Educational Achievement (IEA), an international collective of research organizations and government agencies that create the assessment framework, assessment, and background questionnaires. The IEA decides and agrees upon a common set of standards and procedures for collecting and reporting ICILS data, and defines the study timeline, all of which must be followed by all participating countries. As a result, ICILS is able to provide a reliable and comparable measure of student skills in participating countries. In the U.S., the National Center for Education Statistics (NCES) conducts this study and works with the IEA and RTI International to ensure proper implementation of the study and adoption of practices in adherence to the IEA's standards. Participation in ICILS will allow NCES to meet its mandate of acquiring and disseminating data on educational activities and student achievement in the United States compared with foreign nations [The Educational Sciences Reform Act of 2002 (ESRA 2002) 20 U.S.C. 9543].

In preparation for the ICILS 2023 main study, all countries are asked to implement a field test between March 1 and April 15, 2022. The purpose of the ICILS field test is to evaluate new assessment items and background questions, to ensure practices that promote low exclusion rates, and to ensure that classroom and student sampling procedures proposed for the main study are successful. In October 2021 NCES submitted and OMB approved a separate package for the ICILS 2023 Pilot Field Test (OMB# 1850–0803 v.304). The U.S. ICILS main study will be conducted from March through May 2023 and will involve a nationally-representative sample of at least 3,000 eighth-grade students from a minimum of 150 schools. This request is to conduct the ICILS 2023 main study data recruitment and collection. The materials to be used in the main study are based upon those that were proposed most recently in October 2021. This submission describes the overarching plan for all phases of the data collection for the 2023 main study.

Dated: January 11, 2022.

Juliana Pearson,

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

[FR Doc. 2022–00754 Filed 1–14–22; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Nevada

AGENCY: Office of Environmental Management, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces an in-person/virtual hybrid meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Nevada. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, February 16, 2022; 4:00 p.m.–7:20 p.m.

The opportunities for oral public comment are at 4:10 p.m. PT and written public comment before and after the meeting within seven days.

This time is subject to change; please contact the Nevada Site Specific Advisory Board (NSSAB) Administrator (below) for confirmation of times prior to the meeting.

ADDRESSES: This hybrid meeting will be open to the public virtually via Microsoft Teams only. To attend, please contact the NSSAB Administrator (below) no later than 4:00 p.m. PT on Monday, February 14, 2022.

Board members, Department of Energy (DOE) representatives, agency liaisons, and support staff will participate in-person, strictly following COVID–19 precautionary measures, at: Molasky Building, 15th Floor Conference Room, 100 North City Parkway, Las Vegas, NV 89106.

FOR FURTHER INFORMATION CONTACT: Barbara Ulmer, NSSAB Administrator, by Phone: (702) 523–0894 or email: *nssab@emcbc.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda:

1. Fiscal Year 2024 Prioritization—Work Plan Item #1

Public Participation: The in-person/online virtual hybrid meeting is open to the public virtually via Microsoft Teams only. To sign-up for public comment, please contact the NSSAB Administrator (above) no later than 4:00 p.m. PT on Monday, February 14, 2022. In addition to participation in the live public comment session identified above, written statements may be filed with the Board either before or within seven days after the meeting by sending them to the NSSAB Administrator at the aforementioned email address. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments can do so in 2-minute segments for the 15 minutes allotted for public comments.

Minutes: Minutes will be available by writing or calling Barbara Ulmer, NSSAB Administrator, U.S. Department of Energy, EM Nevada Program, 100 North City Parkway, Suite 1750, Las

Vegas, NV 89106; Phone: (702) 523–0894. Minutes will also be available at the following website: *https://www.nnss.gov/nssab/pages/MM_FY22.html.*

Signed in Washington, DC, on January 11, 2022.

LaTanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2022–00790 Filed 1–14–22; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Extension

AGENCY: U.S. Energy Information Administration (EIA), U.S. Department of Energy (DOE).

ACTION: Notice.

SUMMARY: EIA submitted an information collection request for extension as required by the Paperwork Reduction Act of 1995. The information collection requests a three-year extension with changes of its Generic Clearance for Questionnaire Testing, Evaluation, and Research, OMB Control Number 1905–0186. EIA–882T, *Generic Clearance for Questionnaire Testing, Evaluation, and Research,* provides EIA with the authority to utilize qualitative and quantitative methodologies to pretest questionnaires and validate the quality of data collected on EIA's surveys. EIA uses EIA–882T to meet its obligation to publish, and otherwise make available independent, high-quality statistical data to federal government agencies, state and local governments, the energy industry, researchers, and the general public.

DATES: Comments on this information collection must be received no later than February 17, 2022. 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: If you need additional information, contact Gerson Morales, U.S. Energy Information Administration, telephone (202) 586–7077, or by email at *Gerson.Morales@eia.gov.*

SUPPLEMENTARY INFORMATION: This information collection request contains:

(1) *OMB No.:* 1905–0186;

(2) *Information Collection Request Title:* Generic Clearance for Questionnaire Testing, Evaluation, and Research;

(3) *Type of Request:* Three-year extension with changes;

(4) *Purpose:* The U.S. Energy Information Administration (EIA) is requesting a three-year approval from the Office of Management and Budget (OMB) to utilize qualitative and quantitative methodologies to pretest questionnaires and validate the quality of the data that is collected on EIA and DOE survey forms. Through the use of these methodologies, EIA will conduct research studies to improve the quality of energy data being collected, reduce or minimize survey respondent burden, and increase agency efficiency. This authority would also allow EIA to improve data collection in order to meet the needs of EIA's customers while also staying current in the evolving nature of the energy industry.

The specific methods proposed for the coverage by this clearance are described below. Also outlined is the legal authority for these voluntary information gathering activities.

The following methods are proposed:

Pilot Surveys. Pilot surveys conducted under this clearance will generally be methodological studies, and will always employ statistically representative samples. The pilot surveys will replicate all components of the methodological design, sampling procedures (where possible), and questionnaires of the full scale survey. Pilot surveys will normally be utilized when EIA undertakes a complete redesign of a particular data collection methodology or when EIA undertakes data collection in new energy areas, such as HGL production, alternative fueled motor vehicles, and other emerging areas of the energy sector where data collection would provide utility to EIA.

Cognitive Interviews. Cognitive interviews are typically one-on-one interviews in which the respondent is usually asked to ''think aloud'' or is asked ''retrospective questions'' as he or she answers questions, reads survey materials, defines terminology, or completes other activities as part of a typical survey process. A number of different techniques may be involved including, asking respondents what specific words or phrases mean or asking respondents probing questions to determine how they estimate, calculate, or determine specific data elements on a survey. The objectives of these cognitive interviews are to identify problems of ambiguity or misunderstanding, examine the process that respondents follow for reporting information, assess survey respondents' ability to report new information, or identify other difficulties respondents have answering survey questions in order to reduce measurement error from estimates based on a survey.

Respondent Debriefings. Respondent debriefings conducted under this clearance will generally be methodological or cognitive research studies. The debriefing form is administered after a respondent completes a questionnaire either in paper format, electronically, or through in-person interviews. The debriefings contain probing questions to determine how respondents interpret the survey questions, how much time and effort was spent completing the questionnaire, and whether they have problems in completing the survey/questionnaire. Respondent debriefings also are useful in determining potential issues with data quality and in estimating respondent burden.

Usability Testing. Usability tests are similar to cognitive interviews in which a respondent is typically asked to ''think aloud'' or asked ''retrospective questions'' as he or she reviews an electronic questionnaire, website, visual aid, or hard copy survey form. The objective of usability testing is to check that respondents can easily and intuitively navigate electronic survey collection programs, websites, and other survey instruments to submit their data to EIA.

Focus Groups. Focus groups, in person, online, or by phone, involve group sessions guided by a moderator who follows a topic guide containing questions or subjects focused on a particular issue rather than adhering to a standardized cognitive interview protocol. Focus groups are useful for exploring issues concerning the design of a form and the meaning of terms from a specific group of respondents, data users, or other stakeholders of EIA data. Focus groups may also be used to explore respondents' general opinions about data collection technologies or survey materials other than questionnaires.

(4a) *Changes to Information Collection:* EIA proposes to add several other methodologies or techniques to improve survey design, pretest questionnaires and validate the quality of the data that is collected on EIA and DOE survey forms.

Field Techniques. Field techniques described in survey research and survey methodology literature will be employed as appropriate. These include follow-up probing, memory cue tasks, paraphrasing, confidence rating, response latency measurements, free

and dimensional sort classification tasks, and vignette classifications. The objective of all of these techniques is to aid in the development of surveys that work with respondents' thought processes, thus reducing response error and burden. These techniques have also proven useful for studying and revising pre-existing questionnaires.

Behavior Coding. Behavior coding is a quantitative technique in which a standard set of codes is systematically applied to respondent/interviewer interactions in interviewer-administered surveys or respondent/questionnaire interactions in self-administered surveys. The advantage of this technique is that it can identify and quantify problems with the wording or ordering of questions, but the disadvantage is that it does not necessarily illuminate the underlying causes.

Split Panel Test. Split panel tests refer to controlled experimental testing of alternative hypotheses. Thus, they allow one to choose from among competing questions, questionnaires, definitions, error messages or survey improvement methodologies with greater confidence than any of the other methods. Split panel tests conducted during the fielding of the survey are superior in that they can support both internal validity (controlled comparisons of the variable(s) under investigation) and external validity (represent the population under study). Most of the previously mentioned survey improvement methods can be strengthened when teamed with this method.

Research reports, research publications, peer-reviewed journal articles, peer-reviewed book chapters, and informational white papers: From the collected data, EIA will have the ability to write research papers, research publications, peer-reviewed journal articles, peer-reviewed book chapters, and informational white papers. Summarized results may be released or discussed as experimental research in the types of publications. However, the information collected from these methodologies will not be released as official statistics and will explicitly note the experimental nature of the information.

Professional conferences: EIA may present data collected from this research at various professional conferences. Professional conferences provide great opportunities to communicate EIA's research to the broader energy, statistical and survey methodology communities and get feedback on completed research. This will help innovate not only EIA's research and survey practices, but also that of these broader communities.

Audio and Video Recordings: For qualitative interviews, EIA will ask potential respondents if they would be willing to be audio or video recorded. If potential respondents agree, EIA will provide them with an informed consent form, which respondents will sign to signify compliance. A copy of the signed consent will be given to the potential respondents and kept on file at EIA. Audio or video recording will only be used for data analysis, and only those researchers at EIA that are involved in the research will have access to these recordings. If potential respondents are not willing to be audio/video recorded, interviewer will bypass recording and take notes.

(5) *Annual Estimated Number of Respondents:* 7,500;

(6) *Annual Estimated Number of Total Responses:* 7,500;

(7) *Annual Estimated Number of Burden Hours:* 7,500.

Statutory Authority: 15 U.S.C. 772(b), 42 U.S.C. 7101 *et seq.*

Signed in Washington, DC, on January 11, 2022.

Samson A. Adeshiyan,

Director, Office of Statistical Methods and Research, U.S. Energy Information Administration.

[FR Doc. 2022–00736 Filed 1–14–22; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC22–6–000]

Commission Information Collection Activities (FERC–714) Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, FERC–714, (Annual Electric Balancing Authority Area and Planning Area Report).

DATES: Comments on the collection of information are due March 21, 2022.

ADDRESSES: You may submit your comments (identified by Docket No. IC22–6–000) by one of the following methods:

Electronic filing through *http://www.ferc.gov*, is preferred.

- *Electronic Filing:* Documents must be filed in acceptable native applications and print-to-PDF, but not in scanned or picture format.
- For those unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery:
  - *Mail via U.S. Postal Service Only:* Addressed to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.
  - *Hand (including courier) Delivery:* Deliver to: Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

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

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

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* telephone at (202) 502–8663.

SUPPLEMENTARY INFORMATION:

Title: FERC–714, Annual Electric Balancing Authority Area and Planning Area Report.

OMB Control No.: 1902–0140.

Type of Request: Three-year extension of the FERC–714 information collection requirements with no changes to the current reporting requirements.

Abstract: The Commission uses the FERC–714 data to analyze power system operations. These analyses estimate the effect of changes in power system operations resulting from the installation of a new generating unit or plant, transmission facilities, energy transfers between systems, and/or new points of interconnections. The FERC–714 data assists in providing a broad picture of interconnected balancing authority area operations including: Comprehensive information of balancing authority area generation, actual and scheduled inter-balancing authority area power transfers, and net energy for load, summer and winter generation peaks and system lambda. The Commission also uses the data to prepare status reports on the electric utility industry including a review of inter-balancing authority area bulk power trade information. The Commission uses the collected data

from planning areas to monitor forecasted demands by electric utilities with fundamental demand responsibilities and to develop hourly demand characteristics.

Type of Respondent: Electric utility balancing authorities and planning areas in the United States.

Estimate of Annual Burden: [1] The Commission estimates the annual public reporting burden and cost [2] (rounded) for the information collection as follows:

FERC–714

[Annual Electric Balancing Authority Area and Planning Area Report]

Number of respondents	Annual number of responses per respondent	Total number of responses	Average burden & cost per response	Total annual burden hours & total annual cost	Cost per respondent ($)
(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1)
176	1	176	93.33 hrs.; $7,279.74	16,426.67 hrs.; $1,281,280.26	$7,279.74

Comments: Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: January 11, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–00813 Filed 1–14–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 15244–000]

PacifiCorp; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On October 13, 2021, PacifiCorp filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Rocky Ridge Pumped Storage Project (Rocky Ridge Project or project), a closed-loop pumped storage project to be located south of the town of Glenrock in Converse and Natrona Counties, Wyoming. The proposed project would be located in part on federal lands administered by the U.S. Bureau of Land Management. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

Three alternatives are being considered for the Rocky Ridge Project. Alternative 1 would located about seven miles southeast of the town of Glenrock, Wyoming and consist of the following: (1) An upper reservoir with a surface area of 164 acres and a storage volume of approximately 3,032 acre-feet created by a 1,475-foot-long, 300-foot-high embankment dam; (2) a lower reservoir with a surface area of 63.5 acres and a storage volume of approximately 3,100 acre-feet created by a 4,600-foot-long, 60-foot-high embankment dam; (3) a 5.2-mile-long, 20-foot-diameter steel penstock connecting the upper reservoir with the powerhouse/pump station; (4) a 150-foot-long, 50-foot-wide concrete powerhouse/pump station located on the lower reservoir shoreline containing three 167-megawatt (MW) generating/pumping units for a total capacity of 500 MW; (5) a 4.2-mile-long, 230-kilovolt (kV) transmission line interconnecting to PacifiCorp's Amasa substation; (6) a 11.4-mile-long, 24-inch-diameter underground pipeline to divert water from the North Platte River near Glenrock to the project for initial and maintenance fill; and, (7) appurtenant facilities.

The majority of the facilities for Alternative 2 (*i.e.,* project reservoirs, penstock, and powerhouse, etc.) would be located about three miles southwest of Alternative 1 and consist of the following: (1) An upper reservoir with a surface area of 202 acres and a storage volume of approximately 3,096 acre-feet created by a 1,750-foot-long, 150-foot-high embankment dam; (2) a lower reservoir with a surface area of 55.5 acres and a storage volume of approximately 3,100 acre-feet created by a 2,950-foot-long, 30-foot-high embankment dam; (3) a 1.6-mile-long, 20-foot-diameter steel penstock connecting the upper reservoir with the powerhouse/pump station; (4) a 150-foot-long, 50-foot-wide concrete powerhouse/pump station located on the lower reservoir shoreline containing three 167-MW generating/pumping units for a total capacity of 500 MW; (5) a 7-mile-long, 230-kV transmission line interconnecting to PacifiCorp's Amasa substation; (6) a 14.3-mile-long, 24-inch-diameter underground pipeline to divert water from the North Platte River near Glenrock to the project for initial and maintenance fill; and, (7) appurtenant facilities.

The majority of the facilities for Alternative 3 (*i.e.,* project reservoirs, penstock, and powerhouse, etc.) would be located about three miles southwest

[1] Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, refer to 5 CFR 1320.3.

[2] The hourly cost (for salary plus benefits) uses the figures from the Bureau of Labor Statistics, May 2021, for the listed reporting requirements. These figures include salary (*https://www.bls.gov/oes/current/naics2_22.htm*) and benefits *http://www.bls.gov/news.release/ecec.nr0.htm*) and are:

Management (Code 11–0000), $97.89/hr.

Computer and mathematical (Code 15–0000), $65.73/hr.

Electrical Engineers (Code 17–2071), $72.15/hr.

Economist (Code 19–3011), $75.75/hr.

Computer and Information Systems Managers (Code 11–3021), $103.61/hr.

Accountants and Auditors (Code 13–2011), $57.41/hr.

Transportation, Storage, and Distribution Managers (Code 11–3071), $86.80/hr.

Power Distributors and Dispatchers (Code 51–8012), $63.74/hr.

The average hourly cost (wages plus benefits) for the above wages is $77.89/hour (rounded to $78.00/hour).

of Alternative 2 and consist of the following: (1) An upper reservoir with either: (a) A surface area of 73.1 acres and a storage volume of approximately 3,615 acre-feet created by a 6,100-foot-long, 200-foot-high embankment dam or (b) with a surface area of 256 acres and a storage volume of approximately 3,700 acre-feet created by a 2,400-foot-long, 240-foot-high embankment dam; (2) a lower reservoir with a surface area of 73.1 acres and a storage volume of approximately 3,800 acre-feet created by a 4,900-foot-long, 130-foot-high embankment dam; (3) either a 1.7- or 4.2-mile-long, 20-foot steel penstock with a diameter of 20-feet connecting the upper reservoir with the powerhouse/pump station; (4) a 150-foot-long, 50-foot-wide concrete powerhouse/pump station located on the lower reservoir shoreline containing three 167-MW generating/pumping units for a total capacity of 500 MW; (5) a 10.1-mile-long, 230-kV transmission line interconnecting to PacifiCorp's Amasa substation; (6) a 17.8-mile-long, 24-inch-diameter underground pipeline to divert water from the North Platte River near Glenrock to the project for initial and maintenance fill; and, (7) appurtenant facilities.

The estimated annual generation of the Rocky Ridge Project would be 1,460 gigawatt-hours.

Applicant Contact: Tim Hemstreet, Managing Director, Renewable Energy Development, PacifiCorp, 825 NE Multnomah, Suite 1800, Portland, OR 97232; email: *Tim.Hemstreet@pacificorp.com;* phone: (503) 813–6170.

FERC Contact: John Matkowski; email: *john.matkowski@ferc.gov;* phone: (202) 502–8576.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–15244–000.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of Commission's website at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–15244) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: January 11, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–00814 Filed 1–14–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 3472–024]

Aspinook Hydro, LLC; Notice of Intent To Prepare an Environmental Assessment

On April 30, 2020, Aspinook Hydro, LLC filed an application for a new major license for the 2.78-megawatt Wyre Wynd Hydroelectric Project (Wyre Wynd Project) (FERC No. 3472). The Wyre Wynd Project is located on the Quinebaug River in New London and Windham Counties, Connecticut. The project does not occupy federal land.

In accordance with the Commission's regulations, on October 6, 2021, Commission staff issued a notice that the project was ready for environmental analysis (REA notice). Based on the information in the record, including comments filed on the REA notice, staff does not anticipate that licensing the project would constitute a major federal action significantly affecting the quality of the human environment. Therefore, staff intends to prepare an Environmental Assessment (EA) on the application to license the Wyre Wynd Project.

The EA will be issued and circulated for review by all interested parties. All comments filed on the EA will be analyzed by staff and considered in the Commission's final licensing decision.

The application will be processed according to the following schedule. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Commission issues EA	June 2022.[1]
Comments on EA	July 2022.

Any questions regarding this notice may be directed to Kristine Sillett at (202) 502–6575 or *kristine.sillett@ferc.gov.*

Dated: January 11, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–00812 Filed 1–14–22; 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: PR22–5–001.

Applicants: Eagle Ford Midstream, LP.

Description: Submits tariff filing per 284.123(b),(e)+(g): Amended Section 311 Rate Approval to be effective 11/12/2021.

Filed Date: 1/7/2022.

Accession Number: 20220107–5076.

Comments Due: 5 p.m. ET 1/28/22.

284.123(g) Protests Due: 5 p.m. ET 1/28/22.

Docket Numbers: RP22–479–000.

Applicants: Adelphia Gateway, LLC.

Description: § 4(d) Rate Filing: Adelphia Negotiated Rate filing 1–10–22 to be effective 1/10/2022.

Filed Date: 1/10/22.

Accession Number: 20220110–5100.

Comment Date: 5 p.m. ET 1/24/22.

Docket Numbers: RP22–480–000.

Applicants: Gas Transmission Northwest LLC.

Description: Compliance filing: Report of Refunds—Coyote Springs Lateral IT Revenue (Nov. 2020–Oct. 2021) to be effective N/A.

Filed Date: 1/10/22.

Accession Number: 20220110–5113.

Comment Date: 5 p.m. ET 1/24/22.

Any person desiring to intervene or protest in any of the above proceedings

[1] The Council on Environmental Quality's (CEQ) regulations under 40 CFR 1501.10(b)(1) require that EAs be completed within 1 year of the federal action agency's decision to prepare an EA. This notice establishes the Commission's intent to prepare an EA for the Wyre Wynd Project. Therefore, in accordance with CEQ's regulations, the EA must be issued within 1 year of the issuance date of this notice.

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: RP22–158–002.
Applicants: Rover Pipeline LLC.
Description: Rover Pipeline LLC submits tariff filing per 154.203: Revision to RVR Cost & Revenue Study in Compliance with CP15–93–000 et al. to be effective N/A.
Filed Date: 01/24/22.
Accession Number: 2022011–5040.
Comment Date: 5 p.m. ET 1/24/22.

Docket Numbers: RP22–468–001.
Applicants: Northern Border Pipeline Company.
Description: Tariff Amendment: Negotiated Rate Agreement—Sequent TL372F Errata to be effective 1/1/2022.
Filed Date: 1/10/22.
Accession Number: 20220110–5172.
Comment Date: 5 p.m. ET 1/24/22.

Any person desiring to protest in any the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system by clicking on the links or 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: January 11, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–00805 Filed 1–14–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER22–799–000]

Lancaster Area Battery Storage, 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 Lancaster Area Battery Storage, 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 January 31, 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 TYY, (202) 502–8659.

Dated: January 11, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–00806 Filed 1–14–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12740–008]

Jordan Hydroelectric Limited Partnership; Notice of Availability of Supplemental Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission or FERC) regulations, 18 Code of Federal Regulations (CFR) part 380, Commission staff prepared a Supplemental Environmental Assessment (Supplemental EA), to supplement its Final Environmental Assessment (Final EA), issued November 10, 2011. On March 10, 2021, Jordan Hydroelectric Limited Partnership (licensee), filed with the Commission an application to amend its license for the Flannagan Hydroelectric Project No. 12740 based on the proposed changes to the design of the project. The unconstructed project is located at the U.S. Army Corps of Engineers' John W. Flannagan Dam and Reservoir, which is on the Pound River, near the Town of Clintwood, in Dickenson County, Virginia.

The Supplemental EA was prepared to address changes that have occurred since the issuance of the Final EA and contains Commission staff's analysis of the potential environmental effects of the proposed amendment. Based on staff's independent analysis in the Supplemental EA, Commission approval of the licensee's proposal would not constitute a major federal action significantly affecting the quality of the human environment.

The supplemental EA may be viewed on the Commission's website at *http://www.ferc.gov* using the ''elibrary'' link. Enter the docket number (P–12740) in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13,

2020. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at 1–866–208–3372, or for TTY, (202) 502–8659.

For further information, contact Marybeth Gay at 202–502–6125 or *Marybeth.Gay@ferc.gov.*

Dated: January 11, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–00815 Filed 1–14–22; 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: EC22–35–000.

Applicants: Bicent (California) Malburg LLC, BIV Generation Company, L.L.C., Colorado Power Partners, Tanner Street Generation, LLC, GIP CAPS Grendel, L.P.

Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of Bicent (California) Malburg LLC, et al.

Filed Date: 1/11/22.

Accession Number: 20220111–5064.

Comment Date: 5 p.m. ET 2/1/22.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER22–735–001.

Applicants: Avista Corporation.

Description: Tariff Amendment: Avista First Amendment to OATT Revisions for Attachments M, N and Q to be effective 3/31/2022.

Filed Date: 1/11/22.

Accession Number: 20220111–5141.

Comment Date: 5 p.m. ET 2/1/22.

Docket Numbers: ER22–800–000.

Applicants: Idaho Power Company.

Description: § 205(d) Rate Filing: Multiple Sections Tariff Clean-Up to be effective 3/11/2022.

Filed Date: 1/11/22.

Accession Number: 20220111–5000.

Comment Date: 5 p.m. ET 2/1/22.

Docket Numbers: ER22–801–000.

Applicants: Idaho Power Company.

Description: § 205(d) Rate Filing: Appendix 7 Collation Value Error to be effective 3/11/2022.

Filed Date: 1/11/22.

Accession Number: 20220111–5001.

Comment Date: 5 p.m. ET 2/1/22.

Docket Numbers: ER22–802–000.

Applicants: Southern California Edison Company.

Description: Tariff Amendment: Amended DSA Cald BESS LLC SA No. 1151 WDT1641 & WDT1736 to be effective 3/13/2022.

Filed Date: 1/11/22.

Accession Number: 20220111–5003.

Comment Date: 5 p.m. ET 2/1/22.

Docket Numbers: ER22–803–000.

Applicants: New York Independent System Operator, Inc., Niagara Mohawk Power Corporation.

Description: § 205(d) Rate Filing: New York Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii: 205: NYISO–NMPC-Martin Rd Solar Amended Restated SGIA (SA 2571) to be effective 12/29/2021.

Filed Date: 1/11/22.

Accession Number: 20220111–5086.

Comment Date: 5 p.m. ET 2/1/22.

Docket Numbers: ER22–804–000.

Applicants: Public Service Company of Colorado.

Description: § 205(d) Rate Filing: 2022–01–11 CSU CO&M Agrmt-Flying Horse-Briargate Proj–648–0.0.0 to be effective 1/12/2022.

Filed Date: 1/11/22.

Accession Number: 20220111–5115.

Comment Date: 5 p.m. ET 2/1/22.

The filings are accessible in the Commission's eLibrary system by clicking on the links or 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: January 11, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–00808 Filed 1–14–22; 8:45 am]

BILLING CODE 6717–01–P

FEDERAL COMMUNICATIONS COMMISSION

[MB Docket No. 12–108; DA 22–20; FRS ID 67126]

Accessibility Rules for Closed Captioning Display Settings

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: FCC seeks to refresh the record on proposed rules intended to enable individuals who are deaf and hard of hearing to fully enjoy video programming through closed captioning.

DATES: Comments are due on or before February 17, 2022, and reply comments are due on or before March 4, 2022.

ADDRESSES: The full text of this public notice is available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat via ECFS and at *https://www.fcc.gov/document/media-bureau-seeks-refresh-record-closed-captioning-rules.* You may submit comments, identified by MB Docket No. 12–108, by any of the following methods:

- *Federal Communications Commission's Website: http://apps.fcc.gov/ecfs/.* Follow the instructions for submitting comments.
- *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: *FCC504@fcc.gov* or phone: 202–418–0530.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: For further information, contact Michael Scurato (202–418–2083; *Michael.Scurato@fcc.gov*).

SUPPLEMENTARY INFORMATION: This is a summary of the Media Bureau's Public Notice, DA 22–20, released on January 10, 2022. In 2015, the Commission proposed rules that would require manufacturers of covered apparatus and multichannel video programming distributors (MVPDs) to make closed captioning display settings readily accessible to individuals who are deaf and hard of hearing and asked commenters to address the Commission's authority to adopt such rules under the Television Decoder Circuitry Act of 1990 (TDCA). The comment period closed nearly six years ago. To ensure that the Commission has the benefit of current information, including any developments relating to these issues since the release of the underlying *Second Further Notice of Proposed Rulemaking (Second Further Notice),* 81 FR 5971 (Feb. 4, 2016), the Media Bureau invites parties to update the record on these issues.

The TDCA amended the Communications Act of 1934, as amended (the Act), to require that television receivers contain built-in

decoder circuitry designed to display closed captioning and to require that the Commission's rules provide performance and display standards for such built-in decoder circuitry. The Commission subsequently adopted such standards for the display of closed captions on digital television receivers which allow users to customize the appearance of captions by changing the font, size, color, and other features of captions.

The Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA) broadened the application of closed captioning display and functionality requirements to additional types of apparatus, beyond broadcast television receivers, to include any apparatus designed to receive or play back video programming transmitted simultaneously with sound. Pursuant to the CVAA, the Commission adopted performance and display standards for the broadened category of covered apparatus and in particular adopted functional requirements to ensure that consumers can modify caption display features on covered apparatus.

In 2015, the Commission issued the *Second Further Notice* in this docket, seeking comment on proposed rules that would require manufacturers and MVPDs to ensure that consumers are able to readily access user display settings for closed captioning on covered apparatus. Since the Commission last invited comment on these issues, consumers and other stakeholders have raised ongoing concerns about difficulties consumers faced when attempting to access closed captioning display settings across a host of technologies and services.

Request for Additional Comment. Accordingly, the Media Bureau invites all stakeholders to update the record after reviewing the specific proposals, underlying analysis, and questions contained in the *Second Further Notice,* as well as the existing record in this proceeding. The *Second Further Notice* presented a host of issues that generated substantive discussion, including the Commission's authority pursuant to the TDCA to require that closed captioning display settings be readily accessible, the means by which the Commission would implement a requirement that consumers be able to readily access user display settings for closed captioning, and the extent to which section 303(u)(1) could be a source of authority to impose closed captioning requirements to all apparatus, as interpreted consistently with Commission precedent. The *Second Further Notice* further asked which entities should be responsible for compliance and, specifically, whether both manufacturers and MVPDs should be obligated to facilitate the ability of consumers to locate and control closed captioning display settings. The *Second Further Notice* also sought comment on the appropriate timeframe for requiring covered entities to ensure that closed captioning display settings are made readily accessible to consumers. Herein, the Media Bureau specifically seeks updated comment on these and other issues posed in the *Second Further Notice.*

Commenters are welcome to submit new or additional relevant information about the current state of the availability of hardware and software solutions designed to facilitate the activation and customization of closed captioning, and its ease of use. For example, to what extent are manufacturers and MVPDs currently ''making caption display settings accessible via mechanisms reasonably comparable to a button, key, or icon,'' such as ''a button on the remote or access through the first level of a menu,'' as noted in the *Second Further Notice*?

Initial Regulatory Flexibility Analysis. The *Second Further Notice* included an Initial Regulatory Flexibility Analysis (IRFA) pursuant to 5 U.S.C. 603, exploring the potential impact on small entities of the Commission's proposals. The Media Bureau invites parties to file comments on the IRFA in light of this request to refresh the record.

Filing Requirements. All filings responsive to this Public Notice must reference MB Docket No. 12–108. Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). *See Electronic Filing of Documents in Rulemaking Proceedings,* 63 FR 24121 (1998).

- *Electronic Filers:* Comments may be filed electronically using the internet by accessing the ECFS: *http://apps.fcc.gov/ecfs/.*
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing.
- Filings can be sent by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
  - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street NE, Washington, DC 20554.
- Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID–19. See FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy, Public Notice, DA 20–304 (March 19, 2020).

People with Disabilities. 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 FCC's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice).

Ex Parte Rules. This proceeding has been designated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments

thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Federal Communications Commission.

Thomas Horan,

Chief of Staff, Media Bureau.

[FR Doc. 2022–00782 Filed 1–14–22; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[FRS 63285]

Radio Broadcasting Services; AM or FM Proposals To Change the Community of License

AGENCY: Federal Communications Commission.

ACTION: Notice.

DATES: The agency must receive comments on or before March 21, 2022.

ADDRESSES: Federal Communications Commission, 45 L Street NE, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Rolanda F. Smith, 202–418–2054.

SUPPLEMENTARY INFORMATION: The following applicants filed AM or FM proposals to change the community of license: PENN-JERSEY EDUCATIONAL RADIO CORPORATION, WPNJ(FM), Fac. ID No. 174811, From EASTON, PA, To HARMONY TOWNSHIP, NJ, File No. 160326; BROADCAST COMMUNICATIONS III, INC., WKHB–FM, Fac. ID No. 36116, From SCOTTDALE, PA, To UNIONTOWN, PA, File No. 162606; ESTRELLA BROADCASTING, LLC, NEW(FM), Fac. ID No. 762492, From SELLS, AZ, To KEARNY, AZ, File No. 159317; RADIOJONES, LLC, WXRS–FM, Fac. ID No. 36212, From BROOKLET, GA, To PORTAL, GA, File No. 143396; and CLARO COMMUNICATIONS, LTD, KUKA(FM), Fac. ID No. 2818, From SAN DIEGO, TX, To DRISCOLL, TX, File No. 145176. The full text of these applications is available electronically via the Media Bureau's Consolidated Data Base System, *https://licensing.fcc.gov/prod/cdbs/pubacc/prod/app_sear.htm* or Licensing and Management System (LMS), *https://apps2int.fcc.gov/dataentry/public/tv/publicAppSearch.html.*

Federal Communications Commission.

Thomas Horan,

Chief of Staff, Media Bureau.

[FR Doc. 2022–00820 Filed 1–14–22; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0500; FR ID 67198]

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 (PRA) of 1995, 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 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 PRA comments should be submitted on or before March 21, 2022. If you anticipate that you will be submitting comments but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email to *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 Number: 3060–0500.

Title: Section 76.1713, Resolution of Complaints.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 10,750 respondents and 21,500 responses.

Estimated Hours per Response: 1–17 hours.

Frequency of Response: Recordkeeping and third-party disclosure requirements; annual reporting requirement.

Total Annual Burden: 193,500 hours.

Total Annual Cost: None.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in Sections 4(i), 303 and 308 of the Communications Act of 1934, as amended.

Needs and Uses: The information collection requirements contained in 47 CFR 76.1713 state cable system operators shall establish a process for resolving complaints from subscribers about the quality of the television signal delivered. Commission and franchising authorities, upon request. These records shall be maintained for at least a one-year period. Prior to being referred to the Commission, complaints from subscribers about the quality of the television signal delivered must be referred to the local franchising authority and the cable system operator.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2022–00828 Filed 1–14–22; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL MEDIATION AND CONCILIATION SERVICE

Privacy Act of 1974; System of Records

AGENCY: Federal Mediation and Conciliation Service.

ACTION: Notice of a new system of records.

SUMMARY: In accordance with the Privacy Act of 1974, the Federal Mediation and Conciliation Service (FMCS) proposes to create a system of records notice, titled FMCS–0007, Public Health Emergency Records System. The system will include

information that FMCS collects and maintains for applicants for employment, FMCS clients, and contractors who voluntarily provide information to FMCS in return for possible employment or enrollment in FMCS programs and/or activities that will respond to the Coronavirus Disease 2019 (COVID–19), a declared public health emergency, and other high-consequence public health threat requirements.

DATES: This system of records will be effective without further notice on February 17, 2022 unless otherwise revised pursuant to comments received. New routine uses will be effective on February 17, 2022. Comments must be received on or before February 17, 2022.

ADDRESSES: You may send comments, identified by FMCS–0007 by any of the following methods:

- *Mail:* Office of General Counsel, 250 E Street SW, Washington, DC 20427.
- *Email: ogc@fmcs.gov.* Include FMCS–0007 on the subject line of the message.
- *Fax:* (202) 606–5444.

FOR FURTHER INFORMATION CONTACT: Greg Raelson, Director of Congressional and Public Affairs, at *graelson@fmcs.gov* or 202–606–8081.

SUPPLEMENTARY INFORMATION: In accordance with the Privacy Act of 1974, 5 U.S.C. 552(a), this system covers information necessary and relevant for federal employment and FMCS programs or activities responding to mandated requirements and mitigating COVID–19 and other high-consequence public health threats, and diseases or illnesses relating to a public health emergency. Such information may include information on applicants for federal employment, FMCS clients, and contractors who have contracted or may have been exposed to a suspected or confirmed disease or illness that is the subject of a declared public health emergency or who undergo preventative testing for or receive a vaccination to prevent a disease or illness that is the subject of a declared public health emergency, in accordance with federal, state, or local public health orders.

SYSTEM NAME AND NUMBER:

FMCS–0007 Public Health Emergency Records System.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Mediation and Conciliation Service, Office of General Counsel (OGC), 250 E Street SW, Washington, DC 20427.

SYSTEM MANAGER(S):

The Director of Human Resources, and the Benefits and Retirement Specialist will manage the System. The Director of Information Technology, will not access content in the internal folder, will only troubleshoot any technical issues regarding electronic files. Send mail to Federal Mediation and Conciliation Service, 250 E Street Southwest, Washington, DC 20427.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 172, *et seq.;* Occupational Safety and Health Act of 1970; 5 U.S.C. 7902; 5 U.S.C. 301; 29 U.S.C. 668; 44 U.S.C. 3101; E.O. 13994; and E.O. 14043.

PURPOSE(S) OF THE SYSTEM:

The purpose of this system is to provide a system for collecting, processing, responding to, and maintaining health information regarding Coronavirus Disease 2019 (COVID–19), a declared public health emergency, and other high-consequence public health threat requirements on applicants for employment, FMCS clients, and contractors who participate in FMCS programs or activities, or visit FMCS facilities; to process, evaluate, and make decisions on requests for access to FMCS facilities (''requests''); details of requests and any supporting documentation; and to track the processing of such requests in FMCS to comply with applicable requirements in law and policy.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The categories of individuals covered in the system of records includes applicants for employment, FMCS clients, and contractors who participate in FMCS programs or activities during COVID–19 or other high-consequence public health threats relating to a public health emergency.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain the following:

- Name;
- Status (applicant, contractor, or FMCS client);
- Contact information (addresses, phone numbers, and email addresses);
- Information directly related to the disease or illness (*e.g.* testing results/information (including dates), symptoms, treatments such as vaccines, and source of exposure);
- Copies of correspondence between the applicant, client, or contractor, and FMCS;
- Case processing information related to suitability determinations and appeals;
- Vaccination records, including vaccination history, the date, type, and dose of vaccine administered to the individual (for FMCS applicants for employment only);
- Any other information collected or developed in connection with vaccine requirements and exemptions for FMCS clients, applicants for employment, or contractors; and
- Appointment scheduling information, including the date, time, and location of a scheduled appointment.

RECORD SOURCE CATEGORIES:

Information in this system of records is provided by the applicant, contractor, or FMCS client who participate in FMCS programs or activities who may provide information and/or FMCS Human Resources officials.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed to authorized entities, as is determined to be relevant and necessary, outside the FMCS as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

(a) To disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule regulation or order where the record, either alone or in conjunction with other information creates an indication of a violation or potential violation of civil or criminal laws or regulations.

(b) To the Government Accountability Office (GAO) for oversight purposes; to the Department of Justice (DOJ) to obtain that department's advice regarding disclosure obligations under the Freedom of Information Act (FOIA); or to the Office of Management and Budget (OMB) to obtain that office's advice regarding obligations under the Privacy Act.

(c) To disclose information to the National Archives and Records Administration (NARA) or the General Services Administration in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

(d) To a former employee of the Department for purposes of responding to an official inquiry by a federal, state, or local government entity or professional licensing authority, in accordance with applicable Department

regulations; or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes where the Department requires information and/or consultation assistance from the former employee regarding a matter within that person's former area of responsibility.

(e) To the Department of Health and Human Services (HHS), the Centers for Disease Control and Prevention (CDC), or to any state or local health authorities to ensure that all health issues potentially affecting public health and safety in the United States are being or have been adequately addressed.

(f) To appropriate medical facilities, private entities, or federal, state, local, tribal, territorial or foreign government agencies, to the extent permitted by law, for the purpose of protecting the vital interests of individual(s), including to assist the United States Government in responding to or mitigating high-consequence public health threats, or diseases and illnesses relating to a public health emergency.

(g) To disclose information to contractors, grantees, experts, consultants, detailees, and other non-Government employees performing or working on a contract, service, or other assignment for the Federal Government when necessary to accompany an agency function related to this system of records.

(h) To officials of labor organizations recognized under 5 U.S.C. Chapter 71 upon receipt of a formal request and in accordance with the conditions of 5 U.S.C. 7114 when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions.

(i) To disclose information to a Member of Congress or a congressional office in response to an inquiry made on behalf of, and at the request of, an individual who is the subject of the record.

(j) To the Department of Justice, including Offices of the U.S. Attorneys; another Federal agency conducting litigation or in proceedings before any court, adjudicative, or administrative body; another party in litigation before a court, adjudicative, or administrative body; or to a court, adjudicative, or administrative body. Such disclosure is permitted only when it is relevant and necessary to the litigation or proceeding, and one of the following is a party to the litigation or has an interest in such litigation:

(1) FMCS, or any component thereof;

(2) Any employee or former employee of FMCS in their official capacity;

(3) Any employee or former employee of FMCS in their capacity where the Department of Justice or FMCS has agreed to represent the employee;

(4) The United States, a Federal agency, or another party in litigation before a court, adjudicative, or administrative body, upon the FMCS General Counsel's approval, pursuant to 5 CFR part 295 or otherwise.

(k) To any federal agency, organization, or person for the purposes of performing audit or oversight operations related to the operation of this system of records as authorized by law, but only information necessary and relevant to such audit or oversight function.

(l) To another Federal agency, including, but not limited to, the Equal Employment Opportunity Commission, Office of Personnel Management, and the Office of Special Counsel to obtain advice regarding statutory, regulatory, policy, and other requirements related to public health threat requirements.

(m) To an authorized appeal grievance examiner, formal complaints examiner, administrative judge, equal employment opportunity investigator, arbitrator, or other duly authorized official engages in investigation or settlement of a grievance, complaint, or appeal filed by an individual who applied for employment or needed access to FMCS facilities, programs, or activities during a public health threat.

(n) To a Federal, state, local, territorial, tribal, foreign, or international licensing agencies or associations, or entity which require information concerning the suitability or eligibility of an individual for a license or permit.

(o) To such recipients and under such circumstances and procedures as are mandated by Federal statute or treaty.

(p) To another Federal agency pursuant to a written agreement with FMCS to provide services (such as medical evaluations), when necessary, in support of public health threat requirements.

(q) To appropriate agencies, entities, and persons when (1) FMCS suspects or has confirmed that there has been a breach of the system of records, (2) FMCS has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, FMCS (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with FMCS's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

(r) To another Federal agency or Federal entity, when FMCS 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:

These records are maintained electronically and stored on the agency's internal servers with restricted access to authorized Human Resources staff and designated deciding officials as determined by agency policy.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

These records are retrieved by the name or other programmatic identifier assigned to an individual in the electronic database and paper filing system.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

All records are retained and disposed of in accordance with General Records Schedule 2.7, issued by the National Archives and Records Administration. Records are updated as needed, retained for three years, and destroyed by shredding or deleting.

ADMINSTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Records are stored electronically in locations only accessible to authorized personnel requiring agency security credentials. Access is restricted, and accessible to limited Human Resources officials, and/or individuals in a need-to-know capacity. FMCS buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures.

RECORD ACCESS PROCEDURES:

Individuals wishing to request access to their records should contact the Office of General Counsel (OGC). Individuals must provide the following information for their records to be located and identified: (1) Full name, (2) Address, and (3) A specific description of the record content requested. See 29 CFR 1410.3, Individual access requests.

CONTESTING RECORDS PROCEDURES:

See 29 CFR 1410.6, Requests for correction or amendment of records, on

how to contest the content of any records. Privacy Act requests to amend or correct records may be submitted to the Privacy Office at *privacy@fmcs.gov,* FMCS 250 E Street SW, Washington, DC 20427. Also, see *https://www.fmcs.gov/privacy-policy/.*

NOTIFICATION PROCEDURES:

See 29 CFR 1410.3(a), Individual access requests.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

None.

Dated: January 12, 2022.

Sarah Cudahy,

General Counsel.

[FR Doc. 2022–00839 Filed 1–14–22; 8:45 am]

BILLING CODE 6732–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than February 17, 2022.

A. Federal Reserve Bank of Atlanta (Erien O. Terry, Assistant Vice President) 1000 Peachtree Street NE, Atlanta, Georgia 30309. Comments can also be sent electronically to *Applications.Comments@atl.frb.org:*

1. *Carver Financial Corporation, Savannah, Georgia;* to acquire Alamerica BancCorp, Inc., and thereby indirectly acquire its subsidiary, Alamerica Bank, both of Birmingham, Alabama.

Board of Governors of the Federal Reserve System, January 12, 2022.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2022–00844 Filed 1–14–22; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Notice of Board Meeting

DATES: January 24, 2022 at 10:00 a.m.

ADDRESSES: Telephonic. Dial-in (listen only) information: Number: 1–415–527–5035, Code: 2761 848 5183; or via web: *https://tspmeet.webex.com/tspmeet/onstage/g.php?MTID=e2c537a102b28d363f50c65b23d17849e.*

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 December 17, 2021 Board Meeting Minutes
2. Monthly Reports
   (a) Participant Activity Report
   (b) Legislative Report
3. Quarterly Reports
   (c) Investment Policy
   (d) Audit Status
   (e) Budget Review
4. Annual Expense Ratio
5. Financial Systems Modernization (FSM) Update
6. Converge Update

Authority: 5 U.S.C. 552b(e)(1).

Dated: January 12, 2022.

Dharmesh Vashee,

General Counsel, Federal Retirement Thrift Investment Board.

[FR Doc. 2022–00840 Filed 1–14–22; 8:45 am]

BILLING CODE 6760–01–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0035; Docket No. 2021–0053; Sequence No. 11]

Submission for OMB Review; Claims and Appeals

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement regarding claims and appeals.

DATES: Submit comments on or before February 17, 2022.

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

Additionally, submit a copy to GSA through *https://www.regulations.gov* and follow the instructions on the site. This website provides the ability to type short comments directly into the comment field or attach a file for lengthier comments.

Instructions: All items submitted must cite OMB Control No. 9000–0035, Claims and Appeals. Comments received generally will be posted without change to *https://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two-to-three days after submission to verify posting. If there are difficulties submitting comments, contact the GSA Regulatory Secretariat Division at 202–501–4755 or *GSARegSec@gsa.gov.*

FOR FURTHER INFORMATION CONTACT: Zenaida Delgado, Procurement Analyst, at telephone 202–969–7207, or *zenaida.delgado@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. OMB Control Number, Title, and Any Associated Form(s)

9000–0035, Claims and Appeals.

B. Need and Uses

This clearance covers the information that contractors must submit to comply with the following Federal Acquisition Regulation (FAR) requirements:

FAR 52.233–1, Disputes. This clause requires contractors to submit a claim in writing to the contracting officer for a written decision. For any claim exceeding $100,000, contractors must provide a certification that (1) the claim is made in good faith; (2) supporting data are accurate and complete; and (3) the amount requested accurately reflects the contract adjustment for which the contractor believes the Government is liable. Contractors may appeal the contracting officer's decision by submitting written appeals to the appropriate officials.

If the contractor refuses the Government's offer to use alternative dispute resolution (ADR), the contractor must inform the contracting officer, in writing, of the contractor's specific reasons for rejecting the offer.

The contracting officer will use the information to decide the disposition of the claim.

C. Annual Burden

Respondents: 4,500.

Total Annual Responses: 13,500.

Total Burden Hours: 13,500.

D. Public Comment

A 60-day notice was published in the **Federal Register** at 86 FR 62818, on November 12, 2021. No comments were received.

Obtaining Copies: Requesters may obtain a copy of the information collection documents from the GSA Regulatory Secretariat Division by calling 202–501–4755 or emailing *GSARegSec@gsa.gov.* Please cite OMB Control No. 9000–0035, Claims and Appeals.

Janet Fry,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2022–00845 Filed 1–14–22; 8:45 am]

BILLING CODE 6820–14–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–276 and CMS–10631]

Agency Information Collection Activities: Proposed Collection; 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 (the 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 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates 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 must be received by March 21, 2022.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number: _____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at website address at *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html.*

FOR FURTHER INFORMATION CONTACT: William N. Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–276 Prepaid Health Plan Cost Report

CMS–10631 The PACE Organization Application Process in 42 CFR part 460

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. 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 requires federal agencies to publish a 60-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.

Information Collection

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Prepaid Health Plan Cost Report; *Use:* This Cost Report outlines the provisions for implementing Section 1876 (h) and Section 1833 (a)(1)(A) of the Social Security Act. Organizations contracting with the Secretary under Section 1876 and Section 1833 of the Social Security Act provide health services on a prepayment basis to enrolled members and are required to submit adequate cost and statistical data, based on financial records, in order to be reimbursed on reasonable cost basis by CMS. These

organizations include Health Maintenance Organizations (HMOs) and Competitive Medical Plans (CMPs) under Section 1876, in addition to, Health Care Prepayment Plans (HCPPs) under Section 1833. These entities may be collectively referred to as Managed Care Organizations (MCOs). The cost and statistical data is submitted to CMS within the cost report, Form CMS 276 (OMB No.0938–0165). CMS is responsible for the receipt and processing of Form CMS 276. Form CMS 276, provided by CMS as excel worksheets, covers the prescribed format for the cost reports.

The cost report worksheets are designed to be of sufficient flexibility to take into account the diversity of operations, yet provide the necessary cost and statistical information to enable CMS to determine the proper amount of payment to the Plan. Cost-based MCOs must submit through HPMS an annual Budget Forecast, semi-annual interim, and final cost report to CMS, all of which are included in this collection. Additionally, HMOs/CMPs are required to submit fourth quarter interim reports annually to CMS; however, the required submission of 4th quarter interim reports is waived until further notice by CMS. Please note that HCPPs are not required to submit fourth quarter interim reports. *Form Number:* CMS–276 (OMB control number: 0938–0165); *Frequency:* Quarterly; *Affected Public:* Private Sector *Number of Respondents:* 17; *Number of Responses:* 51; *Total Annual Hours:* 1,612. (For questions regarding this collection contact Frank Cisar at 410–786–7553).

2. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* The PACE Organization Application Process in 42 CFR part 460; *Use:* The Programs of All-Inclusive Care for the Elderly (PACE) consist of pre-paid, capitated plans that provide comprehensive health care services to frail, older adults in the community who are eligible for nursing home care according to State standards. PACE organizations (PO) must provide all Medicare and Medicaid covered services; financing of this model is accomplished through prospective capitation of both Medicare and Medicaid payments. Upon approval of a PACE application, CMS executes a 3-way program agreement with the applicant entity and the applicable State Administering Agency (SAA). CMS regulations at 42 CFR 460.98(b)(2) require a PO to provide PACE services in at least the PACE center, the home, and inpatient facilities. The PACE center is the focal point for the delivery of PACE services; the center is where the interdisciplinary team (IDT) is located, services are provided, and socialization occurs with staff that is consistent and familiar to participants.

Collection of this information is mandated by statute under sections 1894(f) and 1934(f) of the Act and at 42 CFR part 460, subpart B, which addresses the PO application and waiver process. In general, PACE services are provided through a PO. An entity wishing to become a PO must submit an application to CMS that describes how the entity meets all the requirements in the PACE program. An entity's application must be accompanied by an assurance from the SAA of the State in which the PO wishes to operate its PACE program. CMS accepts applications on a designated date four times per year (*i.e.,* on a quarterly basis, generally the last Friday of March, June, September and December). *Form Number:* CMS–10631 (OMB control number: 0938–1326); *Frequency:* Occasionally; *Affected Public:* Private Sector, State, Local or Tribal governments, Business or other for-profits; *Number of Respondents:* 72; *Total Annual Responses:* 130; *Total Annual Hours:* 7,271. For policy questions regarding this collection contact Debbie Vanhoven at 410–786–6625.

Dated: January 11, 2022.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2022–00735 Filed 1–14–22; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–7065–N]

Announcement of the Advisory Panel on Outreach and Education (APOE) February 3, 2022 Virtual Meeting

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

ACTION: Notice.

SUMMARY: This notice announces the next meeting of the APOE (the Panel) in accordance with the Federal Advisory Committee Act. The Panel advises and makes recommendations to the Secretary of the U.S. Department of Health and Human Services (HHS) (the Secretary) and the Administrator of the Centers for Medicare & Medicaid Services (CMS) on opportunities to enhance the effectiveness of consumer education strategies concerning the Health Insurance Marketplace®, Medicare, Medicaid, and the Children's Health Insurance Program (CHIP). This meeting is open to the public.

DATES:

Meeting Date: Thursday, February 3, 2022 from 12:00 p.m. to 5:00 p.m. eastern standard time (e.s.t).

Deadline for Meeting Registration, Presentations, Special Accommodations, and Comments: Thursday, January 27, 2022 5:00 p.m. (e.s.t).

ADDRESSES:

Meeting Location: Virtual. All those who RSVP will receive the link to attend.

Presentations and Written Comments: Presentations and written comments should be submitted to: Lisa Carr, Designated Federal Official (DFO), Office of Communications, Centers for Medicare & Medicaid Services, 200 Independence Avenue SW, Mailstop 325G HHH, Washington, DC 20201, 202–690–5742, or via email at *APOE@cms.hhs.gov*.

Registration: Persons wishing to attend this meeting must register at the website *https://www.eventbrite.com/e/apoe-february-3-2022-virtual-meeting-tickets-212590763697* or by contacting the DFO listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice, by the date listed in the **DATES** section of this notice. Individuals requiring sign language interpretation or other special accommodations should contact the DFO at the address listed in the **ADDRESSES** section of this notice by the date listed in the **DATES** section of this notice.

FOR FURTHER INFORMATION CONTACT: Lisa Carr, Designated Federal Official, Office of Communications, 200 Independence Avenue SW, Mailstop 325G HHH, Washington, DC 20201, 202–690–5742, or via email at *APOE@cms.hhs.gov.* Additional information about the APOE is available at: *https://www.cms.gov/Regulations-and-Guidance/Guidance/FACA/APOE.* Press inquiries are handled through the CMS Press Office at (202) 690–6145.

SUPPLEMENTARY INFORMATION:

I. Background and Charter Renewal Information

A. Background

The Advisory Panel for Outreach and Education (APOE) (the Panel) is governed by the provisions of the Federal Advisory Committee Act (FACA) (Pub. L. 92–463), as amended (5

U.S.C. Appendix 2), which sets forth standards for the formation and use of federal advisory committees. The Panel is authorized by section 1114(f) of the Social Security Act (the Act) (42 U.S.C. 1314(f)) and section 222 of the Public Health Service Act (42 U.S.C. 217a).

The Secretary of the U.S. Department of Health and Human Services (HHS) (the Secretary) signed the charter establishing the Citizen's Advisory Panel on Medicare Education [1] (the predecessor to the APOE) on January 21, 1999 (64 FR 7899) to advise and make recommendations to the Secretary and the Administrator of the Centers for Medicare & Medicaid Services (CMS) on the effective implementation of national Medicare education programs, including with respect to the Medicare+Choice (M+C) program added by the Balanced Budget Act of 1997 (Pub. L. 105–33).

The Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) (Pub. L. 108–173) expanded the existing health plan options and benefits available under the M+C program and renamed it the Medicare Advantage (MA) program. CMS has had substantial responsibilities to provide information to Medicare beneficiaries about the range of health plan options available and better tools to evaluate these options. The successful MA program implementation required CMS to consider the views and policy input from a variety of private sector constituents and to develop a broad range of public-private partnerships.

In addition, Title I of the MMA authorized the Secretary and the Administrator of CMS (by delegation) to establish the Medicare prescription drug benefit. The drug benefit allows beneficiaries to obtain qualified prescription drug coverage. In order to effectively administer the MA program and the Medicare prescription drug benefit, we have substantial responsibilities to provide information to Medicare beneficiaries about the range of health plan options and benefits available, and to develop better tools to evaluate these plans and benefits.

The Patient Protection and Affordable Care Act (Pub. L. 111–148) and Health Care and Education Reconciliation Act of 2010 (Pub. L. 111–152) (collectively referred to as the Affordable Care Act) expanded the availability of other options for health care coverage and enacted a number of changes to Medicare as well as to Medicaid and CHIP. Qualified individuals and qualified employers are now able to purchase private health insurance coverage through a competitive marketplace, called an Affordable Insurance Exchange (also called Health Insurance Marketplace®, or Marketplace® [2]). In order to effectively implement and administer these changes, we must provide information to consumers, providers, and other stakeholders through education and outreach programs regarding how existing programs will change and the expanded range of health coverage options available, including private health insurance coverage through the Marketplace®. The APOE (the Panel) allows us to consider a broad range of views and information from interested audiences in connection with this effort and to identify opportunities to enhance the effectiveness of education strategies concerning the Affordable Care Act.

The scope of this Panel also includes advising on issues pertaining to the education of providers and stakeholders with respect to the Affordable Care Act and certain provisions of the Health Information Technology for Economic and Clinical Health (HITECH) Act enacted as part of the American Recovery and Reinvestment Act of 2009 (ARRA) (Pub. L. 111–5).

On January 21, 2011, the Panel's charter was renewed and the Panel was renamed the Advisory Panel for Outreach and Education. The Panel's charter was most recently renewed on January 19, 2021, and will terminate on January 19, 2023 unless renewed by appropriate action.

B. Charter Renewal

In accordance with the January 19, 2021, charter, the APOE will advise the HHS and CMS on developing and implementing education programs that support individuals who are enrolled in or eligible for Medicare, Medicaid, CHIP, or coverage available through the Health Insurance Marketplace® and other CMS programs. The scope of this FACA group also includes advising on education of providers and stakeholders with respect to health care reform and certain provisions of the HITECH Act enacted as part of the ARRA.

The charter will terminate on January 19, 2023, unless renewed by appropriate action. The APOE was chartered under 42 U.S.C. 217a, section 222 of the Public Health Service Act, as amended. The APOE is governed by provisions of Public Law 92–463, as amended (5 U.S.C. Appendix 2), which sets forth standards for the formation and use of advisory committees.

In accordance with the renewed charter, the APOE will advise the Secretary and the CMS Administrator concerning optimal strategies for the following:

- Developing and implementing education and outreach programs for individuals enrolled in, or eligible for, Medicare, Medicaid, the CHIP, and coverage available through the Health Insurance Marketplace® and other CMS programs.
- Enhancing the federal government's effectiveness in informing Medicare, Medicaid, CHIP, or the Health Insurance Marketplace® consumers, issuers, providers, and stakeholders, pursuant to education and outreach programs of issues regarding these programs, including the appropriate use of public-private partnerships to leverage the resources of the private sector in educating beneficiaries, providers, partners and stakeholders.
- Expanding outreach to minority and underserved communities, including racial and ethnic minorities, in the context of Medicare, Medicaid, the CHIP and the Health Insurance Marketplace® education programs, and other CMS programs as designated.
- Assembling and sharing an information base of ''best practices'' for helping consumers evaluate health coverage options.
- Building and leveraging existing community infrastructures for information, counseling, and assistance.
- Drawing the program link between outreach and education, promoting consumer understanding of health care coverage choices, and facilitating consumer selection/enrollment, which in turn support the overarching goal of improved access to quality care, including prevention services, envisioned under the Affordable Care Act.

The current members of the Panel as of September 15, 2021, are as follows:

- Julie Carter, Senior Federal Policy Associate, Medicare Rights Center.
- Scott Ferguson, Director of Care Transitions and Population Health, Mount Sinai St. Luke's Hospital.
- Jean-Venable Robertson Goode, Professor, Department of Pharmacotherapy and Outcomes Science, School of Pharmacy, Virginia Commonwealth University.
- Ted Henson, Director of Health Center Performance and Innovation, National Association of Community Health Centers.

[1] We note that the Citizen's Advisory Panel on Medicare Education is also referred to as the Advisory Panel on Medicare Education (65 FR 4617). The name was updated in the Second Amended Charter approved on July 24, 2000.

[2] Health Insurance Marketplace® and Marketplace® are service marks of the U.S. Department of Health and Human Services.

- Joan Ilardo, Director of Research Initiatives, Michigan State University, College of Human Medicine.
- Cheri Lattimer, Executive Director, National Transitions of Care Coalition.
- Cori McMahon, Vice President, Tridiuum.
- Alan Meade, Director of Rehabilitation Services, Holston Medical Group.
- Michael Minor, National Director, H.O.P.E. HHS Partnership, National Baptist Convention USA, Incorporated.
- Jina Ragland, Associate State Director of Advocacy and Outreach, AARP Nebraska.
- Morgan Reed, Executive Director, Association for Competitive Technology.
- Margot Savoy, Senior Vice President, American Academy of Family Physicians.
- Congresswoman Allyson Schwartz, Senior Advisor, FTI Consulting.
- Tia Whitaker, Statewide Director, Outreach and Enrollment, Pennsylvania Association of Community Health Centers.

II. Provisions of This Notice

In accordance with section 10(a) of the FACA, this notice announces a meeting of the APOE. The agenda for the February 3, 2022 meeting will include the following:

- Welcome and listening session with CMS leadership
- Recap of the previous (September 15, 2021) meeting
- CMS programs, initiatives, and priorities
- An opportunity for public comment
- Meeting summary, review of recommendations, and next steps

Individuals or organizations that wish to make a 5-minute oral presentation on an agenda topic should submit a written copy of the oral presentation to the DFO at the address listed in the **ADDRESSES** section of this notice by the date listed in the **DATES** section of this notice. The number of oral presentations may be limited by the time available. Individuals not wishing to make an oral presentation may submit written comments to the DFO at the address listed in the **ADDRESSES** section of this notice by the date listed in the **DATES** section of this notice.

III. Meeting Participation

The meeting is open to the public, but attendance is limited to registered participants. Persons wishing to attend this meeting must register at the website *https://www.eventbrite.com/e/apoe-february-3-2022-virtual-meeting-tickets-212590763697* or contact the DFO at the address or number listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice by the date specified in the **DATES** section of this notice. This meeting will be held virtually. Individuals who are not registered in advance will be unable to attend the meeting.

IV. Collection of Information

This document does not impose information collection requirements, that is, reporting, recordkeeping, or third-party disclosure requirements. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

The Administrator of the Centers for Medicare & Medicaid Services (CMS), Chiquita Brooks-LaSure, having reviewed and approved this document, authorizes Lynette Wilson, who is the Federal Register Liaison, to electronically sign this document for purposes of publication in the **Federal Register**.

Dated: January 11, 2022.

Lynette Wilson,

Federal Register Liaison, Centers for Medicare & Medicaid Services.

[FR Doc. 2022–00745 Filed 1–14–22; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2021–N–1037]

Fresenius USA, Inc., et al.; Withdrawal of Approval of 216 Abbreviated New Drug Applications; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a notice that appeared in the **Federal Register** of October 22, 2021. The document announced the withdrawal of approval of 216 abbreviated new drug applications (ANDAs) from multiple applicants, as of November 22, 2021. The document was published with an incorrect date. In addition, the document indicated that FDA was withdrawing approval of ANDA 075941, Strontium Chloride SR–89 Injection, 1 millicurie/milliliter, held by Bio-Nucleonics, Inc., 1600 Market St., Suite 13200, Philadelphia, PA 19103, for repeated failure to submit annual reports. Before FDA withdrew the approval of this ANDA, the application holder informed FDA that it submitted annual reports for ANDA 075941. Therefore, FDA rescinds its withdrawal of approval of ANDA 075941. The approval of ANDA 075941 is still in effect.

FOR FURTHER INFORMATION CONTACT: James Hanratty, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 75, Rm. 1671, Silver Spring, MD 20993–0002, 240–402–4718, *James.Hanratty@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Corrections

In the **Federal Register** of Friday, October 22, 2021 (86 FR 58675), in FR Doc. 2021–23075, the following corrections are made:

1. On page 58675, in the second column, correct the **DATES** section to read: **DATES:** Approval is withdrawn as of October 22, 2021.''

2. On page 58679, in the table, remove the entry for ANDA 075941.

Dated: January 12, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–00831 Filed 1–14–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2021–P–0885]

Determination That PEPCID (Famotidine) Tablet, 20 Milligrams and 40 Milligrams, Was Not Withdrawn From Sale for Reasons of Safety or Effectiveness

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) has determined that PEPCID (famotidine) tablet, 20 milligrams (mg) and 40 mg, was not withdrawn from sale for reasons of safety or effectiveness. This determination means that FDA will not begin procedures to withdraw approval of abbreviated new drug applications (ANDAs) that refer to this drug product, and it will allow FDA to continue to approve ANDAs that refer to the product as long as they meet relevant legal and regulatory requirements.

FOR FURTHER INFORMATION CONTACT: Stacy Kane, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6236, Silver Spring,

MD 20993–0002, 301–796–8363, *stacy.kane@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Section 505(j) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355(j)) allows the submission of an ANDA to market a generic version of a previously approved drug product. To obtain approval, the ANDA applicant must show, among other things, that the generic drug product: (1) Has the same active ingredient(s), dosage form, route of administration, strength, conditions of use, and (with certain exceptions) labeling as the listed drug, which is a version of the drug that was previously approved, and (2) is bioequivalent to the listed drug. ANDA applicants do not have to repeat the extensive clinical testing otherwise necessary to gain approval of a new drug application (NDA).

Section 505(j)(7) of the FD&C Act requires FDA to publish a list of all approved drugs. FDA publishes this list as part of the ''Approved Drug Products With Therapeutic Equivalence Evaluations,'' which is known generally as the ''Orange Book.'' Under FDA regulations, drugs are removed from the list if the Agency withdraws or suspends approval of the drug's NDA or ANDA for reasons of safety or effectiveness or if FDA determines that the listed drug was withdrawn from sale for reasons of safety or effectiveness (21 CFR 314.162).

A person may petition the Agency to determine, or the Agency may determine on its own initiative, whether a listed drug was withdrawn from sale for reasons of safety or effectiveness. This determination may be made at any time after the drug has been withdrawn from sale, but must be made prior to approving an ANDA that refers to the listed drug (§ 314.161 (21 CFR 314.161)). FDA may not approve an ANDA that does not refer to a listed drug.

PEPCID (famotidine) tablet, 20 mg and 40 mg, is the subject of NDA 019462, held by Valeant Pharmaceuticals North America LLC, and initially approved on October 15, 1986. PEPCID is indicated in adult and pediatric patients 40 kilograms and greater for the treatment of active duodenal ulcer (DU), active gastric ulcer, symptomatic nonerosive gastroesophageal reflux disease (GERD), erosive esophagitis due to GERD, diagnosed by biopsy. PEPCID is indicated in adults for the treatment of pathological hypersecretory conditions (*e.g.,* Zollinger-Ellison syndrome, multiple endocrine neoplasias) and reduction of the risk of DU recurrence.

PEPCID (famotidine) tablet, 20 mg and 40 mg, is currently listed in the ''Discontinued Drug Product List'' section of the Orange Book.

Zydus Pharmaceuticals (USA) Inc. submitted a citizen petition dated August 3, 2021 (Docket No. FDA–2021–P–0885), under 21 CFR 10.30, requesting that the Agency determine whether PEPCID (famotidine) tablet, 20 mg and 40 mg, was withdrawn from sale for reasons of safety or effectiveness.

After considering the citizen petition and reviewing Agency records and based on the information we have at this time, FDA has determined under § 314.161 that PEPCID (famotidine) tablet, 20 mg and 40 mg, was not withdrawn for reasons of safety or effectiveness. The petitioner has identified no data or other information suggesting that PEPCID (famotidine) tablet, 20 mg and 40 mg, was withdrawn for reasons of safety or effectiveness. We have carefully reviewed our files for records concerning the withdrawal of PEPCID (famotidine) tablet, 20 mg and 40 mg, from sale. We have also independently evaluated relevant literature and data for possible postmarketing adverse events. We have found no information that would indicate that this drug product was withdrawn from sale for reasons of safety or effectiveness.

Accordingly, the Agency will continue to list PEPCID (famotidine) tablet, 20 mg and 40 mg, in the ''Discontinued Drug Product List'' section of the Orange Book. The ''Discontinued Drug Product List'' delineates, among other items, drug products that have been discontinued from marketing for reasons other than safety or effectiveness. FDA will not begin procedures to withdraw approval of approved ANDAs that refer to this drug product. Additional ANDAs for this drug product may also be approved by the Agency as long as they meet all other legal and regulatory requirements for the approval of ANDAs. If FDA determines that labeling for this drug product should be revised to meet current standards, the Agency will advise ANDA applicants to submit such labeling.

Dated: January 12, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–00832 Filed 1–14–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–4040–0007]

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 February 17, 2022.

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

FOR FURTHER INFORMATION CONTACT: Joseph Raborn *joseph.raborn@hhs.gov* or (202) 870–2037. When submitting comments or requesting information, please include the document identifier 4040–0007–30D 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: Assurances for Non-Construction Programs (SF–424B).

Type of Collection: Renewal.

OMB No.: 4040–0007.

Abstract: Assurances for Non-Construction Programs (SF–424B) is used by applicants to apply for Federal financial assistance. The Assurances for Non-Construction Programs (SF–424B) form requests that the applicants certify specified required assurances as part of their grant proposals. This form is evaluated by Federal agencies as part of the overall grant application. This IC expires on February 28, 2022.

Grants.gov seeks a three-year clearance of these collections.

ESTIMATED ANNUALIZED BURDEN TABLE

Type of respondent	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Grant Applicant	1	9,772	0.5	4,886
Total	1	9,772	0.5	4,886

Sherrette A. Funn,

Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.

[FR Doc. 2022–00760 Filed 1–14–22; 8:45 am]

BILLING CODE 4151–AE–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–4040–0009]

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 February 17, 2022.

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

FOR FURTHER INFORMATION CONTACT: Joseph Raborn, *joseph.raborn@hhs.gov* or (202) 870–2037. When submitting comments or requesting information, please include the document identifier 4040–0009–30D 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: Assurances for Construction Programs.

Type of Collection: Renewal.

OMB No.: 4040–0009.

Abstract: Assurances for Construction Programs (SF–424D) is used by applicants to apply for Federal financial assistance. The Assurances for Construction Programs (SF–424D) form allows the applicants to provide specific assurances as part of their grant proposals. This form is evaluated by Federal agencies as part of the overall grant application. This IC expires on February 28, 2022. *Grants.gov* seeks a three-year clearance of these collections.

Type of respondent: Grant Applicant and Awardee.

ESTIMATED ANNUALIZED BURDEN TABLE

Type of respondent	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Grant-seeking organizations	353	1	.5	176.5
Total	353	1	.5	176.5

Sherrette A. Funn,

Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.

[FR Doc. 2022–00761 Filed 1–14–22; 8:45 am]

BILLING CODE 4151–AE–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–4040–0006]

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 February 17, 2022.

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

FOR FURTHER INFORMATION CONTACT: Joe Raborn, *joseph.raborn@hhs.gov* or (202) 870–2037. When submitting comments or requesting information, please include the document identifier 4040–0006–30D 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: Budget Information for Non-Construction Programs (SF–424A).

Type of Collection: Renewal.

OMB No.: 4040–0006.

Abstract: Budget Information for Non-Construction Programs (SF–424A) is used by applicants to apply for Federal financial assistance. The Budget Information for Non-Construction Programs (SF–424A) form allows the applicants to provide budget details as part of their grant proposals. This form is evaluated by Federal agencies as part of the overall grant application. This IC expires on February 28, 2022. *Grants.gov* seeks a three-year clearance of these collections.

ESTIMATED ANNUALIZED BURDEN TABLE

Type of respondent	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Grant Applicants	1	12,775	1	12,775
Total	1	12,775	1	12,775

Sherrette A. Funn,

Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.

[FR Doc. 2022–00758 Filed 1–14–22; 8:45 am]

BILLING CODE 4151–AE–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–4040–0003]

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 February 17, 2022.

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

FOR FURTHER INFORMATION CONTACT: Joseph Raborn, *joseph.raborn@hhs.gov* or (202) 870–2037. When submitting comments or requesting information, please include the document identifier 4040–0003–30D and project title for reference.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Title of the Collections: Application for Federal Domestic Assistance-Short Organizational.

Type of Collection: Renewal.

OMB No.: 4040–0003.

Abstract: Application for Federal Domestic Assistance-Short Organizational is used by applicants to apply for Federal financial assistance. The Application for Federal Domestic Assistance-Short Organizational allows the applicants to provide organizational details as part of their grant proposals. This form is evaluated by Federal agencies as part of the overall grant application. This IC expires on February 28, 2022. *Grants.gov* seeks a three-year clearance of these collections.

Type of Respondent: The Application for Federal Domestic Assistance-Short Organizational form is used by organizations to apply for Federal financial assistance in the form of grants. These forms are submitted to the Federal grant-making agencies for evaluation and review.

ESTIMATED ANNUALIZED BURDEN TABLE

Type of respondent	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Grant Applicants	1	936	1	936
Total	1	936	1	936

Sherrette A. Funn,

Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.

[FR Doc. 2022–00775 Filed 1–14–22; 8:45 am]

BILLING CODE 4151–AE–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–4040–0008]

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 February 17, 2022.

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

FOR FURTHER INFORMATION CONTACT: Joseph Raborn, *joseph.raborn@hhs.gov* or (202) 870–2037. When submitting comments or requesting information, please include the document identifier 4040–0008–30D 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: Budget Information for Construction Programs (SF–424C).

Type of Collection: Renewal.

OMB No.: 4040–0008.

Abstract: Budget Information for Construction Programs (SF–424C) is used by applicants to apply for Federal financial assistance. The Budget Information for Construction Programs (SF–424C) form allows the applicants to provide budget details as part of their grant proposals. This form is evaluated by Federal agencies as part of the overall grant application. This IC expires on February 28, 2022. *Grants.gov* seeks a three-year clearance of these collections.

Type of Respondent: Grant Applicant and Awardee.

ESTIMATED ANNUALIZED BURDEN TABLE

Type of respondent	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Grant-seeking organization	239	1	1	239
Total	239	1	1	239

Sherrette A. Funn,

Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.

[FR Doc. 2022–00763 Filed 1–14–22; 8:45 am]

BILLING CODE 4151–AE–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–4040–0006]

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 February 17, 2022.

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

FOR FURTHER INFORMATION CONTACT: Joe Raborn, *joseph.raborn@hhs.gov* or (202) 870–2037. When submitting comments or requesting information, please include the document identifier 4040–0006–30D 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: Budget Information for Non-Construction Programs (SF–424A).

Type of Collection: Renewal.

OMB No.: 4040–0006.

Abstract: Budget Information for Non-Construction Programs (SF–424A) is used by applicants to apply for Federal financial assistance. The Budget Information for Non-Construction Programs (SF–424A) form allows the applicants to provide budget details as part of their grant proposals. This form is evaluated by Federal agencies as part of the overall grant application. This IC expires on February 28, 2022. *Grants.gov* seeks a three-year clearance of these collections.

ESTIMATED ANNUALIZED BURDEN TABLE

Type of respondent	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Grant Applicants	1	12,775	1	12,775
Total	1	12,775	1	12,775

Sherrette A. Funn,

Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.

[FR Doc. 2022–00767 Filed 1–14–22; 8:45 am]

BILLING CODE 4151–AE–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–4040–0009]

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 February 17, 2022.

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

FOR FURTHER INFORMATION CONTACT: Joseph Raborn, *joseph.raborn@hhs.gov* or (202) 870–2037. When submitting comments or requesting information, please include the document identifier 4040–0009–30D 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: Assurances for Construction Programs.

Type of Collection: Renewal.

OMB No.: 4040–0009.

Abstract: Assurances for Construction Programs (SF–424D) is used by applicants to apply for Federal financial assistance. The Assurances for Construction Programs (SF–424D) form allows the applicants to provide specific assurances as part of their grant proposals. This form is evaluated by Federal agencies as part of the overall grant application. This IC expires on February 28, 2022. *Grants.gov* seeks a three-year clearance of these collections.

Type of Respondent: Grant Applicant and Awardee.

ESTIMATED ANNUALIZED BURDEN TABLE

Type of respondent	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Grant-seeking organizations	353	1	.5	176.5
Total	353	1	.5	176.5

Sherrette A. Funn,

Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.

[FR Doc. 2022–00770 Filed 1–14–22; 8:45 am]

BILLING CODE 4151–AE–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–4040–0019]

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 February 17, 2022.

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

FOR FURTHER INFORMATION CONTACT: Joseph Raborn, *joseph.raborn@hhs.gov* or (202) 870–2037. When submitting comments or requesting information, please include the document identifier 4040–0019–30D 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: Project Abstract Summary.

Type of Collection: Renewal.

OMB No.: 4040–0019.

Abstract: The Project Abstract Summary form provides the Federal grant-making agencies an alternative to the Standard Form 424 data set and form. Agencies may use Project Abstract Summary form for grant programs not required to collect all the data that is required on the SF–424 core data set and form. Project Abstract Summary form is used by organizations to apply for Federal financial assistance in the form of grants. This form is evaluated by Federal agencies as part of the overall grant application. This IC expires on February 28, 2022. *Grants.gov* seeks a three-year clearance of these collections.

Type of Respondent: Grant Applicant and Awardee.

ESTIMATED ANNUALIZED BURDEN TABLE

Type of respondent	Number of respondents	Number responses per respondent	Average burden per response (in hours)	Total burden hours
Grant-seeking organizations	3,467	1	1	3,467
Total	3,467	1	1	3,467

Sherrette A. Funn,

Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.

[FR Doc. 2022–00743 Filed 1–14–22; 8:45 am]

BILLING CODE 4151–AE–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–4040–0013]

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 February 17, 2022.

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

FOR FURTHER INFORMATION CONTACT: Joseph Raborn, *joseph.raborn@hhs.gov* or (202) 870–2037. When submitting comments or requesting information, please include the document identifier 4040–0013–30D 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: Disclosure of Lobbying Activities (SF–LLL) and Certification Regarding Lobbying.

Type of Collection: Renewal.

OMB No.: 4040–0013.

Abstract: Disclosure of Lobbying Activities (SF–LLL) and Certification Regarding Lobbying are OMB-approved collections (4040–0013). These information collections are used by grant applicants. This IC expires on February 28, 2022. We are requesting a three-year clearance of these collections.

Type of Respondent: Grant Applicant and Awardee.

ESTIMATED ANNUALIZED BURDEN TABLE

Type of respondent	Number of respondents	Number responses per respondent	Average burden per response (in hours)	Total burden hours
Grant-seeking organizations	12,675	1	1	12,675
Grant-seeking organizations	3,952	1	.5	1,976
Total	12,675	1	1.5	14,651

Sherrette A. Funn,

Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.

[FR Doc. 2022–00768 Filed 1–14–22; 8:45 am]

BILLING CODE 4151–AE–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–4040–0007]

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 February 17, 2022.

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

FOR FURTHER INFORMATION CONTACT: Joseph Raborn *joseph.raborn@hhs.gov* or (202) 870–2037. When submitting comments or requesting information, please include the document identifier 4040–0007–30D 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: Assurances for Non-Construction Programs (SF–424B).

Type of Collection: Renewal.

OMB No.: 4040–0007.

Abstract: Assurances for Non-Construction Programs (SF–424B) is used by applicants to apply for Federal financial assistance. The Assurances for Non-Construction Programs (SF–424B) form requests that the applicants certify specified required assurances as part of their grant proposals. This form is evaluated by Federal agencies as part of the overall grant application. This IC expires on February 28, 2022. *Grants.gov* seeks a three-year clearance of these collections.

ESTIMATED ANNUALIZED BURDEN TABLE

Type of respondent	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Grant Applicant	1	9,772	0.5	4,886
Total	1	9,772	0.5	4,886

Sherrette A. Funn,

Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.

[FR Doc. 2022–00776 Filed 1–14–22; 8:45 am]

BILLING CODE 4151–AE–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–4040–0014]

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 February 17, 2022.

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

FOR FURTHER INFORMATION CONTACT: Joseph Raborn, *joseph.raborn@hhs.gov* or (202) 870–2037. When submitting comments or requesting information, please include the document identifier 4040–0014–30D 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: Federal Financial Report (SF–425) and Federal Financial Report Attachment (SF–425A).

Type of Collection: Renewal.

OMB No.: 4040–0014.

Abstract: Federal Financial Report (SF–425) and Federal Financial Report Attachment (SF–425A) are used by applicants to apply for Federal financial assistance. The Federal Financial Report (SF–425) and Federal Financial Report Attachment (SF–425A) forms allow the applicants to provide certain financial information as part of their grant proposals. These forms are evaluated by Federal agencies as part of the overall grant application. This IC expires on February 28, 2022. *Grants.gov* seeks a three-year clearance of these collections.

Type of Respondent: Grant Applicant and Awardee.

ESTIMATED ANNUALIZED BURDEN TABLE

Type of respondent	Number of respondents	Number responses per respondent	Average burden per response (in hours)	Total burden hours
Grant-seeking organizations	100,000	1	1	100,000
Grant-seeking organizations	100,000	1	1	100,000
Total	100,000	2	2	200,000

Sherrette A. Funn,

Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.

[FR Doc. 2022–00746 Filed 1–14–22; 8:45 am]

BILLING CODE 4151–AE–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–4040–0016]

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 February 17, 2022.

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

FOR FURTHER INFORMATION CONTACT: Joseph Raborn, *joseph.raborn@hhs.gov* or (202) 870–2037. When submitting comments or requesting information, please include the document identifier 4040–0016–30D 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: INSTRUCTIONS FOR THE SF–429 Real Property Status Report, SF–429 Real Property Status Report (Cover Page), SF–429–A Real Property Status Report ATTACHMENT A (General Reporting), SF–429–B Real Property Status Report ATTACHMENT B (Request to Acquire, Improve or Furnish), and SF–429–C Real Property Status Report ATTACHMENT C (Disposition or Encumbrance Request)

Type of Collection: Extension.

OMB No.: 4040–0016.

Abstract: INSTRUCTIONS FOR THE SF–429 Real Property Status Report, SF–429 Real Property Status Report (Cover Page), SF–429–A Real Property Status Report ATTACHMENT A (General Reporting), SF–429–B Real Property Status Report ATTACHMENT B (Request to Acquire, Improve or Furnish), and SF–429–C Real Property Status Report ATTACHMENT C (Disposition or Encumbrance Request) are used by applicants to apply for Federal financial assistance. The Start Printed Page 54700 INSTRUCTIONS FOR THE SF–429 Real Property Status Report, SF–429 Real Property Status Report (Cover Page), SF–429–A Real Property Status Report ATTACHMENT A (General Reporting), SF–429–B Real Property Status Report ATTACHMENT B (Request to Acquire, Improve or Furnish), and SF–429–C Real Property Status Report ATTACHMENT C (Disposition or Encumbrance Request) forms allow the applicants to provide real property details as part of their grant proposals. These forms are evaluated by Federal agencies as part of the overall grant application. This IC expires on February 28, 2022. *Grants.gov* seeks a three-year clearance of these collections.

Type of respondent: Grant Applicant and Awardee.

ESTIMATED ANNUALIZED BURDEN TABLE

Type of respondent	Number of respondents	Number responses per respondent	Average burden per response (in hours)	Total burden hours
Grant-seeking organizations	100,000	1	.5	50,000
Grant-seeking organizations	100,000	1	1	100,000
Grant-seeking organizations	100,000	1	1	100,000
Grant-seeking organizations	100,000	1	1	100,000
Grant-seeking organizations	100,000	1	1	100,000
Total	100,000	5	4.5	450,000

Sherrette A. Funn,

Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.

[FR Doc. 2022–00753 Filed 1–14–22; 8:45 am]

BILLING CODE 4151–AE–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–4040–0006]

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 February 17, 2022.

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

FOR FURTHER INFORMATION CONTACT: Joe Raborn, *joseph.raborn@hhs.gov* or (202) 870–2037. When submitting comments or requesting information, please include the document identifier 4040–0006–30D 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: Budget Information for Non-Construction Programs (SF–424A).

Type of Collection: Renewal.

OMB No.: 4040–0006.

Abstract: Budget Information for Non-Construction Programs (SF–424A) is used by applicants to apply for Federal financial assistance. The Budget Information for Non-Construction Programs (SF–424A) form allows the applicants to provide budget details as part of their grant proposals. This form is evaluated by Federal agencies as part of the overall grant application. This IC expires on February 28, 2022. *Grants.gov* seeks a three-year clearance of these collections.

ESTIMATED ANNUALIZED BURDEN TABLE

Type of respondent	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Grant Applicants	1	12,775	1	12,775
Total	1	12,775	1	12,775

Sherrette A. Funn,

Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.

[FR Doc. 2022–00769 Filed 1–14–22; 8:45 am]

BILLING CODE 4151–AE–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–4040–0003]

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 February 17, 2022.

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

FOR FURTHER INFORMATION CONTACT: Joseph Raborn, *joseph.raborn@hhs.gov* or (202) 870–2037. When submitting comments or requesting information, please include the document identifier 4040–0003–30D and project title for reference.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Title of the Collections: Application for Federal Domestic Assistance-Short Organizational.

Type of Collection: Renewal.

OMB No.: 4040–0003.

Abstract: Application for Federal Domestic Assistance-Short Organizational is used by applicants to apply for Federal financial assistance. The Application for Federal Domestic Assistance-Short Organizational allows the applicants to provide organizational details as part of their grant proposals. This form is evaluated by Federal agencies as part of the overall grant application. This IC expires on February 28, 2022. *Grants.gov* seeks a three-year clearance of these collections.

Type of Respondent: The Application for Federal Domestic Assistance-Short Organizational form is used by organizations to apply for Federal financial assistance in the form of grants. These forms are submitted to the Federal grant-making agencies for evaluation and review.

ESTIMATED ANNUALIZED BURDEN TABLE

Type of respondent	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Grant Applicants	1	936	1	936
Total	1	936	1	936

Sherrette A. Funn,

Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.

[FR Doc. 2022–00756 Filed 1–14–22; 8:45 am]

BILLING CODE 4151–AE–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Radiation-Induced Immune Dysfunction (U01 Clinical Trial Not Allowed).

Date: February 2–3, 2022.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G41, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Kelly L. Hudspeth, Ph.D., Scientific Review Officer, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G41, Rockville, MD 20852, 240–669–5067, *kelly.hudspeth@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: January 11, 2022.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–00783 Filed 1–14–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; Chemical Senses Fellowship Review.

Date: February 11, 2022.

Time: 10:30 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Shiguang Yang, DVM, Ph.D., Scientific Review Officer, Division of Extramural Activities, NIDCD, NIH, 6001 Executive Blvd., Room 8349, Bethesda, MD 20892, 301–496–8683, *yangshi@nidcd.nih.gov*.

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; NIDCD Translational R01 Review.

Date: February 11, 2022.

Time: 2:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Katherine Shim, Ph.D., Scientific Review Officer, Division of Extramural Activities, NIH/NIDCD, 6001 Executive Blvd., Room 8351, Bethesda, MD 20892, 301–496–8683, *katherine.shim@nih.gov*.

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; Voice, Speech and Language Fellowship Review.

Date: February 14, 2022.

Time: 11:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Eliane Lazar-Wesley, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NIDCD, NIH, 6001 Executive Boulevard, Room 8339, MSC 9670, Bethesda, MD 20892–8401, 301–496–8683, *el6r@nih.gov*.

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; Hearing and Balance Application Review.

Date: February 15, 2022.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Shiguang Yang, DVM, Ph.D., Scientific Review Officer, Division of Extramural Activities, NIDCD, NIH, 6001 Executive Blvd., Room 8349, Bethesda, MD 20892, 301–496–8683, *yangshi@nidcd.nih.gov*.

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; NIDCD Clinical Research Center Review.

Date: February 28, 2022.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Katherine Shim, Ph.D., Scientific Review Officer, Division of Extramural Activities, NIH/NIDCD, 6001 Executive Blvd., Room 8351, Bethesda, MD

20892, 301–496–8683, *katherine.shim@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: January 12, 2022.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–00821 Filed 1–14–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Office of AIDS Research Advisory Council.

The meeting will be open to the public via NIH Videocast. The URL link to this meeting is: *https://videocast.nih.gov/watch=44363.* Individuals who need special assistance or reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: Office of AIDS Research Advisory Council.

Date: February 24, 2022.

Time: 12:00 p.m. to 4:30 p.m.

Agenda: The fifty-ninth meeting of the Office of AIDS Research Advisory Council (OARAC) will include the OAR Director's Report; updates from the Clinical Guidelines Working Groups of OARAC; updates from NIH HIV-related advisory councils; presentation and discussions on HIV and COVID–19, and NIH-wide programs and initiatives; and public comment.

Place: Office of AIDS Research, National Institutes of Health, 5601 Fishers Lane, Room 2E61, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Mary T. Glenshaw, Ph.D., M.P.H., Office of AIDS Research, Office of the Director, NIH, 5601 Fishers Lane, Room 2E61, Rockville, MD 20852, 240–669–2958, *OARACInfo@nih.gov*.

Any interested person may file written comments with the committee within 15 days of the meeting by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *www.oar.nih.gov,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds, National Institutes of Health, HHS)

Dated: January 11, 2022.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–00781 Filed 1–14–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Clinical Trial Implementation Cooperative Agreement (U01 Clinical Trial Required).

Date: February 10, 2022.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G58, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Anuja Mathew, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G58, Rockville, MD 20852, 301–761–6911, *anuja.mathew@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: January 11, 2022.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–00779 Filed 1–14–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Eye Institute Special Emphasis Panel; NEI Center Core Grant for Vision Research (P30).

Date: March 9, 2022.

Time: 10:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Eye Institute, National Institute of Health, 6700B Rockledge Drive, Room 3442, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Jennifer C. Schiltz, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, National Eye Institute, 6700B Rockledge Drive, Room 3442, Bethesda, MD 20892, 240–276–5864, *jennifer.schiltz@nih.gov.*

Name of Committee: National Eye Institute Special Emphasis Panel; NEI Clinical Trial and Epidemiology Applications.

Date: April 4, 2022.

Time: 11:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Eye Institute, National Institutes of Health, 6700B Rockledge Drive, Room 3436, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Ashley Fortress, Ph.D., Designated Federal Official, Division of Extramural Activities, National Eye Institute, National Institutes of Health, 6700B Rockledge Drive, Room 3436, Bethesda, MD 20892, (301) 451–2020, *ashley.fortress@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: January 12, 2022.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–00824 Filed 1–14–22; 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: Biobehavioral and Behavioral Processes Integrated Review Group; Biobehavioral Regulation, Learning and Ethology Study Section.

Date: February 10, 2022.

Time: 9:00 a.m. to 6:00 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: Sara Louise Hargrave, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institute of Health, 6701 Rockledge Drive, Room 3170, Bethesda, MD 20892, (301) 443–7193, *hargravesl@mail.nih.gov*.

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group; Genetics of Health and Disease Study Section.

Date: February 14–15, 2022.

Time: 9:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Christopher Payne, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Rm. 2208, Bethesda, MD 20892, 301–402–3702, *christopher.payne@nih.gov*.

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group; Genetic Variation and Evolution Study Section.

Date: February 16–17, 2022.

Time: 9:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Guoqin Yu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 435–1276, *guoqin.yu@nih.gov*.

Name of Committee: Musculoskeletal, Oral and Skin Sciences Integrated Review Group; Skeletal Biology Structure and Regeneration Study Section.

Date: February 16–18, 2022.

Time: 9:30 a.m. to 8:30 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: Yanming Bi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4214, MSC 7814, Bethesda, MD 20892, (301) 451–0996, *ybi@csr.nih.gov*.

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Integrative and Clinical Endocrinology and Reproduction Study Section.

Date: February 16–17, 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: Dianne Hardy, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6175, MSC 7892, Bethesda, MD 20892, 301–435–1154, *dianne.hardy@nih.gov*.

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group; Drug Discovery for the Nervous System Study Section.

Date: February 17–18, 2022.

Time: 10:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Mary Custer, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4148, MSC 7850, Bethesda, MD 20892, (301) 435–1164, *custerm@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: January 12, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–00819 Filed 1–14–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Initial Review Group; Reproduction, Andrology, and Gynecology Study Section.

Date: February 17, 2022.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Eunice Kennedy Shriver National Institute, of Child Health and Human Development, National Institutes of Health, 6710B Rockledge Drive, Room 2125B, Bethesda, MD 20892 (Video Assisted Meeting).

Contact Person: Derek J. McLean, Ph.D., Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, National Institutes of Health, 6710B Rockledge Drive, Room 2125B, Bethesda, MD 20892, (301) 443–5082, *derek.mclean@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.865, Research for Mothers and Children, National Institutes of Health, HHS)

Dated: January 12, 2022.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–00823 Filed 1–14–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer at (240) 276–0361.

Comments are invited on: (a) Whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information 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.

Proposed Project: Regulations To Implement SAMHSA's Charitable Choice Statutory Provisions—42 CFR Parts 54 and 54a (OMB No. 0930–0242)—Extension

Section 1955 of the Public Health Service Act (42 U.S.C. 300x–65), as amended by the Children's Health Act of 2000 (Pub. L. 106–310) and Sections 581–584 of the Public Health Service Act (42 U.S.C. 290kk *et seq.,* as added by the Consolidated Appropriations Act (Pub. L. 106–554)), set forth various provisions which aim to ensure that religious organizations are able to compete on an equal footing for federal funds to provide substance use services. These provisions allow religious organizations to offer substance use services to individuals without impairing the religious character of the organizations or the religious freedom of the individuals who receive the services. The provisions apply to the Substance Abuse Prevention and Treatment Block Grant (SABG), to the Projects for Assistance in Transition from Homelessness (PATH) formula grant program, and to certain Substance Abuse and Mental Health Services Administration (SAMHSA) discretionary grant programs (programs that pay for substance use treatment and prevention services, not for certain infrastructure and technical assistance activities). Every effort has been made to assure that the reporting, recordkeeping and disclosure requirements of the proposed regulations allow maximum flexibility in implementation and impose minimum burden.

No changes are being made to the regulations or the burden hours. This information collection has been approved without changes since 2010.

Information on how states comply with the requirements of 42 CFR part 54 was approved by the Office of Management and Budget (OMB) as part of the Substance Abuse Prevention and Treatment Block Grant FY 2019–2021 annual application and reporting requirements approved under OMB control number 0930–0168.

42 CFR Citation and purpose	Number of respondents	Responses per respondent	Total responses	Hours per response	Total hours
Part 54—States Receiving SA Block Grants and/or Projects for Assistance in Transition from Homelessness (PATH)					
Reporting:					
96.122(f)(5) Annual report of activities the state undertook to comply 42 CFR part 54 (SABG)	60	1	60	1	60
54.8(c)(4) Total number of referrals to alternative service providers reported by program participants to States (respondents).					
SABG	6	(avg.) 23	135	1	135
PATH	10	5	50	1	50
54.8 (e) Annual report by PATH grantees on activities undertaken to comply with 42 CFR part 54	56	1	56	1	56
Disclosure:					
54.8(b) State requires program participants to provide notice to program beneficiaries of their right to referral to an alternative service provider.					
SABG	60	1	60	.05	3
PATH	56	1	56	.05	3
Recordkeeping:					
54.6(b) Documentation must be maintained to demonstrate significant burden for program participants under 42 U.S.C. 300x–57 or 42 U.S.C. 290cc–33(a)(2) and under 42 U.S.C. 290cc–21 to 290cc–35	60	1	60	1	60
Part 54—Subtotal	115		477		367
Part 54a—States, local governments and religious organizations receiving funding under Title V of the PHS Act for substance abuse prevention and treatment services					
Reporting:					
54a.8(c)(1)(iv) Total number of referrals to alternative service providers reported by program participants to states when they are the responsible unit of government	25	4	100	.083	8

42 CFR Citation and purpose	Number of respondents	Responses per respondent	Total responses	Hours per response	Total hours
54a(8)(d) Total number of referrals reported to SAMHSA when it is the responsible unit of government. (*Note:* This notification will occur during the course of the regular reports that may be required under the terms of the funding award.)	20	2	40	.25	10
Disclosure:					
54a.8(b) Program participant notice to program beneficiaries of rights to referral to an alternative service provider	1,460	1	1,460	1	1,460
Part 54a—Subtotal	1,505		1,600		1,478
Total	1,620		2,077		1,845

Send comments to Carlos Graham, SAMHSA Reports Clearance Officer, 5600 Fishers Lane, Room 15E57–A, Rockville, Maryland 20857, *or* email a copy to *Carlos.Graham@samhsa.hhs.gov.* Written comments should be received by March 21, 2022.

Carlos Graham,

Reports Clearance Officer.

[FR Doc. 2022–00859 Filed 1–14–22; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2020–0016]

Meetings To Implement Pandemic Response Voluntary Agreement Under Section 708 of the Defense Production Act

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Announcement of meetings.

SUMMARY: The Federal Emergency Management Agency (FEMA) is holding a series of meetings, under the Plan of Action to Establish a National Strategy for the Manufacture, Allocation, and Distribution of Medical Gases to Respond to COVID–19, to implement the Voluntary Agreement for the Manufacture and Distribution of Critical Healthcare Resources Necessary to Respond to a Pandemic.

DATES:

- Thursday, January 6, 2022, from 2 p.m. to 3 p.m. Eastern Time (ET).
- Thursday, January 13, 2022, from 2 p.m. to 3 p.m. ET.
- Thursday, January 20, 2022, from 2 p.m. to 3 p.m. ET.
- Thursday, January 27, 2022, from 2 p.m. to 3 p.m. ET.

FOR FURTHER INFORMATION CONTACT: Robert Glenn, FEMA Office of Response and Recovery's Office of Business, Industry, Infrastructure Integration, via email at *OB3I@fema.dhs.gov* or via phone at (202) 212–1666.

SUPPLEMENTARY INFORMATION: Notice of these meetings is provided as required by section 708(h)(8) of the Defense Production Act (DPA), 50 U.S.C. 4558(h)(8), and consistent with 44 CFR part 332.

The DPA authorizes the making of ''voluntary agreements and plans of action'' with representatives of industry, business, and other interests to help provide for the national defense.[1] The President's authority to facilitate voluntary agreements with respect to responding to the spread of COVID–19 within the United States was delegated to the Secretary of Homeland Security in Executive Order 13911.[2] The Secretary of Homeland Security further delegated this authority to the FEMA Administrator.[3]

On August 17, 2020, after the appropriate consultations with the Attorney General and the Chairman of the Federal Trade Commission, FEMA completed and published in the **Federal Register** a ''Voluntary Agreement, Manufacture and Distribution of Critical Healthcare Resources Necessary to Respond to a Pandemic'' (Voluntary Agreement).[4] Unless terminated earlier, the Voluntary Agreement is effective until August 17, 2025, and may be extended subject to additional approval by the Attorney General after consultation with the Chairman of the Federal Trade Commission. The Agreement may be used to prepare for or respond to any pandemic, including COVID–19, during that time.

On December 7, 2020, the first plan of action under the Voluntary Agreement—the Plan of Action to Establish a National Strategy for the Manufacture, Allocation, and Distribution of Personal Protective Equipment (PPE) to Respond to COVID–19 (PPE Plan of Action)—was finalized.[5] The PPE Plan of Action established several sub-committees under the Voluntary Agreement, focusing on different aspects of the PPE Plan of Action.

On May 24, 2021, four additional plans of action under the Voluntary Agreement—the Plan of Action to Establish a National Strategy for the Manufacture, Allocation, and Distribution of Diagnostic Test Kits and other Testing Components to respond to COVID–19, the Plan of Action to Establish a National Strategy for the Manufacture, Allocation, and Distribution of Drug Products, Drug Substances, and Associated Medical Devices to respond to COVID–19, the Plan of Action to Establish a National Strategy for the Manufacture, Allocation, and Distribution of Medical Devices to respond to COVID–19, and the Plan of Action to Establish a National Strategy for the Manufacture, Allocation, and Distribution of Medical Gases to respond to COVID–19—were finalized.[6] These plans of action established several sub-committees under the Voluntary Agreement, focusing on different aspects of each plan of action.

[1] 50 U.S.C. 4558(c)(1).

[2] 85 FR 18403 (Apr. 1, 2020).

[3] DHS Delegation 09052, Rev. 00.1 (Apr. 1, 2020); DHS Delegation Number 09052 Rev. 00 (Jan. 3, 2017).

[4] 85 FR 50035 (Aug. 17, 2020). The Attorney General, in consultation with the Chairman of the Federal Trade Commission, made the required finding that the purpose of the voluntary agreement may not reasonably be achieved through an agreement having less anticompetitive effects or without any voluntary agreement and published the finding in the **Federal Register** on the same day. 85 FR 50049 (Aug. 17, 2020).

[5] *See* 85 FR 78869 (Dec. 7, 2020). *See also* 85 FR 79020 (Dec. 8, 2020).

[6] *See* 86 FR 27894 (May 24, 2021). *See also* 86 FR 28851 (May 28, 2021).

On October 15, 2021, the sixth plan of action under the Voluntary Agreement—the Plan of Action to Establish a National Strategy for the Coordination of National Multimodal Healthcare Supply Chains to Respond to COVID–19—was finalized.[7] This plan of action established several sub-committees under the Voluntary Agreement, focusing on different transportation categories.

The meetings are chaired by the FEMA Administrator's delegates from the Office of Response and Recovery (ORR) and Office of Policy and Program Analysis (OPPA), attended by the Attorney General's delegates from the U.S. Department of Justice, and attended by the Chairman of the Federal Trade Commission's delegates. In implementing the Voluntary Agreement, FEMA adheres to all procedural requirements of 50 U.S.C. 4558 and 44 CFR part 332.

Meeting Objectives: The objectives of the meetings are as follows:

1. Convene the Sub-Committee for Oxygen under the Medical Gases Plan of Action to establish priorities related to the COVID–19 response under the Voluntary Agreement.

2. Gather Sub-Committee Participants and Attendees to ask targeted questions for situational awareness related to the Sub-Committee for Oxygen.

3. Identify potential Objectives and Actions that should be completed under the Sub-Committee for Oxygen.

4. Identify pandemic-related information gaps and areas that merit sharing by holding recurring meetings of the Sub-Committee for Oxygen with key stakeholders.

Meetings Closed to the Public: By default, the DPA requires meetings held to implement a voluntary agreement or plan of action be open to the public.[8] However, attendance may be limited if the Sponsor [9] of the voluntary agreement finds that the matter to be discussed at a meeting falls within the purview of matters described in 5 U.S.C. 552b(c), such as trade secrets and commercial or financial information.

The Sponsor of the Voluntary Agreement, the FEMA Administrator, found that these meetings to implement the Voluntary Agreement involve matters which fall within the purview of matters described in 5 U.S.C. 552b(c) and the meetings are therefore closed to the public.

Specifically, these meetings may require participants to disclose trade secrets or commercial or financial information that is privileged or confidential. Disclosure of such information allows for meetings to be closed to the public pursuant to 5 U.S.C. 552b(c)(4).

The success of the Voluntary Agreement depends wholly on the willing participation of the private sector participants. Failure to close these meetings to the public could reduce active participation by the signatories due to a perceived risk that sensitive company information could be released to the public. A public disclosure of a private sector participant's information executed prematurely could reduce trust and support for the Voluntary Agreement.

A resulting loss of support by the participants for the Voluntary Agreement would significantly hinder the implementation of the Agency's objectives. Thus, these meeting closures are permitted pursuant to 5 U.S.C. 552b(c)(9)(B).

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2022–00809 Filed 1–14–22; 8:45 am]

BILLING CODE 9111–19–P

[7] *See* 86 FR 57444 (Oct. 15, 2021).

[8] *See* 50 U.S.C. 4558(h)(7).

[9] ''[T]he individual designated by the President in subsection (c)(2) [of section 708 of the DPA] to administer the voluntary agreement, or plan of action.'' 50 U.S.C. 4558(h)(7).

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R3–ES–2021–N219; FXES11130300000–201–FF03E00000]

Endangered and Threatened Species; Receipt of Recovery Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, have received applications for permits to conduct activities intended to enhance the propagation or survival of endangered or threatened species under the Endangered Species Act. We invite the public and local, State, Tribal, and Federal agencies to comment on these applications. Before issuing any of the requested permits, we will take into consideration any information that we receive during the public comment period.

DATES: We must receive your written comments on or before February 17, 2022.

ADDRESSES: *Document availability and comment submission:* Submit requests for copies of the applications and related documents, as well as any comments, by one of the following methods. All requests and comments should specify the applicant name(s) and application number(s) (*e.g.,* TEXXXXXX; see table in **SUPPLEMENTARY INFORMATION**):

- *Email: permitsR3ES@fws.gov.* Please refer to the respective application number (*e.g.,* Application No. TEXXXXXX) in the subject line of your email message.
- *U.S. Mail:* Regional Director, Attn: Nathan Rathbun, U.S. Fish and Wildlife Service, Ecological Services, 5600 American Blvd. West, Suite 990, Bloomington, MN 55437–1458.

FOR FURTHER INFORMATION CONTACT: Nathan Rathbun, 612–713–5343 (phone); *permitsR3ES@fws.gov* (email). Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance.

SUPPLEMENTARY INFORMATION:

Background

The Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), prohibits certain activities with endangered and threatened species unless authorized by a Federal permit. The ESA and our implementing regulations in part 17 of title 50 of the Code of Federal Regulations (CFR) provide for the issuance of such permits and require that we invite public comment before issuing permits for activities involving endangered species.

A recovery permit issued by us under section 10(a)(1)(A) of the ESA authorizes the permittee to conduct activities with endangered species for scientific purposes that promote recovery or for enhancement of propagation or survival of the species. Our regulations implementing section 10(a)(1)(A) for these permits are found at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

Permit Applications Available for Review and Comment

We invite local, State, and Federal agencies; Tribes; and the public to comment on the following applications:

Application No.	Applicant	Species	Location	Activity	Type of take	Permit action
ES182436	Illinois Natural History Survey, Champaign, IL.	Indiana bat (*Myotis sodalis*), gray bat (*M. grisescens*), and northern long-eared bat (*M. septentrionalis*).	IL, MO	Conduct presence/absence surveys, conduct studies to document habitat use, conduct population monitoring, and evaluate potential impacts.	Capture with mist nests, handle, identify, radio-tag, band, conduct wing biopsies, collect samples, and release.	Renew.
TE02365A	Lynn Robbins, Springfield, MO.	Indiana bat (*Myotis sodalis*), gray bat (*M. grisescens*), northern long-eared bat (*M. septentrionalis*), and Ozark big-eared bat (*Corynorhinus townsendii ingens*).	AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MI, MA, MN, MS, MO, MT, NE, NJ, NH, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, VT, VA, WV, WI, WY.	Conduct presence/absence surveys, conduct studies to document habitat use, conduct population monitoring, and evaluate potential impacts.	Capture with mist nests, handle, harp trap, identify, radio-tag, band, collect wing biopsy samples, and release.	Renew.
TE77313A	Robert Madej, Athens, OH.	Indiana bat (*Myotis sodalis*), gray bat (*M. grisescens*), northern long-eared bat (*M. septentrionalis*), Hine's emerald dragonfly (*Somatochlora hineana*), American burying beetle (*Nicrophorus americanus*), and Mitchell's satyr butterfly (*Neonympha mitchelli mitchelli*).	AL, AR, CT, DE, GA, IL, IN, IA, KS, KY, MD, MI, MA, MS, MO, NJ, NH, NY, NC, OH, OK, PA, RI, SC, TN, VT, VA, WV, WI.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, and evaluate potential impacts.	Capture with mist nests, handle, harp trap, identify, radio-tag, band, enter hibernacula, and release. Conduct visual surveys.	Renew.
TE120259	Missouri Dept. of Conservation, Saint Joseph, MO.	Pallid sturgeon (*Scaphirhynchus albus*).	KS, MO	Conduct presence/absence surveys, document habitat use, conduct population monitoring, and evaluate potential impacts.	Capture, handle, hold for propagation, and release.	Amend and renew.
TE94321A	Brian O'Neill, Oak Park, IL.	Relict darter (*Etheostoma chienense*), Cumberland darter (*Etheostoma susanae*), palezone shiner (*Notropis albizonatus*), Scioto madtom (*Noturus trautmani*), blackside dace (*Phoxinus cumberlandensis*), pallid sturgeon (*Scaphirhynchus albus*), and 28 freshwater mussel species.	IA, IL, IN, KY, MI, MN, MO, OH, PA, TN, WI, WV.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, and evaluate impacts.	Capture, handle, and release.	Renew.
TE03450B	Erin Basiger, Cloverdale, IN.	Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), gray bat (*Myotis grisescens*), Virginia big-eared bat (*Corynorhinus townsendii virginianus*), and Ozark big-eared bat (*Corynorhinus townsendii ingens*).	AL, AR, CT, DC, DE, GA, IA, IL, IN, KS, KY, LA, MA, MD, ME, MI, MN, MO, MS, MT, NC, NE, ND, NH, NJ, NY, OK, OH, PA, RI, SC, SD, TN, VA, VT, WI, WV, WY.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, and evaluate impacts.	Capture with mist nests, handle, identify, radio-tag, and release.	Renew.
TE81968B	Curtis Hart, Hudson, MI	Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), gray bat (*Myotis grisescens*), Virginia big-eared bat (*Corynorhinus townsendii virginianus*), and Ozark big-eared bat (*Corynorhinus townsendii ingens*).	AL, AR, CT, DC, DE, FL, GA, IA, IL, IN, KS, KY, LA, MA, MD, ME, MI, MN, MO, MS, MT, NC, NE, ND, NH, NJ, NY, OK, OH, PA, RI, SC, SD, TN, VA, VT, WI, WV, WY.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, and evaluate impacts.	Capture with mist nests, handle, identify, radio-tag, band, collect hair samples, collect fecal samples, and release.	Renew.

Application No.	Applicant	Species	Location	Activity	Type of take	Permit action
TE99051B	Goniela Iskali, Bloomington, IN.	Indiana bat (*Myotis sodalis*) and northern long-eared bat (*Myotis septentrionalis*) Add new species: Gray bat (*Myotis grisescens*).	AL, AR, CT, DE, FL, GA, IA, IL, IN, KS, KY, LA, MA, MD, ME, MI, MN, MO, MS, MT, NC, NE, ND, NH, NJ, NY, OK, OH, PA, RI, SC, SD, TN, TX, VA, VT, WI, WV, WY.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, and evaluate impacts.	Capture with mist nests, handle, identify, radio-tag, band, and release.	Amend and renew.
TE217351	Katrina Schultes, Nelsonville, OH.	Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), and gray bat (*Myotis grisescens*).	IL, KY, OH	Conduct presence/absence surveys, document habitat use, conduct population monitoring, and evaluate impacts.	Capture with mist nests and harp traps, enter hibernacula, handle, identify, radio-tag, bio sample, and release.	Renew.
TE03495B	Kristina Hammond, Cheyenne, WY.	Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), and gray bat (*Myotis grisescens*).	AL, AR, CT, DC, DE, FL, GA, IA, IL, IN, KS, KY, LA, MA, MD, MI, MN, MO, MS, MT, NC, NE, ND, NH, NJ, NY, OK, OH, PA, RI, SC, SD, TN, VA, VT, WI, WV, WY.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, and evaluate impacts.	Capture with mist nests and harp traps, handle, identify, radio-tag, and release.	Renew.
TE049738	Third Rock Consultants, LLC, Lexington, KY.	Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), gray bat (*Myotis grisescens*), Virginia big-eared bat (*Corynorhinus townsendii virginianus*), Ozark big-eared bat (*Corynorhinus townsendii ingens*), Big Sandy crayfish (*Cambarus callainus*), American burying beetle (*Nicrophorus americanus*), multiple mussel species, and multiple fish species.	AL, AR, FL, GA, IA, IL, IN, KY, LA, MI, MN, MO, MS, NC, OH, PA, SC, TN, VI, WI, WV.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, and evaluate impacts.	Capture bats with mist nests and harp traps, handle, identify, radio-tag, band, and release. Capture, handle, and release mussels, fish, Big Sandy crayfish, and American burying beetle.	Renew.

Public Availability of Comments

Written comments we receive become part of the administrative record associated with this action. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. Moreover, all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Next Steps

If we decide to issue permits to any of the applicants listed in this notice, we will publish a notice in the **Federal Register**.

Authority

We publish this notice under section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Lori Nordstrom,

Assistant Regional Director, Ecological Services.

[FR Doc. 2022–00807 Filed 1–14–22; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–HQ–IA–2021–0141; FXIA16710900000–212–FF09A30000]

Foreign Endangered Species; Receipt of Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on applications to conduct certain activities with species that are listed as endangered under the Endangered Species Act (ESA). With some exceptions, the ESA prohibits activities with listed species unless Federal authorization is issued that allows such activities. The ESA also requires that we invite public comment before issuing permits for any activity otherwise prohibited by the ESA with respect to any endangered species.

DATES: We must receive comments by February 17, 2022.

ADDRESSES:

Obtaining Documents: The applications, application supporting materials, and any comments and other materials that we receive will be available for public inspection at *http://www.regulations.gov* in Docket No. FWS–HQ–IA–2021–0141.

Submitting Comments: When submitting comments, please specify the name of the applicant and the permit number at the beginning of your comment. You may submit comments by one of the following methods:

- *Internet: http://www.regulations.gov.* Search for and submit comments on Docket No. FWS–HQ–IA–2021–0141.
- *U.S. mail:* Public Comments Processing, Attn: Docket No. FWS–HQ–IA–2021–0141; U.S. Fish and Wildlife Service Headquarters, MS: PRB/3W; 5275 Leesburg Pike; Falls Church, VA 22041–3803.

For more information, see Public Comment Procedures under **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Brenda Tapia, by phone at 703–358–2185, via email at *DMAFR@fws.gov,* or via the Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

A. How do I comment on submitted applications?

We invite the public and local, State, Tribal, and Federal agencies to comment on these applications. Before issuing any of the requested permits, we will take into consideration any information that we receive during the public comment period.

You may submit your comments and materials by one of the methods in **ADDRESSES**. We will not consider comments sent by email or fax, or to an address not in **ADDRESSES**. We will not consider or include in our administrative record comments we receive after the close of the comment period (see **DATES**).

When submitting comments, please specify the name of the applicant and the permit number at the beginning of your comment. Provide sufficient information to allow us to authenticate any scientific or commercial data you include. The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) those that include citations to, and analyses of, the applicable laws and regulations.

B. May I review comments submitted by others?

You may view and comment on others' public comments at *http://www.regulations.gov,* unless our allowing so would violate the Privacy Act (5 U.S.C. 552a) or Freedom of Information Act (5 U.S.C. 552).

C. Who will see my comments?

If you submit a comment at *http://www.regulations.gov,* your entire comment, including any personal identifying information, will be posted on the website. If you submit a hardcopy comment that includes personal identifying information, such as your address, phone number, or email address, 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. Moreover, all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

II. Background

To help us carry out our conservation responsibilities for affected species, and in consideration of section 10(c) of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), we invite public comments on permit applications before final action is taken. With some exceptions, the ESA prohibits certain activities with listed species unless Federal authorization is issued that allows such activities. Permits issued under section 10(a)(1)(A) of the ESA allow otherwise prohibited activities for scientific purposes or to enhance the propagation or survival of the affected species. Service regulations regarding prohibited activities with endangered species, captive-bred wildlife registrations, and permits for any activity otherwise prohibited by the ESA with respect to any endangered species are available in title 50 of the Code of Federal Regulations in part 17.

III. Permit Applications

We invite comments on the following applications.

Endangered Species

Applicant: Lee G. Simmons Wildlife Safari Park, Omaha, NE; Permit No. 82690D

The applicant requests a permit to export two males and one female captive-born cheetah (*Acinonyx jubatus*) to Yokohama Zoological Park—ZOORASIA, Yokohama, Japan, for the purpose of enhancing the propagation or survival of the species. This notification is for a single export.

Applicant: Toledo Zoological Society, Toledo, OH; Permit No. PER0024280

The applicant requests a permit to export five males and five female captive-bred ring-tailed lemurs (*Lemur catta*) to Monarto Safari Park, Monarto South, South Australia, Australia, for the purpose of enhancing the propagation or survival of the species. This notification is for a single export.

Applicant: Jeffrey Herschbach, Rocheport, MO; Permit No. PER0021709

The applicant requests a permit to import the sport-hunted trophy of one male and one female scimitar-horned oryx (*Oryx dammah*) from a captive herd in Mexico, for the purpose of enhancing the propagation or survival of the species. This notification is for a single import.

Applicant: Cherokee Exotic Adventures, Richmond, TX; Permit No. 82001D

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for red lechwe (*Kobus leche*) to enhance the propagation or survival of the species. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Joseph Patinio, Henderson, NV; Permit No. 78720D

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for Galapagos tortoise (*Geochelone nigra*) and Madagascar radiated tortoise (*Astrochelys radiata*) to enhance the propagation or survival of the species. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Friends of Topeka Zoo, Inc., Topeka, KS; Permit No. PER0025129

The applicant requests a permit to export one female captive-born Sumatran tiger (*Panthera tigris sumatrae*) to Auckland Zoo, Auckland, New Zealand, for the purpose of enhancing the propagation or survival of the species. This notification is for a single export.

Applicant: Virginia Safari Park and Preservation Center, Inc., dba Virginia Safari Park, Natural Bridge, VA; Permit No. PER0014869

The applicant requests a permit to import one male and one female captive-bred Andean condor (*Vultur gryphus*) from the Peruvian Jungle, Lima, Peru, for the purpose of enhancing the propagation or survival of the species. This notification is for a single import.

Applicant: Russell Corbett-Detig, Santa Cruz, CA; Permit No. 85065D

The applicant requests authorization to import scientific specimens of northern tiger cat (*Leopardus tigrinus*)

and Geoffroy's cat (*Leopardus geoffroyi*) collected in the wild in Port Alegre, Brazil, for the purpose of scientific research. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Lori Snook-Haas, Bolivar, OH; Permit No. PER0024437

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for Madagascar radiated tortoise (*Astrochelys radiata*) to enhance the propagation or survival of the species. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Capron Park Zoo, Attleboro, MA; Permit No. 76158D

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for the following species, to enhance the propagation or survival of the species. This notification covers activities to be conducted by the applicant over a 5-year period.

Common name	Scientific name
Rodrigues fruit bat	*Pteropus rodricensis*.
Bush-tailed rat-kangaroo.	*Bettongia penicillata*.
Japanese crane	*Grus japonensis*.
Black-and-white lemur	*Varecia variegata variegata*.
Red ruffed lemur	*Varecia rubra*.
Ring-tailed lemur	*Lemur catta*.
Lion	*Panthera leo leo*.
Lion	*Panthera leo melanochaita*.

Applicant: University of Florida, Florida Museum of Natural History, Gainesville, FL; Permit No. PER0025774

The applicant requests authorization to export and re-import nonliving museum specimens of endangered species previously accessioned into the applicant's collection for scientific research. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Cherokee Exotic Adventures, Richmond, TX; Permit No. 82000D

The applicant requests a permit authorizing the culling of excess red lechwe (*Kobus leche*) from the captive herd maintained at their facility, to enhance the species' propagation and survival. This notification covers activities to be conducted by the applicant over a 5-year period.

IV. Next Steps

After the comment period closes, we will make decisions regarding permit issuance. If we issue permits to any of the applicants listed in this notice, we will publish a notice in the **Federal Register**. You may locate the notice announcing the permit issuance by searching *http://www.regulations.gov* for the permit number listed above in this document. For example, to find information about the potential issuance of Permit No. 12345A, you would go to *regulations.gov* and search for ''12345A''.

V. Authority

We issue this notice under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and its implementing regulations.

Brenda Tapia,

Supervisor, Program Analyst/Data Administrator, Branch of Permits, Division of Management Authority.

[FR Doc. 2022–00797 Filed 1–14–22; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R2–ES–2021–N189; FXES111602C0000–212–FF02ENEH00]

Enhancement of Survival Permit; Agricultural Candidate Conservation Agreement With Assurances (CCAA) for Lesser Prairie Chicken in Oklahoma

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the availability of an application to amend the Oklahoma Department of Wildlife Conservation's enhancement of survival permit and the associated *Agricultural Candidate Conservation Agreement with Assurances (CCAA) for Lesser Prairie Chickens* (LEPC) in Oklahoma. The application package includes the proposed amendment to the CCAA and a draft screening form pursuant to the National Environmental Policy Act of 1969 (NEPA).

DATES: *Submission of comments:* We will accept comments received or postmarked on or before February 17, 2022.

ADDRESSES:

Obtaining documents: You may obtain copies of the EOS application, proposed CCAA amendment, draft NEPA screening form, or other related documents on the internet at *https://www.fws.gov/southwest/es/oklahoma.*

Submitting comments: You may submit written comments by email to *OKES_NEPA@fws.gov.* Please note that your comment is in reference to the above-referenced CCAA. For more information, see Public Availability of Comments.

FOR FURTHER INFORMATION CONTACT: Mr. John Hendrix, Acting Field Supervisor, Oklahoma Ecological Services Field Office, Tulsa, OK; telephone 918–581–7458. Individuals who are hearing or speech impaired may call the Federal Relay Service at 800–877–8337 for TTY assistance.

SUPPLEMENTARY INFORMATION: This notice advises the public that the Oklahoma Department of Wildlife Conservation (ODWC) has applied to the Service to amend their existing enhancement of survival (EOS) permit pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the associated *Agricultural Candidate Conservation Agreement with Assurances (CCAA) for Lesser Prairie Chickens* in Oklahoma. The permit application includes the CCAA amendment and the draft screening form supporting a categorical exclusion in accordance with the requirements of the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*). We are making the permit application package available for public review and comment.

Background

Under a CCAA, the participants voluntarily undertake management activities on their properties to enhance, restore, or maintain habitat benefiting species that are proposed for listing under the ESA, candidates for listing, or species that may become candidates or proposed for listing. Enhancement of survival permits are issued to the applicants in association with approved CCAAs to authorize incidental take of the covered species from conservation measures and ongoing activities on the enrolled lands that are identified in the CCAA. Through the CCAA and the associated EOS permit, the Service provides assurances to enrolled property owners that they will not be subjected to increased land use restrictions if the covered species become listed under the ESA in the future, provided certain conditions are met.

Application requirements and issuance criteria for EOS permits for CCAAs are found in the Code of Regulations (CFR) at 50 CFR 17.22(d)(2)(ii) and 17.32(d)(2)(ii), for species that may become listed as endangered and threatened under the ESA, respectively. See also the joint policy on CCAAs, which was published

in the **Federal Register** with the Department of Commerce's National Oceanic and Atmospheric Administration, National Marine Fisheries Service (80 FR 95164; December 27, 2016).

Proposed Action

The existing permitted CCAA is authorized for 25 years and covers agricultural activities in Alfalfa, Beaver, Beckham, Cimarron, Custer, Dewey, Ellis, Harper, Major, Roger Mills, Texas, Washita, Woods, and Woodward Counties, in Oklahoma. This area constitutes the CCAA's planning area, with covered areas being non-Federal lands within the planning area that provide suitable habitat for LEPC, or have the potential to provide suitable LEPC habitat with the implementation of appropriate conservation management practices. The ODWC has applied for an amendment to the CCAA to increase the conservation benefit of the CCAA for LEPC in Oklahoma by increasing enrollment from the current maximum of 400,000 acres to 1,000,000 acres by 2037, throughout the 14 Oklahoma counties described in the CCAA. This would more than double the conservation program currently being implemented on agricultural lands within the planning range of the LEPC under the current EOS permit held by ODWC. This CCAA contributes to a larger conservation effort for the LEPC across its range within Colorado, Kansas, New Mexico, Oklahoma and Texas.

Pursuant to the CCAA, ODWC will enroll participating landowners through issuance of certificates of inclusion. Participating landowners who are fully implementing the CCAA provisions of the EOS permit will be provided assurances that, should the LEPC become listed, the Service will not require them to provide additional land, water, or financial resources, nor will there be any further restrictions to their land, water, or financial resources than those they committed to under the CCAA provisions. Furthermore, if the LEPC is listed, participating landowners would be provided incidental take authorization for LEPC under the EOS permit for the level of incidental take on the enrolled lands consistent with the activities under the CCAA provisions. This amendment would potentially increase the amount of the incidental take authorization proportionately with the increasing of the enrolled conservation acres.

Next Steps

We will evaluate the permit application, proposed amendment, draft NEPA screening form, and comments we receive to determine whether the EOS application meets the requirements of ESA, NEPA, and implementing regulations. If we determine that all requirements are met, we will approve the amendment and issue the amended EOS under section 10(a)(1)(A) of the ESA to the applicant in accordance with the terms of the amended CCAA and specific terms and conditions of the authorizing EOS. We will not make our final decision until after the 30-day comment period ends, and we have fully considered all comments received during the public comment period.

Public Availability of Comments

All comments we receive become part of the public record associated with this action. Requests for copies of comments will be handled in accordance with the Freedom of Information Act, NEPA, and Service and Department of the Interior policies and procedures. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Authority

We provide this notice under the authority of section 10(c) of the ESA and its implementing regulations (50 CFR 17.22 and 17.32) and NEPA (42 U.S.C. 4371 *et seq.*) and its implementing regulations (40 CFR 1506.6).

Amy Lueders,

Regional Director, Southwest Region, U.S. Fish and Wildlife Service.

[FR Doc. 2022–00794 Filed 1–14–22; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[223D0102DM; DS62600000; DLSN00000.000000; DX62601]

Report on the Department of the Interior Federal Financial Assistance Infrastructure Programs Subject to the Build America, Buy America Act Provisions of the Infrastructure Investment and Jobs Act

AGENCY: Department of the Interior.

ACTION: Notice.

SUMMARY: The Department of the Interior (DOI) is publishing a report on DOI Federal Financial Assistance Programs for infrastructure subject to the Build America, Buy America Act Provisions of the Infrastructure Investment and Jobs Act. This report reflects the DOI's initial analysis of financial assistance programs and associated Buy America requirements.

FOR FURTHER INFORMATION CONTACT: Daniel Moline—Policy Analyst, DOI, Office of Grants Management, (202) 513–7546, *os_pgm@ios.doi.gov.*

SUPPLEMENTARY INFORMATION: This initial analysis, which can be found at following website: *https://www.doi.gov/grants/infrastructure-programs* is based on the agency's current understanding of information gathered as of the required 60-day reporting deadline. In particular, the DOI is still evaluating the application of the Build America, Buy America Act provisions to contracts and agreements executed under the Indian Self-Determination and Education and Assistance Act, as amended, 25 U.S.C. 5301 *et seq.* Subject to additional ongoing evaluation and any further Office of Management and Budget (OMB) implementation guidance regarding section 70915 of the Infrastructure Investment and Jobs Act, DOI will work closely with OMB to make any necessary adjustments to this initial list. Therefore, this initial analysis is subject to change.

Consistent with the policy direction of Executive Order 14005: Ensuring the Future is Made in All of America By All of America's Workers, Title IX of the Infrastructure Investment and Jobs Act (IIJA): Build America, Buy America Act imposes new, government-wide domestic content procurement preference requirements on all projects funded through financial assistance programs for infrastructure whether or not those programs are funded through IIJA. Section 70913(a) of IIJA requires each agency to submit a report to OMB and Congress that will be published in the **Federal Register**. As provided in

section 70913(b) of IIJA, this report must:

(1) Identify all domestic content procurement preferences applicable to DOI's Federal financial assistance.

DOI Summary: In reviewing the DOI programs, no DOI programs were identified that are subject to domestic content procurement preferences, as defined in section 70912(2).

(2) Assess the applicability of domestic content procurement preference requirements including:

(A) Section 313 of title 23, United States Code;

(B) section 5323(j) of title 49, United States Code;

(C) section 22905(a) of title 49, United States Code;

(D) section 50101 of title 49, United States Code;

(E) section 603 of the Federal Water Pollution Control Act (33 U.S.C. 1388);

(F) section 1452(a)(4) of the Safe Drinking Water Act (42 U.S.C. 300j–12(a)(4));

(G) section 5035 of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3 3914);

(H) any domestic content procurement preference included in an appropriations Act; and

(I) any other domestic content procurement preference in Federal law (including regulations).

DOI Summary: In reviewing the DOI programs, no DOI programs were identified that are subject to additional domestic content procurement requirements of the above legislation, Appropriations Act, or other domestic content procurement preference in Federal law.

(3) Provide details on any applicable domestic content procurement preference requirement, including the purpose, scope, applicability, and any exceptions and waivers issued under the requirement.

DOI Summary: Given the above responses, the DOI has no further details to provide at this time.

(4) Include a description of the type of infrastructure projects that receive funding under the program, including information relating to:

(A) The number of entities that are participating in the program;

(B) the amount of Federal funds made available for the program for each fiscal year; and

(C) any other information the head of the Federal agency determines to be relevant.

DOI Summary: The DOI reviewed each of its 287 financial assistance programs to identify Federal financial assistance programs for infrastructure. The analysis found in the link above identifies the DOI's initial assessment of financial assistance programs for infrastructure (''Infrastructure Programs''). The types of infrastructure projects pursued under these programs are identified within question 4(c), column K of the analysis.

(5) Section 70913(c) of IIJA requires that the report include a list of ''Deficient Programs'' which identifies DOI's financial assistance programs for infrastructure (as defined in section 70912(5) of IIJA) for which a domestic content procurement preference requirement does not apply in a manner consistent with section 70914 of IIJA or is subject to a waiver of general applicability not limited to the use of specific products for use in a specific project. Section 70914 requires that all the iron, steel, manufactured products, and construction materials used in projects receiving DOI financial assistance for infrastructure be produced in the United States unless DOI provides a waiver of the requirement or application of the requirement would be inconsistent with the United States' obligations under international agreements.

DOI Summary: As noted above and based on information known at the time of this assessment, all included DOI Infrastructure Programs constitute ''Deficient Programs'' as defined in the Build America, Buy America Act.

Eric Werwa,

Deputy Assistant Secretary—Policy and Environmental Management, Exercising the Delegated Authority of the Assistant Secretary for Policy, Management and Budget.

[FR Doc. 2022–00958 Filed 1–14–22; 8:45 am]

BILLING CODE 4334–63–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Water Act

On January 11, 2022, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Western District of Pennsylvania in the lawsuit entitled *United States and Pennsylvania Department of Environmental Protection* v. *West Penn Power Company* (West Penn), Civil Action No. 2:22–cv–00051–NR.

This case relates to alleged violations of monthly effluent limitations contained in National Pollution Discharge Elimination System (NPDES) permits issued to West Penn by the Pennsylvania Department of Environmental Protection (PADEP) and related to boron levels in leachate discharges from two closed coal ash landfills in Western Pennsylvania. The Mingo Landfill is associated with the retired, coal-fired Mitchell Power Plant in Union Township, Washington County, and the Springdale Landfill is associated with the retired coal-fired Springdale Power Plant in Frazer Township, Allegheny County. The case involves claims for civil penalties and injunctive relief under the Clean Water Act, 33 U.S.C. 1251 *et seq.,* as well as a related count under the Pennsylvania Clean Streams Law, 35 P. S. §§ 691.1–691.801 for the alleged violations at the Mingo Landfill. The proposed settlement embodied in the lodged Consent Decree requires West Penn to install a new gravity pipeline from the Springdale Landfill to a new outfall location in the Allegheny River, and to operate a recently installed gravity pipeline from the Mingo Landfill to Peters Creek. Both new outfalls will require West Penn to operate the pipelines in compliance with newly issued NPDES permits. West Penn is also required to pay civil penalties of $305,000 to the United States and $305,000 to PADEP.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States et al.* v. *West Penn Power,* D.J. Ref. No. 90–5–1–1–11894. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $15.50 (25 cents per page

reproduction cost) payable to the United States Treasury.

Jeffrey Sands,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2022–00817 Filed 1–14–22; 8:45 am]

BILLING CODE 4410–15–P

LEGAL SERVICES CORPORATION

Financial Guide for Grantees

AGENCY: Legal Services Corporation.

ACTION: Request for comments; extension of comment period.

SUMMARY: The Legal Services Corporation (LSC) issued a notice requesting comments on the proposed changes to the revised Financial Guide in the **Federal Register** of December 15, 2021. LSC requested comments by January 31, 2022. This notice extends the comment period for 15 calendar days, to February 15, 2022.

DATES: Comments must be submitted by February 15, 2022.

ADDRESSES: You may submit comments by any of the following methods:

Instructions: Electronic submissions are preferred via email with attachments in Acrobat PDF format. LSC may not consider written comments sent via any other method or received after the end of the comment period.

Email: financialguide@lsc.gov. Please include ''Financial Guide Comment'' in the subject line of the message.

Fax, U.S. Mail, Hand Delivery, or Courier: Please call 202–295–1563 for instructions if you need to send materials by one of these methods.

FOR FURTHER INFORMATION CONTACT: Stefanie K. Davis, Senior Assistant General Counsel, (202) 295–1563, or *sdavis@lsc.gov.*

SUPPLEMENTARY INFORMATION: LSC is extending the public comment period stated in the **Federal Register** notice for this request for comments. 86 FR 71288 (Dec. 15, 2021). In that notice, LSC requested comments on proposed changes to the revised Financial Guide and established a response deadline of January 31, 2022. LSC has determined that additional time is necessary for stakeholders to have adequate opportunity to respond. LSC is therefore extending the comment period for 15 business days, from January 31, 2022 to February 15, 2022.

Dated: January 12, 2022.

Stefanie Davis,

Senior Assistant General Counsel.

[FR Doc. 2022–00796 Filed 1–14–22; 8:45 am]

BILLING CODE 7050–01–P

NATIONAL COUNCIL ON DISABILITY

Sunshine Act Meetings

TIME AND DATE: The Members of the National Council on Disability (NCD) will hold a quarterly business meeting on Thursday, January 27, 2022, 12:00 p.m.–4:00 p.m., Eastern Standard Time (EST).

PLACE: This meeting will occur via Zoom videoconference. Registration is not required. Interested parties are encouraged to join the meeting in an attendee status by Zoom Desktop Client, Mobile App, or Telephone to dial-in. Updated information is available on NCD's event page at *https://ncd.gov/events/2022/upcoming-council-meeting.* To join the Zoom webinar, please use the following URL: *https://us06web.zoom.us/j/89548385906?pwd=RlZBVlFSSngzQ0dlak1TVVJ5OHltQT09* or enter Webinar ID: 895 4838 5906 in the Zoom app. The Passcode is: 882731.

To join the Council Meeting by telephone, dial one of the preferred numbers listed. The following numbers are (for higher quality, dial a number based on your current location: (669) 900–6833; (408) 638–0968; (312) 626–6799; (346) 248–7799; (253) 215–8782; (646) 876–9923; or (301) 715–8592. You will be prompted to enter the meeting ID 895 4838 5906 and passcode 882731. International numbers are also available: *https://us06web.zoom.us/u/kdMOIA3DGa.*

In the event of audio disruption or failure, attendees can follow the meeting by accessing the Communication Access Realtime Translation (CART) link provided. CART is text-only translation that occurs real time during the meeting and is not an exact transcript.

MATTERS TO BE CONSIDERED: Following welcome remarks and introductions, the Chairman and Executive Committee will provide reports; followed by a summary of NCD's Health Equity Framework and a vote; an update on policy projects and themes work; a community presentation; a presentation of virtual curriculum on disability culture and inclusive storytelling; legislative and public affairs updates; a public comment session focused on home- and community-based services (HCBS) and transitions from congregate settings; an update and training for the Council Members and staff by NCD's administrative, finance, and operations team; and any old or new business before adjourning.

AGENDA: The times provided below are approximations for when each agenda item is anticipated to be discussed (all times Eastern Standard Time):

Thursday, Jan. 27, 2022

12:00–12:05 p.m.—Welcome and Call to Order

12:05–12:15 p.m.—Chairman's Report

12:15–12:30 p.m.—Executive Committee Report

12:30–12:50 p.m.—Health Equity Framework Summary and Vote

12:50–1:35 p.m.—Policy Project Updates, FY22, & Updates on Themes Work—Policy Project Updates:

- HCBS project/congregate settings (*healthcare rationing theme*)
- Disparate Treatment of Puerto Rican Residents with Disabilities Report
- State Use of QALYs Project (*QALY as barrier to healthcare theme*)
- Employee Misclassification Project
- Voting Rights Project
- Employment Program Inventory
- 2022 Progress Report (Climate Change)
- ID/D Medicaid-Dental Reimbursement Project
- American Indian Alaska native toolkit

1:35–2:20 p.m.—State Advocacy Highlight Presentation: Health equity through disability cultural competency curricula

Speakers: Susan Havercamp, Professor of Psychiatry and Behavioral Health, Ohio State University Nisonger Center; Sandra Carpenter, Associate Director, Medical Students with Disability and Chronic Illness; MD Candidate, Class of 2022, University of Connecticut School of Medicine; Zainub Dhanani, Founder and Director, Medical Students with Disability and Chronic Illness; MD Candidate, Class of 2023, Stanford University School of Medicine

2:20–2:50 p.m.—Virtual Curriculum on Disability Culture and Inclusive Storytelling

Speakers: Doug Roland, Creator/Filmmaker; Sue Ruzenski, Ed.D., CEO, Helen Keller Services; Christopher Woodfill, Associate Executive Director, Helen Keller National Center for DeafBlind Youths and Adults (HKNC); Divya Goel.

2:50–3:00 p.m.—Legislative and Public Affairs Report Out

3:00–3:30 p.m.—Public Comment on HCBS/Transitions from Congregate Settings Via ''Hand Raise'' on Zoom; Review of Written Submissions

3:30–3:50 p.m.—Administration, Finance, and Operations Team Update and Training

3:50–4:00 p.m.—Old Business/New Business

4:00 p.m.—Adjourn

PUBLIC COMMENT: Your participation during the public comment period provides an opportunity for us to hear from you—individuals, businesses, providers, educators, parents and advocates. Your comments are important in bringing to the Council's attention issues and priorities of the disability community.

For the January 27 Council meeting, NCD will designate its half hour of public comment exclusively for receiving information for its upcoming project that examines the state of the nation's home- and community-based services (HCBS) prior to and during the COVID–19 pandemic that contributed to the inability of residents with ID/DD to transition to lesser-density community housing options and resulted in widespread deaths. In order to develop NCD's recommendations to policymakers, NCD invites you share your insights in response to the following questions:

1. What federal and policy state levers hold the greatest potential to transition people out of congregate care facilities?

2. What funding streams have you seen or do you think could be effective in bolstering or building up HCBS?

3. What pilots pilot programs have you observed that offer potentially positive solutions to many of the barriers encountered by people trying to acquire HCBS and what others do you think are needed?

Because of the virtual setting, there will be a hybrid option for submitting public comment. The Council is soliciting public comment by email or via video or audio over Zoom. Emailed public comment submissions will be reviewed during the meeting and delivered to members of the Council at its conclusion. You can also present public comment during the session by clicking the ''Hand Raise'' button in Zoom and waiting to be called on. If you plan to present over Zoom, please provide advance notice. To provide comments or notice to present public comment, please send an email to *PublicComment@ncd.gov* with the subject line ''Public Comment'' and your name, organization, state, and topic of comment included in the body of your email. Submission should be received no later than January 26 to ensure inclusion.

CONTACT PERSON FOR MORE INFORMATION: Nicholas Sabula, Public Affairs Specialist, NCD, 1331 F Street NW, Suite 850, Washington, DC 20004; 202–272–2004 (V), or *nsabula@ncd.gov.*

ACCOMMODATIONS: An ASL interpreter will be on-camera during the entire meeting, and CART has been arranged for this meeting and will be embedded into the Zoom platform as well as available via streamtext link. The web link to access CART (in English) is: *https://www.streamtext.net/player?event=NCD.* If you require additional accommodations, please notify Anthony Simpson by sending an email to *asimpson.cntr@ncd.gov* as soon as possible prior to the meeting.

Due to last-minute confirmations or cancellations, NCD may substitute items without advance public notice.

Dated: January 13, 2022.

Anne C. Sommers McIntosh,

Executive Director.

[FR Doc. 2022–00969 Filed 1–13–22; 4:15 pm]

BILLING CODE 8421–02–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

Arts Advisory Panel Meetings

AGENCY: National Endowment for the Arts.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, as amended, notice is hereby given that 1 meeting 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 Ms. Sherry Hale, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC 20506; *hales@arts.gov,* or call 202/682–5696.

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 Chairman of September 10, 2019, these sessions will be closed to the public pursuant to subsection (c)(6) of section 552b of title 5, United States Code.

The upcoming meeting is:

Creative Forces (Capacity Component) Cooperator (review of applications): This meeting will be closed.

Date and time: January 28, 2022, 2:00 p.m. to 3:00 p.m.

Dated: January 12, 2022.

Sherry Hale,

Staff Assistant, National Endowment for the Arts.

[FR Doc. 2022–00780 Filed 1–14–22; 8:45 am]

BILLING CODE 7537–01–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request; Computer and Information Science and Engineering Research Experiences for Undergraduates Sites and Supplements Evaluation

AGENCY: National Science Foundation.

ACTION: Submission for OMB review; comment request.

SUMMARY: The National Science Foundation (NSF) has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1995. This is the second notice for public comment; the first was published in the **Federal Register** and no comments were received. NSF is forwarding the proposed renewal submission to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice.

DATES: 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: Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314, or send email to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including federal holidays). Comments regarding this information collection are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s)

may be obtained by calling 703–292–7556.

NSF may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number, and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

SUPPLEMENTARY INFORMATION:

Title of Collection: Computer and Information Science and Engineering Research Experiences for Undergraduates Sites and Supplements Evaluation.

OMB Approval Number: 3145–NEW.

Type of Request: Intent to establish an information collection.

Abstract: Every year the National Science Foundation (NSF) funds hundreds of Research Experience for Undergraduates (REU) activities through its REU program. The Directorate of Computer and Information Science and Engineering (CISE) is seeking to evaluate the effectiveness of the CISE REU program.

The REU program provides undergraduate students at US higher education institutions with opportunities to work with faculty on a research project. They can take the form of REU Sites or REU Supplements. REU Sites are based on independent proposals to initiate and conduct projects that engage a number of students in research. REU Supplements are included as a component of proposals for new or renewal NSF grants or cooperative agreements or may be requested for ongoing NSF-funded research projects.

By offering this opportunity to undergraduate students, the REU program seeks to expand student participation in all kinds of research—both disciplinary and interdisciplinary—encompassing efforts by individual investigators, groups, centers, national facilities, and others. The REU experience integrates research and education to attract a diverse pool of talented students into careers in science and engineering, including teaching and education research related to science and engineering.

The current data collection project intends to measure the impact of the undergraduate REU Sites and REU Supplements programs sponsored by NSF CISE. The project will conduct online surveys to track NSF CISE REU participants over time—including pre-program, post-program and one-year post-program measurement—alongside two comparison groups: (1) Students participating in other undergraduate research, and (2) students who do not participate in research. The researchers will supplement REU participants' survey data with basic REU information and perceptions of impact from NSF CISE REU Principal Investigators (PIs). The evaluation and research questions guiding this project include the following:

1. Who are the students reached through the NSF REU Program, and how do they compare to students participating in other types of research experiences and to students in the broader CISE community?

2. How do CISE REU Sites and REU Supplements differ from other research experiences (*e.g.,* other REUs, internships, and independent research projects)?

3. To what extent are the goals of the NSF REU Program being met by the individual projects within the program, including recruitment and retention of students in science and engineering fields and increasing diversity in these fields?

4. In what ways does participation in REU Sites, REU Supplements, internships, and/or other independent research experiences impact student attitudes and pathways to CISE careers and other research experiences?

5. In what ways does participation in the REU Sites and REU Supplements impact recruitment and retention of students who are underrepresented in computing?

Ultimately, the findings from this data collection will be used to understand and improve the impact of the CISE REU program, including increasing recruitment and retention in science and engineering and promoting a diverse group of computing/STEM careers.

Use of the information: The information collected through this survey will be used to evaluate the NSF CISE REU Program.

Respondents: There will be four types of respondents: NSF CISE REU Site and Supplement participants, a comparison group of undergraduate students who participate in other, non-NSF REU research experiences, a comparison group of undergraduate students who do not participate in research, and NSF CISE REU PIs.

NSF CISE REU participants will include undergraduate students who participate in REU projects in which the project's Principal Investigator chooses to use NSF-sponsored program evaluation services. Participants from the two comparison groups will be identified and recruited from a pool of undergraduates in computing fields who have participated in a prior survey of the Computing Research Association and have agreed to be contacted for future data collection. The participating NSF CISE REU PIs will also complete PI REU Information Forms at the beginning and end of their REUs.

Estimated number of respondents: The study's data collection activities will occur over a span of 2⅓ years. It is estimated that during this time, there will be approximately 2,333 NSF CISE REU survey respondents, 2,000 comparison group survey respondents, and 233 NSF CISE REU PI Information Form respondents, for a total of 4,566 respondents.

Average time per reporting: Each online survey for REU participants and comparison group respondents is designed to be completed in 20 minutes or less. Each REU PI Information Form is designed to be completed in 10 minutes or less.

Frequency: Each NSF CISE REU participant will be asked to complete three surveys: (1) A pre-test before they begin their REU project; (2) a post-test, after their REU ends; and (3) a one-year follow-up survey. Within the data collection timeline for this project, this will allow for two full data collection cycles, plus a third subset of Year 3 summer REU participants who will only complete a pre-test and a post-test, but no follow-up survey. Each comparison group participant, including both those with a different research experience and those with no research experience, will be asked to complete a pre-test survey and a follow-up survey occurring approximately one year later. There will be two full data collection cycles for comparison group participants. Each NSF CISE REU PI will complete a Time 1 PI REU Information Form before their REU begins and a Time 2 REU PI Information Form when their REU ends.

Estimate burden on the public: For REU participants, in the 2⅓ years of data collection, there will be two cohorts of complete data collection (pre-test, post-test, and follow-up) and one cohort with a partial data collection cycle (pre-test and post-test only). Based on an expected 1,000 REU participant respondents per year, It is expected that a total of approximately 2,333 REU respondents will complete a 20-minute pre-survey in the project. Of these 2,333 REU participant respondents, we expect that approximately 70%, or 1,633, will complete a 20-minute post-survey. For the follow-up survey, only the REU participants from the first two years of the data collection would be able to complete the survey within the time

range of the study (N = 2,000). It is expected that approximately 50% of these respondents, or 1,000, will complete a 20-minute one-year follow-up survey. This would result in a total of 4,966 20-minute surveys completed by REU respondents, for a total of 1,655 burden hours for this subset of respondents.

For comparison group participations, there will be two cohorts with full cycles of data collection (pre-test and follow-up). It is expected that a total of 2,000 respondents will complete a 20-minute pre-survey in the project. Of these 2,000 comparison group respondents, approximately 50%, or 1,000, are expected to complete a 20-minute one-year follow-up survey. This would result in a total of 3,000 surveys completed by comparison group respondents, for a total of 1,000 burden hours.

For REU PIs, there will be 2⅓ years of complete data collection (Time 1 and Time 2 REU PI Information Forms). Based on an expected 100 NSF CISE REU PIs choosing to receive evaluation services each year, It is expected that a total of approximately 233 REU PIs will complete both the Time 1 and Time 2 PI REU Information Forms (each one takes 10 minutes to complete). This would result in a total of 466 10-minute forms completed by REU PIs, for a total of 77.67 burden hours for this subset of respondents.

Together, the total estimated survey burden for the project is 2,733 hours. The calculations are shown in Table 1.

TABLE 1—ESTIMATED SURVEY BURDEN

Category of respondent	Number of cohort 1 responses	Number of cohort 2 responses	Number of cohort 3 responses (partial year)	Participation time	Burden (hours)
REU participant Pre-survey	1,000	1,000	333	20 mins each	777.67
REU participant Post-survey (70% of original).	700	700	233	20 mins each	544.33
REU participant Follow-up survey (50% of original).	500	500	Not conducted	20 mins each	333.33
Comparison participant Pre-survey	1,000	1,000	Not conducted	20 mins each	666.67
Comparison participant Follow-up survey (50% of original).	500	500	Not conducted	20 mins each	333.33
REU PI Time 1 Information Form	100	100	33	10 mins each	777.67
REU PI Time 12 Information Form	100	100	33	10 mins each	544.33
Total surveys completed	3,900	3,900	632	466 @10 min, 7,966 @20 mins.	2,733

Comments: Comments are invited on:

1. Whether the proposed collection of information is necessary for the evaluation of the CISE REU Sites and Supplements Program
2. The accuracy of the NSF's estimate of the burden of the proposed collection of information
3. Ways to enhance the quality, utility, and clarity of the information on respondents, including through the use of automated collection techniques or other forms of information technology

Dated: January 12, 2022.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2022–00834 Filed 1–14–22; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2021–0199]

Information Collection: Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions

AGENCY: Nuclear Regulatory Commission.

ACTION: Renewal of existing information collection; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of Office of Management and Budget (OMB) approval for an existing collection of information. The information collection is entitled, ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions.''

DATES: Submit comments by March 21, 2022. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal rulemaking website:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2021–0199. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* David Cullison, Office of the Chief Information Officer, Mail Stop: T–6 A10M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: David C. Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *Infocollects.Resource@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2021–0199 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods; however, the NRC encourages electronic comment submission through the Federal rulemaking website:

• *Federal Rulemaking Website:* Go to *https://www.regulations.gov/* and search for Docket ID NRC–2021–0199.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *PDR.Resource@nrc.gov.* The supporting statement and burden spreadsheet are available in ADAMS under Accession Nos. ML21341B438 and ML21341B435.

• *NRC's PDR:* You may examine and purchase copies of public documents, by appointment, at the NRC's PDR, Room P1 B35, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8:00 a.m. and 4:00 p.m. (ET), Monday through Friday, except Federal holidays.

• *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Clearance Officer, David C. Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *Infocollects.Resource@nrc.gov.*

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2021–0199 in your comment submission.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at *https://www.regulations.gov/* and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the OMB, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC is requesting public comment on its intention to request the OMB's approval for the information collection summarized below.

1. *The title of the information collection:* Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions.

2. *OMB approval number:* 3150–0021.

3. *Type of submission:* Extension.

4. *The form number, if applicable:* Not applicable.

5. *How often the collection is required or requested:* Environmental reports are required upon submittal of an application for a combined license, construction permit, operating license, operating license renewal, early site permit, design certification, decommissioning or license termination review, or manufacturing license, or upon submittal of a petition for rulemaking.

6. *Who will be required or asked to respond:* Licensees and applicants requesting approvals for actions proposed in accordance with the provisions of parts 30, 32, 33, 34, 35, 36, 39, 40, 50, 52, 54, 60, 61, 70, and 72 of title 10 of the *Code of Federal Regulations* (10 CFR).

7. *The estimated number of annual responses:* 18.9.

8. *The estimated number of annual respondents:* 18.9.

9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 68,933.

10. *Abstract:* The NRC's regulations at 10 CFR part 51 specify information to be provided in environmental reports by applicants and licensees so that the NRC can make determinations necessary to adhere to the policies, regulations, and public laws of the United States, which are interpreted and administered in accordance with the provisions set forth in the National Environmental Policy Act of 1969, as amended.

III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the estimate of the burden of the information collection accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated: January 11, 2022.

For the Nuclear Regulatory Commission.

David C. Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2022–00741 Filed 1–14–22; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR WASTE TECHNICAL REVIEW BOARD

Board Meeting

The U.S. Nuclear Waste Technical Review Board will hold a virtual public meeting on March 1–2, 2022.

Board meeting: March 1–2, 2022—*The U.S. Nuclear Waste Technical Review Board will hold a virtual public meeting to review information on the U.S. Department of Energy's activities related to spent nuclear fuel and high-level radioactive waste.*

Pursuant to its authority under section 5051 of Public Law 100–203, Nuclear Waste Policy Amendments Act (NWPAA) of 1987, the U.S. Nuclear Waste Technical Review Board will hold a virtual public meeting on Tuesday, March 1, 2022, and Wednesday, March 2, 2022, to review information on the U.S. Department of Energy's (DOE) activities related to spent nuclear fuel (SNF) and high-level radioactive waste (HLW).

The meeting will begin on both days at 12:00 p.m. Eastern Standard Time (EST) and is scheduled to adjourn at 5:00 p.m. EST. On the first day, the DOE Office of Nuclear Energy (DOE–NE) will provide an update on DOE's dual-purpose canister (DPC) disposal R&D. Speakers representing the national laboratories conducting the DPC work for DOE will report on a repository-scale performance assessment incorporating post-closure criticality and cladding degradation modeling development. A DOE–NE representative will provide a summary and status of storage and transportation R&D and a speaker from the national laboratories will describe investigations into SNF storage canister surface environments and the potential for corrosion.

On the second day, an experiment simulating aerosol transmission through a crack in an SNF canister wall will be described by a speaker from the national

laboratories. From the integrated waste management system R&D program, speakers from the national laboratories will describe the Hanford Lead Canister project and updated waste management system analysis tool requirements and enhancements. A speaker from DOE–NE will present the current functions and capabilities of DOE's Stakeholder Tool for Assessing Radioactive Transportation (START). The final speaker, from DOE–NE, will provide an update on consent-based siting. A detailed meeting agenda will be available on the Board's website at *www.nwtrb.gov* approximately one week before the meeting.

The meeting will be open to the public, and opportunities for public comment will be provided at the end of each day of the meeting. Details for viewing the meeting will be provided on the Board's website. Public comments may be submitted during the meeting via the online meeting viewing platform, using the ''Comment for the Record'' form. Comments submitted during each day of the meeting will be read into the record by Board staff during the public comment period just prior to adjournment. A limit may be set on the time allowed for the presentation of individual remarks. However, written comments of any length may be submitted to the Board staff by mail or electronic mail. All comments received in writing will be included in the meeting record, which will be posted on the Board's website after the meeting. An archived recording of the meeting will be available on the Board's website following the meeting. The transcript of the meeting will be available on the Board's website by May 3, 2022.

The Board was established in the Nuclear Waste Policy Amendments Act of 1987 as an independent federal agency in the Executive Branch to evaluate the technical and scientific validity of DOE activities related to the management and disposal of SNF and HLW, and to provide objective expert advice to Congress and the Secretary of Energy on these issues. Board members are experts in their fields and are appointed to the Board by the President from a list of candidates submitted by the National Academy of Sciences. The Board reports its findings, conclusions, and recommendations to Congress and the Secretary of Energy. All Board reports, correspondence, congressional testimony, and meeting transcripts and related materials are posted on the Board's website.

For information on the meeting agenda, contact Bret Leslie at *leslie@nwtrb.gov* or Hundal Jung at *jung@nwtrb.gov.* For information on logistics, or to request copies of the meeting agenda or transcript, contact Davonya Barnes at *barnes@nwtrb.gov.* All three may be reached by mail at 2300 Clarendon Boulevard, Suite 1300, Arlington, VA 22201–3367; by telephone at 703–235–4473; or by fax at 703–235–4495.

Dated: January 11, 2022.

Daniel G. Ogg,

Acting Executive Director, U.S. Nuclear Waste Technical Review Board.

[FR Doc. 2022–00740 Filed 1–14–22; 8:45 am]

BILLING CODE 6820–AM–P

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

Performance Review Board Membership

AGENCY: Office of Science and Technology Policy.

ACTION: Notice.

SUMMARY: The Office of Science and Technology Policy publishes the names of the members selected to serve on its SES Performance Review Board (PRB).

DATES: Membership is effective on the date of this notice to January 2024.

FOR FURTHER INFORMATION CONTACT: Ms. Stacy L. Murphy, Operations Manager, Office of Science and Technology Policy, 1650 Pennsylvania Ave. NW, Washington, DC 20504. Telephone 202–456–6123.

SUPPLEMENTARY INFORMATION: Section 4314(c) 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 PRBs. The purpose of this PRB is to review and make recommendations concerning proposed performance appraisals, ratings, bonuses, pay adjustments, and other appropriate personnel actions for incumbents of the SES positions. The Board shall consist of at least three members and more than half of the members shall consist of career appointees. The names and titles of the PRB members are as follows:

Fred L. Ames, Assistant United States Trade Representative for Administration, United States Trade Representative;

Martha M. Gagne, Assistant Director, Operations, Office of National Drug Council Policy;

Michele C. Marx, Deputy Assistant Director, Office of Performance and Budget, Office of National Drug Council Policy;

Barbara A. Menard, Branch Chief, Health, Education, VA, and Social Programs (HEVS) Branch, Office of Management and Budget.

Applicable Date: Membership is effective on the date of this notice.

Stacy Murphy,

Operations Manager.

[FR Doc. 2022–00802 Filed 1–14–22; 8:45 am]

BILLING CODE 3270–F9–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–93950; File No. SR–NASDAQ–2021–107]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Modify Certain Exchange Traded Product Listing Fees

January 11, 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 December 30, 2021, 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, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to modify certain exchange traded product listing fees. While changes proposed herein are effective upon filing, the Exchange has designated the proposed amendments to be operative on January 1, 2022.

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

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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 purpose of the proposed rule change is to modify certain of the Exchange's listing fees for exchange traded products (''ETPs'') covered by Listing Rules 5930 and 5940, as well as to modify the Preamble to Company Listing Fees in Listing Rule 5901.

Currently, Listing Rule 5930 addresses listing fees for Linked Securities, SEEDS, and Other Securities. The proposed rule change relocates the references to the fees for Linked Securities from Listing Rule 5930 (Linked Securities, SEEDS, and Other Securities) to Listing Rule 5940 (Exchange Traded Products) such that Linked Securities will no longer be subject to the fees in Listing Rule 5930 and will instead be subject to the fees in Listing Rule 5940. The modified fees for Linked Securities will mirror the fees for many of the ETPs that are covered by Listing Rule 5940, which are detailed herein. For consistency and clarification, all references to Linked Securities and related Rule 5710 cites are also being deleted from the Preamble to Company Listing Fees in Listing Rule 5901. Also, a clarification is being made in the Preamble of changing the term ''Exchange Listed Products'' to ''Exchange Traded Products'' for consistency and clarification. Additionally, a typographical error in the heading of Listing Rule 5930(b) is proposed to be corrected by changing ''Lisitng'' to ''Listing'' for clarification.

The introduction to Listing Rule 5940 is being expanded for the sake of clarification to say that the securities covered by this rule includes not only Portfolio Depository Receipts, Index Fund Shares, Managed Fund Shares, and NextShares, but also includes Exchange Traded Fund Shares, Commodity-Based Trust Shares, Currency Trust Shares, Commodity Index Trust Shares, Commodity Futures Trust Shares, Partnership Units, Trust Units, Managed Trust Shares [3] and Linked Securities.[4]

The Entry Fee under Listing Rule 5940(a)(1) is being modified to include all of the securities listed above,[5] with the exception of NextShares (which are subject to the Entry Fee in Listing Rule 5940(a)(2)) and to eliminate the listing fee of $5,000, which currently includes a $1,000 non-refundable application fee. Both the elimination of the listing and application fees reflect that the market for listing ETPs is extremely competitive and ETPs may freely choose alternative listing venues. The Exchange has determined that these proposed fee changes, coupled with the fee changes discussed below, will positively impact the competition in the ETP listing space.

The All-Inclusive Annual Listing Fee under Listing Rule 5940(b) is being modified. First, the list of securities in Listing Rule 5940(b)(1) will be expanded to not only include, in addition to any other security under the Rule 5700 Series where no other fee schedule is specifically applicable listed on The Nasdaq Global Market, Portfolio Depository Receipts, Index Fund Shares, and Managed Fund Shares, but also Exchange Traded Fund Shares, Commodity-Based Trust Shares, Currency Trust Shares, Commodity Index Trust Shares, Commodity Futures Trust Shares, Partnership Units, Trust Units, Managed Trust Shares [6] and Linked Securities.

Second, the current fee schedule that is calculated on total shares outstanding that ranges from up to 1 million shares to 250+ million shares with fees that range from $6,000 to $50,000 is being replaced by a single fee of $4,000 per product.[7] Nasdaq is simplifying the fee structure (and related rule language) of the All-Inclusive Annual Listing Fee under Listing Rule 5940(b) to create a single fee that the Exchange believes is more reasonable and equitable because the proposed per product fee structure will be the same for all products regardless of the product's total shares outstanding. Assessing the fee on a per product basis rather than on total shares outstanding, the Exchange believes more accurately reflects the level of support required. The level of support the Exchange provides does not increase significantly as the ETP's shares outstanding grows. It is more closely correlated to the number of ETPs listed and thus warrants a separate fee per product. This means that an issuer with more ETPs listed on Nasdaq will have a higher total annual listing fee under the proposed changes than an issuer with fewer ETPs listed on Nasdaq even if the issuer with fewer ETPs has more total shares outstanding.

Listing Rule 5940(b)(3) is being eliminated because the new fee structure of Listing Rule 5940(b) renders it irrelevant.

Listing Rule 5940(b)(5) is being renumbered as Listing Rule 5940(b)(8) and will otherwise remain unchanged and still say that except as otherwise set forth in Rule 5940(b), the All-Inclusive Annual Listing Fee described will be assessed as described in Rule 5910(b)(3). Proposed Listing Rule 5940(b)(5) says that in the first calendar year of listing, a product's All-Inclusive Annual Listing Fee will be prorated based on the number of months listed. Proposed Listing Rule 5940(b)(5) and Rule 5910(b)(3)(A), both say that in the first calendar year of listing, a product's or Company's All-Inclusive Annual Listing Fee, respectively, will be prorated based on the number of months listed. The difference, as discussed above, is that proposed Listing Rule 5940(b)(5) will look to prorate the single fee of $4,000 per product while current Rule 5910(b)(3)(A) is based on the total shares outstanding as of the date of the Company's listing. This proposed change is made for clarity and consistency with the All-Inclusive Annual Listing Fee change described above.

Proposed Listing Rule 5940(b)(6) is being added to modify how listing ETP transfers from another national securities exchange to Nasdaq will be handled regarding the All-Inclusive Annual Listing Fee. Current Listing Rule 5940(b)(5) says that except as otherwise set forth in Rule 5940(b), the All-Inclusive Annual Listing Fee described will be assessed as described in Rule 5910(b)(3). Proposed Listing Rule 5940(b)(6) says that for the year in which a product listing transfers to

[3] Exchange Traded Fund Shares, Commodity-Based Trust Shares, Currency Trust Shares, Commodity Index Trust Shares, Commodity Futures Trust Shares, Partnership Units, Trust Units, and Managed Trust Shares are already subject to the fees in Listing Rule 5940(a)(1) and this change is simply being made to increase the clarity of the rule.

[4] Per existing Listing Rule 5940 the fees in Listing Rule 5940 will also apply to securities listed under the Rule 5700 Series where no other fee schedule is specifically applicable and that provision of the rule is not being modified.

[5] This includes securities listed under the Rule 5700 Series where no other fee schedule is specifically applicable.

[6] Exchange Traded Fund Shares, Commodity-Based Trust Shares, Currency Trust Shares, Commodity Index Trust Shares, Commodity Futures Trust Shares, Partnership Units, Trust Units, and Managed Trust Shares are already subject to the fees in Listing Rule 5940(b)(1) and this change is simply being made to increase the clarity of the rule.

[7] For the avoidance of doubt, in this filing $4,000 per product means $4,000 for each symbol listed on the Exchange.

Nasdaq, as well as for the first full calendar year of its listing, a product will not be charged the All-Inclusive Annual Listing Fee. Currently, for the year in which a Company transfers its listing to Nasdaq, it will not be charged the All-Inclusive Annual Listing Fee.[8] Nasdaq believes that modifying the fee waiver to extend the first full calendar year following a product's listing will further incentivize issuers to transfer ETPs to Nasdaq and, thereby, promote greater competition among ETP listing exchanges, which will be to the benefit of issuers, ETPs, and ETP investors.

Proposed Listing Rule 5940(b)(7) is being added to say that liquidations will be refunded a portion of the All-Inclusive Annual Listing Fee on a prorated basis based on the number of months listed during the calendar year of liquidation. Currently Nasdaq does not provide for such liquidation refunds. The Exchange is proposing this change as another way to make its fee schedule more competitive with the other exchanges, who also provide for refunds on a prorated basis.[9]

As described below, Nasdaq proposes to make the aforementioned fee changes to better reflect the Exchange's costs related to listing ETPs and would promote competition for ETP listings.

While these changes are effective upon filing, Nasdaq has designated the proposed amendments to be operative on January 1, 2022.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[10] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[11] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

Nasdaq believes that it is not unfairly discriminatory and represents an equitable allocation of reasonable fees to amend Listing Rules 5901, 5930 and 5940 to modify the listing fees for Linked Securities, to eliminate the Entry and Application Fees for certain ETPs, as well as to modify the All-Inclusive Annual Listing Fee for certain ETPs.

Specifically, the Exchange believes that modifying the fees and relocating references to Linked Securities from Listing Rule 5930 to Listing Rule 5940 is not unfairly discriminatory and represents an equitable allocation of reasonable fees since it aligns the fees for Linked Securities with the proposed fees for a broad range of ETPs discussed above, which the Exchange believes are more similar to Linked Securities than its existing location within Listing Rule 5930 that includes SEEDS and Other Securities. This also includes the proposed changes to the Preamble to Company Listing Fees in Listing Rule 5901 and references to Linked Securities and related Rule 5710 cites throughout Listing Rule 5930, as well as a clarification being made in the Preamble of changing the term ''Exchange Listed Products'' to ''Exchange Traded Products'' for consistency and clarification and to the benefit of market participants. Additionally, a typographical error in the heading of Listing Rule 5930(b) is proposed to be corrected by changing ''Lisitng'' to ''Listing'' for clarification and to the benefit of market participants.

Nasdaq believes that it is not unfairly discriminatory and represents an equitable allocation of reasonable fees to amend Listing Rule 5940 to eliminate the Entry and Application Fees for the specified ETPs, as well as to modify the All-Inclusive Annual Listing Fee for the specified ETPs. Nasdaq believes these changes promote competition for the listing of ETPs. Additionally, Nasdaq also believes these changes are not unfairly discriminatory and represent an equitable allocation of reasonable fees because following the adoption of SEC Rule 6c–11 [12] the majority of ETPs are now listed under the generic listing standards of Nasdaq Rule 5704 (Exchange Traded Fund Shares) and thus no longer require as much in the way of both legal and business resources during the initial application process. Moreover, the Exchange believes that the proposed $4,000 flat fee per product rather than the current fee based on the total shares outstanding, more accurately reflects and is more closely correlated to the level of Exchange support required, and that the level of support Nasdaq provides does not increase significantly as the ETP's shares outstanding grows. This means that an issuer with more ETPs listed on Nasdaq will have a higher total annual listing fee under the proposed changes than an issuer with fewer ETPs listed on Nasdaq even if the issuer with fewer ETPs has more total shares outstanding.

Specifically, the Exchange believes that amending the All-Inclusive Annual Listing Fee under Listing Rule 5940(b)(1) (and related rule language) from the current fee schedule that is calculated on total shares outstanding that ranges from up to 1 million shares to 250+ million shares with fees that range from $6,000 to $50,000 to being replaced by a single fee of $4,000 per product is not unfairly discriminatory and represents an equitable allocation of reasonable fees because it simplifies the fee schedule and promotes greater competition with the other exchange listing venues. Also, a single fee per product creates a fee schedule that is more reasonable and equitable for products and issuers of all sizes for these ETPs with issuers gaining certainty as the number of their ETPs grow. The total annual listing fee for an issuer increases as the number of ETPs that an issuer has on Nasdaq grows, and the necessary support for the additional listings increases as well. In accordance with these proposed changes, Listing Rule 5940(b)(3) will be eliminated because the new fee structure of the rule renders it irrelevant and unnecessary, and its elimination will be to the benefit of market participants.

The Exchange also believes it is not unfairly discriminatory and represents an equitable allocation of reasonable fees to amend the introduction to Listing Rule 5940 to say that the securities covered by this rule includes not only Portfolio Depository Receipts, Index Fund Shares, Managed Fund Shares, and NextShares, but also includes Exchange Traded Fund Shares, Commodity-Based Trust Shares, Currency Trust Shares, Commodity Index Trust Shares, Commodity Futures Trust Shares, Partnership Units, Trust Units and Managed Trust Shares [13] because it clarifies that these additional ETPs are already subject to the fees in this rule and that this change is simply being made to increase the clarity of the rule.

Additionally, Nasdaq believes it is not unfairly discriminatory and represents an equitable allocation of reasonable fees to amend Listing Rule 5940(a)(1) and (b)(1) to include Exchange Traded Fund Shares, Commodity-Based Trust Shares, Currency Trust Shares, Commodity Index Trust Shares, Commodity Futures Trust Shares, Partnership Units, Trust Units, and Managed Trust Shares because it clarifies that these additional ETPs are

[8] *See* IM–5900–4.

[9] *See e.g.,* NYSE Arca Equities: Listing Fees as of June 30, 2021, footnote 8 (''The Annual Fees applicable to Exchange Traded Products that have liquidated and as a result are delisted from the Exchange will be prorated for the portion of the calendar year that such issue was listed on the Exchange, based on days listed that calendar year, and refunded.''). *https://www.nyse.com/publicdocs/nyse/markets/nyse-arca/NYSE_Arca_Listing_Fee_Schedule.pdf.*

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(4) and (5).

[12] *See* 17 CFR 270.6c–11.

[13] *See supra* note 4.

already subject to the fees in Listing Rule 5940(a)(1) and (b)(1) and that this change is simply being made to increase the clarity of the rule.

The Exchange also believes it is not unfairly discriminatory and represents an equitable allocation of reasonable fees to add proposed Listing Rule 5940(b)(5) to clarify that in the first calendar year of listing, a product's All-Inclusive Annual Listing Fee will be prorated based on the number of months listed. Current Listing Rule 5940(b)(5) says that except as otherwise set forth in Rule 5940(b), the All-Inclusive Annual Listing Fee described will be assessed as described in Rule 5910(b)(3)—specifically it is covered by Rule 5910(b)(3)(A). Proposed Listing Rule 5940(b)(5) and Rule 5910(b)(3)(A) both say that in the first calendar year of listing, a product's or Company's All-Inclusive Annual Listing Fee, respectively, will be prorated based on the number of months listed. The difference, as discussed above, is that proposed Listing Rule 5940(b)(5) will look to prorate the single fee of $4,000 per product while current Rule 5910(b)(3)(A) is based on the total shares outstanding as of the date of the Company's listing. As a result of the proposed changes, current Listing Rule 5940(b)(5) is being renumbered as Listing Rule 5940(b)(8).

Nasdaq believes it is not unfairly discriminatory and represents an equitable allocation of reasonable fees to add proposed Listing Rule 5940(b)(6) to modify how listing transfers from another national securities exchange to Nasdaq will be handled regarding the All-Inclusive Annual Listing Fee. Currently, Listing Rule 5940(b)(5) says that except as otherwise set forth in Rule 5940(b), the All-Inclusive Annual Listing Fee described will be assessed as described in Rule 5910(b)(3). Proposed Listing Rule 5940(b)(6) says that for the year in which a product listing transfers to Nasdaq, as well as for the first full calendar year of its listing, a product will not be charged the All-Inclusive Annual Listing Fee. Nasdaq believes this proposed rule change is not unfairly discriminatory and represents an equitable allocation of reasonable fees and will further incentivize issuers to transfer ETPs to Nasdaq and promote greater competition among the ETP listing exchanges, which will be to the benefit of issuers, ETPs, and ETP investors.

Additionally, Nasdaq believes it is not unfairly discriminatory and represents an equitable allocation of reasonable fees to add proposed Listing Rule 5940(b)(7) to provide that liquidations will be refunded a portion of the All-Inclusive Annual Listing Fee on a prorated basis based on the number of months listed during the calendar year of liquidation. Currently the Exchange does not provide for such liquidation refunds. The Exchange is proposing this change as another way to make its fee schedule more competitive with the other exchanges, who also provide for refunds on a prorated basis.[14]

Finally, Nasdaq notes that it operates in a highly competitive market in which market participants can readily switch exchanges if they deem the listing fees excessive. In such an environment, Nasdaq must continually review its fees to assure that they remain competitive.

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, as amended. The market for listing ETPs is extremely competitive and ETPs may freely choose alternative listing venues. Nasdaq must continually review its fees to assure that they remain competitive. Also, a single $4,000 fee per product creates a fee schedule that is more reasonable and equitable for products and issuers of all sizes for these ETPs with issuers gaining certainty as to listing fees as the number of their ETPs grow. For these reasons, Nasdaq does not believe that the proposed rule change will result in any burden on competition for ETP listings.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[15]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

[14] *See supra* footnote 9.

[15] 15 U.S.C. 78s(b)(3)(A)(ii).

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 (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2021–107 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–NASDAQ–2021–107. 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–NASDAQ–2021–107 and should be submitted on or before February 8, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–00752 Filed 1–14–22; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–93952; File No. SR–LCH SA–2021–004]

Self-Regulatory Organizations; LCH SA; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to 2022 CDSClear Fee Grid

January 11, 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 December 28, 2021, Banque Centrale de Compensation, which conducts business under the name LCH SA (''LCH SA''), filed with the Securities and Exchange Commission (''Commission'') the proposed rule change (''Proposed Rule Change'') described in Items I, II and III below, which Items have been prepared primarily by LCH SA. LCH SA filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act,[3] and Rule 19b–4(f)(2)[4] thereunder, so that the proposed rule change was effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the Proposed Rule Change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

(a) Banque Centrale de Compensation, which conducts business under the name LCH SA, is proposing to update the current CDSClear fee grid to be effective early January 2022 (the ''Proposed Rule Change''). The text of the proposed rule change has been annexed [sic] as Exhibit 5.

The text of the Proposed Rule Change has been annexed [sic] hereto as Exhibit 5.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, LCH SA 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. LCH SA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

LCH SA is currently applying the below fee grid for CDSClear members:

SELF-CLEARING TARIFF FOR CORPORATES AND FINANCIALS INDEX AND SINGLE NAME CDS

Membership	Annual fixed fee	Self-clearing/variable fees				
		EUR indices	EUR single names	USD indices	USD single names	
General Member—Unlimited Tariff.	€1,350,000	No Variable Fee.				Covers all self-clearing Corporate and Financials Index and Single Name activity for a Financial Group of a Clearing Member.
General Member—Introductory Tariff.	€200,000 if the total annual gross notional cleared is under €10 billion. €400,000 if the total annual gross notional cleared is over €10 billion.	€3.5 Per million gross notional cleared. €3.5 Per million gross notional cleared.	€10 Per million gross notional cleared. €10 Per million gross notional cleared.	$4.5 Per million gross notional cleared. $4.5 Per million gross notional cleared.	$13 Per million gross notional cleared. $13 Per million gross notional cleared.	
Select Member	€250,000 if the total annual gross notional cleared is under €20 billion. €450,000 if the total annual gross notional cleared is over €20 billion.	€4 Per million gross notional cleared.	€10 Per million gross notional cleared.	$5 Per million gross notional cleared.	$13 Per million gross notional cleared.	

OPTIONS TARIFF INCLUDING FEE REBATE

General Member		
Introductory Tariff	Can cover either one or multiple legal entities under conditions below (no Affiliate coverage). In-year switches are not permitted. *No EEP usage fees in 2021.*	
Clearing Fees	$8	per million of option notional on US Indices.
	€8	per million of option notional on European Indices.
Floor on clearing fees	*€115k*	*Per calendar year (no pro-rating) for 1 entity.*
	€150k	*Per calendar year (no pro-rating) for 2 entities of the same Financial Group of a Clearing Member.*
	€190k	*Per calendar year (no pro-rating) for 3 or more entities of the same Financial Group of a Clearing Member.*

[16] 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).

[4] 17 CFR 240.19b–4(f)(2).

OPTIONS TARIFF INCLUDING FEE REBATE—Continued

Unlimited Tariff	Cover all Affiliates of a given Financial Group of a Clearing Member. Cover all clearing fees for Credit Option House activity for both iTraxx and CDX.NA underlying index families. In-year switches are not permitted. *No EEP usage fees in 2021.*	
Fixed fee (annual)	*€375k Per calendar year (no pro-rating).*	
*Discounted Rates**	*€115k if notionals cleared strictly above € 15bn.*	
Onboarding Fees *(both Introductory & unlimited)*	€30k	One-off fee per Legal Entity under the Introductory tariff or per Financial Group of a Clearing Member under the Unlimited tariff.
Select Member		
Introductory Tariff	Cover only one legal entity (no affiliate coverage). In-year switches are not permitted. *No EEP usage fees in 2021.*	
Clearing Fees	$10	per million of option notional on US Indices.
	€10	per million of option notional on European Indices.
Unlimited Tariff	Cover all Affiliates of a given Financial Group of a Clearing Member. Cover all clearing fees for Credit Option House activity for both iTraxx and CDX.NA underlying index families. In-year switches are not permitted. *No EEP usage fees in 2021.*	
Fixed fee (annual)	*€400k*	*Per calendar year (no pro-rating).*
Discounted Rates	*€115k*	*if notionals cleared strictly above € 15bn.*
Onboarding Fees *(both Introductory & unlimited)*	€30k	One-off fee per Legal Entity under the Introductory tariff or per Financial Group of a Clearing Member under the Unlimited tariff.
Clearing Member (Options only)		
Up to €200,000 fee rebate limited to the total amount of Options clearing fees paid in 2021 for the first two Clearing Members clearing Options for at least one client by 31-July-2021.		
Client		
Options Clearing Fees	$5	per million of option notional on US Indices.
	€5	per million of option notional on European Indices.
	2021: Full discount of client variable fees.	

AFFILIATES CLEARING AS CLIENT (ALL PRODUCTS)

Affiliates clearing as Clients	Full rebate on variable clearing fees for the Affiliate of a Clearing Member onboarded as client of such Clearing Member under the following conditions: • The Clearing Member is a General Member under the Unlimited Tariff; • The Affiliate is a legal entity part of the same Financial Group as the Clearing Member; • The rebate applies to 1 trade account per affiliate and for all clearing services for which the Clearing Member is under the Unlimited Tariff (*i.e.,* Index & Single Names and/or Options); • The rebate cannot apply to any account opened for CCM Indirect Clients; and • A fixed annual account fee of €100,000 is charged per affiliate of a Clearing Member onboarded as a client and benefiting from the full rebate on variable fees.

The purpose of the proposed fee changes is for LCH SA CDSClear to take into account the evolution of the CDSClear business and arrangements.

—Regarding the Index and Single Names clearing activity: The proposed fee change reflects the ongoing development and product scope of the CDSClear service with the objective to meet clearing members and clients' expectations, and

—for the Options: The intent is to adjust the fee conditions to the new competitive environment as well as encourage the development of options clearing by clients and new market participants.

Therefore, as specified in the new fee grid attached [sic] under Exhibit 5, LCH SA is proposing to amend the CDSClear fee grid from January 1st, 2022 as follows.

(1) Clearing Fees for Sovereign Index and Single Name CDS [5] Activity

LCH SA CDSClear currently offers an Unlimited Tariff for General Members that covers all self-clearing Corporate and Financials CDS Index and Single Names activity for a Financial Group of a Clearing Member for an annual fixed fee of €1,350,000 (no variable fees).

CDSClear is also offering an Introductory Tariff for General and Select Members that covers all self-clearing corporate and financials CDS index and single names activity.

LCH SA currently treats fees from all indexes differently from fees for single names, reflecting both the difference in client and member activity in the products and the nature of the underlying products. Specifically for sovereigns, the intended list of cleared sovereign names is much wider in scope than purely the constituents of the CDX EM index.

The Proposed Rule Change consists in defining the clearing fees associated to the clearing activity of Sovereign indices and single names under the General Members Unlimited Tariff and Introductory Tariff as well as the Select Members Tariff. This proposed change will be effective once this new clearing activity is duly approved by the relevant regulators.

Under the proposed change, for General Members under the Unlimited Tariff, self-clearing Sovereign indices activity will be included in the scope of the fixed fee of €1,350,000 per year, whereas Sovereign single names will attract variable clearing fees of €10/$13 per million €/$ of notional cleared depending on the currency in which they are denominated.

[5] Subject to regulatory approval.

For General Members under the Introductory Tariff, Select Members as well as Clients, Sovereign indices and single names clearing activity will be charged at the same variable clearing fees currently existing for USD and EUR denominated Corporate and Financial indices and single names.

Finally, in order to build liquidity in the products on the CDSClear service, all General Members, whether under the Unlimited or the Introductory Tariff, will benefit from a fee holiday for their variable fees from self-clearing Sovereign single names clearing activity for 1 year from the product launch date.

(2) Introduction of a New Tariff for the Options Clearing Service

In order to take into account the new competitive environment as well as encourage the development of options clearing by market participants, LCH SA is proposing to create a new tariff called 'New Market Participant Tariff' (NMP), based on variable fees, and to which only members which are new joiners to the Options clearing service will be eligible to subscribe, for one calendar year renewable once only. Under this NMP Tariff, clearing members will be charged €10/$10 per million of optional notional cleared depending on the currency in which the underlying index is denominated. Because New Market Participants do not have to pay the fixed fee, the purpose of this type of tariff is to attract clearing members who are not currently on the option service to join by removing the barrier of the fixed fee, which is payable even if no option notional is cleared. This is also in line with the existing Select Members variable tariff.

(3) Reduction of the Client Clearing Fees for Options, Maintaining the EEP Usage Free of Charge in 2022 and Extension of the Fee Holiday Period

Under the proposed change and based on feedback from the market, the variable clearing fees to be paid by Clients for Options clearing would decrease from €5/$5 to €4/$4 per million of option notional cleared.

LCH SA is maintaining for 2022 the Electronic Exercise Platform (EEP) usage free of charge to promote and encourage option clearing take-up.

LCH SA is also proposing to renew the fee holiday for Clients clearing Options in 2022.

As specified in the filing LCH SA–2020–007,[6] the proposed €200,000 fee rebate limited to the total amount of Options clearing fees paid by a Financial Group of a Clearing Member in 2021 for the first two Clearing Members clearing Options for at least one Client has expired on 31 July 2021 and was duly removed from the updated fee grid.

2. Statutory Basis

Section 17A(b)(3)(D) of the Act requires that the rules of a clearing agency provide for the equitable allocation of reasonable dues, fees, and other charges.[7]

LCH SA believes that its clearing fees change proposal is consistent with the requirements of Section 17A of the Act[8] and the regulations thereunder applicable to it, and in particular provides for the equitable allocation of reasonable fees, dues, and other charges among clearing members and market participants by ensuring that clearing members and clients pay reasonable fees and dues for the services provided by LCH SA, within the meaning of Section 17A(b)(3)(D) of the Act.[9]

Indeed, there's no change on the tariffs on which LCH SA CDSClear has existing activity (*i.e.*, Corporates and Financials Index and Single Names, General Members Unlimited and Introductory tariffs for Index Options). All of the new products being introduced will fall into the scope of the fixed fee for GMs under the Unlimited Tariff, except for Sovereign Single Names for which a one year fee holiday period is offered to both General Members under the Unlimited and the Intro Tariffs.

So, the proposed clearing fees for Sovereign index and single names, are consistent with the existing fees for Corporate and Financial indices and single names for General Members, Select Members as well as Clients. In particular, none of the fixed fee components of the various tariffs are impacted, and the variable fees, where applicable, are the same as the existing ones excepted for Sovereign single names products which are not considered to be part of the unlimited fixed fee that was designed and established prior to LCH SA intending to offer these products. Therefore, subject to regulatory approvals, only variable fees coming from new products being cleared by General Members under the Introductory Tariffs, Select Members and Clients would be new fees collected by LCH SA CDSClear.

Besides, the proposed fee holiday for Sovereign single names self-clearing activity is equivalent and offered to all General Members for 1 year only, in order to help build the dealers' liquidity of the LCH SA CDSClear service for Sovereign CDS which is a critical step for Clients to be able to clear their Sovereign CDS activity as well.

Regarding the Options clearing service, in accordance with the feedback received from the market, the main proposed change is the creation of the New Market Participant Tariff, available to new joiners for a fixed period of time only (maximum 2 years) in order to facilitate the onboarding of new Members with an option market-making business to the LCH SA CDSClear Option clearing service, which in turn is one element that will contribute to Clients clearing their options activity as most if not all of their executing brokers will be able to clear options. New Markets Participants are not paying the fixed fee. As such, LCH SA believes that this new reasonable tariff consistent with Section 17A(b)(3)(D) is designed to encourage Options clearing activity which is also consistent with the prompt and accurate clearance in accordance with Section 17A(b)(3)(F) of the Exchange Act.[10]

A second element that will contribute to growing the options client clearing activity is the renewal of the fee holiday for options clearing fees in 2022. Finally, the decrease in the variable headline clearing fees to be paid by Clients for options will also contribute to the same objective in the longer term.

For all the reasons stated above, LCH SA believes that the proposed fee rates are reasonable and appropriate so that LCH SA can provide the CDSClear services.

B. Clearing Agency's Statement on Burden on Competition

Section 17A(b)(3)(I) of the Act requires that the rules of a clearing agency not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.[11]

LCH SA does not believe that the Proposed Rule Change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act because LCH SA is offering the possibility for CDSClear members and clients to obtain a more appropriate and flexible access to the clearing services. The Proposed

[6] Self-Regulatory Organizations; LCH SA; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to the Amendments of the CDSClear Fee Grid, Release No. 34–90862 (Jan. 6, 2021), 86 FR 2468 (Jan. 12, 2021), File No. SR–LCH SA–2020–007.

[7] 15 U.S.C. 78q–1(b)(3)(D).

[8] 15 U.S.C. 78q–1.

[9] 15 U.S.C. 78q–1(b)(3)(D).

[10] 15 U.S.C. 78q–1(b)(3)(F).

[11] 15 U.S.C. 78q–1(b)(3)(I).

Rule Change would not affect the ability of Clearing Members or other market participants generally to engage in cleared transactions or to access clearing services. Additionally, the clearing fee conditions remain transparent and equally applicable to any category of market participant wishing to access the CDSClear clearing service for all proposed products including those that are not mandatory for clearing.

Further, as explained above, LCH SA believes that the fee rates remain set up at an appropriate level given the costs and expenses to LCH SA in offering the relevant clearing services.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change has become effective upon filing pursuant to Section 19(b)(3)(A)[12] of the Act and Rule 19b–4(f)(2)[13] thereunder because it establishes a fee or other charge imposed by LCH SA on its Clearing Members. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such proposed 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.

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:

- 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–LCH SA–2021–004 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–LCH SA–2021–004. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filings will also be available for inspection and copying at the principal office of LCH SA and on LCH SA's website at *https://www.lch.com/resources/rulebooks/proposed-rule-changes.* 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–LCH SA–2021–004 and should be submitted on or before February 8, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–00751 Filed 1–14–22; 8:45 am]

BILLING CODE 8011–01–P

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(2).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–93953; File No. SR–NSCC–2021–013]

Self-Regulatory Organizations; National Securities Clearing Corporation; Order Approving Proposed Rule Change To Provide for a Passive Acknowledgment Process, Codify Certain Settlement Processes, and Make Technical and Conforming Changes to the NSCC Rules & Procedures

January 11, 2022.

I. Introduction

On November 18, 2021, National Securities Clearing Corporation (''NSCC'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] proposed rule change SR–NSCC–2021–013. The proposed rule change was published for comment in the **Federal Register** on December 8, 2021.[3] The Commission did not receive any comment letters on the proposed rule change. For the reasons discussed below, the Commission is approving the proposed rule change.

II. Description of the Proposed Rule Change

NSCC proposes to modify its Rules and Procedures (''Rules'')[4] in order to (i) provide for a passive acknowledgment process whereby any settling bank that does not timely acknowledge its intention to pay to or collect its settlement balance from NSCC), or refuse to settle for one or more members for which it is the designated settling bank and has not otherwise been in contact with NSCC, would be deemed to have acknowledged its settlement balances, (ii) amend the definition of AIP Settling Bank and remove AIP Settling Bank Only Member as a membership category, (iii) codify certain settlement processes, and (iv) make certain technical and conforming changes.

A. Current Settlement Process

NSCC membership consists of Members that have access to NSCC's guaranteed central counterparty services and Limited Members that have access to NSCC's non-guaranteed services, such as Mutual Fund Services and Alternative Investment Product Services (''AIP'').[5] Limited Members that only have access to AIP are referred to as AIP Members.[6] AIP Non-Member Funds are entities that are not AIP Members but that NSCC has approved to settle AIP Payments.[7]

NSCC provides two separate standardized, automated money settlement processes: (i) End of day settlement for Members and Limited Members other than AIP Members (''EOD Settlement''), and (ii) daily settlement for AIP Members and AIP Non-Member Funds (''AIP

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 93709 (December 2, 2021), 86 FR 69687 (December 8, 2021) (SR–NSCC–2021–013) (''Notice'').

[4] Capitalized terms not defined herein are defined in the Rules, *available at http://www.dtcc.com/legal/rules-and-procedures.*

[5] *See* Section 2 of Rule 2, *supra* note 4.

[6] *Id.*

[7] *See* Rule 53, *supra* note 4. *See also* definition of ''AIP Non-Member Fund'' in Rule 1, *id.*

Settlement'').[8] Each member [9] designates a settling bank [10] to settle its payment obligations with NSCC.[11] Money settlement is effected via the Federal Reserve Banks' National Settlement Service (''NSS'').[12]

The Depository Trust Company (''DTC'') acts as NSCC's Settlement Agent [13] for both EOD Settlement and AIP Settlement. On a daily basis, NSCC calculates settlement payment amounts for EOD Settlement [14] and for AIP Settlement and reports to its members and their respective settling banks, a settlement balance.[15]

Once the settling banks receive the settlement balances, the settling banks must submit [16] either (1) acknowledgment that they will settle their balances with NSCC, or (2) refusal to settle such amount on behalf of one or more of their respective members.[17] The acknowledgment or refusal submission occurs through a designated terminal system.[18] For both EOD Settlement and AIP Settlement, if all of the NSCC Settling Banks submit acknowledgments of their intent to settle, then the Settlement Agent will submit the requisite file to the relevant Federal Reserve Bank (''FRB'') for processing through the NSS.[19]

If settling bank notifies the Settlement Agent that it refuses to pay the settlement balance for a member, then NSCC will exclude that member's settlement balance and the Settlement Agent will provide the settling bank with a new settlement balance that no longer includes the excluded amount. The settling bank must then immediately send a message to the Settlement Agent acknowledging the new amount.[20] The Settlement Agent will then submit the requisite file to the FRB for processing through the NSS.

For EOD Settlement, the current deadline for Settling Banks to acknowledge or refuse net-net settlement balances is the later of 4:15 p.m. or 30 minutes after net-net settlement balances are made available to the Settling Bank.[21] For AIP Settlement, the current deadline is 9:30 a.m. for debit acknowledgment or refusal and is 12:30 p.m. for credit acknowledgment or refusal.[22] If a settling bank does not acknowledge or refuse by the applicable deadline, the Settlement Agent will use the most recent contact information available to contact the settling bank. If the Settlement Agent is unable to make contact or does not receive a response from the settling bank as to the acknowledgment or refusal, NSCC states that it must then determine whether to request an NSS extension while also determining whether to remove the settling bank's settlement balance from the NSS file.[23]

Under the current process, a settling bank's failure to timely respond to the Settlement Agent after the Settlement Agent posts final settlement numbers creates uncertainty with respect to timely completion of settlement at NSCC. NSCC states that it designed the proposed rule change to address this issue, as discussed below.[24]

B. Proposed Rule Change

NSCC proposes to establish an ''Acknowledgment Cutoff Time'' for EOD Settlement and an ''AIP Acknowledgment Cutoff Time'' for AIP Settlement after which NSCC would apply the passive acknowledgment process if it is unable to reach a settling bank. NSCC proposes that, since EOD Settlement is centralized with DTC Settlement,[25] the Acknowledgment Cutoff Time will be the Acknowledgment Cutoff Time established by DTC in its Settlement Service Guide.[26] The ''AIP Acknowledgement Cutoff Time'' would be the later of (i) 30 minutes after the AIP Settling Bank has been notified of its AIP Debit Balance or AIP Credit Balance, and (ii) 30 minutes prior to the settlement deadline established by NSCC.[27]

1. Passive Acknowledgement Process

If a settling bank (i) does not submit either (1) an acknowledgement that it would settle its settlement balance with NSCC, or (2) a refusal to pay the settlement balance, by the Acknowledgement Cutoff Time, and (ii) has not been in contact with the

[8] *See* Section 1 of Rule 12 and Section 7 of Rule 53, *supra* note 4. All AIP money settlement is effected on a gross basis, where on the applicable settlement date, AIP debits are collected first, and then all contra-side credits, where the corresponding debits have been collected, are paid. *See* Section 9 of Rule 55, *supra* note 4.

[9] The use of ''members'' here refers to any participant that is required to appoint a Settling Bank or AIP Settling Bank, which includes Members, Limited Members including AIP Members, and AIP Non-Member Funds. *See* Section 1 of Rule 12 and Section 7(h) of Rule 53, *supra* note 4.

[10] The use of ''settling banks'' here refers collectively to Settling Banks and AIP Settling Banks. Settling Banks settle on behalf of Members and Limited Members with respect to EOD Settlement and AIP Settling Banks settle on behalf of AIP Members and AIP Non-Member Funds with respect to AIP Settlement. *See* Section 1 of Rule 12 and Section 7(g) of Rule 53, *supra* note 4.

[11] *See* Section 1 of Rule 12 and Section 7(h) of Rule 53, *supra* note 4.

[12] *See* Section D.2 of Procedure VIII of NSCC's Rules, *supra* note 4. For a general description of the NSS, *see* National Settlement Service, *available at https://www.frbservices.org/financial-services/national-settlement-service/index.html.*

[13] ''Settlement Agent'' means the bank or trust company that NSCC may, from time to time, designate to act as its agent for purposes of receiving money settlement debit amounts from Settling Banks and participants and paying money settlement credit amounts to Settling Banks and participants. *See* Rule 1, *supra* note 4.

[14] For EOD Settlement, NSCC's settlement process is centralized with DTC's end-of-day money settlement (''DTC Settlement'') through a netting procedure called a cross-endorsement, in which each participant's net debit at one organization is netted against its net credit at the other organization. *See* DTC's Settlement Service Guide, *available at https://www.dtcc.com/~/media/Files/Downloads/legal/service-guides/Settlement.pdf.*

[15] For EOD Settlement, NSCC provides Settling Banks a net-net debit or net-net credit number, where ''net-net'' refers to the end-of-day net-net settlement balance for each Settling Bank that settles on behalf of more than one Member is the net of the net debit and net credit balances of all Members for which that Settling Bank settles, after cross-endorsement with DTC, including the Settling Bank's own settlement obligations as a Member if it settles for itself. *See* Section 2 of Rule 55, *supra* note 4; DTC's Settlement Service Guide, *id.* For AIP Settlement, NSCC provides each AIP Settling Bank an aggregate gross debit number and an aggregate gross credit number with respect to each AIP Member or AIP Non-Member Fund on whose behalf it settles. *See* Section 9 of Rule 55, *supra* note 4.

[16] NSCC represents that, pursuant to its settlement procedures, AIP Settling Banks must affirmatively acknowledge or refuse to settle in the same manner as Settling Banks. *See* Notice, *supra* note 3, at 69688.

[17] A Settling Bank that is a Member and settles solely for its own accounts may opt out of the requirement to acknowledge its settlement balances, which NSCC states is an operational convenience because the Settling Bank may not refuse to settle for itself. *See* Section D.1 of Procedure VIII, *supra* note 4; Notice, *supra* note 3, at 69690 (representing that because Members are required to also be DTC participants, the Settling Bank Member would be subject to DTC's rules, which prohibit a Settling Bank from refusing to settle for itself). The passive acknowledgment process would not apply to such NSCC Settling Banks that have chosen to opt out of the requirement to acknowledge its settlement balances. *See* Notice, *supra* note 3, at 69690.

[18] *See* Section D of Procedure VIII of NSCC's Rules, *supra* note 4.

[19] *See* Section D.2 of Procedure VIII of NSCC's Rules, *supra* note 4.

[20] *See* Section D.1 of Procedure VIII of NSCC's Rules, *supra* note 4.

[21] The net-net settlement balances are made available at approximately 3:45 p.m., and the NSS execution time for EOD Settlement is 4:30 p.m. *See* DTC's Settlement Service Guide, *supra* note 14.

[22] NSCC has posted AIP Settlement times on its website, which provide that AIP Settling Banks first pay debits to NSCC at approximately 11 a.m., and then NSCC pays credits to AIP Settling Banks at approximately 2 p.m. *See* NSCC's Transaction Flows (as of 2021–01), *available at https://www.dtcc.com/wealth-management-services/alternative-investment-products/aip.*

[23] *See* Notice, *supra* note 3, at 69689.

[24] *See id.*

[25] *See supra* note 13.

[26] *See* DTC's Settlement Service Guide, *supra* note 14. *See also supra* text accompanying note 21.

[27] *See supra* note 22 and accompanying text. NSCC also proposes to add a statement to its Rules that it would post the settlement deadlines for AIP Settlement on the NSCC website as it currently does.

Settlement Agent,[28] then the Settlement Agent would attempt to contact the settling bank. This passive acknowledgement process would also apply in situations where the settling bank receives a new settlement balance after such settling bank's refusal to pay a settlement balance for one or more members. Additionally, to facilitate the Settlement Agent's ability to contact settling banks, NSCC proposes to revise the Rules to state that each settling bank must ensure that it maintains accurate contact details with the Settlement Agent so that the Settlement Agent may contact the settling bank regarding this settlement process and any settlement issues.

If the settling bank cannot be reached, then the settling bank would be deemed to have acknowledged that it will settle such settlement amounts with NSCC. The settling bank's settlement balance will then, in the ordinary course of settlement processing, be debited from or credited to its FRB account through the NSS process along with the other settling banks.

2. Definition of ''AIP Settling Bank''

NSCC proposes to amend the definition of AIP Settling Bank to mirror the definition of Settling Bank and remove AIP Settling Bank Only Member as a membership category. NSCC represents that, since the inception of AIP, there have been no AIP Members that have acted as AIP Settling Banks and there have been no entities that have become AIP Settling Bank Only Members.[29] In addition, NSCC proposes to maintain a list of Members and Settling Bank Only Members that have agreed to act as AIP Settling Banks.

3. Certain Settlement Processes

NSCC proposes to retain its discretion to remove the settling bank's settlement balance from the NSS file if: (1) Passive acknowledgement does not apply because the settling bank has notified the Settlement Agent that it cannot yet acknowledge or refuse its settlement balance, and (2) the payment deadline (*i.e.,* the time by which it must execute settlement via the NSS)[30] established by NSCC is approaching. According to NSCC, its discretion in this circumstance would facilitate timely processing of the NSS file for the other settling banks.[31]

In addition, NSCC proposes to codify in its Rules certain AIP Settlement procedures, which mirror EOD Settlement procedures.[32] NSCC will maintain that (i) DTC will act as Settlement Agent for NSCC and the AIP Settling Banks, and (ii) the AIP acknowledgment[33] or refusal submission will occur through a designated terminal system.[34] NSCC will also maintain that AIP Settling Bank that cannot send an acknowledgment or refusal message may contact the Settlement Agent and instruct the Settlement Agent to act on its behalf.

4. Technical and Conforming Changes

NSCC proposes to make certain technical and conforming changes to the Rules to enhance clarity. First, NSCC proposes to revise the Rules to add new defined terms, including (i) ''Acknowledgment Cutoff Time,'' (ii) ''AIP Acknowledgment Cutoff Time,'' (iii) ''FRB,'' (iv) ''FRBNY,'' (v) ''Settlement Balances,'' and (vi) ''Settlement Members.''[35] Second, NSCC proposes to revise certain terms to reflect the appropriate existing defined term, including ''AIP Debit Balance,'' ''AIP Credit Balance,'' and ''AIP Refusal.''[36] Third, NSCC proposes to replace certain references to the ''Corporation'' with ''Settlement Agent'' for accuracy and consistency and to clarify the role of the Settlement Agent under the relevant Rules.[37] Fourth, NSCC proposes to add ''or the Settlement Agent'' in certain provisions to clarify to role of both NSCC and the Settlement Agent in establishing settlement procedures.[38] In addition, NSCC proposes to remove outdated references to NSCC, the telephone, and a phone number to reflect the current process in which the settling bank may contact the Settlement Agent and to move certain current subsections and to revise the subsection numbers in the relevant Rules to enhance clarity and accuracy.[39]

III. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act[40] directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to such organization. After careful consideration, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to NSCC. In particular, the Commission finds that the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act[41] for the reasons described below.

Section 17A(b)(3)(F) of the Act requires, in part, that the rules be designed to promote the prompt and accurate clearance and settlement of securities transactions.[42] As stated in Section II.A (Background) above, the failure of a settling bank to timely acknowledge that it will settle its settlement balance with NSCC or refuse to pay its settlement balance creates uncertainty with respect to the timely completion of EOD Settlement and AIP Settlement at NSCC. Additionally, as discussed in Section II.B.3 (Certain Settlement Processes) above, circumstances in which a settling bank has notified the Settlement Agent that it cannot yet acknowledge or refuse its settlement balance could create uncertainty with respect to the timely completion of EOD Settlement and AIP Settlement at NSCC via NSS because NSCC would not be able to submit the NSS file that includes the balance of the settling bank that has neither passively nor affirmatively acknowledged its settlement balance.

The introduction of a passive acknowledgement process, in which a settling bank has not responded by the Acknowledgment Cutoff Time or the AIP Acknowledgment Cutoff Time and cannot be reached by the Settlement Agent would be deemed to have passively acknowledged its settlement balance, could enhance settlement certainty because it would allow NSCC to submit the NSS file for settlement of all settling banks' obligations despite an unresponsive settling bank. Additionally, the change to allow NSCC to exclude a settling bank's balance from the NSS file, where the settling bank has notified the Settlement Agent that it cannot yet acknowledge or refuse its settlement balance, would allow NSCC

[28] Passive acknowledgment will not apply if the Settling Bank has notified the Settlement Agent that it cannot yet acknowledge or refuse its settlement balance.

[29] *See* Notice, *supra* note 3, at 69691.

[30] *See supra* notes 21–22.

[31] *See* Notice, *supra* note 3, at 69693.

[32] *See supra* note 16.

[33] This requirement will also apply to an AIP Settling Bank's acknowledgment of new settlement balances following an initial refusal.

[34] *See supra* text accompanying note 18.

[35] *See* Notice, *supra* note 3, at 69691–93.

[36] *See id.* at 69692–93.

[37] *See id.*

[38] *See id. See also,* Notice cited *supra* note 17 Notice, *supra* note 3, at 69690 (representing that because Members are required to also be DTC participants, the Settling Bank Member would be subject to DTC's rules, including its settlement procedures).

[39] *See id.* at 69692–93.

[40] 15 U.S.C. 78s(b)(2)(C).

[41] 15 U.S.C. 78q–1(b)(3)(F).

[42] *Id.*

to submit the NSS file without the settling bank's balance and thus complete EOD Settlement or AIP Settlement, as applicable, for all other settling banks. Therefore, the Commission believes the changes are designed to promote the prompt and accurate clearance and settlement of securities transactions, consistent with Section 17A(b)(3)(F) of the Act.[43]

Further, as discussed throughout Section II.B (Proposed Rule Change) above, the proposal to amend the definition of AIP Settling Bank and remove AIP Settling Bank Only Members as a membership category, codify certain existing AIP settlement processes, and make certain technical and conforming changes should ensure that the Rules are clear and accurate to NSCC's members. Having clear and accurate Rules should facilitate NSCC members' understanding of those rules and provide members with increased predictability and certainty regarding their obligations. Therefore, the Commission believes the proposed changes would also promote the prompt and accurate clearance and settlement of securities, consistent with Section 17A(b)(3)(F) of the Act.[44]

IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act and, in particular, with the requirements of Section 17A of the Act[45] and the rules and regulations promulgated thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act[46] that proposed rule change SR–NSCC–2021–013, be, and hereby is, *approved*.[47]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[48]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–00774 Filed 1–14–22; 8:45 am]

BILLING CODE 8011–01–P

[43] *Id.*

[44] *Id.*

[45] 15 U.S.C. 78q–1.

[46] 15 U.S.C. 78s(b)(2).

[47] In approving the proposed rule change, the Commission considered the proposals' impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[48] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–93951; File No. SR–PEARL–2021–60]

Self-Regulatory Organizations; MIAX PEARL, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the MIAX Pearl Options Fee Schedule

January 11, 2022.

Pursuant to the provisions of 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 December 29, 2021, MIAX PEARL, LLC (''MIAX Pearl'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend the MIAX Pearl Options Fee Schedule (the ''Fee Schedule'') to reflect adjustments to the Financial Industry Regulatory Authority (''FINRA'') Registration Fees.[3]

While the changes proposed herein are effective upon filing, the Exchange has designated the amendments to become operative on January 2, 2022.[4]

The text of the proposed rule change is available on the Exchange's website at *http://www.miaxoptions.com/rule-filings/pearl* at MIAX Pearl's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Section 2)c) of the Fee Schedule, Web CRD Fees, to reflect adjustments to the FINRA Registration Fees.[5] The FINRA fees are collected and retained by FINRA via Web Central Registration Depository (''CRD'') for the registration of associated persons of MIAX Pearl Electronic Exchange Member[6] and Market Maker[7] organizations that are not also FINRA members (''Non-FINRA members'').[8] The Exchange merely lists these fees in its Fee Schedule. The Exchange does not collect or retain these fees.

Since February 13, 2017, FINRA has assessed, and the Exchange has listed in its Fee Schedule, a $100 fee for the FINRA CRD processing fee.[9] This fee is for all initial, transfer, relicense, and dual registration Form U4 filings.[10] This fee is assessed when a non-FINRA firm (*i.e.,* a firm that is not a member of FINRA) submits its first initial, transfer, relicense, or dual registration Form U4 filing on behalf of a registered person.[11]

The Exchange now proposes to amend, under the General Registration Fees in Section 2)c) of the Fee Schedule, the FINRA CRD Processing Fee from $100 to $125 for each initial Form U4 filed for the registration of a representative or principal. This amendment is made in accordance with a recent FINRA rule change to adjust its fees.[12]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Fee Schedule, Section 2)c).

[4] *See* Securities Exchange Act Release No. 90176 (October 14, 2020), 85 FR 66592 (October 20, 2020) (SR–FINRA–2020–032) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Adjust FINRA Fees to Provide Sustainable Funding for FINRA's Regulatory Mission).

[5] *Id.*

[6] ''Electronic Exchange Member'' means the holder of a Trading Permit who is a Member representing as agent Public Customer Orders or Non-Customer Orders on the Exchange and those non-Market Maker Members conducting proprietary trading. Electronic Exchange Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100.

[7] ''Market Makers'' means a Member registered with the Exchange for the purpose of making markets in options contracts traded on the Exchange and that is vested with the rights and responsibilities specified in Chapter VI of these Rules. *See* Exchange Rule 100.

[8] *See* Securities Exchange Act Release No. 80061 (February 17, 2017), 82 FR 11676 (February 24, 2017) (SR–PEARL–2017–10).

[9] *See id.*

[10] *Id.*

[11] *Id.*

[12] *Id.* FINRA operates Web CRD, the central licensing and registration system for the U.S. securities industry. FINRA uses Web CRD to

Continued

The FINRA fees are collected and retained by FINRA via Web CRD for the registration of employees of the Exchange who are Non-FINRA members. The FINRA Web CRD Fees are user-based, and there is no distinction in the cost incurred by FINRA if the user is a FINRA member or a Non-FINRA member. Accordingly, the proposed fees mirror those currently assessed by FINRA. The Exchange merely lists these fees in its Fee Schedule. The Exchange does not collect or retain these fees.

Implementation

The proposed rule change will become operative on January 2, 2022.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[13] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[14] 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)[15] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes it is reasonable to increase the $100 fee for each initial Form U4 filed for the registration of a representative or principal to $125 in accordance with an adjustment to FINRA's fees. The Exchange's rule text will reflect the current registration rate that will be assessed by FINRA as of January 2, 2022. The proposed fee change is identical to that adopted by FINRA for use of Web CRD for the registration of FINRA members and their associated persons. These costs are borne by FINRA when a Non-FINRA member uses Web CRD.

The Exchange believes that its proposal to increase the $100 fee for each initial Form U4 filed for the registration of a representative or principal to $125 is equitable and not unfairly discriminatory as the amendment will reflect the current fee that will be assessed by FINRA to all members who require Form U4 filings as of January 2, 2022. Further, the proposal is also equitable and not unfairly discriminatory because the Exchange will not be collecting or retaining these fees; therefore, the Exchange will not be in a position to apply them in an inequitable or unfairly discriminatory manner. The proposed rule change was based on recent fee adjustments currently assessed by FINRA.[16] Thus, the proposed change does not raise any new or novel issues. For these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that its proposal to increase the $100 fee for each initial Form U4 filed for the registration of a representative or principal to $125 does not impose an undue burden on competition as the amendment will reflect the current fee that will be assessed by FINRA to all members who require Form U4 filings as of January 2, 2022. Further, the proposal does not impose an undue burden on competition because the Exchange will not be collecting or retaining these fees; therefore, the Exchange will not be in a position to apply them in an inequitable or unfairly discriminatory manner.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,[17] and Rule 19b–4(f)(2)[18] 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 shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email *to rule-comments@sec.gov.* Please include File Number SR–PEARL–2021–60 on the subject line.

Paper Comments

- Send paper comments in triplicate to Vanessa Countryman, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–PEARL–2021–60. 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; the Commission does not edit personal

maintain the qualification, employment and disciplinary histories of registered associated persons of broker-dealers. FINRA noted in its rule change that it was adjusting its fees to provide sustainable funding for FINRA's regulatory mission.

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(5).

[15] *Id.*

[16] *See supra* note 4.

[17] 15 U.S.C. 78s(b)(3)(A)(ii).

[18] 17 CFR 240.19b–4(f)(2).

identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–PEARL–2021–60 and should be submitted on or before February 8, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–00773 Filed 1–14–22; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 2:00 p.m. on Thursday, January 20, 2021.

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: January 13, 2022.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2022–00920 Filed 1–13–22; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–93949; File No. SR–MEMX–2021–21]

Self-Regulatory Organizations; MEMX LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Exchange's Fee Schedule

January 11, 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 December 30, 2021, MEMX LLC (''MEMX'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the 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 is filing with the Commission a proposed rule change to amend the Exchange's fee schedule applicable to Members[3] (the ''Fee Schedule'') pursuant to Exchange Rules 15.1(a) and (c). The Exchange proposes to implement the changes to the Fee Schedule pursuant to this proposal on January 3, 2022. The text of the proposed rule change is provided in Exhibit 5.

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 purpose of the proposed rule change is to amend the Fee Schedule to: (i) Reduce the standard rebate for executions of orders in securities priced at or above $1.00 per share that add displayed liquidity to the Exchange (such orders, ''Added Displayed Volume''); (ii) modify the Liquidity Provision Tiers by reducing the rebate for executions of Added Displayed Volume and modifying the required criteria under Liquidity Provision Tier 1, modifying the required criteria under Liquidity Provision Tier 2, and adopting a new Liquidity Provision Tier 3; (iii) modify Liquidity Removal Tier 1 by increasing the fee for executions of orders in securities priced at or above $1.00 per share that remove liquidity from the Exchange (such orders, ''Removed Volume'') and modifying the required criteria under such tier; (iv) modify the Displayed Liquidity Incentive (''DLI'') Tiers by reducing the rebates for executions of Added Displayed Volume under DLI Tiers 1 and 2 and adopting a new additive rebate for executions of Added Displayed Volume applicable to DLI Tiers 1 and 2; and (v) modify the Exchange's pricing for executions of orders in securities priced below $1.00 per share that remove liquidity from the Exchange (such orders, ''Removed Sub-Dollar Volume'') and orders in securities priced below $1.00 per share that add non-displayed liquidity to the Exchange (such orders, ''Added Non-Displayed Sub-Dollar Volume'').

The Exchange first notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. More specifically, the Exchange is only one of 16 registered equities exchanges, as well as a number of alternative trading systems and other off-exchange venues, to which market participants may direct their order flow. Based on publicly available information, no single registered equities exchange currently

[19] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Exchange Rule 1.5(p).

has more than approximately 17% of the total market share of executed volume of equities trading.[4] Thus, in such a low-concentrated and highly competitive market, no single equities exchange possesses significant pricing power in the execution of order flow, and the Exchange currently represents approximately 4% of the overall market share.[5] The Exchange in particular operates a ''Maker-Taker'' model whereby it provides rebates to Members that add liquidity to the Exchange and charges fees to Members that remove liquidity from the Exchange. The Fee Schedule sets forth the standard rebates and fees applied per share for orders that add and remove liquidity, respectively. Additionally, in response to the competitive environment, the Exchange also offers tiered pricing, which provides Members with opportunities to qualify for higher rebates or lower fees where certain volume criteria and thresholds are met. Tiered pricing provides an incremental incentive for Members to strive for higher tier levels, which provides increasingly higher benefits or discounts for satisfying increasingly more stringent criteria.

Reduced Standard Rebate for Added Displayed Volume

Currently, the Exchange provides a standard rebate of $0.0028 per share for executions of Added Displayed Volume. The Exchange now proposes to reduce the standard rebate for executions of Added Displayed Volume to $0.0022 per share.[6] The purpose of reducing the standard rebate for executions of Added Displayed Volume is for business and competitive reasons, as the Exchange believes that the reduction of such rebate would decrease the Exchange's expenditures with respect to its transaction pricing in a manner that is still consistent with the Exchange's overall pricing philosophy of encouraging added displayed liquidity. The Exchange notes that despite the reduction proposed herein, the proposed standard rebate for executions of Added Displayed Volume (*i.e.,* $0.0022 per share) remains higher than, and competitive with, the standard rebates provided by other exchanges for executions of orders in securities priced at or above $1.00 per share that add displayed liquidity.[7]

Liquidity Provision Tiers

The Exchange currently offers Liquidity Provision Tiers in which qualifying Members are provided an enhanced rebate for executions of Added Displayed Volume by achieving certain specified volume criteria. Now, the Exchange proposes to modify its Liquidity Provision Tiers by reducing the rebate for executions of Added Displayed Volume and modifying the required criteria under Liquidity Provision Tier 1, modifying the required criteria under Liquidity Provision Tier 2, and adopting a new Liquidity Provision Tier 3.

First, the Exchange proposes to reduce the rebate for executions of Added Displayed Volume under Liquidity Provision Tier 1 from $0.00335 per share to $0.00325 per share.[8] The Exchange believes that the proposed rebate represents only a modest decrease from the current rebate provided for executions of Added Displayed Volume under Liquidity Provision Tier 1. The purpose of reducing the enhanced rebate for executions of Added Displayed Volume under Liquidity Provision Tier 1 is for business and competitive reasons, as the Exchange believes the reduction of such rebate would decrease the Exchange's expenditures with respect to its transaction pricing in a manner that is still consistent with the Exchange's overall pricing philosophy of encouraging added displayed liquidity. The Exchange also proposes to modify the required criteria under Liquidity Provision Tier 1. Currently, a Member qualifies for Liquidity Provision Tier 1 by achieving an ADAV[9] of at least 0.20% of the TCV.[10] Now, the Exchange proposes to modify this required criteria such that a Member would now qualify for Liquidity Provision Tier 1 by achieving an ADAV of at least 0.25% of the TCV. Thus, such proposed change would increase the ADAV threshold, which is designed to encourage Members to maintain or increase their orders that add liquidity on the Exchange. The Exchange believes that the tier, as proposed, would further incentivize increased order flow to the Exchange, thereby promoting price discovery and contributing to a deeper and more liquid market to the benefit of all market participants.

Next, the Exchange proposes to modify the required criteria under Liquidity Provision Tier 2. Currently, a Member qualifies for Liquidity Provision Tier 2 by achieving an ADAV that is greater than or equal to 0.10% of the TCV. Now, the Exchange proposes to modify this required criteria such that a Member would now qualify for Liquidity Provision Tier 2 by achieving either: (1) An ADAV of at least 0.20% of the TCV; or (2) a Step-Up ADAV[11] from December 2021 of at least 0.05% of the TCV. Thus, such proposed changes would increase the ADAV threshold and provide an alternative Step-Up ADAV threshold that a Member may choose to achieve in order to qualify for Liquidity Provision Tier 2 that is based on such Member increasing its ADAV above its December 2021 ADAV, each of which is designed to encourage Members to maintain or increase their orders that add liquidity on the Exchange. The Exchange believes that the tier, as proposed, would further incentivize increased order flow to the Exchange, thereby promoting price discovery and contributing to a deeper

[4] Market share percentage calculated as of December 29, 2021. The Exchange receives and processes data made available through consolidated data feeds (*i.e.,* CTS and UTDF).

[5] *Id.*

[6] This proposed standard pricing for executions of Added Displayed Volume is referred to by the Exchange on the Fee Schedule under the existing description ''Added displayed volume'' with a Fee Code of ''B'', ''D'' or ''J'', as applicable.

[7] *See, e.g.,* the NYSE Arca, Inc. equities trading fee schedule on its public website (available at *https://www.nyse.com/publicdocs/nyse/markets/nyse-arca/NYSE_Arca_Marketplace_Fees.pdf*), which reflects a standard rebate of $0.0020 per share for executions of orders in securities priced at or above $1.00 per share that add displayed liquidity; the Cboe BZX Exchange, Inc. (''Cboe BZX'') equities trading fee schedule on its public website (available at *https://www.cboe.com/us/equities/membership/fee_schedule/bzx/*), which reflects a standard rebate of $0.0018 per share for executions of orders in securities priced at or above $1.00 per share that add displayed liquidity; the Nasdaq Stock Market LLC Price List—Trading Connectivity (available at *http://nasdaqtrader.com/Trader.aspx?id=PriceListTrading2*), which reflects a standard rebate of $0.0020 per share for executions of orders in Tape A and Tape B securities priced at or above $1.00 per share that add displayed liquidity and a standard rebate of $0.0015 per share for executions of orders in Tape C securities priced at or above $1.00 per share that add displayed liquidity.

[8] The proposed pricing for Liquidity Provision Tier 1 is referred to by the Exchange on the Fee Schedule under the existing description ''Added displayed volume, Liquidity Provision Tier 1'' with a Fee Code of ''B1'', ''D1'' or ''J1'', as applicable, to be provided by the Exchange on the monthly invoices provided to Members. The Exchange notes that because the determination of whether a Member qualifies for a certain pricing tier for a particular month will not be made until after the month-end, the Exchange will provide the Fee Codes otherwise applicable to such transactions on the execution reports provided to Members during the month and will only designate the Fee Codes applicable to the achieved pricing tier on the monthly invoices, which are provided after such determination has been made, as the Exchange does for its tier-based pricing today.

[9] As set forth on the Fee Schedule, ''ADAV'' means the average daily added volume calculated as the number of shares added per day, which is calculated on a monthly basis.

[10] As set forth on the Fee Schedule, ''TCV'' means total consolidated volume calculated as the volume reported by all exchanges and trade reporting facilities to a consolidated transaction reporting plan for the month for which the fees apply.

[11] As set forth on the Fee Schedule, ''Step-Up ADAV'' means ADAV in the relevant baseline month subtracted from current ADAV.

and more liquid market to the benefit of all market participants. The Exchange does not propose to change the pricing under Liquidity Provision Tier 2.

Additionally, the Exchange is proposing to adopt a new Liquidity Provision Tier 3 in which it would provide an enhanced rebate of $0.0027 per share for executions of Added Displayed Volume for Members that qualify by achieving an ADAV of at least 0.05% of the TCV.[12] The Exchange proposes to provide Members that qualify for Liquidity Provision Tier 3 a rebate of 0.05% of the total dollar value of the transaction for executions of orders in securities priced below $1.00 per share that add displayed liquidity to the Exchange, which is the same rebate that is applicable to such executions for all Members. The proposed Liquidity Provision Tier 3 is designed to encourage Members to maintain or increase their orders that add liquidity on the Exchange in order to qualify for an enhanced rebate for executions of Added Displayed Volume, which, in turn, the Exchange believes would encourage the submission of additional Added Displayed Volume to the Exchange, thereby promoting price discovery and contributing to a deeper and more liquid market to the benefit of all market participants. Further, the proposed new Liquidity Provision Tier 3 would provide Members that would not qualify for Liquidity Provision Tiers 1 and 2 with an opportunity to still qualify for an enhanced rebate for executions of Added Displayed Volume in a manner that, coupled with the higher enhanced rebates provided under Liquidity Provision Tiers 1 and 2, as described above, provides increasingly higher benefits for satisfying increasingly more stringent criteria.

Liquidity Removal Tier 1

Currently, the Exchange charges a standard fee of $0.0029 per share for executions of Removed Volume. The Exchange also currently offers Liquidity Removal Tier 1 in which qualifying Members are charged a lower fee of $0.0027 per share for executions of Removed Volume by achieving either: (1) A Step-Up ADAV from October 2021 of at least 0.05% of the TCV; or (2) an ADV of at least 0.55% of the TCV. Now, the Exchange proposes to increase the fee charged for executions of Removed Volume under such tier and modify the required criteria under such tier. Specifically, the Exchange proposes to charge a fee of $0.0028 per share for executions of Removed Volume for Members that qualify for Liquidity Removal Tier 1 by achieving either: (1) An ADAV of at least 0.50% of the TCV; or (2) an ADV of at least 0.70% of the TCV.

The Exchange believes that the proposed fee represents only a modest increase from the current fee charged for executions of Removed Volume under Liquidity Removal Tier 1. The purpose of increasing such fee is for business and competitive reasons, as the Exchange believes that increasing such fee would generate additional revenue to offset some of the costs associated with the Exchange's current transaction pricing structure, which provides various rebates for liquidity-adding orders, and the Exchange's operations generally, in a manner that is still consistent with the Exchange's overall pricing philosophy of encouraging added liquidity. The Exchange notes that the proposed changes to the required criteria under Liquidity Removal Tier 1 would replace the current Step-Up ADAV threshold with an ADAV threshold that is not based on a Member's ADAV from a prior month (but that is a higher percentage of the TCV) and would increase the alternative ADV threshold. Thus, the purpose of the proposed changes to the required criteria is to encourage Members to maintain or increase their order flow to the Exchange. The Exchange believes that the tier, as proposed, would further incentivize increased order flow to the Exchange, thereby promoting price discovery and contributing to a deeper and more liquid market to the benefit of all market participants.

The Exchange notes that it is also proposing to change the fee charged under Liquidity Removal Tier 1 for executions of Removed Sub-Dollar Volume, as further described below.

DLI Tiers and DLI Additive Rebate

The Exchange currently offers DLI Tiers 1 and 2 in which qualifying Members are provided an enhanced rebate for executions of Added Displayed Volume. The DLI Tiers are designed to encourage Members, through the provision of such enhanced rebates for executions of Added Displayed Volume, to promote price discovery and market quality by quoting at the NBBO for a significant portion of each day in a large number of securities, generally, and in a targeted group of securities (*i.e.,* the DLI Target Securities), in particular, thereby benefitting the Exchange and investors by providing improved trading conditions for all market participants through narrower bid-ask spreads and increased depth of liquidity available at the NBBO in a broad base of securities, including the DLI Target Securities specifically, and committing capital to support the execution of orders.[13] Now, the Exchange proposes to modify its DLI Tiers by reducing the rebates for executions of Added Displayed Volume under DLI Tiers 1 and 2 and adopting a new additive rebate for executions of Added Displayed Volume applicable to DLI Tiers 1 and 2.

First, the Exchange proposes to reduce the rebates for executions of Added Displayed Volume under DLI Tiers 1 and 2. Currently, the Exchange provides enhanced rebates of $0.0035 per share under DLI Tier 1 and $0.0034 per share under DLI Tier 2 for executions of Added Displayed Volume for Members that qualify for such tiers.[14] Now, the Exchange proposes to reduce the rebate provided under DLI Tier 1 to $0.0033 per share and the rebate provided under DLI Tier 2 to $0.0031 per share. The Exchange is not proposing to modify the required criteria for a Member to qualify for DLI Tier 1 or DLI Tier 2, nor is the Exchange proposing to change the rebates provided under such tiers for executions of orders in securities priced below $1.00 per share that add displayed liquidity to the Exchange. The purpose of reducing the enhanced rebates provided under DLI Tiers 1 and 2 for executions of Added Displayed Volume is for business and competitive reasons, as the Exchange believes the reduction of such rebates would decrease the Exchange's expenditures with respect to the Exchange's transaction pricing in a manner that is still consistent with the Exchange's overall pricing philosophy of encouraging added liquidity and promoting the price discovery and market quality objectives of the DLI Tiers.

The Exchange also proposes to revise the ''Displayed Liquidity Incentive Tiers'' heading on the Fee Schedule to read ''Displayed Liquidity Incentive

[12] The proposed pricing for Liquidity Provision Tier 3 is referred to by the Exchange on the Fee Schedule under the new description ''Added displayed volume, Liquidity Provision Tier 3'' with a Fee Code of ''B3'', ''D3'' or ''J3'', as applicable.

[13] *See* the Exchange's Fee Schedule (available at *https://info.memxtrading.com/fee-schedule/*) for additional details regarding the Exchange's DLI Tiers and DLI Target Securities. *See also* Securities Exchange Act Release No. 92150 (June 10, 2021), 86 FR 32090 (June 16, 2021) (SR–MEMX–2021–07) (notice of filing and immediate effectiveness of fee changes adopted by the Exchange, including the adoption of DLI).

[14] The pricing for DLI Tier 1 is referred to by the Exchange on the Fee Schedule under the description ''Added displayed volume, DLI Tier 1'' with a Fee Code of ''Bq1'', ''Bq1'' or ''Jq1'', as applicable. The pricing for DLI Tier 2 is referred to by the Exchange on the Fee Schedule under the description ''Added displayed volume, DLI Tier 2'' with a Fee Code of ''Bq2'', ''Dq2'' or ''Jq2'', as applicable.

(DLI) Tiers'' (*i.e.,* to include the ''DLI'' abbreviation in a parenthetical) so that it is clear that references to ''DLI'' on the Fee Schedule are references to the Displayed Liquidity Incentive.

Additionally, the Exchange is proposing to adopt a new additive rebate for executions of Added Displayed Volume applicable to DLI Tiers 1 and 2 (the ''DLI Additive Rebate''). Specifically, the proposed DLI Additive Rebate would provide an additive rebate of $0.0001 per share that is in addition the otherwise applicable rebate under DLI Tier 1 or DLI Tier 2 for a qualifying Member's executions of Added Displayed Volume.[15] As proposed, a Member that qualifies for DLI Tier 1 would qualify for the DLI Additive Rebate if such Member has an ADAV of at least 0.30% of the TCV, and a Member that qualifies for DLI Tier 2 would qualify for the DLI Additive Rebate if such Member has an ADAV of at least 0.10% of the TCV.[16] The Exchange notes that the DLI Additive Rebate would only apply to executions of Added Displayed Volume that would otherwise receive the rebate applicable under DLI Tier 1 or DLI Tier 2.[17] The purpose of the proposed DLI Additive Rebate is to encourage Members that consistently quote at the NBBO on the Exchange (*i.e.,* Members that qualify for DLI Tier 1 or DLI Tier 2) to also maintain or increase their orders that add liquidity on the Exchange in order to qualify for an additive rebate for executions of Added Displayed Volume, which, in turn, the Exchange believes would encourage the submission of additional Added Displayed Volume to the Exchange, thereby promoting price discovery and contributing to a deeper and more liquid market to the benefit of all market participants. The Exchange notes that the proposed DLI Additive Rebate is comparable to other volume-based incentives and discounts, which have been widely adopted by exchanges, including the Exchange, such as pricing tiers that provide a supplemental incentive for firms that achieve a specified volume threshold.[18]

Pricing for Certain Sub-Dollar Volume

Currently, the Exchange charges a standard fee of 0.05% of the total dollar value of the transaction for executions of Removed Sub-Dollar Volume, which is the same fee that is applicable to all Members (including those that qualify for Liquidity Removal Tier 1). Now, the Exchange proposes to increase the standard fee charged to all Members (including those that qualify for Liquidity Removal Tier 1) for executions of Removed Sub-Dollar Volume to 0.25% of the total dollar value of the transaction.[19] The purpose of increasing the standard fee for executions of Removed Sub-Dollar Volume is for business and competitive reasons, as the Exchange believes that increasing such fee would generate additional revenue to offset some of the costs associated with the Exchange's current transaction pricing structure, which provides various rebates for liquidity-adding orders, and the Exchange's operations generally, in a manner that is still consistent with the Exchange's overall pricing philosophy of encouraging added liquidity. The Exchange notes that despite the increase proposed herein, the proposed standard fee for executions of Removed Sub-Dollar Volume (*i.e.,* 0.25% of the total dollar value of the transaction) remains lower than, and competitive with, the standard fee charged by at least one other equity exchange for executions of orders in securities priced below $1.00 per share that remove liquidity.[20]

Currently, the Exchange provides a standard rebate of 0.05% of the total dollar value of the transaction for executions of orders (including Midpoint Peg orders) of Added Non-Displayed Sub-Dollar Volume. Now, the Exchange proposes to modify this standard pricing to provide for free executions of orders (including Midpoint Peg orders) of Added Non-Displayed Sub-Dollar Volume.[21] The purpose of eliminating the standard rebate for executions of orders (including Midpoint Peg orders) of Added Non-Displayed Sub-Dollar Volume is for business and competitive reasons, as the Exchange believes the elimination of such rebate would decrease the Exchange's expenditures with respect to the Exchange's transaction pricing in a manner that is still consistent with the Exchange's overall pricing philosophy of encouraging added displayed liquidity. The Exchange notes that multiple other equities exchanges currently provide standard pricing of free executions of orders in securities priced below $1.00 per share that add non-displayed liquidity.[22]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[23] in general, and with Sections 6(b)(4) and 6(b)(5) of the Act,[24] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities and is not designed to permit unfair

[15] This proposed pricing is referred to by the Exchange on the Fee Schedule under the new description ''DLI Additive Rebate'' with a Fee Code of ''Y'' to be appended to the otherwise applicable Fee Code for qualifying executions (which include Fee Codes ''Bq1'', ''Dq1'', ''Jq1'', ''Bq1X'', ''Dq1X'', ''Jq1X'', ''Bq2'', ''Dq2'', ''Jq2'', ''Bq2X'', ''Dq2X'', ''Jq2X'').

[16] Thus, a Member that qualifies for DLI Tier 1 and the DLI Additive Rebate applicable to DLI Tier 1 (by achieving an ADAV of at least 0.30% of the TCV) would receive a rebate of $0.0034 per share (which is the proposed $0.0033 per share rebate under DLI Tier 1, as described above, plus the $0.0001 per share DLI Additive Rebate) for executions of Added Displayed Volume, and a Member that qualifies for DLI Tier 2 and the DLI Additive Rebate applicable to DLI Tier 2 (by achieving an ADAV of at least 0.10% of the TCV) would receive a rebate of $0.0032 per share (which is the proposed $0.0031 per share rebate under DLI Tier 2, as described above, plus the $0.0001 per share DLI Additive Rebate) for executions of Added Displayed Volume.

[17] The Exchange notes that such executions are also eligible to receive the $0.0002 per share additive rebate under the existing Targeted Step-Up Tier for Members that also qualify for such incentive.

[18] The Exchange's Targeted Step-Up Tier currently provides an additive rebate of $0.0002 per share for executions of added volume for Members that qualify for the Targeted Step-Up Tier by achieving one of two specified volume thresholds in certain designated securities. *See* the Exchange's Fee Schedule (available at *https://info.memxtrading.com/fee-schedule/*) for additional details regarding the Targeted Step-Up Tier. *See also* Securities Exchange Act Release No. 93554 (November 10, 2021), 86 FR 64248 (November 17, 2021) (SR–MEMX–2021–16) (notice of filing and immediate effectiveness of fee changes adopted by the Exchange, including the adoption of the Targeted Step-Up Tier).

[19] This proposed pricing for Removed Sub-Dollar Volume is referred to by the Exchange on the Fee Schedule under the existing descriptions ''Removed volume from MEMX Book'' with a Fee Code of ''R'' and ''Removed volume from MEMX Book, Liquidity Removal Tier 1'' with a Fee Code of ''R1'', as applicable.

[20] *See, e.g.,* the Cboe BZX equities trading fee schedule on its public website (available at *https://www.cboe.com/us/equities/membership/fee_schedule/bzx/*), which reflects a standard fee of 0.30% of the total dollar value of the transaction for executions of orders in securities priced below $1.00 per share that remove liquidity.

[21] This proposed pricing for Added Non-Displayed Sub-Dollar Volume is referred to by the Exchange on the Fee Schedule under the existing descriptions ''Added non-displayed volume'' with a Fee Code of ''H'' and ''Added non-displayed volume, Midpoint Peg'' with a Fee Code of ''M'', as applicable.

[22] *See, e.g.,* the Cboe BZX equities trading fee schedule on its public website (available at *https://www.cboe.com/us/equities/membership/fee_schedule/bzx/*), which reflects free executions as the standard pricing for orders in securities priced below $1.00 per share that add non-displayed liquidity; the Cboe EDGA Exchange, Inc. equities trading fee schedule on its public website (available at *https://www.cboe.com/us/equities/membership/fee_schedule/edga/*), which reflects free executions as the standard pricing for orders in securities priced below $1.00 per share that add non-displayed liquidity.

[23] 15 U.S.C. 78f.

[24] 15 U.S.C. 78f(b)(4) and (5).

discrimination between customers, issuers, brokers, or dealers.

As discussed above, the Exchange operates in a highly fragmented and competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient, and the Exchange represents only a small percentage of the overall market. The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and also recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [25]

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow or discontinue to reduce use of certain categories of products, in response to new or different pricing structures being introduced into the market. Accordingly, competitive forces constrain the Exchange's transaction fees and rebates, and market participants can readily trade on competing venues if they deem pricing levels at those other venues to be more favorable. The Exchange believes the proposal reflects a reasonable and competitive pricing structure designed to incentivize market participants to direct additional order flow to the Exchange, which the Exchange believes would enhance liquidity and market quality on the Exchange to the benefit of all Members, as well as to decrease the Exchange's expenditures and generate additional revenue with respect to its transaction pricing in a manner that is still consistent with the Exchange's overall pricing philosophy of encouraging added displayed liquidity.

Regarding the proposed changes to the standard rates, the Exchange believes that reducing the standard rebate for executions of Added Displayed Volume, increasing the standard fee for executions of Removed Sub-Dollar Volume (including for Members that qualify for Liquidity Removal Tier 1), and eliminating the standard rebate (*i.e.,* to provide free executions) for executions of orders (including Midpoint Peg orders) of Added Non-Displayed Sub-Dollar Volume are reasonable because, as indicated above, in order to operate in the highly competitive equities markets, the Exchange and its competing exchanges seek to offer similar pricing structures, including assessing comparable standard fees and rebates, as applicable, for executions of Added Displayed Volume, Removed Sub-Dollar Volume, and Added Non-Displayed Sub-Dollar Volume. Thus, the Exchange believes the proposed standard rate changes for executions of Added Displayed Volume, Removed Sub-Dollar Volume, and Added Non-Displayed Sub-Dollar Volume proposed herein are reasonable, as such rates are comparable to, and competitive with, the standard fees and rebates, as applicable, assessed for such executions on other equity exchanges.[26] Further, the Exchange believes the proposed changes to reduce the standard rebates for executions of Added Displayed Volume and Added Non-Displayed Sub-Dollar Volume, as well as the proposed change to increase the standard fee for executions of Removed Sub-Dollar Volume, are reasonable because, as noted above, the Exchange believes such changes would decrease the Exchange's expenditures and generate additional revenue with respect to its transaction pricing in a manner that is still consistent with the Exchange's overall pricing philosophy of encouraging added displayed liquidity. The Exchange also believes that the proposed changes to these standard rates represents an equitable allocation of fees and are not unfairly discriminatory because such standard rates will continue to apply equally to all Members.

As noted above, volume-based incentives and discounts have been widely adopted by exchanges, including the Exchange, and are reasonable, equitable, and not unfairly discriminatory because they are open to all members on an equal basis and provide additional benefits or discounts that are reasonably related to: (i) The value to an exchange's market quality; (ii) associated higher levels of market activity, such as high levels of liquidity provision and/or growth patterns; and (iii) the introduction of higher volumes of orders into the price and volume discovery processes.

In particular, the Exchange believes the proposed new Liquidity Provision Tier 3 is reasonable, equitable, and not unfairly discriminatory for these same reasons, as it provides Members with an additional incentive to achieve a certain volume threshold on the Exchange, is available to all Members and, as noted above, is designed to encourage Members to maintain or increase their orders that add liquidity on the Exchange in order to qualify for an enhanced rebate for executions of Added Displayed Volume, which, in turn, the Exchange believes would encourage the submission of additional Added Displayed Volume to the Exchange, thereby promoting price discovery and contributing to a deeper and more liquid market to the benefit of all market participants. Moreover, the Exchange believes the proposed new Liquidity Provision Tier 3 is a reasonable means to incentivize such increased activity, as it provides Members with an additional opportunity to qualify for an enhanced rebate for executions of Added Displayed Volume with less stringent criteria than Liquidity Provision Tiers 1 and 2. The Exchange also believes that providing a rebate of 0.05% of the total dollar value of the transaction for executions of orders in securities priced below $1.00 per share that add displayed liquidity to the Exchange under proposed new Liquidity Provision Tier 3 is reasonable, equitable, and not unfairly discriminatory, as this is the same rebate that is applicable to such executions for all Members (*i.e.,* including those that do not qualify for any Liquidity Provision Tier), which is also the case under the Exchange's current pricing.

The Exchange also believes the proposed changes to Liquidity Provision Tiers 1 and 2, including to reduce the rebate for executions of Added Displayed Volume and modify the required criteria under Liquidity Provision Tier 1 and to modify the required criteria under Liquidity Provision Tier 2, are reasonable, equitable, and not unfairly discriminatory for the same reasons applicable to volume-based incentives and discounts described above. Specifically, the Exchange believes the proposed new required criteria under Liquidity Provision Tiers 1 and 2 is reasonable, equitable, and not unfairly discriminatory because all Members will continue to be eligible to qualify for such tiers and have the opportunity to receive the corresponding enhanced rebates for executions of Added Displayed Volume if such criteria is achieved and, as noted above, such criteria is designed to encourage Members to maintain or increase their orders that add liquidity on the

[25] Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

[26] *See supra* notes 7, 20, and 22.

Exchange in order to qualify for an enhanced rebate for executions of Added Displayed Volume, which, in turn, the Exchange believes would encourage the submission of additional Added Displayed Volume to the Exchange, thereby promoting price discovery and contributing to a deeper and more liquid market to the benefit of all market participants. The Exchange also believes the proposed reduced rebate for executions of Added Displayed Volume and proposed new required criteria under Liquidity Provision Tier 1 and the proposed new required criteria under Liquidity Provision Tier 2 are reasonable and consistent with an equitable allocation of fees and rebates, in that such reduced rebate represents only a modest decrease from the current rebate for executions of Added Displayed Volume under Liquidity Provision Tier 1 (*i.e.,* from $0.00335 per share to $0.00325 per share) and would decrease the Exchange's expenditures with respect to its transaction pricing in a manner that is still consistent with the Exchange's overall pricing philosophy of encouraging added displayed liquidity, and the more stringent criteria under such tiers correlates to, and is commensurate with, the corresponding tier's higher rebate.

Without having a view of activity on other markets and off-exchange venues, the Exchange has no way of knowing whether this proposed rule change would definitely result in any Members qualifying for the proposed Liquidity Provision Tiers. While the Exchange has no way of predicting with certainty how the proposed tiers will impact Member activity, the Exchange anticipates that multiple Members that currently qualify for Liquidity Provision Tiers 1 and 2 would be able to satisfy the proposed new required criteria under such tiers, which the Exchange believes continues to be commensurate with the fees under such tiers, and that multiple additional Members would be able to satisfy the required criteria under proposed new Liquidity Provision Tier 3. The Exchange also notes that the proposed tiers will not adversely impact any Member's ability to qualify for reduced fees or enhanced rebates offered under other pricing tiers. Should a Member not meet the proposed new criteria, the Member will merely not receive that corresponding enhanced rebate.

The Exchange also believes the proposed changes to Liquidity Removal Tier 1, including to increase the fee charged for executions of Removed Volume and modify the required criteria under such tier, are reasonable, equitable, and not unfairly discriminatory for the same reasons applicable to volume-based incentives and discounts described above. Specifically, the Exchange believes the proposed new required criteria under Liquidity Removal Tier 1 is reasonable, equitable, and not unfairly discriminatory because all Members will continue to be eligible to qualify for such tier and have the opportunity to receive the corresponding lower fee for executions of Removed Volume if such criteria is achieved and, as noted above, such criteria is designed to encourage Members to maintain or increase their order flow to the Exchange, thereby promoting price discovery and contributing to a deeper and more liquid market to the benefit of all market participants. The Exchange also believes the proposed increased fee for executions of Removed Volume and proposed new required criteria under Liquidity Removal Tier 1 are reasonable and consistent with an equitable allocation of fees and rebates, in that such proposed fee represents only a modest increase from the current fee charged for executions of Removed Volume under Liquidity Removal Tier 1 (*i.e.,* from $0.0027 per share to $0.0028 per share) and would generate additional revenue to offset some of the costs associated with the Exchange's current transaction pricing in a manner that is still consistent with the Exchange's overall pricing philosophy of encouraging added displayed liquidity.

Additionally, while the Exchange has no way of predicting with certainty how the proposed new required criteria under such tier will impact Member activity, the Exchange anticipates that most, if not all, of the Members that currently qualify for Liquidity Removal Tier 1 would continue to qualify under the proposed new criteria, which the Exchange believes continues to be commensurate with the proposed new fee under such tier. The Exchange also notes that the proposed tier will not adversely impact any Member's ability to qualify for reduced fees or enhanced rebates offered under other pricing tiers. Should a Member not meet the proposed new criteria, the Member will merely not be charged the corresponding lower fee.

The Exchange believes the proposed changes to reduce the rebates for executions of Added Displayed Volume under DLI Tiers 1 and 2 are reasonable, equitable, and not unfairly discriminatory for the same reasons applicable to volume-based incentives and discounts described above, as such rebates would continue to apply equally to all Members, in that all Members would continue to have the opportunity to achieve the required criteria under such tiers, which the Exchange is not proposing to modify with this proposal, and in turn, qualify for an enhanced rebate for executions of Added Displayed Volume, and the rebate provided under DLI Tier 1 will remain higher than the rebate provided under DLI Tier 2 commensurate with the more stringent criteria of DLI Tier 1 than of DLI Tier 2. The Exchange further believes that such proposed changes are reasonable and consistent with an equitable allocation of fees and rebates, as such reduced rebates are designed to decrease the Exchange's expenditures with respect to its transaction pricing in a manner that is still consistent with the Exchange's overall pricing philosophy of encouraging added displayed liquidity and promoting the price discovery and market quality objectives of the DLI Tiers described above.

The Exchange also believes the proposed change to revise the ''Displayed Liquidity Incentive Tiers'' heading on the Fee Schedule to read ''Displayed Liquidity Incentive (DLI) Tiers'' (*i.e.,* to include the ''DLI'' abbreviation in a parenthetical) is reasonable, equitable, and not unfairly discriminatory in that it is designed to make clear for all Members that references to ''DLI'' on the Fee Schedule are references to the Displayed Liquidity Incentive.

As noted above, the Exchange believes that the proposed DLI Additive Rebate is similar to other volume-based incentives and discounts, which have been widely adopted by exchanges, including the Exchange,[27] and thus, the Exchange believes the proposed new DLI Additive Rebate is reasonable, equitable, and not unfairly discriminatory for the same reasons applicable to volume-based incentives and discounts described above. Specifically, the Exchange believes the proposed DLI Additive Rebate is reasonable, equitable, and not unfairly discriminatory, as it provides Members that consistently quote at the NBBO on the Exchange (*i.e.,* Members that qualify for DLI Tier 1 or DLI Tier 2) with an additional incentive to achieve a certain volume threshold on the Exchange, is available to all such Members, and, as noted above, is designed to encourage such Members to maintain or increase their orders that add liquidity on the Exchange in order to qualify for an additive rebate for executions of Added Displayed Volume, which, in turn, the Exchange believes would encourage the submission of additional Added

[27] *See supra* note 18.

Displayed Volume to the Exchange, thereby promoting price discovery and contributing to a deeper and more liquid market to the benefit of all market participants.

The Exchange also believes the proposed additive rebate for executions of Added Displayed Volume under the proposed DLI Additive Rebate (*i.e.,* $0.0001 per share) is reasonable, in that it represents only a modest addition to the rebates otherwise applicable to executions of Added Displayed Volume for Members that qualify for DLI Tiers 1 or 2 and, in conjunction with the other changes proposed herein, would not provide for a rebate that is higher than the current maximum rebate provided by the Exchange. While the proposed DLI Additive Rebate is only available to Members that also qualify for DLI Tiers 1 or 2, the Exchange believes that it is reasonable, consistent with an equitable allocation of fees, and not unfairly discriminatory to provide such additive rebate only to such Members in recognition of the benefits that such Members provide to the Exchange and market participants by consistently quoting at the NBBO on the Exchange, as described above, particularly as the magnitude of the additive rebate is not unreasonably high and is, instead, reasonably related to the enhanced liquidity and market quality that such additive rebate is designed to achieve.

Additionally, while the Exchange has no way of predicting with certainty how the proposed new DLI Additive Rebate will impact Member activity, the Exchange anticipates that several of the Members that currently qualify for DLI Tiers 1 or 2 would also satisfy the required criteria for the corresponding DLI Additive Rebate, which the Exchange believes to be commensurate with the proposed additive rebate in each case. The Exchange also notes that the proposed DLI Additive Rebate will not adversely impact any Member's ability to qualify for reduced fees or enhanced rebates offered under other pricing tiers or incentives. Should a Member not meet the proposed required criteria, the Member will merely not receive the additive rebate.

For the reasons discussed above, the Exchange submits that the proposal satisfies the requirements of Sections 6(b)(4) and 6(b)(5) of the Act [28] in that it provides for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities and is not designed to unfairly discriminate between customers, issuers, brokers, or dealers. As described more fully below in the Exchange's statement regarding the burden on competition, the Exchange believes that its transaction pricing is subject to significant competitive forces, and that the proposed fees and rebates described herein are appropriate to address such forces.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposal will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, as discussed above, the proposal is intended to decrease the Exchange's expenditures and generate additional revenue with respect to its transaction pricing and to encourage Members to maintain or increase their order flow on the Exchange, thereby contributing to a deeper and more liquid market to the benefit of all market participants and enhancing the attractiveness of the Exchange as a trading venue. As a result, the Exchange believes the proposal would enhance its competitiveness as a market that attracts actionable orders, thereby making it a more desirable destination venue for its customers. For these reasons, the Exchange believes that the proposal furthers the Commission's goal in adopting Regulation NMS of fostering competition among orders, which promotes ''more efficient pricing of individual stocks for all types of orders, large and small.'' [29]

Intramarket Competition

As discussed above, the Exchange believes that the proposal would incentivize Members to maintain or increase their order flow on the Exchange, thereby contributing to a deeper and more liquid market to the benefit of all market participants and enhancing the attractiveness of the Exchange as a trading venue, which the Exchange believes, in turn, would continue to encourage market participants to direct additional order flow to the Exchange. Greater liquidity benefits all Members by providing more trading opportunities and encourages Members to send additional orders to the Exchange, thereby contributing to robust levels of liquidity, which benefits all market participants. The opportunity to qualify for the Liquidity Provision Tiers, the DLI Tiers, and Liquidity Removal Tier 1, and thus receive the proposed enhanced rebates for executions of Added Displayed Volume or be charged the proposed lower fee for executions of Removed Volume, as applicable, would be available to all Members that meet the associated volume requirements in any month. As noted above, the Exchange believes that meeting the proposed new volume requirements of the Liquidity Provision Tiers and Liquidity Removal Tier 1 is attainable for several market participants, and the Exchange believes such thresholds are reasonably related to the enhanced liquidity and market quality that such tiers are designed to promote. Similarly, as described above, the Exchange anticipates that several of the Members that currently qualify for DLI Tiers 1 or 2 would also satisfy the required criteria for the corresponding DLI Additive Rebate, which the Exchange believes to be commensurate with the proposed additive rebate in each case, and the Exchange believes that it is appropriate for the proposed DLI Additive Rebate to be available only to Members that qualify for DLI Tier 1 or DLI Tier 2 in recognition of the benefits that such Members provide to the Exchange and market participants, particularly as the magnitude of the additive rebate is not unreasonably high and is, instead, reasonably related to the enhanced liquidity and market quality that such additive rebate is designed to achieve. Lastly, as noted above, the proposed reduced standard rebates for executions of Added Displayed Volume and Added Non-Displayed Sub-Dollar Volume, as well as the proposed increased standard fee for executions of Removed Volume, would apply equally to all Members. For the foregoing reasons, the Exchange believes the proposed changes would not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Intermarket Competition

As noted above, the Exchange operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. Members have numerous alternative venues that they may participate on and direct their order flow to, including 15 other equities exchanges and numerous alternative trading systems and other off-exchange venues. As noted above, no single registered equities exchange currently has more than approximately 17% of the total market share of executed volume of equities trading. Thus, in such a low-concentrated and highly competitive market, no single equities exchange possesses significant pricing power in the execution of order

[28] 15 U.S.C. 78f(b)(4) and (5).

[29] *See supra* note 25.

flow. Moreover, the Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow or discontinue to reduce use of certain categories of products, in response to new or different pricing structures being introduced into the market. Accordingly, competitive forces constrain the Exchange's transaction fees and rebates, including with respect to executions of Added Displayed Volume, Removed Volume, Removed Sub-Dollar Volume, and Added Non-Displayed Sub-Dollar Volume, and market participants can readily choose to send their orders to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable. As described above, the proposed change is a competitive proposal through which the Exchange is seeking to decrease the Exchange's expenditures and generate additional revenue with respect to its transaction pricing and to encourage additional order flow to the Exchange through volume-based incentives and discounts, which have been widely adopted by exchanges, and standard pricing that are comparable to, and competitive with, pricing for similar executions in place at other exchanges.[30] Accordingly, the Exchange believes the proposal would not burden, but rather promote, intermarket competition by enabling it to better compete with other exchanges that offer similar standard pricing for executions of Added Displayed Volume, Removed Sub-Dollar Volume, and Added Non-Displayed Sub-Dollar Volume and similar pricing incentives and discounts to market participants that achieve certain volume criteria and thresholds.

Additionally, 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 investors and listed companies.'' [31] The fact that this market is competitive has also long been recognized by the courts. In *NetCoalition* v. *SEC,* 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'. . . .''.[32] Accordingly, the Exchange does not believe its proposed pricing changes 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)(ii) of the Act [33] and Rule 19b–4(f)(2) [34] 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 shall 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. 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–MEMX–2021–21 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–MEMX–2021–21. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. All submissions should refer to File Number SR–MEMX–2021–21 and should be submitted on or before February 8, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[35]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–00750 Filed 1–14–22; 8:45 am]

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[30] *See supra* notes 7, 20, and 22.

[31] *See supra* note 25.

[32] *NetCoalition* v. *SEC,* 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSE–2006–21)).

[33] 15 U.S.C. 78s(b)(3)(A)(ii).

[34] 17 CFR 240.19b–4(f)(2).

[35] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice: 11628]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: ''DreamWorks Animation: The Exhibition Journey From Sketch to Screen'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to an agreement with their foreign owner or custodian for temporary display in the exhibition ''DreamWorks Animation: The Exhibition Journey from Sketch to Screen'' at the Northwest Museum of Arts and Culture, Spokane, Washington, and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Chi D. Tran, Program Administrator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and Delegation of Authority No. 523 of December 22, 2021.

Stacy E. White,

Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2022–00787 Filed 1–14–22; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highway in Alaska

AGENCY: Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Notice of Limitations on Claims for Judicial Review of Actions by the Alaska Department of Transportation and Public Facilities (DOT&PF).

SUMMARY: The FHWA, on behalf of DOT&PF, is issuing this notice to announce actions taken by DOT&PF that are final. The actions relate to a proposed highway project, Sterling Safety Corridor Improvements Milepost (MP) 82.5 to 94, in the Kenai Peninsula Borough and the Cities of Soldotna and Kenai, Alaska. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA, on behalf of DOT&PF, is advising the public of final agency action subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the listed highway project will be barred unless the claim is filed on or before June 17, 2022. 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 still applies.

FOR FURTHER INFORMATION CONTACT: For DOT&PF: Brian Elliott, DOT&PF Central Region Environmental Manager, Alaska Department of Transportation and Public Facilities, 4111 Aviation Drive, P.O. Box 196900, Anchorage, Alaska 99519–6900; office hours 7:30 a.m.–5 p.m. (AST), phone (907) 269–0539, email *Brian.Elliott@alaska.gov.* For FHWA: Mr. Michael Lukshin, Area Engineer, FHWA Alaska Division, P.O. Box 21648, Juneau, Alaska 99802–1648; office hours 8 a.m.–4:30 p.m. (AST), phone (907) 586–7189; email *michael.lukshin@dot.gov.*

SUPPLEMENTARY INFORMATION: Effective November 3, 2017, FHWA assigned, and DOT&PF assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. As such, environmental review, consultation, and other actions required by applicable Federal environmental laws for this project have been carried out by DOT&PF pursuant to 23 U.S.C. 327 and a Memorandum of Understanding executed by FHWA and DOT&PF. Notice is hereby given that DOT&PF has taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, and approvals for the proposed highway project, Sterling Safety Corridor Improvements, in the Kenai Peninsula Borough and the Cities of Soldotna and Kenai, Alaska. The proposed project would improve the Sterling Highway by expanding the existing road to a four-lane divided highway, with a depressed median from approximately Handley Street in Sterling (MP 82.5) to Kleeb Loop in Soldotna (MP 94), with each end transitioning to a four-lane highway divided with a center two-way left-turn lane to tie back into the existing lane configurations. Additional improvements include median breaks approximately every half-mile with dedicated left-turn lanes, frontage road and pedestrian facility construction, utility relocations, vegetation clearing, drainage improvements, and roadside hardware upgrades.

The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Assessment (FEA) for the project, approved on December 16, 2021, in the Finding of No Significant Impact (FONSI) issued on December 16, 2021, Section 4(f) de minimis finding, approved on November 11, 2021, and in other documents in the DOT&PF project records. The FEA, Section 4(f) de minimis finding, FONSI, and other project records are available by contacting DOT&PF at the addresses provided above. The FEA and FONSI documents can be viewed and downloaded from the project website at *http://www.sterlinghighway82to94.com/,* or viewed at 4111 Aviation Avenue, Anchorage, Alaska 99519.

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. *General:* National Environmental Policy Act (NEPA) [42 U.S.C. 4321 *et seq.*]; Council on Environmental Quality Regulations [40 CFR parts 1500 *et seq.*]; Federal-Aid Highway Act of 1970 [23 U.S.C. 109]; MAP–21, the Moving Ahead for Progress in the 21st Century Act [Pub. L. 112–141].

2. *Air:* Clean Air Act [42 U.S.C. 7401 *et seq.*].

3. *Land:* Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303]; Land and Water Conservation Fund (LWCF) [54 U.S.C. 200301 *et seq.*].

4. *Noise:* Noise Control Act of 1972 [42 U.S.C. 4901 *et seq.*].

5. *Wetlands and Water Resources:* Clean Water Act (Section 401 and Section 404) [33 U.S.C. 1251 *et seq.*] (Federal Water Pollution Control Act of 1972); Safe Drinking Water Act, as amended [42 U.S.C. 300f *et seq.*]; Coastal Zone Management Act [16 U.S.C. 1451 *et seq.*]; Wild and Scenic Rivers Act [16 U.S.C. 1271 *et seq.*].

6. *Wildlife:* Endangered Species Act of 1973, as amended [16 U.S.C. 1531 *et seq.*]; Marine Mammal Protection Act of 1972, as amended [16 U.S.C. 1361 *et seq.*]; Fish and Wildlife Coordination

Act, as amended [16 U.S.C. 661 *et seq.*]; Migratory Bird Treaty Act [16 U.S.C. 703–712]; Anadromous Fish Conservation Act [16 U.S.C. 757a–757g]; Magnuson-Stevenson Fishery Conservation and Management Act, as amended [16 U.S.C. 1801 *et seq.*].

7. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended [54 U.S.C. 306108]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470aa *et seq.*]; Archeological and Historic Preservation Act [54 U.S.C. 312501 *et seq.*].

8. *Social and Economic:* Title VI of the Civil Rights Act of 1964, as amended [42 U.S.C. 2000d *et seq.*]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201 *et seq.*].

9. *Executive Orders:* E.O. 13186—Responsibilities of Federal Agencies to Protect Migratory Birds; E.O. 11514—Protection and Enhancement of Environmental Quality; E.O. 11990—Protection of Wetlands; E.O. 11988—Floodplain Management; E.O. 13112—Invasive Species; E.O. 12898—Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.

(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(l)(1))

Sandra A. Garcia-Aline,

Division Administrator, Juneau, Alaska.

[FR Doc. 2022–00747 Filed 1–14–22; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Notice To Reestablish the Transit Advisory Committee for Safety Charter

AGENCY: Federal Transit Administration, Department of Transportation.

ACTION: Notice of intent to reestablish the charter for the Transit Advisory Committee for Safety.

SUMMARY: The Federal Transit Administration (FTA) announces the intent to reestablish the Transit Advisory Committee for Safety (TRACS). The previous TRACS charter expired on September 12, 2020. The U.S. Department of Transportation and FTA are committed to ensuring the safety of the Nation's public transportation systems and reducing the safety risk to both riders and transit workers. Accordingly, the Secretary of Transportation (Secretary) has determined that reestablishing TRACS is necessary and in the public interest.

DATES: This charter will be effective for two years from the date it is filed with Congress.

FOR FURTHER INFORMATION CONTACT: Joseph DeLorenzo, TRACS Designated Federal Officer, Associate Administrator, FTA Office of Transit Safety and Oversight, (202) 366–1783, *Joseph.DeLorenzo@dot.gov;* or Bridget Zamperini, TRACS Program Manager, FTA Office of Transit Safety and Oversight, *TRACS@dot.gov.*

SUPPLEMENTARY INFORMATION: This notice announces the intent of the Secretary to reestablish TRACS as a Federal Advisory Committee in accordance with the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C. App. 2) to provide information, advice, and recommendations to the Secretary and the FTA Administrator on matters relating to the safety of public transportation systems. TRACS will be tasked with providing advice and recommendations on improvements and innovations in transit safety. TRACS will review current challenges and innovations in public transportation and provide recommendations that FTA can implement in support of safety in the public transportation sector.

This notice is provided in accordance with the Federal Advisory Committee Act. Please see the TRACS website for additional information at *https://www.transit.dot.gov/regulations-and-guidance/safety/transit-advisory-committee-safety-tracs.*

Nuria I. Fernandez,

Administrator.

[FR Doc. 2022–00685 Filed 1–14–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[U.S. DOT Docket Number NHTSA–2021–0068]

Reports, Forms, and Record keeping Requirements

AGENCY: National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation.

ACTION: Request for public comment on extension of a currently approved collection of information.

SUMMARY: Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved collections. This document describes a collection of information for which NHTSA intends to seek OMB approval.

DATES: Comments must be received on or before March 21, 2022.

ADDRESSES: You may submit comments identified by DOT Docket No. NHTSA–2021–0068 by any of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays. Telephone: 1–800–647–5527.
- *Fax:* 202–493–2251.

Instructions: All submissions must include the agency name and docket number for this proposed collection of information. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our 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.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit *https://DocketInfo.dot.gov.*

Docket: For access to the docket to read background documents or comments received, go to *https://www.regulations.gov.* or the street address listed above. Follow the online instructions for accessing the dockets.

FOR FURTHER INFORMATION CONTACT: Nicholas LaBruna, Recall Management Division (NEF–107), Room W46–438, NHTSA, 1200 New Jersey Ave., Washington, DC 20590. Telephone: (202) 366–1781.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995,

before an agency submits a proposed collection of information to OMB for approval, it must first publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulation, *see* 5 CFR 1320.8(d), an agency must ask for public comment on the following:

(i) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) how to enhance the quality, utility, and clarity of the information to be collected; and

(iv) how to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.* permitting electronic submission of responses.

In compliance with these requirements, NHTSA asks for public comments on the following collection of information:

Title: Petitions for Hearings on Notification and Remedy of Defects.

Type of Request: Extension of a currently approved information collection.

OMB Control Number: 2127–0039.

Affected Public: Businesses or others for profit.

Abstract: Sections 30118(e) and 30120(e) of Title 49 of the United States Code specify that any interested person may petition NHTSA to hold a hearing to determine whether a manufacturer of motor vehicles or motor vehicle equipment has met its obligation to notify owners, purchasers, and dealers of vehicles or equipment of a safety-related defect or noncompliance with a Federal motor vehicle safety standard in the manufacturer's products and to remedy that defect or noncompliance.

To implement these statutory provisions, NHTSA promulgated 49 CFR part 557, Petitions for Hearings on Notification and Remedy of Defects. Part 577 establishes procedures providing the submission and disposition of petitions for hearings on the issues of whether the manufacturer has met its obligation to notify owners, purchasers, and dealers of safety-related defects or noncompliance, or to remedy such defect or noncompliance free of charge.

Estimated annual burden: During NHTSA's last renewal of this information collection, the agency estimated it would receive one petition a year, with an estimated one hour of preparation for each petition, for a total of one burden hour per year. That estimate remains unchanged with this notice.

Number of respondents: 1.

Stephen Ridella,

Director, Office of Defects Investigation, NHTSA.

[FR Doc. 2022–00830 Filed 1–14–22; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities; Information Collection Renewal; Comment Request; Leasing

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection as required by the Paperwork Reduction Act of 1995 (PRA). In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and respondents are not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning the renewal of its information collection titled, ''Leasing.''

DATES: Comments must be received by March 21, 2022.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email: prainfo@occ.treas.gov.*
- *Mail:* Chief Counsel's Office, Attention: Comment Processing, Office of the Comptroller of the Currency, Attention: 1557–0206, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Fax:* (571) 465–4326.

Instructions: You must include ''OCC'' as the agency name and ''1557–0206'' in your comment. In general, the OCC will publish comments on *www.reginfo.gov* without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may review comments and other related materials that pertain to this information collection beginning on the date of publication of the second notice for this collection by the method set forth in the next bullet. Following the close of this notice's 60-day comment period, the OCC will publish a second notice with a 30-day comment period.

- *Viewing Comments Electronically:* Go to *www.reginfo.gov.* Hover over the ''Information Collection Review'' tab and click on ''Information Collection Review'' dropdown. Underneath the ''Currently under Review'' section heading, from the drop-down menu select ''Department of Treasury'' and then click ''submit.'' This information collection can be located by searching by OMB control number ''1557–0206'' or ''Leasing.'' Upon finding the appropriate information collection, click on the related ''ICR Reference Number.'' On the next screen, select ''View Supporting Statement and Other Documents'' and then click on the link to any comment listed at the bottom of the screen.
- For assistance in navigating *www.reginfo.gov,* please contact the Regulatory Information Service Center at (202) 482–7340.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, Clearance Officer, (202) 649–5490, Chief Counsel's Office, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501 *et seq.*), Federal agencies must obtain approval from the OMB for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of title 44 generally requires Federal

agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the OCC is publishing notice of the collection of information set forth in this document.

Title: Leasing.

OMB Control No.: 1557–0206.

Description: Under 12 CFR 23.4(c), national banks must liquidate or re-lease property that is no longer subject to lease (off-lease property) as soon as practicable and not later than five years from the date the national bank acquires the legal right to possess or control the property. If a national bank wishes to extend the five-year holding period for up to an additional five years, it must obtain OCC approval. Twelve CFR 23.4(c) requires a national bank seeking an extension to provide a clearly convincing demonstration as to why any additional holding period is necessary. In addition, a national bank must value off-lease property at the lower of current fair market value or book value promptly after the property becomes off-lease property.

Under 12 CFR 23.6, leases are subject to the lending limits prescribed by 12 U.S.C. 84, as implemented by 12 CFR part 32, or, if the lessee is an affiliate of the national bank, to the restrictions on transactions with affiliates prescribed by 12 U.S.C. 371c and 371c–1 and Regulation W, 12 CFR part 223. The OCC may also determine that other limits or restrictions apply.

Twelve U.S.C. 24 contains two separate provisions authorizing a national bank to acquire personal property for purposes of lease financing. A national bank may invest in personal property for purposes of lease financing under 12 U.S.C. 24(Seventh) (Section 24(Seventh) Leases) if the lease is a conforming lease, as defined in 12 CFR 23.2(d)(2), representing a noncancelable obligation of the lessee (*i.e.,* the lease serves as the functional equivalent of a loan). See, 12 CFR 23.20. A national bank also may invest in tangible personal property for purposes of lease financing under the authority of 12 U.S.C. 24(Tenth) (CEBA Leases) if the related lease is a conforming lease as defined in 12 CFR 23.2(d)(1), which requires, among other things, that the aggregate book value of the property not exceed 10 percent of the national bank's consolidated assets. See, 12 CFR 23.10.

Type of Review: Regular.

Affected Public: Businesses or other for-profit.

Estimated Number of Respondents: 29.

Frequency of Response: On occasion.

Estimated Total Annual Burden: 290.

Comments submitted in response to this notice will be summarized and included in the submission to OMB. Comments are requested on:

(a) Whether the information collection is necessary for the proper performance of the OCC's functions, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the burden of the information collection, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Patrick T. Tierney,

Assistant Director, Bank Advisory, Office of the Comptroller of the Currency.

[FR Doc. 2022–00838 Filed 1–14–22; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Submission for OMB Review; Libor Self-Assessment

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on the renewal of an information collection as required by the Paperwork Reduction Act of 1995 (PRA). In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning renewal of a collection of information titled, ''Libor Self-Assessment.'' The OCC also is giving notice that it has sent the collection to OMB for review.

DATES: Comments must be submitted on or before February 17, 2022.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email: prainfo@occ.treas.gov.*
- *Mail:* Chief Counsel's Office, Attention: Comment Processing, 1557–0349, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Fax:* (571) 465–4326.

Instructions: You must include ''OCC'' as the agency name and ''1557–0349'' in your comment. In general, the OCC will publish comments on *www.reginfo.gov* without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

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

On October 22, 2021, the OCC published a 60-day notice for this information collection, 86 FR 58723. You may review comments and other related materials that pertain to this information collection following the close of the 30-day comment period for this notice by the method set forth in the next bullet.

- *Viewing Comments Electronically:* Go to *www.reginfo.gov.* Hover over the ''Information Collection Review'' tab and click on ''Information Collection Review'' dropdown. Underneath the ''Currently under Review'' section heading, from the drop-down menu select ''Department of Treasury'' and then click ''submit.'' This information collection can be located by searching by OMB control number ''1557–0349'' or ''Libor Self-Assessment.'' Upon finding the appropriate information

collection, click on the related ''ICR Reference Number.'' On the next screen, select ''View Supporting Statement and Other Documents'' and then click on the link to any comment listed at the bottom of the screen.

- For assistance in navigating *www.reginfo.gov,* please contact the Regulatory Information Service Center at (202) 482–7340.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, Clearance Officer, (202) 649–5490, Chief Counsel's Office, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the OMB for each collection of information that they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. The OCC asks that OMB extend its emergency approval of this collection.

Title: Libor Self-Assessment.

OMB Control No.: 1557–0349. *Type of Review:* Regular. *Description:* The cessation of the London InterBank Offered Rate (Libor) prompted the OCC to create a self-assessment tool for banks to use in preparing for the Libor cessation. The self-assessment tool was created to assess the appropriateness of a bank's Libor transition plan, the execution of the plan by its management, and related matters.

The Intercontinental Exchange Libor is a reference rate that is intended to reflect the cost of unsecured interbank borrowing. Libor is published daily in five currencies with seven maturities ranging from overnight to 12 months. It is used globally in the over-the-counter derivatives market, bonds, loan products, and securitizations. As of the end of 2020, $223 trillion of financial instruments were exposed to U.S. dollar (USD) Libor as the primary reference rate.[1]

While certain reference rates have ceased to be reported in the past, the significant exposure of the financial markets to Libor creates the need for banks to assess whether they are identifying applicable risks, preparing for Libor cessation, and successfully transitioning to replacement reference rates. Libor is referenced globally, and its cessation could affect banks of all sizes through direct or indirect exposure.

There is risk of market disruptions, litigation, and destabilized balance sheets if acceptable replacement rates do not attract sufficient market-wide acceptance or if contracts cannot seamlessly transition to new rates. A bank's risk exposure from Libor cessation depends on the bank's specific circumstances. Many community banks may not offer products or services that use Libor. However, community banks could have Libor exposure in positions such as Federal Home Loan Bank (FHLB) borrowings, mortgage-backed securities, or bonds in the banks' investment portfolios.

Libor exposure can exist in all product categories and lines of business, both on or off the balance sheet, and in asset management activities. Risk can also emanate from third-party relationships because Libor is often used in pricing models, financial models, and in other parts of banks' infrastructure, such as core processing.

The ubiquity of Libor, present in over $200 trillion notional contracts, makes moving off the rate incredibly complicated. Many existing contracts do not include sufficient provisions if Libor becomes unavailable (known as fallback provisions). Without adequate preparation, Libor cessation could cause market disruption and present risks to banks and their customers. In addition, fallback provision language does not sufficiently account for a permanent cessation of Libor. The Federal banking agencies published a statement communicating that banks should discontinue entering into contracts that use USD Libor as a reference rate as soon as practicable and in any event by the end of 2021 (with a few exceptions for orderly market support).[2]

Given that banks should not be creating new Libor exposure, the prevalence of Libor, and the remaining work to be done within the timeframe described above, the OCC has made this self-assessment tool available to banks, due to the immediate need and the brief duration of use, to help banks prepare for Libor-related risk.

Banks may use the self-assessment to determine whether they have risk management processes in place to identify and mitigate their Libor transition risks. Not all sections or questions will apply to all banks. Applicable risks (*e.g.,* operational, compliance, strategic, and reputation) can be identified when scoping and completing Libor cessation preparedness assessments.

Affected Public: Businesses or other for-profit.

Burden Estimates:

Estimated Number of Respondents: 1,096.

Estimated Annual Burden: 8,768 hours.

Frequency of Response: On occasion.

Comments: On October 22, 2021, the OCC published a 60-day notice for this information collection, 86 FR 58723. No comments were received. Comments continue to be solicited on:

(a) Whether the collection of information is necessary for the proper performance of the OCC's functions, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the burden of the information collection, 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 information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Patrick T. Tierney,

Assistant Director, Bank Advisory, Office of the Comptroller of the Currency.

[FR Doc. 2022–00842 Filed 1–14–22; 8:45 am]

BILLING CODE 4810–33–P

[1] *https://www.newyorkfed.org/medialibrary/Microsites/arrc/files/2021/USD-LIBOR-transition-progress-report-mar-21.pdf.*

[2] *https://www.occ.gov/news-issuances/bulletins/2020/bulletin-2020-104.html#ft1.*

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Requirements; Information Collection Renewal; Comment Request; Climate Risk Range of Practice Questionnaire

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on the renewal of an information collection as required by the Paperwork Reduction Act of 1995 (PRA). In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the

respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning the renewal of its information collection titled, ''Climate Risk Range of Practice Questionnaire.''

DATES: You should submit written comments by March 21, 2022.

ADDRESSES: Commenters are encouraged to submit comments through the Federal eRulemaking Portal. Please use the title ''Climate Risk Range of Practice Questionnaire'' to facilitate the organization and distribution of the comments. You may submit comments by any of the following methods:

• *Federal eRulemaking Portal—Regulations.gov:*

Go to *https://regulations.gov/.* Enter ''Docket ID OCC–2021–0024'' in the Search Box and click ''Search.'' Public comments can be submitted via the ''Comment'' box below the displayed document information or by clicking on the document title and then clicking the ''Comment'' box on the top-left side of the screen. For help with submitting effective comments please click on ''Commenter's Checklist.'' For assistance with the *Regulations.gov* site, please call (877) 378–5457 (toll free) or (703) 454–9859 Monday–Friday, 9 a.m.–5 p.m. ET or email *regulations@erulemakinghelpdesk.com.*

• *Mail:* Chief Counsel's Office, Attention: Comment Processing, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.

• *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E–218, Washington, DC 20219.

Instructions: You must include ''OCC'' as the agency name and ''Docket ID OCC–2021–0024'' in your comment. In general, the OCC will enter all comments received into the docket and publish the comments on the *Regulations.gov* website without change, including any business or personal information provided such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may review comments and other related materials that pertain to this action by the following method:

• *Viewing Comments Electronically—Regulations.gov:* Go to *https://regulations.gov/.* Enter ''Docket ID OCC–2021–0024'' in the Search Box and click ''Search.'' Click on the ''Documents'' tab and then the document's title. After clicking the document's title, click the ''Browse Comments'' tab. Comments can be viewed and filtered by clicking on the ''Sort By'' drop-down on the right side of the screen or the ''Refine Results'' options on the left side of the screen. Supporting materials can be viewed by clicking on the ''Documents'' tab and filtered by clicking on the ''Sort By'' drop-down on the right side of the screen or the ''Refine Documents Results'' options on the left side of the screen.'' For assistance with the *Regulations.gov* site, please call (877) 378–5457 (toll free) or (703) 454–9859 Monday–Friday, 9 a.m.–5 p.m. ET or email *regulations@erulemakinghelpdesk.com.*

The docket may be viewed after the close of the comment period in the same manner as during the comment period.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, OCC Clearance Officer, (202) 649–5490, Chief Counsel's Office, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information that they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of title 44 requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the OCC is publishing notice of the renewal of the emergency approval granted to the information collection set forth in this document.

Title: Climate Risk Range of Practice Questionnaire.

OMB Control No.: 1557–0354.

Abstract: The OCC is conducting a climate risk range of practice among large banks with the purpose of developing an understanding of climate risk management practices, specifically as they pertain to climate-related financial risk. Climate risks can have a material impact on the financial system by damaging property, impeding business activity, shifting the values of assets, and affecting incomes. Banks are exposed to both physical risks and transition risks presented by climate change, which may impact the safety and soundness of supervised institutions. The OCC is collecting the information through the range of practice to understand the financial risks and ensure the establishment of sound risk management frameworks to measure, monitor, and control risks presented by climate change. The agency understands that some banks are working to incorporate climate-related financial risks into their existing risk management frameworks and business strategies. The OCC recognizes that banks' exposure to climate-related financial risks and their climate risk management practices may vary substantially based on institutions' size, complexity of operations, geographic footprint, business model, and risk profile. The range of practice will not result in an adequacy assessment as to the banks' current climate risk management program. The range of practice will:

• Inform the need for clarification or development of necessary supervisory expectations;

• Start to establish baseline supervisory knowledge;

• Help identify challenges and gaps in risk management frameworks; and

• Inform the agency on plans to evolve current practices.

Type of Review: Extension, without change, of a currently approved collection.

Affected Public: Businesses or other for-profit; individuals.

Estimated Number of Respondents: 20.

Estimated Burden per Respondent: 170 hours.

Total Burden: 3,400 hours.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;

(b) The accuracy of the OCC's estimates of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Patrick T. Tierney,

Assistant Director, Bank Advisory, Office of the Comptroller of the Currency.

[FR Doc. 2022–00843 Filed 1–14–22; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Requirements; Information Collection Renewals; Comment Requests; Request for a Religious Exception to the COVID–19 Vaccine Requirement; and Request for a Medical Exception to the COVID–19 Vaccine Requirement

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and requests for comment.

SUMMARY: The OCC, 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 the renewal of two information collections as required by the Paperwork Reduction Act of 1995 (PRA). In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning the renewal of its information collections titled, ''Request for a Religious Exception to the COVID–19 Vaccine Requirement;'' and ''Request for a Medical Exception to the COVID–19 Vaccine Requirement.''

DATES: You should submit written comments by March 21, 2022.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email: prainfo@occ.treas.gov.*
- *Mail:* Chief Counsel's Office, Attention: Comment Processing, Office of the Comptroller of the Currency, Attention: 1557–0353 or 1557–0352, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Fax:* (571) 465–4326.

Instructions: You must include ''OCC'' as the agency name and ''1557–0353'' and/or ''1557–0352'' in your comment. In general, the OCC will publish comments on *www.reginfo.gov* without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may review comments and other related materials that pertain to this information collection beginning on the date of publication of the second notice for these collections by the method set forth in the next bullet. Following the close of this notice's 60-day comment period, the OCC will publish a second notice with a 30-day comment period:

- *Viewing Comments Electronically:* Go to *www.reginfo.gov.* Hover over the ''Information Collection Review'' dropdown. Underneath the ''Currently under Review'' section heading, from the drop-down menu select ''Department of Treasury'' and then click ''submit.'' These information collections can be located by searching by: OMB control number ''1557–0353'' or ''Request for a Religious Exception to the COVID–19 Vaccine Requirement;'' or ''1557–0352'' or ''Request for a Medical Exception to the COVID–19 Vaccine Requirement.''

Upon finding the appropriate information collection, click on the related ''ICR Reference Number.'' On the next screen, select ''View Supporting Statement and Other Documents'' and then click on the link to any comment listed at the bottom of the screen.

- For assistance in navigating *www.reginfo.gov,* please contact the Regulatory Information Service Center at (202) 482–7340.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, OCC Clearance Officer, (202) 649–5490, Chief Counsel's Office, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information that they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of title 44 requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the OCC is publishing notice of the renewal of the emergency approvals granted to the information collections set forth in this document.

Title: Request for a Religious Exception to the COVID–19 Vaccine Requirement.

OMB Control No.: 1557–0353.

Title: Request for a Medical Exception to the COVID–19 Vaccine Requirement.

OMB Control No.: 1557–0352.

Abstract: The President, by Executive order 13991 (January 20, 2021) established the Safer Federal Workforce Task Force. The Task force was established to give the heads of Federal agencies ongoing guidance to keep their employees safe and their agencies operating during the COVID–19 pandemic. The Task force issued guidance, in accordance with the President's Executive Order 14043 (September 9, 2021), requiring Federal employees to be vaccinated against COVID–19 by November 22, 2021 absent an exception required by law. To determine whether employees who request a religious or medical exception qualify for the exception sought, or, alternatively, must comply with the November 22 deadline, the OCC has developed the ''Request for Religious Exception to the COVID–19 Vaccination Requirement Form'' and the ''Request for Medical Exception to the COVID–19 Vaccination Requirement Form'' (collectively, Request forms).

The Request forms were developed, consistent with guidance issued by the Task force and the U.S. Department of Treasury's Office of Civil Rights and Diversity, to gather information from employees and applicants for employment who have requested religious or medical exceptions to determine whether such employees qualify for legal exceptions to the vaccine requirement. The Request forms also will be used to collect information from job applicants who may request a legal exception upon receiving an offer of employment from the OCC.

Type of Review: Extension, without change, of a currently approved collection.

Affected Public: Businesses or other for-profit; individuals.

Religious Exception:

Estimated Number of Respondents: 4 Job Applicants.

Estimated Burden per Respondent: 0.50 hours.

Total Burden: 2 hours.

Medical Exception:

Estimated Number of Respondents: 2 Job Applicants; 66 Medical Professionals.

Estimated Burden per Respondent: 0.25 hours for Job Applicants; 0.50 hours for Medical Professionals.

Total Burden: 33.5 hours.

Comments submitted in response to this notice will be summarized and included in the requests for OMB approval. All comments will become a matter of public record. Comments are invited on:

(a) Whether the collections of information are necessary for the proper performance of the functions of the agency, including whether the information has practical utility;

(b) The accuracy of the agency's estimates of the burden of the collections of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collections on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Patrick T. Tierney,

Assistant Director, Bank Advisory, Office of the Comptroller of the Currency.

[FR Doc. 2022–00836 Filed 1–14–22; 8:45 am]

BILLING CODE 4810–33–P

UNIFIED CARRIER REGISTRATION PLAN

Sunshine Act; Meeting

TIME AND DATE: January 20, 2022, 12:00 p.m. to 2:00 p.m., Eastern time.

PLACE: This meeting will be accessible via conference call and via Zoom Meeting and Screenshare. Any interested person may call (i) 1–929–205–6099 (U.S. Toll) or 1–669–900–6833 (U.S. Toll) or (ii) 1–877–853–5247 (U.S. Toll Free) or 1–888–788–0099 (U.S. Toll Free), Meeting ID: 924 8034 4706, to listen and participate in this meeting. The website to participate via Zoom Meeting and Screenshare is *https://kellen.zoom.us/meeting/register/tJUrceisqD4tGN1R75Ee55Kng7Cu1SBBBdRi.*

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED: The Unified Carrier Registration Plan Education and Training Subcommittee (the ''Subcommittee'') will continue its work in developing and implementing the Unified Carrier Registration Plan and Agreement. The subject matter of this meeting will include:

Proposed Agenda

I. Call to Order—Subcommittee Chair

The Subcommittee Chair will welcome attendees, call the meeting to order, call roll for the Subcommittee, confirm whether a quorum is present, and facilitate self-introductions.

II. Verification of Publication of Meeting Notice—UCR Executive Director

The UCR Executive Director will verify the publication of the meeting notice on the UCR website and distribution to the UCR contact list via email followed by the subsequent publication of the notice in the **Federal Register**.

III. Review and Approval of Subcommittee Agenda and Setting of Ground Rules—Subcommittee Chair

For Discussion and Possible Subcommittee Action

The Agenda will be reviewed, and the Subcommittee will consider adoption.

Ground Rules

➢ Subcommittee action only to be taken in designated areas on agenda.

IV. Review and Approval of Subcommittee Minutes from the October 7, 2021 and November 18, 2021 Meetings—Subcommittee Chair

For Discussion and Possible Subcommittee Action

Draft minutes from the October 7, 2021 and November 18, 2021 Subcommittee meetings via teleconference will be reviewed. The Subcommittee will consider actions to approve the minutes of both meetings.

V. Audit Module 2 Development Discussion—UCR Operations Manager

The UCR Operations Manager will discuss and provide updates on development of the Audit Module 2.

VI. New Module: Motor Carrier Training Module—UCR Operations Manager

For Discussion and Possible Subcommittee Action

The UCR Operations Manager will introduce and recommend a Motor Carrier Training Module that provides additional registration information from the already developed general overview registration module. The Subcommittee may consider action to approve.

VII. New Module: Roadside Enforcement Module—Subcommittee Chair

For Discussion and Possible Subcommittee Action

The Subcommittee Chair will introduce and recommend a Roadside Enforcement Module that describes the steps a roadside law enforcement officer would use to enforce UCR. The Subcommittee may consider action to approve.

VIII. New Module: Focused Anomaly Reviews (FARs) Module—Subcommittee Chair

For Discussion and Possible Subcommittee Action

The Subcommittee Chair will introduce and recommend a FARs Module that instructs state auditors on how to conduct a FARs audit. The Subcommittee may consider action to approve.

IX. Other Business—Subcommittee Chair

The Subcommittee Chair will call for any other items Subcommittee members would like to discuss.

X. Adjournment—Subcommittee Chair

The Subcommittee Chair will adjourn the meeting.

The agenda will be available no later than 5:00 p.m. Eastern time, January 13, 2022 at: *https://plan.ucr.gov.*

CONTACT PERSON FOR MORE INFORMATION: Elizabeth Leaman, Chair, Unified Carrier Registration Plan Board of Directors, (617) 305–3783, *eleaman@board.ucr.gov.*

Alex B. Leath,

Chief Legal Officer, Unified Carrier Registration Plan.

[FR Doc. 2022–00915 Filed 1–13–22; 11:15 am]

BILLING CODE 4910–YL–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0060]

Agency Information Collection Activity Under OMB Review: Claim for One Sum Payment Government Life Insurance and Claim for Monthly Payments Government Life Insurance

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of

1995, this notice announces that the Veterans Benefits Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: 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. Refer to ''OMB Control No. 2900–0060.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 1717 H Street NW, Washington, DC 20006, (202) 266–4688 or email *maribel.aponte@va.gov.* Please refer to ''OMB Control No. 2900–0060'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Title: Claim for One Sum Payment Government Life Insurance (29–4125); Claim for One Sum Payment Government Life Insurance (29–4125e); Claim for Monthly Payments Government Life Insurance (29–4125a).

OMB Control Number: 2900–0060.

Type of Review: Extension of a currently approved collection.

Abstract: These forms are used by beneficiaries applying for proceeds of Government Life Insurance policies. The VA Form 29–4125e has been added to this collection. This is an electronic version of the 29–4125. This form was created so beneficiaries can apply for insurance proceeds electronically. This will not affect the number of respondents but will make it easier and reduce the time it takes for beneficiaries to receive their insurance proceeds. The information requested on the forms is required by law, 38 U.S.C. 1917 and 1952.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 86 FR 203 on October 25, 2021, pages 59006 and 59007.

Affected Public: Individuals or Households.

Estimated Annual Burden: 12,010.

Estimated Average Burden per Respondent: 6 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 120,100.

Authority: Public Law 104–13; 44 U.S.C. 3501–3521.

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. 2022–00744 Filed 1–14–22; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0353]

Agency Information Collection Activity Under OMB Review: Certification of Lessons Completed

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: 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. Refer to ''OMB Control No. 2900–0353.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 1717 H Street NW, Washington, DC 20006, (202) 266–4688 or email *maribel.aponte@va.gov.* Please refer to ''OMB Control No. 2900–0353'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 38 U.S.C. 3032(d), 3034, 3241, 3323, 3474, 3481, 3484, 3534(b), 3680(b), 3684, 3686(a), and 10 U.S.C. 16131(e), and chapter 31 section 510., and 38 CFR 21.4203(e), 21.4206, 21.5200(d) & (g), 21.7140(c)(3), 21.7159, 21.7640(a)(4), 21.7659, and 21.9720.

Title: Certification of Lessons Completed.

OMB Control Number: 2900–0353.

Type of Review: Revision of a currently approved collection.

Abstract: VA uses information from the current collection to determine the number of lessons completed by the student and serviced by the correspondence school, and to determine the date of completion or termination of correspondence training. VA pays education benefits based on the information furnished on the form. Without this information, VA would be unable to determine the proper payment or the student's training status.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 86 FR 216 on November 12, 2021, pages 62887 and 62888.

Affected Public: Individuals or Households.

Estimated Annual Burden: 103 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: Quarterly.

Estimated Number of Respondents: 616.

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. 2022–00730 Filed 1–14–22; 8:45 am]

BILLING CODE 8320–01–P

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Federal Register

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Tuesday, January 18, 2022

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The Federal Register staff cannot interpret specific documents or regulations.

FEDERAL REGISTER PAGES AND DATE, JANUARY

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LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

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