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

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

## BUREAU OF CONSUMER FINANCIAL PROTECTION

### 12 CFR Part 1003

[Docket No. CFPB–2020–0014]

RIN 3170–AB01

### Facilitating the LIBOR Transition (Regulation Z); Correction

**AGENCY:** Bureau of Consumer Financial Protection.

**ACTION:** Final rule; correction.

**SUMMARY:** On December 8, 2021, the Consumer Financial Protection Bureau (Bureau) published the “Facilitating the LIBOR Transition (Regulation Z)” final rule (LIBOR Transition Final Rule) in the **Federal Register**. The

**SUPPLEMENTARY INFORMATION** in the LIBOR Transition Final Rule contained two clerical errors regarding a hyperlink to documents referenced in each footnote. This document corrects those errors.

**DATES:** This correction is effective on February 16, 2022.

**FOR FURTHER INFORMATION CONTACT:** Krista Ayoub, Kristen Phinnessee, or Lanique Eubanks, Senior Counsels, Office of Regulations, at 202–435–7700. If you require this document in an alternative electronic format, please contact [CFPB\\_Accessibility@cfpb.gov](mailto:CFPB_Accessibility@cfpb.gov).

**SUPPLEMENTARY INFORMATION:** On December 8, 2021, the Bureau published in the **Federal Register** the “Facilitating the LIBOR Transition (Regulation Z)” final rule (LIBOR Transition Final Rule), which amends various provisions in Regulation Z in anticipation of the sunset of LIBOR.<sup>1</sup> Two footnotes in the **SUPPLEMENTARY INFORMATION** contained clerical errors regarding a hyperlink to materials referenced in each footnote, one omitting the hyperlink and the other providing the incorrect hyperlink and omitting the document title.

<sup>1</sup> Facilitating the LIBOR Transition (Regulation Z), 86 FR 69716 (Dec. 8, 2021).

Specifically, in footnote 1 in the second column of page 69716 and in footnote 10 in the third column of page 69718 of volume 86 of the **Federal Register**:

- The bracketed word “at [placeholder]” should read “at <https://www.consumerfinance.gov/compliance/compliance-resources/other-applicable-requirements/libor-index-transition/>”;
- The phrase “Bureau of Consumer Fin. Prot., [Title] <https://www.consumerfinance.gov/policy-compliance/guidance/other-applicable-requirements/libortransition/>” should read “Bureau of Consumer Fin. Prot., *LIBOR Index Transition Compliance Resources*, <https://www.consumerfinance.gov/compliance/compliance-resources/other-applicable-requirements/libor-index-transition/>.”

These changes make it so that the referenced hyperlink is now accessible in the **Federal Register**.

### Correction

Accordingly, the Bureau makes the following corrections to FR Doc. 2021–25825 published on December 8, 2021 (86 FR 69716):

1. On page 69716, in the second column, revise footnote 1 to read “When amending commentary, the Office of the Federal Register requires reprinting of certain subsections being amended in their entirety rather than providing more targeted amendatory instructions. The sections of regulatory text and commentary included in this document show the language of those sections. In addition, the Bureau is releasing an unofficial, informal redline to assist industry and other stakeholders in reviewing the changes made in this final rule to the regulatory text and commentary of Regulation Z. This redline can be found on the Bureau’s website, at <https://www.consumerfinance.gov/compliance/compliance-resources/other-applicable-requirements/libor-index-transition/>. If any conflicts exist between the redline and the text of Regulation Z, its commentary, or this final rule, the documents published in the **Federal Register** are the controlling documents.”

2. On page 69718, in the third column, revise footnote 10 to read “At the same time as issuing the proposal, the Bureau issued separate written guidance in the form of Frequently Asked Questions (FAQs) for creditors and card issuers to use as they transition away from using LIBOR indices. These

FAQs addressed regulatory questions where the existing rule was clear on the requirements and already provides necessary alternatives for the LIBOR transition. The FAQs, as well as additional written guidance materials including an executive summary of this final rule, are available here: Bureau of Consumer Fin. Prot., *LIBOR Index Transition Compliance Resources*, <https://www.consumerfinance.gov/compliance/compliance-resources/other-applicable-requirements/libor-index-transition/>.”

**Rohit Chopra,**

Director, Bureau of Consumer Financial Protection.

[FR Doc. 2022–03344 Filed 2–15–22; 8:45 am]

**BILLING CODE 4810–AM–P**

## DEPARTMENT OF THE TREASURY

### Office of Foreign Assets Control

### 31 CFR Part 544

### Weapons of Mass Destruction Proliferators Sanctions Regulations

**AGENCY:** Office of Foreign Assets Control, Treasury.

**ACTION:** Final rule.

**SUMMARY:** The Department of the Treasury’s Office of Foreign Assets Control (OFAC) is amending the Weapons of Mass Destruction Proliferators Sanctions Regulations to revise an existing general license authorizing the provision of certain legal services and add a general license authorizing payments for legal services from funds originating outside the United States.

**DATES:** This rule is effective February 16, 2022.

**FOR FURTHER INFORMATION CONTACT:** OFAC: Assistant Director for Licensing, 202–622–2480; Assistant Director for Regulatory Affairs, 202–622–4855; or Assistant Director for Sanctions Compliance & Evaluation, 202–622–2490.

### SUPPLEMENTARY INFORMATION:

#### Electronic Availability

This document and additional information concerning OFAC are available on OFAC’s website: [www.treasury.gov/ofac](http://www.treasury.gov/ofac).



## Background

On April 13, 2009, OFAC issued the Weapons of Mass Destruction Proliferators Sanctions Regulations, 31 CFR part 544 (74 FR 16771, April 13, 2009) (the “Regulations”), to implement Executive Order (E.O.) 13382 of June 28, 2005, “Blocking Property of Weapons of Mass Destruction Proliferators and Their Supporters” (70 FR 38567, July 1, 2005). OFAC is amending the Regulations with respect to payments for legal services as set forth in more detail below.

Section 544.507 of the Regulations authorizes U.S. persons to provide certain legal services to or on behalf of persons whose property and interests in property are blocked pursuant to § 544.201(a) provided that all receipts of payment of professional fees and reimbursement of incurred expenses must be specifically licensed. OFAC is revising § 544.507 to remove the requirement that all receipts of payment of professional fees and reimbursement of incurred expenses must only be specifically licensed and to otherwise update language throughout the section so that § 544.507 conforms with the legal services general license in other sanctions programs. OFAC is also redesignating § 544.508 as § 544.509 and adding a new general license at § 544.508 authorizing a permissible payment mechanism for legal services without the need for a specific license. Specifically, new § 544.508 authorizes payments from funds originating outside the United States and that do not come from a U.S. person or any person whose property and interests in property are blocked, other than the person on whose behalf the authorized legal services are provided. This payment mechanism has previously been incorporated into the regulations for a number of other sanctions programs.

## Public Participation

Because the Regulations involve a foreign affairs function, the provisions of E.O. 12866 of September 30, 1993, “Regulatory Planning and Review” (58 FR 51735, October 4, 1993), and the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act (5 U.S.C. 601–612) does not apply.

## Paperwork Reduction Act

The collections of information related to the Regulations are contained in 31 CFR part 501 (the “Reporting,

Procedures and Penalties Regulations”). Pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), those collections of information have been approved by the Office of Management and Budget under control number 1505–0164. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number.

## List of Subjects in 31 CFR Part 544

Administrative practice and procedure, Banks, Banking, Blocking of assets, Credit, Foreign trade, Legal services, Penalties, Proliferation, Reporting and recordkeeping requirements, Sanctions, Securities, Services, Weapons of mass destruction.

For the reasons set forth in the preamble, OFAC amends 31 CFR part 544 as follows:

## PART 544—WEAPONS OF MASS DESTRUCTION PROLIFERATORS SANCTIONS REGULATIONS

■ 1. The authority citation for part 544 continues to read as follows:

**Authority:** 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13094, 63 FR 40803, 3 CFR, 1998 Comp., p. 200; E.O. 13382, 70 FR 38567, 3 CFR, 2005 Comp., p. 170.

## Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

■ 2. Revise § 544.507 to read as follows:

### § 544.507 Provision of certain legal services.

(a) The provision of the following legal services to or on behalf of persons whose property and interests in property are blocked pursuant to § 544.201(a) is authorized, provided that any receipt of payment of professional fees and reimbursement of incurred expenses must be authorized pursuant to § 544.508, which authorizes certain payments for legal services from funds originating outside the United States; via specific license; or otherwise pursuant to this part:

(1) Provision of legal advice and counseling on the requirements of and compliance with the laws of the United States or any jurisdiction within the United States, provided that such advice and counseling are not provided to facilitate transactions in violation of this part;

(2) Representation of persons named as defendants in or otherwise made parties to legal, arbitration, or

administrative proceedings before any U.S. Federal, state, or local court or agency;

(3) Initiation and conduct of legal, arbitration, or administrative proceedings before any U.S. Federal, state, or local court or agency;

(4) Representation of persons before any U.S. Federal, state, or local court or agency with respect to the imposition, administration, or enforcement of U.S. sanctions against such persons; and

(5) Provision of legal services in any other context in which prevailing U.S. law requires access to legal counsel at public expense.

(b) The provision of any other legal services to or on behalf of persons whose property and interests in property are blocked pursuant to § 544.201(a), not otherwise authorized in this part, requires the issuance of a specific license.

(c) U.S. persons do not need to obtain specific authorization to provide related services, such as making filings and providing other administrative services, that are ordinarily incident to the provision of services authorized by paragraph (a) of this section. Additionally, U.S. persons who provide services authorized by paragraph (a) of this section do not need to obtain specific authorization to contract for related services that are ordinarily incident to the provision of those legal services, such as those provided by private investigators or expert witnesses, or to pay for such services. See § 544.404.

(d) Entry into a settlement agreement or the enforcement of any lien, judgment, arbitral award, decree, or other order through execution, garnishment, or other judicial process purporting to transfer or otherwise alter or affect property or interests in property blocked pursuant to § 544.201(a) is prohibited unless licensed pursuant to this part.

**Note 1 to § 544.507.** Pursuant to part 501, subpart E, of this chapter, U.S. persons seeking administrative reconsideration or judicial review of their designation or the blocking of their property and interests in property may apply for a specific license from the Office of Foreign Assets Control (OFAC) to authorize the release of certain blocked funds for the payment of professional fees and reimbursement of incurred expenses for the provision of such legal services where alternative funding sources are not available.

### § 544.508 [Redesignated as § 544.509]

■ 3. Redesignate § 544.508 as § 544.509.  
 ■ 4. Add new § 544.508 to subpart E to read as follows:

**§ 544.508 Payments for legal services from funds originating outside the United States.**

(a) *Professional fees and incurred expenses.* (1) Receipt of payment of professional fees and reimbursement of incurred expenses for the provision of legal services authorized pursuant to § 544.507(a) to or on behalf of any person whose property and interests in property are blocked pursuant to § 544.201(a) is authorized from funds originating outside the United States, provided that the funds do not originate from:

(i) A source within the United States;

(ii) Any source, wherever located, within the possession or control of a U.S. person; or

(iii) Any individual or entity, other than the person on whose behalf the legal services authorized pursuant to § 544.507(a) are to be provided, whose property and interests in property are blocked pursuant to any part of this chapter or any Executive order or statute.

(2) Nothing in paragraph (a) of this section authorizes payments for legal services using funds in which any other person whose property and interests in property are blocked pursuant to § 544.201(a), any other part of this chapter, or any Executive order or statute has an interest.

(b) *Reports.* (1) U.S. persons who receive payments pursuant to paragraph (a) of this section must submit annual reports no later than 30 days following the end of the calendar year during which the payments were received providing information on the funds received. Such reports shall specify:

(i) The individual or entity from whom the funds originated and the amount of funds received; and

(ii) If applicable:

(A) The names of any individuals or entities providing related services to the U.S. person receiving payment in connection with authorized legal services, such as private investigators or expert witnesses;

(B) A general description of the services provided; and

(C) The amount of funds paid in connection with such services.

(2) The reports, which must reference this section, are to be submitted to OFAC using one of the following methods:

(i) *Email (preferred method):* [OFACreport@treasury.gov](mailto:OFACreport@treasury.gov); or

(ii) *U.S. mail:* OFAC Regulations Reports, Office of Foreign Assets Control, U.S. Department of the Treasury, 1500 Pennsylvania Avenue NW, Freedman's Bank Building, Washington, DC 20220.

Dated: February 11, 2022

**Andrea M. Gacki**

*Director, Office of Foreign Assets Control.*

[FR Doc. 2022-03361 Filed 2-15-22; 8:45 am]

**BILLING CODE 4810-AL-P**

**DEPARTMENT OF THE TREASURY****Office of Foreign Assets Control****31 CFR Part 586****Chinese Military-Industrial Complex Sanctions Regulations**

**AGENCY:** Office of Foreign Assets Control, Treasury.

**ACTION:** Final rule.

**SUMMARY:** The Department of the Treasury's Office of Foreign Assets Control (OFAC) is adding regulations to implement a November 12, 2020 Executive order related to securities investments that finance Communist Chinese military companies, as amended by a June 3, 2021 Executive order related to the Chinese military-industrial complex and Chinese surveillance technology. OFAC intends to supplement these regulations with a more comprehensive set of regulations, which may include additional interpretive guidance and definitions, general licenses, and other regulatory provisions.

**DATES:** This rule is effective February 16, 2022.

**FOR FURTHER INFORMATION CONTACT:** OFAC: Assistant Director for Licensing, 202-622-2480; Assistant Director for Regulatory Affairs, 202-622-4855; or Assistant Director for Sanctions Compliance & Evaluation, 202-622-2490.

**SUPPLEMENTARY INFORMATION:****Electronic Availability**

This document and additional information concerning OFAC are available on OFAC's website: [www.treasury.gov/ofac](http://www.treasury.gov/ofac).

**Background**

On November 12, 2020, the President, invoking the authority of, *inter alia*, the International Emergency Economic Powers Act (50 U.S.C. 1701-1706) (IEEPA), issued Executive Order (E.O.) 13959, "Addressing the Threat From Securities Investments That Finance Communist Chinese Military Companies" (85 FR 73185, November 17, 2020).

In E.O. 13959, the President found, among other things, that the People's Republic of China (PRC) is increasingly exploiting United States capital to

resource and to enable the development and modernization of its military, intelligence, and other security apparatuses, which continues to allow the PRC to directly threaten the United States homeland and United States forces overseas, including by developing and deploying weapons of mass destruction, advanced conventional weapons, and malicious cyber-enabled actions against the United States and its people, and that key to the development of the PRC's military, intelligence, and other security apparatuses is the country's large, ostensibly private economy. The President therefore found that the PRC's military-industrial complex, by directly supporting the efforts of the PRC's military, intelligence, and other security apparatuses, constitutes an unusual and extraordinary threat, which has its source in substantial part outside the United States, to the national security, foreign policy, and economy of the United States and declared a national emergency with respect to that threat.

On January 13, 2021, the President issued E.O. 13974, "Amending Executive Order 13959—Addressing the Threat From Securities Investments That Finance Communist Chinese Military Companies" (86 FR 4875, January 19, 2021), which amended E.O. 13959. Further, on June 3, 2021, the President issued E.O. 14032, "Addressing the Threat From Securities Investments That Finance Certain Companies of the People's Republic of China" (86 FR 30145, June 7, 2021), which amended E.O. 13959 and revoked E.O. 13974 in its entirety.

In E.O. 14032, the President found that additional steps are necessary to address the national emergency declared in E.O. 13959, including the threat posed by the military-industrial complex of the PRC and its involvement in military, intelligence, and security research and development programs, and weapons and related equipment production under the PRC's Military-Civil Fusion strategy. In addition, he found that the use of Chinese surveillance technology outside the PRC and the development or use of Chinese surveillance technology to facilitate repression or serious human rights abuse constitute unusual and extraordinary threats, which have their source in whole or substantial part outside the United States, to the national security, foreign policy, and economy of the United States and expanded the scope of the national emergency declared in E.O. 13959 to address those threats.

OFAC is issuing the Chinese Military-Industrial Complex Sanctions

Regulations, 31 CFR part 586 (the “Regulations”), to implement E.O. 13959, as amended by E.O. 14032, pursuant to authorities delegated to the Secretary of the Treasury in E.O. 13959, as amended. Copies of E.O. 13959 and E.O. 14032 appear in appendix A and appendix B to this part, respectively. Because E.O. 13974 has been revoked in its entirety, it does not appear in an appendix to this part.

The Regulations are being published in abbreviated form at this time for the purpose of providing immediate guidance to the public. OFAC intends to supplement this part 586 with a more comprehensive set of regulations, which may include additional interpretive guidance and definitions, general licenses, and other regulatory provisions. The appendices to the Regulations will be removed when OFAC supplements this part with a more comprehensive set of regulations.

### Public Participation

Because the Regulations involve a foreign affairs function, the provisions of E.O. 12866 of September 30, 1993, “Regulatory Planning and Review” (58 FR 51735, October 4, 1993), and the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act (5 U.S.C. 601–612) does not apply.

### Paperwork Reduction Act

The collections of information related to the Regulations are contained in 31 CFR part 501 (the “Reporting, Procedures and Penalties Regulations”). Pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), those collections of information have been approved by the Office of Management and Budget under control number 1505–0164. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number.

### List of Subjects in 31 CFR Part 586

Administrative practice and procedure, Banks, banking, Penalties, People’s Republic of China, Reporting and recordkeeping requirements, Sanctions, Securities.

■ For the reasons set forth in the preamble, OFAC adds part 586 to 31 CFR chapter V to read as follows:

## PART 586—CHINESE MILITARY-INDUSTRIAL COMPLEX SANCTIONS REGULATIONS

### Subpart A—Relation of This Part to Other Laws and Regulations

Sec.

586.101 Relation of this part to other laws and regulations.

### Subpart B—Prohibitions

586.201 Prohibited transactions.

### Subpart C—General Definitions

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 586.403 Transactions ordinarily incident to a licensed transaction.  
 586.404 Subsidiary entities.

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586.501 General and specific licensing procedures.  
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### Subpart F—Reports

586.601 Records and reports.

### Subpart G—Penalties and Findings of Violation

586.701 Penalties and Findings of Violation.

### Subpart H—Procedures

586.801 Procedures.  
 586.802 Delegation of certain authorities of the Secretary of the Treasury.

### Subpart I—Paperwork Reduction Act

586.901 Paperwork Reduction Act notice. Appendix A to Part 586—Executive Order 13959 of November 12, 2020  
 Appendix B to Part 586—Executive Order 14032 of June 3, 2021

**Authority:** 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); E.O. 13959, 85 FR 73185, 3 CFR, 2020 Comp., p. 475; E.O. 14032, 86 FR 30145.

### Subpart A—Relation of This Part to Other Laws and Regulations

#### § 586.101 Relation of this part to other laws and regulations.

This part is separate from, and independent of, the other parts of this chapter, with the exception of part 501 of this chapter, the recordkeeping and reporting requirements and license

application and other procedures of which apply to this part. Actions taken pursuant to part 501 of this chapter with respect to the prohibitions contained in this part are considered actions taken pursuant to this part. Differing foreign policy and national security circumstances may result in differing interpretations of similar language among the parts of this chapter. No license or authorization contained in or issued pursuant to those other parts authorizes any transaction prohibited by this part. No license or authorization contained in or issued pursuant to any other provision of law or regulation authorizes any transaction prohibited by this part. No license or authorization contained in or issued pursuant to this part relieves the involved parties from complying with any other applicable laws or regulations.

**Note 1 to § 586.101.** This part has been published in abbreviated form for the purpose of providing immediate guidance to the public. OFAC intends to supplement this part with a more comprehensive set of regulations, which may include additional interpretive and definitional guidance, general licenses, and other regulatory provisions.

### Subpart B—Prohibitions

#### § 586.201 Prohibited transactions.

(a) All transactions prohibited pursuant to Executive order (E.O.) 13959 of November 12, 2020, as amended by E.O. 14032 of June 3, 2021 (“E.O. 13959, as amended”), are prohibited pursuant to this part.

(b) All transactions prohibited pursuant to any further Executive orders issued pursuant to the national emergency declared in E.O. 13959, as amended, are prohibited pursuant to this part.

**Note 1 to § 586.201.** The names of persons identified in or pursuant to E.O. 13959, as amended, are published in the **Federal Register** and incorporated into OFAC’s Non-SDN Chinese Military-Industrial Complex Companies List (NS–CMIC List) using the following identifier formulation: “[CMIC–EO13959].” The NS–CMIC List is accessible through the following page on OFAC’s website: [www.treasury.gov/ofac](http://www.treasury.gov/ofac).

**Note 2 to § 586.201.** Section 501.807 of this chapter describes the procedures to be followed by persons seeking administrative reconsideration of their status as persons subject to the prohibitions of this section.

### Subpart C—General Definitions

#### § 586.300 Applicability of definitions.

The definitions in this subpart apply throughout the entire part.

**§ 586.301 Entity.**

The term *entity* means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization.

**§ 586.302 Licenses; general and specific.**

(a) Except as otherwise provided in this part, the term *license* means any license or authorization contained in or issued pursuant to this part.

(b) The term *general license* means any license or authorization the terms of which are set forth in subpart E of this part or made available on OFAC's website: [www.treasury.gov/ofac](http://www.treasury.gov/ofac).

(c) The term *specific license* means any license or authorization issued pursuant to this part but not set forth in subpart E of this part or made available on OFAC's website: [www.treasury.gov/ofac](http://www.treasury.gov/ofac).

**Note 1 to § 586.302.** See § 501.801 of this chapter on licensing procedures.

**§ 586.303 OFAC.**

The term *OFAC* means the Department of the Treasury's Office of Foreign Assets Control.

**§ 586.304 Person.**

The term *person* means an individual or entity.

**§ 586.305 Publicly traded securities.**

The term *publicly traded securities* includes any *security*, as defined in section 3(a)(10) of the Securities Exchange Act of 1934, Public Law 73-291 (as codified as amended at 15 U.S.C. 78c(a)(10)), denominated in any currency that trades on a securities exchange or through the method of trading that is commonly referred to as *over-the-counter*, in any jurisdiction.

**§ 586.306 United States.**

The term *United States* means the United States, its territories and possessions, and all areas under the jurisdiction or authority thereof.

**§ 586.307 United States person; U.S. person.**

The term *United States person* or *U.S. person* means any United States citizen, lawful permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States.

**§ 586.308 U.S. financial institution.**

The term *U.S. financial institution* means any U.S. entity (including its foreign branches) that is engaged in the business of accepting deposits, making, granting, transferring, holding, or

brokering loans or credits, or purchasing or selling foreign exchange, securities, futures or options, or procuring purchasers and sellers thereof, as principal or agent. It includes depository institutions, banks, savings banks, money services businesses, trust companies, insurance companies, securities brokers and dealers, futures and options brokers and dealers, forward contract and foreign exchange merchants, securities and commodities exchanges, clearing corporations, investment companies, employee benefit plans, dealers in precious metals, stones, or jewels, and U.S. holding companies, U.S. affiliates, or U.S. subsidiaries of any of the foregoing. This term includes those branches, offices, and agencies of foreign financial institutions that are located in the United States, but not such institutions' foreign branches, offices, or agencies.

**Subpart D—Interpretations****§ 586.401 [Reserved]****§ 586.402 Effect of amendment.**

Unless otherwise specifically provided, any amendment, modification, or revocation of any provision in or appendix to this part or chapter or of any order, regulation, ruling, instruction, or license issued by OFAC does not affect any act done or omitted, or any civil or criminal proceeding commenced or pending, prior to such amendment, modification, or revocation. All penalties, forfeitures, and liabilities under any such order, regulation, ruling, instruction, or license continue and may be enforced as if such amendment, modification, or revocation had not been made.

**§ 586.403 Transactions ordinarily incident to a licensed transaction.**

Any transaction ordinarily incident to a licensed transaction and necessary to give effect thereto is also authorized.

**§ 586.404 Subsidiary entities.**

The prohibitions in § 586.201(a) apply to a subsidiary of an entity identified in or pursuant to Executive Order (E.O.) 13959 of November 12, 2020, as amended by E.O. 14032 of June 3, 2021 ("E.O. 13959, as amended"), only if the subsidiary itself is identified in or pursuant to E.O. 13959, as amended.

**Subpart E—Licenses, Authorizations, and Statements of Licensing Policy****§ 586.501 General and specific licensing procedures.**

For provisions relating to licensing procedures, see part 501, subpart E, of this chapter. Licensing actions taken

pursuant to part 501 of this chapter with respect to the prohibitions contained in this part are considered actions taken pursuant to this part. General licenses and statements of licensing policy relating to this part also may be available through the Chinese Military-Industrial Complex sanctions page on OFAC's website: [www.treasury.gov/ofac](http://www.treasury.gov/ofac).

**§ 586.502 [Reserved]****§ 586.503 Exclusion from licenses.**

OFAC reserves the right to exclude any person, property, transaction, or class thereof from the operation of any license or from the privileges conferred by any license. OFAC also reserves the right to restrict the applicability of any license to particular persons, property, transactions, or classes thereof. Such actions are binding upon actual or constructive notice of the exclusions or restrictions.

**Subpart F—Reports****§ 586.601 Records and reports.**

For provisions relating to required records and reports, see part 501, subpart C, of this chapter. Recordkeeping and reporting requirements imposed by part 501 of this chapter with respect to the prohibitions contained in this part are considered requirements arising pursuant to this part.

**Subpart G—Penalties and Findings of Violation****§ 586.701 Penalties and Findings of Violation.**

(a) The penalties available under section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) (IEEPA), as adjusted annually pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101–410, as amended, 28 U.S.C. 2461 note) or, in the case of criminal violations, as adjusted pursuant to 18 U.S.C. 3571, are applicable to violations of the provisions of this part.

(b) OFAC has the authority, pursuant to IEEPA, to issue Pre-Penalty Notices, Penalty Notices, and Findings of Violation; impose monetary penalties; engage in settlement discussions and enter into settlements; refer matters to the United States Department of Justice for administrative collection; and, in appropriate circumstances, refer matters to appropriate law enforcement agencies for criminal investigation and/or prosecution. For more information, see appendix A to part 501 of this chapter, which provides a general framework for the enforcement of all economic

sanctions programs administered by OFAC, including enforcement-related definitions, types of responses to apparent violations, general factors affecting administrative actions, civil penalties for failure to comply with a requirement to furnish information or keep records, and other general civil penalties information.

## Subpart H—Procedures

### § 586.801 Procedures.

For license application procedures and procedures relating to amendments, modifications, or revocations of licenses; administrative decisions; rulemaking; and requests for documents pursuant to the Freedom of Information and Privacy Acts (5 U.S.C. 552 and 552a), see part 501, subpart E, of this chapter.

### § 586.802 Delegation of certain authorities of the Secretary of the Treasury.

Any action that the Secretary of the Treasury is authorized to take pursuant to Executive Order (E.O.) 13959 of November 12, 2020, as amended by E.O. 14032 of June 3, 2021, and any further Executive orders issued pursuant to the national emergency declared therein, may be taken by the Director of OFAC or by any other person to whom the Secretary of the Treasury has delegated authority so to act.

## Subpart I—Paperwork Reduction Act

### § 586.901 Paperwork Reduction Act notice.

For approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3507) of information collections relating to recordkeeping and reporting requirements, licensing procedures, and other procedures, see § 501.901 of this chapter. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

### Appendix A to Part 586—Executive Order 13959 of November 12, 2020 Addressing the Threat From Securities Investments That Finance Communist Chinese Military Companies

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 301 of title 3, United States Code,

I, DONALD J. TRUMP, President of the United States of America, find that the People's Republic of China (PRC) is

increasingly exploiting United States capital to resource and to enable the development and modernization of its military, intelligence, and other security apparatuses, which continues to allow the PRC to directly threaten the United States homeland and United States forces overseas, including by developing and deploying weapons of mass destruction, advanced conventional weapons, and malicious cyber-enabled actions against the United States and its people.

Key to the development of the PRC's military, intelligence, and other security apparatuses is the country's large, ostensibly private economy. Through the national strategy of Military-Civil Fusion, the PRC increases the size of the country's military-industrial complex by compelling civilian Chinese companies to support its military and intelligence activities. Those companies, though remaining ostensibly private and civilian, directly support the PRC's military, intelligence, and security apparatuses and aid in their development and modernization.

At the same time, those companies raise capital by selling securities to United States investors that trade on public exchanges both here and abroad, lobbying United States index providers and funds to include these securities in market offerings, and engaging in other acts to ensure access to United States capital. In that way, the PRC exploits United States investors to finance the development and modernization of its military.

I therefore further find that the PRC's military-industrial complex, by directly supporting the efforts of the PRC's military, intelligence, and other security apparatuses, constitutes an unusual and extraordinary threat, which has its source in substantial part outside the United States, to the national security, foreign policy, and economy of the United States. To protect the United States homeland and the American people, I hereby declare a national emergency with respect to this threat.

Accordingly, I hereby order:

*Section 1.* (a) The following actions are prohibited:

(i) Beginning 9:30 a.m. eastern standard time on January 11, 2021, any transaction in publicly traded securities, or any securities that are derivative of, or are designed to provide investment exposure to such securities, of any Communist Chinese military company as defined in section 4(a)(i) of this order, by any United States person; and

(ii) beginning 9:30 a.m. eastern standard time on the date that is 60 days after a person is determined to be a Communist Chinese military company pursuant to section 4(a)(ii) or (iii) of this order, any transaction in publicly traded securities, or any securities that are derivative of, or are designed to provide investment exposure to such securities, of that person, by any United States person.

(b) Notwithstanding subsection (a)(i) of this section, purchases for value or sales made on or before 11:59 p.m. eastern standard time on November 11, 2021, solely to divest, in whole or in part, from securities that any United States person held as of 9:30 a.m. eastern standard time on January 11, 2021, in a

Communist Chinese military company as defined in section 4(a)(i) of this order, are permitted.

(c) Notwithstanding subsection (a)(ii) of this section, for a person determined to be a Communist Chinese military company pursuant to section 4(a)(ii) or (iii) of this order, purchases for value or sales made on or before 365 days from the date of such determination, solely to divest, in whole or in part, from securities that any United States person held in such person, as of the date 60 days from the date of such determination, are permitted.

(d) The prohibitions in subsection (a) of this section apply except to the extent provided by statutes, or in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted before the date of this order.

*Sec. 2.* (a) Any transaction by a United States person or within the United States that evades or avoids, has the purpose of evading or avoiding, causes a violation of, or attempts to violate the prohibitions set forth in this order is prohibited.

(b) Any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

*Sec. 3.* (a) The Secretary of the Treasury, after consultation with the Secretary of State, the Secretary of Defense, the Director of National Intelligence, and the heads of other executive departments and agencies (agencies) as deemed appropriate by the Secretary of the Treasury, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA, to carry out the purposes of this order. The Secretary of the Treasury may, consistent with applicable law, redelegate any of these functions within the Department of the Treasury. All agencies shall take all appropriate measures within their authority to carry out the provisions of this order.

(b) Rules and regulations issued pursuant to this order may, among other things, establish procedures to license transactions otherwise prohibited pursuant to this order. But prior to issuing any license under this order, the Secretary of the Treasury shall consult with the Secretary of State, the Secretary of Defense, and the Director of National Intelligence.

*Sec. 4. Definitions.* For purposes of this order:

(a) The term "Communist Chinese military company" means

(i) any person that the Secretary of Defense has listed as a Communist Chinese military company operating directly or indirectly in the United States or in any of its territories or possessions pursuant to section 1237 of Public Law 105–261, as amended by section 1233 of Public Law 106–398 and section 1222 of Public Law 108–375, as of the date of this order, and as set forth in the Annex to this order, until such time as the Secretary of Defense removes such person from such list;

(ii) any person that the Secretary of Defense, in consultation with the Secretary of the Treasury, determines is a Communist

Chinese military company operating directly or indirectly in the United States or in any of its territories or possessions and therefore lists as such pursuant to section 1237 of Public Law 105–261, as amended by section 1233 of Public Law 106–398 and section 1222 of Public Law 108–375, until such time as the Secretary of Defense removes such person from such list; or

(iii) any person that the Secretary of the Treasury publicly lists as meeting the criteria in section 1237(b)(4)(B) of Public Law 105–261, or publicly lists as a subsidiary of a person already determined to be a Communist Chinese military company, until the Secretary of the Treasury determines that such person no longer meets that criteria and removes such person from such list.

(b) The term “entity” means a government or instrumentality of such government, partnership, association, trust, joint venture, corporation, group, subgroup, or other organization;

(c) the term “person” means an individual or entity;

(d) the terms “security” and “securities” include the definition of “security” in section 3(a)(10) of the Securities Exchange Act of 1934, Public Law 73–291, as codified as amended at 15 U.S.C. 78c(a)(10), except that currency or any note, draft, bill of exchange, or banker’s acceptance which has a maturity at the time of issuance of not exceeding 9 months, exclusive of days of grace, or any renewal thereof the maturity of which is likewise limited, shall be a security for purposes of this order.

(e) The term “transaction” means the purchase for value of any publicly traded security; and

(f) the term “United States person” means any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States.

Sec. 5. The Secretary of the Treasury, in consultation with the Secretary of State and, as appropriate, the Secretary of Defense, is hereby authorized to submit the recurring and final reports to the Congress on the national emergency declared in this order, consistent with section 401(c) of the NEA (50 U.S.C. 1641(c)) and section 204(c) of IEEPA (50 U.S.C. 1703(c)).

Sec. 6. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) The authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP  
THE WHITE HOUSE,

November 12, 2020

#### Annex

Aero Engine Corp of China  
Aviation Industry Corporation of China, Ltd. (AVIC)

China Academy of Launch Vehicle  
Technology (CALT)

China Aerospace Science & Technology  
Corporation (CASC)

China Aerospace Science & Industry  
Corporation (CASIC)

China Communication Construction Group  
Company, Ltd.

China Electronics Corporation (CEC)

China Electronics Technology Group  
Corporation (CETC)

China Mobile Communications

China National Chemical Corporation  
(ChernChina)

China National Chemical Engineering Group  
Co., Ltd. (CNCEC)

China National Nuclear

China Nuclear Engineering & Construction  
Corporation (CNECC)

China General Nuclear Power

China Railway Construction Corporation  
(CRCC)

China Shipbuilding Industry Corporation  
(CSIC)

China South Industries Group Corporation  
(CSGC)

China Spacesat

China State Construction Group Co., Ltd.

China State Shipbuilding Corporation (CSSC)

China Telecommunications

China Three Gorges Corporation Limited

China United Network Communications  
Group Co Ltd

CRRC Corporation

Dawning Information Industry Co. (Sugon)

Hikvision

Huawei

Inspur Group

Norinco

Panda Electronics

Sinochem Group Co Ltd

#### Appendix B to Part 586—Executive Order 14032 of June 3, 2021 Addressing the Threat From Securities Investments That Finance Certain Companies of the People’s Republic of China

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*) (NEA), and section 301 of title 3, United States Code,

I, JOSEPH R. BIDEN JR., President of the United States of America, find that additional steps are necessary to address the national emergency declared in Executive Order 13959 of November 12, 2020 (Addressing the Threat From Securities Investments That Finance Communist Chinese Military Companies), including the threat posed by the military-industrial complex of the People’s Republic of China (PRC) and its involvement in military, intelligence, and security research and development programs, and weapons and related equipment production under the PRC’s Military-Civil Fusion strategy. In addition, I find that the

use of Chinese surveillance technology outside the PRC and the development or use of Chinese surveillance technology to facilitate repression or serious human rights abuse constitute unusual and extraordinary threats, which have their source in whole or substantial part outside the United States, to the national security, foreign policy, and economy of the United States, and I hereby expand the scope of the national emergency declared in Executive Order 13959 to address those threats.

Accordingly, I hereby order as follows:

Section 1. Sections 1 through 5 of Executive Order 13959, as amended by Executive Order 13974 of January 13, 2021 (Amending Executive Order 13959—Addressing the Threat From Securities Investments That Finance Communist Chinese Military Companies), are hereby replaced and superseded in their entirety to read as follows:

“Section 1. (a) The following activities by a United States person are prohibited: The purchase or sale of any publicly traded securities, or any publicly traded securities that are derivative of such securities or are designed to provide investment exposure to such securities, of any person listed in the Annex to this order or of any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, and, as the Secretary of the Treasury deems appropriate, the Secretary of Defense:

(i) To operate or have operated in the defense and related materiel sector or the surveillance technology sector of the economy of the PRC; or

(ii) to own or control, or to be owned or controlled by, directly or indirectly, a person who operates or has operated in any sector described in subsection (a)(i) of this section, or a person who is listed in the Annex to this order or who has otherwise been determined to be subject to the prohibitions in subsection (a) of this section.

(b) The prohibitions in subsection (a) of this section shall take effect:

(i) Beginning at 12:01 a.m. eastern daylight time on August 2, 2021, with respect to any person listed in the Annex to this order; or

(ii) beginning at 12:01 a.m. eastern daylight time on the date that is 60 days after the date of the determination in subsection (a) of this section with respect to any person not listed in the Annex to this order.

(c) The purchase or sale of publicly traded securities described in subsection (a) of this section made solely to effect the divestment, in whole or in part, of such securities by a United States person is permitted prior to:

(i) 12:01 a.m. eastern daylight time on June 3, 2022, with respect to any person listed in the Annex to this order; or

(ii) 12:01 a.m. eastern daylight time on the date that is 365 days after the date of the determination in subsection (a) of this section with respect to any person not listed in the Annex to this order.

(d) The prohibitions in subsection (a) of this section apply except to the extent provided by statutes, or in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted before the date of this order.

Sec. 2. (a) Any transaction that evades or avoids, has the purpose of evading or avoiding, causes a violation of, or attempts to violate any of the prohibitions set forth in this order is prohibited.

(b) Any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

Sec. 3. For the purposes of this order:

(a) The term “entity” means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization;

(b) the term “person” means an individual or entity;

(c) the term “publicly traded securities” includes any “security,” as defined in section 3(a)(10) of the Securities Exchange Act of 1934, Public Law 73–291 (as codified as amended at 15 U.S.C. 78c(a)(10)), denominated in any currency that trades on a securities exchange or through the method of trading that is commonly referred to as “over-the-counter,” in any jurisdiction; and

(d) the term “United States person” means any United States citizen, lawful permanent resident, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States.

Sec. 4. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA, as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may, consistent with applicable law, redelegate any of these functions within the Department of the Treasury. All executive departments and agencies (agencies) of the United States shall take all appropriate measures within their authority to carry out the provisions of this order.

Sec. 5. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to submit recurring and final reports to the Congress on the national emergency declared in this order, consistent with section 401(c) of the NEA (50 U.S.C. 1641(c)) and section 204(c) of IEEPA (50 U.S.C. 1703(c)).

Sec. 6. The Secretary of the Treasury, in consultation with the Secretary of State, and, as the Secretary of the Treasury deems appropriate, the Secretary of Defense, is hereby authorized to determine that circumstances no longer warrant the application of the prohibitions in section 1(a) of this order with respect to a person listed in the Annex to this order, and to take necessary action to give effect to that determination.”

Sec. 2. The Annex to Executive Order 13959 is replaced and superseded in its entirety by the Annex to this order.

Sec. 3. Section 6 of Executive Order 13959 is amended to replace “Sec. 6.” with “Sec. 7.”

Sec. 4. Executive Order 13974 is hereby revoked in its entirety. The Secretary of the Treasury and the heads of agencies shall take all necessary steps to rescind any orders or prohibitions issued prior to the date of this order implementing or enforcing Executive Order 13974 or the versions of sections 1

through 5 of Executive Order 13959 replaced and superseded by section 1 of this order.

Sec. 5. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) The authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

JOSEPH R. BIDEN JR.

THE WHITE HOUSE,

June 3, 2021

#### Annex

AERO ENGINE CORPORATION OF CHINA  
AEROSPACE CH UAV CO., LTD  
AEROSPACE COMMUNICATIONS  
HOLDINGS GROUP COMPANY LIMITED  
AEROSUN CORPORATION  
ANHUI GREATWALL MILITARY  
INDUSTRY COMPANY LIMITED  
AVIATION INDUSTRY CORPORATION OF  
CHINA, LTD.  
AVIC AVIATION HIGH-TECHNOLOGY  
COMPANY LIMITED  
AVIC HEAVY MACHINERY COMPANY  
LIMITED  
AVIC JONHON OPTRONIC TECHNOLOGY  
CO., LTD.  
AVIC SHENYANG AIRCRAFT COMPANY  
LIMITED  
AVIC XI'AN AIRCRAFT INDUSTRY GROUP  
COMPANY LTD.  
CHANGSHA JINGJIA MICROELECTRONICS  
COMPANY LIMITED  
CHINA ACADEMY OF LAUNCH VEHICLE  
TECHNOLOGY  
CHINA AEROSPACE SCIENCE AND  
INDUSTRY CORPORATION LIMITED  
CHINA AEROSPACE SCIENCE AND  
TECHNOLOGY CORPORATION  
CHINA AEROSPACE TIMES ELECTRONICS  
CO., LTD  
CHINA AVIONICS SYSTEMS COMPANY  
LIMITED  
CHINA COMMUNICATIONS  
CONSTRUCTION COMPANY LIMITED  
CHINA COMMUNICATIONS  
CONSTRUCTION GROUP (LIMITED)  
CHINA ELECTRONICS CORPORATION  
CHINA ELECTRONICS TECHNOLOGY  
GROUP CORPORATION  
CHINA GENERAL NUCLEAR POWER  
CORPORATION  
CHINA MARINE INFORMATION  
ELECTRONICS COMPANY LIMITED  
CHINA MOBILE COMMUNICATIONS  
GROUP CO., LTD.  
CHINA MOBILE LIMITED  
CHINA NATIONAL NUCLEAR  
CORPORATION  
CHINA NATIONAL OFFSHORE OIL  
CORPORATION  
CHINA NORTH INDUSTRIES GROUP  
CORPORATION LIMITED

CHINA NUCLEAR ENGINEERING  
CORPORATION LIMITED  
CHINA RAILWAY CONSTRUCTION  
CORPORATION LIMITED  
CHINA SATELLITE COMMUNICATIONS  
CO., LTD.  
CHINA SHIPBUILDING INDUSTRY  
COMPANY LIMITED  
CHINA SHIPBUILDING INDUSTRY GROUP  
POWER COMPANY LIMITED  
CHINA SOUTH INDUSTRIES GROUP  
CORPORATION  
CHINA SPACESAT CO., LTD.  
CHINA STATE SHIPBUILDING  
CORPORATION LIMITED  
CHINA TELECOM CORPORATION LIMITED  
CHINA TELECOMMUNICATIONS  
CORPORATION  
CHINA UNICOM (HONG KONG) LIMITED  
CHINA UNITED NETWORK  
COMMUNICATIONS GROUP CO., LTD.  
CNOOC LIMITED  
COSTAR GROUP CO., LTD.  
CSSC OFFSHORE & MARINE ENGINEERING  
(GROUP) COMPANY LIMITED  
FUJIAN TORCH ELECTRON TECHNOLOGY  
CO., LTD.  
GUIZHOU SPACE APPLIANCE CO., LTD  
HANGZHOU HIKVISION DIGITAL  
TECHNOLOGY CO., LTD.  
HUAWEI INVESTMENT & HOLDING CO.,  
LTD.  
HUAWEI TECHNOLOGIES CO., LTD.  
INNER MONGOLIA FIRST MACHINERY  
GROUP CO., LTD.  
INSPUR GROUP CO., LTD.  
JIANGXI HONGDU AVIATION INDUSTRY  
CO., LTD.  
NANJING PANDA ELECTRONICS  
COMPANY LIMITED  
NORTH NAVIGATION CONTROL  
TECHNOLOGY CO., LTD.  
PANDA ELECTRONICS GROUP CO., LTD.  
PROVEN GLORY CAPITAL LIMITED  
PROVEN HONOUR CAPITAL LIMITED  
SEMICONDUCTOR MANUFACTURING  
INTERNATIONAL CORPORATION  
SHAANXI ZHONGTIAN ROCKET  
TECHNOLOGY COMPANY LIMITED  
ZHONGHANG ELECTRONIC MEASURING  
INSTRUMENTS COMPANY LIMITED

Dated: February 11, 2022.

**Andrea M. Gacki,**

*Director, Office of Foreign Assets Control.*

[FR Doc. 2022–03378 Filed 2–15–22; 8:45 am]

**BILLING CODE 4810–AL–P**

## DEPARTMENT OF VETERANS AFFAIRS

**38 CFR Parts 3, 17, 18 and 21**  
**RIN 2900–AR04**

### Vocational Rehabilitation and Employment (VR&E) Program: Name Change

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Final rule.

**SUMMARY:** The Department of Veterans Affairs (VA) is issuing this final rule to

amend the regulations pertaining to the name of the Vocational Rehabilitation and Employment program. VA provides benefits and services under the program name of “Vocational Rehabilitation and Employment.” VA is proposing to amend the name to “Veteran Readiness and Employment” (VR&E). VA further proposes that the references to the position of “Vocational Rehabilitation and Employment Officer” be amended to “Veteran Readiness and Employment Officer” and the position of “Director of Vocational Rehabilitation and Employment” be amended to “Executive Director of Veteran Readiness and Employment”.

**DATES:** This rule is effective February 16, 2022.

**FOR FURTHER INFORMATION CONTACT:** Allison Bernheimer, Policy Analyst, Veteran Readiness and Employment Services (28), 810 Vermont Avenue NW, Washington, DC 20420, [allison.bernheimer@va.gov](mailto:allison.bernheimer@va.gov), (202) 461-9600. (This is not a toll-free telephone number.)

**SUPPLEMENTARY INFORMATION:** On May 20, 2021, VA published a proposed rule in the **Federal Register** (86 FR 27340) which would amend its regulations that contain the program name Vocational Rehabilitation and Employment, the position title of Vocational Rehabilitation and Employment Officer and the position title of the Executive Director of Vocational Rehabilitation and Employment. VA provided a 60-day comment period, which ended on July 19, 2021. We received no comments on the proposed rule. This rule adopts as a final rule, without changes, the proposed rule published in the **Federal Register** on May 20, 2021. Based on the rationale set forth in the notice of proposed rulemaking and in this document, VA adopts the proposed rule as a final rule.

#### **Executive Orders 12866 and 13563**

Executive Orders 12866 and 13563 direct agencies to assess the 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 effects, and other advantages; distributive impacts; and equity). Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. The Office of Information and Regulatory Affairs has determined that this rule is not a

significant regulatory action under Executive Order 12866. The Regulatory Impact Analysis associated with this rulemaking can be found as a supporting document at [www.regulations.gov](http://www.regulations.gov).

#### **Regulatory Flexibility Act**

The Secretary hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (5 U.S.C. 601–612). The factual basis for this certification is based on this rulemaking does not change VA’s policy regarding small businesses, does not have an economic impact to individual businesses, and there is no increased or decreased costs to small business entities. Therefore, pursuant to 5 U.S.C. 605(b), the initial and final regulatory flexibility analysis requirements of 5 U.S.C. 603 and 604 do not apply.

#### **Unfunded Mandates**

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more (adjusted annually for inflation) in any one year. This final rule will have no such effect on State, local, and tribal governments, or on the private sector.

#### **Paperwork Reduction Act (PRA)**

This final rule contains no provisions constituting a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521).

#### **Assistance Listing**

The Assistance Listing numbers and titles for the programs affected by this document are 64.116, Vocational Rehabilitation for Disabled Veterans; 64.125, Vocational and Educational Counseling for Servicemembers and Veterans; 64.128, Vocational Training and Rehabilitation for Vietnam Veterans’ Children with Spina Bifida or Other Covered Birth Defects.

#### **Congressional Review Act**

Pursuant to Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (known as the Congressional Review Act) (5 U.S.C. 801 *et seq.*), the Office of Information and Regulatory Affairs designated this rule as not a major rule, as defined by 5 U.S.C. 804(2).

#### **List of Subjects**

##### *38 CFR Part 3*

Administrative practice and procedure, Claims, Disability benefits, Health care, Pensions, Radioactive materials, Veterans, Vietnam.

##### *38 CFR Part 17*

Administrative practice and procedure, Alcohol abuse, Alcoholism, Claims, Day care, Dental health, Drug abuse, Foreign relations, Government contracts, Grant programs—health, Grant programs—veterans, Health care, Health facilities, Health professions, Health records, Homeless, Medical and dental schools, Medical devices, Medical research, Mental health programs, Nursing homes, Philippines, Reporting and recordkeeping requirements, Scholarships and fellowships, Travel and transportation expenses, Veterans.

##### *38 CFR Part 18*

Aged, Civil Rights, Equal educational opportunity, Equal employment opportunity, Individuals with disabilities, Reporting and recordkeeping requirements, Veterans.

##### *38 CFR Part 21*

Administrative practice and procedure, Armed forces, Civil rights, Claims, Colleges and universities, Conflict of interests, Defense Department, Education, Employment, Grant programs—education, Grant programs—veterans, Health care, Loan programs—education, Loan programs—veterans, Manpower training programs, Reporting and recordkeeping requirements, Schools, Travel and transportation expenses, Veterans, Vocational education, Vocational rehabilitation.

#### **Signing Authority**

Denis McDonough, Secretary of Veterans Affairs, approved this document on January 31, 2022, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

#### **Luvenia Potts,**

*Regulation Development Coordinator, Office of Regulation Policy & Management, Office of General Counsel, Department of Veterans Affairs.*

For the reasons stated in the preamble, the Department of Veterans Affairs amends 38 CFR parts 3, 17, 18, and 21 as follows:



**PART 3—ADJUDICATION****Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation**

- 1. The authority citation for part 3, subpart A, continues to read as follows:  
**Authority:** 38 U.S.C. 501(a), unless otherwise noted.

**§ 3.341 [Amended]**

- 2. Amend § 3.341 by removing in paragraph (c) the words “Vocational Rehabilitation and Employment” and adding in their place the words “Veteran Readiness and Employment (VR&E)”.

**§ 3.342 [Amended]**

- 3. Amend § 3.342 by removing in paragraph (c)(1) the words “Vocational Rehabilitation and Employment” and adding in their place the words “Veteran Readiness and Employment (VR&E)”.

**PART 17—MEDICAL**

- 4. The authority citation for part 17 continues to read in part as follows:  
**Authority:** 38 U.S.C. 501, and as noted in specific sections.

\* \* \* \* \*

**§ 17.37 [Amended]**

- 5. Amend § 17.37 by removing in paragraph (e) the words “vocational rehabilitation” and adding in their place the words “Veteran Readiness and Employment (VR&E)”.

**PART 18—NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964****Subpart A—General**

- 6. The authority citation for part 18, subpart A, continues to read as follows:  
**Authority:** Sec. 602, 78 Stat. 252 (42 U.S.C. 2000d–1) and the laws referred to in Appendix A.

**Appendix A to Subpart A of Part 18 [Amended]**

- 7. Amend appendix A to subpart A by removing in sentence number 4 the words “vocational rehabilitation” and adding in their place the words “Veteran Readiness and Employment”.

**Subpart D—Nondiscrimination on the Basis of Handicap**

- 8. The authority citation for part 18, subpart D, continues to read as follows:  
**Authority:** 29 U.S.C. 706, 794.

**Appendix A to Subpart D of Part 18 [Amended]**

- 9. Amend appendix A to subpart D of part 18 by removing, in sentence number 10, the words “vocational rehabilitation” and adding in their place the words “Veteran Readiness and Employment”.

**Subpart E—Nondiscrimination on the Basis of Age**

- 10. The authority citation for part 18, subpart E, continues to read as follows:  
**Authority:** Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101, *et seq.*; 45 CFR part 90 (1979).

**Appendix A to Subpart E of Part 18 [Amended]**

- 11. Amend appendix A to subpart E of part 18 by removing, in sentence number 8, the words “Vocational Rehabilitation” and adding in their place the words “Veteran Readiness and Employment”.
- 12. Under the authority of 38 U.S.C. 501(a) and chs. 18 and 31, revise the heading for part 21 to read as follows:

**PART 21—VETERAN READINESS AND EMPLOYMENT AND EDUCATION****Subpart A—Veteran Readiness and Employment**

- 13. The authority citation for part 21, subpart A, continues to read as follows:  
**Authority:** 38 U.S.C. 501(a), chs. 18, 31, and as noted in specific sections.
- 14. Revise the heading for subpart A to read as set forth above.
- 15. Revise the undesignated heading immediately before § 21.1 to read as follows:

**Veteran Readiness and Employment Overview****§ 21.35 [Amended]**

- 16. Amend § 21.35 by:
  - a. Removing in paragraph (k)(1), the words “Vocational Rehabilitation and Employment” and adding in their place the words “Veteran Readiness and Employment (VR&E)”.
  - b. Removing in paragraphs (k)(2) and (7), the words “Vocational Rehabilitation and Employment” and adding in their place the word “VR&E”.

**§ 21.42 [Amended]**

- 17. Amend § 21.42 by:
  - a. Removing in paragraph (c)(1) the words “vocational rehabilitation” and adding in their place the words “Veteran Readiness and Employment (VR&E)”.
  - b. Removing in paragraph (c)(2)(ii) the words “vocational rehabilitation and

employment” and adding in their place the word “VR&E”.

- c. Removing in paragraph (c)(6) the words “vocational rehabilitation” and adding in their place the word “VR&E”.

**§ 21.53 [Amended]**

- 18. Amend § 21.53 by:
  - a. Removing in paragraph (f) the words “Vocational Rehabilitation and Employment (VR&E) Officer” and adding in their place the words “Veteran Readiness and Employment (VR&E) Officer”.
  - b. Removing in paragraph (g) introductory text the words “Vocational Rehabilitation and Employment” and adding in their place the word “VR&E”.

**§ 21.57 [Amended]**

- 19. Amend § 21.57 by removing in paragraph (d) the words “Vocational Rehabilitation and Employment” and adding in their place the words “Veteran Readiness and Employment (VR&E)”.

**§ 21.60 [Amended]**

- 20. Amend § 21.60 by:
  - a. Removing in paragraph (b)(1) the words “VR&E (Vocational Rehabilitation and Employment)” and adding in their place the words “Veteran Readiness and Employment (VR&E)”.
  - b. Removing in paragraph (c)(1) the words “VR&E (Vocational Rehabilitation and Employment)” and adding in their place the word “VR&E”.

**§ 21.62 [Amended]**

- 21. Amend § 21.62 by removing in paragraph (a) introductory text the words “Vocational Rehabilitation and Employment (VR&E)” and adding in their place the words “Veteran Readiness and Employment (VR&E)”.

**§ 21.72 [Amended]**

- 22. Amend § 21.72 by removing in paragraph (c)(1) the words “Vocational Rehabilitation and Employment Officer” and adding in their place the words “Veteran Readiness and Employment (VR&E) Officer”.

**§ 21.74 [Amended]**

- 23. Amend § 21.74 by removing in paragraph (c)(2) the words “Vocational Rehabilitation and Employment (VR&E) Officer” and adding in their place the words “Veteran Readiness and Employment (VR&E) Officer”.

**§ 21.78 [Amended]**

- 24. Amend § 21.78 by removing in paragraph (d) the words “Vocational Rehabilitation and Employment Officer” and adding in their place the words “Veteran Readiness and Employment (VR&E) Officer”.

**§ 21.80 [Amended]**

■ 25. Amend § 21.80 by removing in paragraph (a)(1) the word “VR&E” and adding in its place the words “Veteran Readiness and Employment (VR&E)”.

**§ 21.100 [Amended]**

■ 26. Amend § 21.100 by:

■ a. Removing in paragraph (a) introductory text the words “Vocational Rehabilitation and Employment (VR&E)” and adding in their place the words “Veteran Readiness and Employment (VR&E)”.

■ b. Removing in paragraph (d)(1) the words “Vocational Rehabilitation and Employment (VR&E)” and adding in their place the word “VR&E”.

**§ 21.155 [Amended]**

■ 27. Amend § 21.155 by removing in paragraph (c) introductory text the word “VR&E” and adding in its place the words “Veteran Readiness and Employment (VR&E)”.

**§ 21.162 [Amended]**

■ 28. Amend § 21.162 by removing in paragraph (a)(4) the words “VR&E Officer” and adding in their place the words “Veteran Readiness and Employment (VR&E) Officer”.

**§ 21.180 [Amended]**

■ 29. Amend § 21.180 by:

■ a. Removing in paragraph (a)(1) the word “VR&E” and adding in its place the words “Veteran Readiness and Employment (VR&E)”.

■ b. In paragraph (c) the words “VR&E (Vocational Rehabilitation and Employment) Officer” and adding in their place the words “VR&E Officer”.

**§ 21.182 [Amended]**

■ 30. Amend § 21.182 by removing in paragraph (b)(2) introductory text the words “VR&E (Vocational Rehabilitation and Employment)” and adding in their place the words “Veteran Readiness and Employment (VR&E)”.

**§ 21.184 [Amended]**

■ 31. Amend § 21.184 by removing in paragraph (c)(2) introductory text the word “VR&E” and adding in its place the words “Veteran Readiness and Employment (VR&E)”.

**§ 21.198 [Amended]**

■ 32. Amend § 21.198 by removing in paragraph (b)(7) the words “Vocational Rehabilitation and Employment (VR&E) Officer” and adding in their place the words “Veteran Readiness and Employment (VR&E) Officer”.

**§ 21.222 [Amended]**

■ 33. Amend § 21.222 by removing in paragraph (c)(3) the words “Director,

VR&E Service” and adding in their place the words “Executive Director, Veteran Readiness and Employment (VR&E) Service”.

**§ 21.256 [Amended]**

■ 34. Amend § 21.256 by removing in paragraph (d) the words “VR&E Officer” and adding in their place the words “Veteran Readiness and Employment (VR&E) Officer”.

**§ 21.258 [Amended]**

■ 35. Amend § 21.258 by:

■ a. Removing the words “VR&E Officer” and adding in their place the words “Veteran Readiness and Employment (VR&E) Officer”.

■ b. Removing the words “Director, VR&E Service” and adding in their place the words “Executive Director, VR&E Service”.

**§ 21.274 [Amended]**

■ 36. Amend § 21.274 by removing in paragraph (e)(1) introductory text the word “VR&E” and adding in its place the words “Veteran Readiness and Employment (VR&E)”.

**§ 21.292 [Amended]**

■ 37. Amend § 21.292 by removing in paragraph (d) the word “VR&E” and adding in its place the words “Veteran Readiness and Employment (VR&E)”.

**§ 21.299 [Amended]**

■ 38. Amend § 21.299 by removing in paragraph (d)(1) introductory text the word “VR&E” and adding in its place the words “Veteran Readiness and Employment (VR&E)”.

**§ 21.362 [Amended]**

■ 39. Amend § 21.362 by removing in paragraph (b)(2) the word “VR&E” and adding in its place the words “Veteran Readiness and Employment (VR&E)”.

**§ 21.382 [Amended]**

■ 40. Amend § 21.382 by removing in paragraph (a) introductory text the word “VR&E” and adding in its place the words “Veteran Readiness and Employment (VR&E)”.

**§ 21.390 [Amended]**

■ 41. Amend § 21.390 by removing in paragraph (c) heading the words “Vocational Rehabilitation and Employment (VR&E)” and adding in their place the words “Veteran Readiness and Employment (VR&E)”.

**§ 21.410 [Amended]**

■ 42. Amend § 21.410 by removing the words “Vocational Rehabilitation and Employment” and adding in their place the words “Veteran Readiness and Employment (VR&E)”.

**§ 21.430 [Amended]**

■ 43. Amend § 21.430 in paragraph (c) by:

■ a. In the heading, removing the words “Vocational Rehabilitation and Employment (VR&E) Officer’s” and adding in their place the words “Veteran Readiness and Employment (VR&E) Officer’s”.

■ b. In the introductory text, removing “(c)(1) through (c)(3)” and adding “(c)(1) through (3)” in its place.

**Subpart C—Survivors’ and Dependents’ Educational Assistance Under 38 U.S.C. Chapter 35**

■ 44. The authority citation for subpart C continues to read as follows:

**Authority:** 38 U.S.C. 501(a), 512, 3500–3566, and as noted in specific sections.

**§ 21.3022 [Amended]**

■ 45. Amend § 21.3022 by removing in paragraph (b) the words “Vocational Rehabilitation and Employment” and adding in their place the words “Veteran Readiness and Employment (VR&E)”.

**§ 21.3104 [Amended]**

■ 46. Amend § 21.3104 by:

■ a. Removing in paragraph (a) the words “Vocational Rehabilitation and Employment” and adding in their place the words “Veteran Readiness and Employment (VR&E)”.

■ b. Removing in paragraph (b) the words “Vocational Rehabilitation and Employment” and adding in their place the word “VR&E”.

**§ 21.3303 [Amended]**

■ 47. Amend § 21.3303 in paragraph (a) by:

■ a. Removing in the first sentence the words “Director, Vocational Rehabilitation and Employment Service” and adding in their place the words “Executive Director, Veteran Readiness and Employment (VR&E) Service”.

■ b. Removing in the second sentence the words “Director, Vocational Rehabilitation and Employment Service” and adding in their place the words “Executive Director, VR&E Service”.

**§ 21.3307 [Amended]**

■ 48. Amend § 21.3307 by removing in paragraph (c) the words “Vocational Rehabilitation and Employment” and adding in their place the words “Veteran Readiness and Employment (VR&E)”.

**§ 21.3344 [Amended]**

■ 49. Amend § 21.3344 by removing in paragraph (e)(1)(i) the words

“Vocational Rehabilitation and Employment” and adding in their place the words “Veteran Readiness and Employment (VR&E)”.

#### Subpart D—Administration of Educational Assistance Programs

■ 50. The authority citation for subpart D continues to read as follows:

**Authority:** 10 U.S.C. 2141 note, ch. 1606; 38 U.S.C. 501(a), chs. 30, 32, 33, 34, 35, 36, and as noted in specific sections.

##### § 21.4001 [Amended]

■ 51. Amend § 21.4001 by removing in paragraph (g) the words “Director, Vocational Rehabilitation and Employment Service” and adding in their place the words “Executive Director, Veteran Readiness and Employment (VR&E) Service”.

##### § 21.4022 [Amended]

■ 52. Amend § 21.4022 by removing in paragraph (b) the words “Vocational Rehabilitation and Employment Program” and adding in their place the words “Veteran Readiness and Employment (VR&E)”.

##### § 21.4232 [Amended]

■ 53. Amend § 21.4232 by removing in paragraph (d) the words “Director, Vocational Rehabilitation and Employment Service” and adding in their place the words “Executive Director, Veteran Readiness and Employment (VR&E) Service”.

##### § 21.4250 [Amended]

■ 54. Amend § 21.4250 by removing in paragraph (c)(1) the words “Director, Vocational Rehabilitation and Employment Service” and adding in their place the words “Executive Director, Veteran Readiness and Employment (VR&E) Service”.

#### Subpart G—Post-Vietnam Era Veterans’ Educational Assistance Under 38 U.S.C. Chapter 32

■ 55. The authority citation for subpart G continues to read as follows:

**Authority:** 38 U.S.C. 501(a), chs. 32, 36, and as noted in specific sections.

##### § 21.5022 [Amended]

■ 56. Amend § 21.5022 by removing in paragraph (a)(1)(ii) the words “Vocational Rehabilitation and Employment” and adding in their place the words “Veteran Readiness and Employment (VR&E)”.

#### Subpart I—Temporary Program of Vocational Training for Certain New Pension Recipients

■ 57. The authority citation for subpart I continues to read as follows:

**Authority:** Pub. L. 98–543, 38 U.S.C. 501 and chapter 15, sections specifically cited, unless otherwise noted.

##### § 21.6050 [Amended]

■ 58. Amend § 21.6050 by removing in paragraph (e) the words “Vocational Rehabilitation and Employment (VR&E)” and adding in their place the words “Veteran Readiness and Employment (VR&E)”.

##### § 21.6052 [Amended]

■ 59. Amend § 21.6052 by removing in paragraph (c) the words “Vocational Rehabilitation and Employment” and adding in their place the words “Veteran Readiness and Employment (VR&E)”.

##### § 21.6054 [Amended]

■ 60. Amend § 21.6054 by removing in paragraph (b) the words “Vocational Rehabilitation and Employment” and adding in their place the words “Veteran Readiness and Employment (VR&E)”.

##### § 21.6100 [Amended]

■ 61. Amend § 21.6100 by:

■ a. Removing “*General.*”.

■ b. Removing the words “Vocational Rehabilitation and Employment (VR&E)” and adding in their place the words “Veteran Readiness and Employment (VR&E)”.

##### § 21.6410 [Amended]

■ 62. Amend § 21.6410 by removing in paragraph (a) the words “Vocational Rehabilitation and Employment” and adding in their place the words “Veteran Readiness and Employment (VR&E)”.

#### Subpart J—Temporary Program of Vocational Training and Rehabilitation

■ 63. The authority citation for subpart J continues to read as follows:

**Authority:** Pub. L. 98–543, sec. 111; 38 U.S.C. 1163; Pub. L. 100–687, sec. 1301, unless otherwise noted.

##### § 21.6509 [Amended]

■ 64. Amend § 21.6509 by removing in paragraph (d) the words “Vocational Rehabilitation and Employment (VR&E)” and adding in their place the words “Veteran Readiness and Employment (VR&E)”.

#### Subpart K—All Volunteer Force Educational Assistance Program (Montgomery GI Bill—Active Duty)

■ 65. The authority citations for subpart K continues to read as follows:

**Authority:** 38 U.S.C. 501(a), chs. 30, 36, and as noted in specific sections.

##### § 21.7143 [Amended]

■ 66. Amend § 21.7143 by removing in paragraph (a)(1)(i) the words “Vocational Rehabilitation and Employment” and adding in their place the words “Veteran Readiness and Employment (VR&E)”.

#### Subpart L—Educational Assistance for Members of the Selected Reserve

■ 67. The authority citation for subpart L continues to read as follows:

**Authority:** 10 U.S.C. ch. 1606; 38 U.S.C. 501(a), 512, ch. 36, and as noted in specific sections.

##### § 21.7642 [Amended]

■ 68. Amend § 21.7642 by removing in paragraph (a)(2) the words “Vocational Rehabilitation and Employment” and adding in their place the words “Veteran Readiness and Employment (VR&E)”.

#### Subpart M—Vocational Training and Rehabilitation for Certain Children of Vietnam Veterans and Veterans with Covered Service in Korea—Spina Bifida and Covered Birth Defects

■ 69. The authority citation for subpart M continues to read as follows:

**Authority:** 38 U.S.C. 101, 501, 512, 1151 note, ch. 18, 5112, and as noted in specific sections.

##### § 21.8010 [Amended]

■ 70. Amend § 21.8010 by removing in paragraph (a), in the definition for “VR&E”, the words “Vocational Rehabilitation and Employment” and adding in their place the words “Veteran Readiness and Employment”.

#### Subpart P—Post-9/11 GI Bill

■ 71. The authority citation for subpart P continues to read as follows:

**Authority:** 38 U.S.C. 501(a), 512, chs. 33, 36 and as noted in specific sections.

##### § 21.9690 [Amended]

■ 72. Amend § 21.9690 by removing in paragraph (a)(5) the words “Vocational Rehabilitation and Employment Program” and adding in their place the words “Veteran Readiness and Employment (VR&E)”.

[FR Doc. 2022–02492 Filed 2–15–22; 8:45 am]

BILLING CODE 8320–01–P

# Proposed Rules

Federal Register

Vol. 87, No. 32

Wednesday, February 16, 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-2022-BT-DET-0006]

RIN 1904-AF31

#### Energy Conservation Program: Proposed Determination of Portable Electric Spas as a Covered Consumer Product

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

**ACTION:** Notification of proposed determination and request for comment.

**SUMMARY:** The U.S. Department of Energy (“DOE”) has tentatively determined that portable electric spas qualify as a covered product under Part A of Title III of the Energy Policy and Conservation Act, as amended (“EPCA”). DOE has tentatively determined that coverage of portable electric spas is necessary and appropriate to carry out the purposes of EPCA and that the average U.S. household energy use for portable electric spas is likely to exceed 100 kilowatt-hours per year.

**DATES:** Written comments, data, and information are requested and will be accepted on or before April 18, 2022.

**ADDRESSES:** Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at [www.regulations.gov](http://www.regulations.gov). Follow the instructions for submitting comments. Alternatively, interested persons may submit comments, identified by docket number EERE-2022-BT-DET-0006, by any of the following methods:

1. *Federal eRulemaking Portal:* [www.regulations.gov](http://www.regulations.gov). Follow the instructions for submitting comments.

2. *Email:* To [PortableElecSpas2022DET0006@ee.doe.gov](mailto:PortableElecSpas2022DET0006@ee.doe.gov). Include docket number EERE-2022-BT-DET-0006 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 VI of this document.

Although DOE has routinely accepted public comment submissions through a variety of mechanisms, including postal mail and hand delivery/courier, DOE has found it necessary to make temporary modifications to the comment submission process in light of the ongoing COVID-19 pandemic. DOE is currently suspending receipt of public comments via postal mail and hand delivery/courier. 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, which includes **Federal Register** notices, comments, and other supporting documents/materials, is available for review at [www.regulations.gov](http://www.regulations.gov). All documents in the docket are listed in the [www.regulations.gov](http://www.regulations.gov) index. However, not all documents listed in the index may be publicly available, such as information that is exempt from public disclosure.

The docket web page can be found at [www.regulations.gov/docket/EERE-2022-BT-DET-0006](http://www.regulations.gov/docket/EERE-2022-BT-DET-0006). The docket web page contains instructions on how to access all documents, including public comments, in the docket. See section VI, “Public Participation,” for further information on how to submit comments through [www.regulations.gov](http://www.regulations.gov).

**FOR FURTHER INFORMATION CONTACT:** Mr. Jeremy Dommu, 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) 586-9870. Email: [ApplianceStandardsQuestions@ee.doe.gov](mailto:ApplianceStandardsQuestions@ee.doe.gov).

Ms. Kristin Koernig, U.S. Department of Energy, Office of the General Counsel, GC-33, 1000 Independence Avenue SW, Washington, DC 20585-0121. Telephone: (202) 586-3593. Email: [kristin.koernig@hq.doe.gov](mailto:kristin.koernig@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](mailto:ApplianceStandardsQuestions@ee.doe.gov).

#### SUPPLEMENTARY INFORMATION:

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##### I. Statutory Authority

EPCA<sup>1</sup> authorizes DOE to regulate the energy efficiency of a number of consumer products and certain industrial equipment. (42 U.S.C. 6291-6317) Title III, Part B<sup>2</sup> of EPCA established the Energy Conservation Program for Consumer Products Other Than Automobiles, which sets forth a variety of provisions designed to improve energy efficiency for certain consumer products, referred to generally as “covered products.”<sup>3</sup> In addition to specifying a list of consumer products that are covered products, EPCA contains provisions that enable the

<sup>1</sup> All references to EPCA in this document refer to the statute as amended through the Energy Act of 2020, Public Law 116-260 (Dec. 27, 2020).

<sup>2</sup> For editorial reasons, upon codification in the U.S. Code, Part B was redesignated Part A.

<sup>3</sup> The enumerated list of covered products is at 42 U.S.C. 6292(a)(1)-(19).

Secretary of Energy to classify additional types of consumer products as covered products. For a given consumer product to be classified as a covered product, the Secretary must determine that:

(1) Classifying the product as a covered product is necessary or appropriate to carry out the purposes of EPCA; and

(2) The average annual per-household energy use by products of such type is likely to exceed 100 kilowatt-hours (“kWh”) (or its British thermal unit (“Btu”) equivalent) per year. (42 U.S.C. 6292(b)(1))<sup>4</sup>

When attempting to add additional consumer product types to the “covered products” classification, DOE must first determine whether these criteria from 42 U.S.C. 6292(b)(1) are met. Once such a determination is made, the Secretary may prescribe test procedures to measure the energy efficiency or energy use of such product. (42 U.S.C. 6293(b)(1)(B)) Furthermore, once a product is determined to be a covered product, the Secretary may set standards for such product, subject to the provisions in 42 U.S.C. 6295(o) and (p), provided that DOE determines that the four additional criteria at 42 U.S.C. 6295(l) have been met. Specifically, 42 U.S.C. 6295(l) requires the Secretary to determine that:

(1) The average household energy use of the products has exceeded 150 kWh per household for a 12-month period;

(2) The aggregate 12-month energy use of the products has exceeded 4200 gigawatt-hours;

(3) Substantial improvement in the energy efficiency of products of such type is technologically feasible; and

(4) Application of a labeling rule under 42 U.S.C. 6294 is unlikely to be sufficient to induce manufacturers to produce, and consumers and other persons to purchase, covered products of such type (or class) that achieve the maximum energy efficiency that

<sup>4</sup> DOE has defined “household” to mean an entity consisting of either an individual, a family, or a group of unrelated individuals, who reside in a particular housing unit. For the purpose of this definition:

(1) Group quarters means living quarters that are occupied by an institutional group of 10 or more unrelated persons, such as a nursing home, military barracks, halfway house, college dormitory, fraternity or sorority house, convent, shelter, jail or correctional institution.

(2) Housing unit means a house, an apartment, a group of rooms, or a single room occupied as separate living quarters, but does not include group quarters.

(3) Separate living quarters means living quarters:

(i) To which the occupants have access either:

(A) Directly from outside of the building, or

(B) Through a common hall that is accessible to other living quarters and that does not go through someone else’s living quarters, and

(ii) Occupied by one or more persons who live and eat separately from occupant(s) of other living quarters, if any, in the same building. 10 CFR 430.2.

is technologically feasible and economically justified. (42 U.S.C. 6295(l)(1))

## II. Current Rulemaking Process

DOE has not previously conducted a rulemaking for portable electric spas. In a presentation provided to DOE on December 6, 2021, the Pool and Hot Tub Alliance (“PHTA”) asserted that portable electric spas meet the EPCA thresholds of significance required for the Secretary to classify a consumer product as a covered product under 42 U.S.C. 6295(l) and 42 U.S.C. 6292(b)(1).<sup>5</sup> DOE independently examined the PHTA’s assertion that portable electric spas meet EPCA’s significance thresholds in section IV.B of this document and tentatively finds the PHTA’s claims to be credible. Therefore, DOE has decided to proceed with this proposed determination. If, after public comment, DOE issues a final determination of coverage for this product, DOE may prescribe both test procedures and energy conservation standards for this product. DOE will publish a final decision on coverage as a separate notice, which is an action that will be completed prior to the initiation of any test procedure or energy conservation standards rulemaking. See 10 CFR part 430 subpart C appendix A section 5(c). If DOE determines that coverage is warranted, DOE will proceed with its typical rulemaking process for both test procedures and standards. *Id.* DOE is not proposing test procedures or energy conservation standards as part of this proposed determination. If DOE proceeds with a rulemaking to establish energy conservation standards, DOE would determine if portable electric spas satisfy the provisions of 42 U.S.C. 6295(l)(1) during the course of that rulemaking.

## III. Scope of Coverage

Portable electric spas are factory-built hot tubs or spas that are intended for the immersion of people in heated, temperature-controlled water that is circulated in a closed system. Portable electric spas are not covered products currently. A wide range of portable electric spa products are available on the market, including standard spas, exercise spas, combination spas, and inflatable spas.

To help inform its proposed scope of coverage, DOE reviewed existing classifications of portable electric spas developed by the PHTA—the industry

trade group for portable electric spas—and used in California Energy Commission (“CEC”) regulations.<sup>6</sup> The following paragraphs discuss DOE’s examination of these sources and present the proposed definition that would provide the basis for coverage of portable electric spas under EPCA.

PHTA publishes a standard method of test, certified by American National Standards Institute (“ANSI”), for measuring the performance of portable electric spas, titled ANSI/Association of Pool and Spa Professionals (“APSP”)/International Code Council (“ICC”) 14 2019, American National Standard for Portable Electric Spa Energy Efficiency (“ANSI/APSP/ICC–14 2019”).<sup>7</sup> PHTA describes this standard as providing recommended minimum guidelines for testing the energy efficiency of factory-built residential portable electric spas. The standard methods included in ANSI/APSP/ICC–14 2019 provide a means to compare and evaluate the energy efficiency of different models of portable electric spas in conditions relevant to product use. Section 3 of ANSI/APSP/ICC–14 2019 defines “Portable Electric Spa” as “a factory-built electric spa or hot tub, supplied with equipment for heating and circulating water at the time of sale or sold separately for subsequent attachment.” ANSI/APSP/ICC–14 2019 also defines “Spa” as “a product intended for the immersion of persons in temperature-controlled water circulated in a closed system, and not intended to be drained and filled with each use. A spa usually includes a filter, a heater (electric, solar, or gas), a pump or pumps, and a control, and may also include other equipment, such as lights, blowers, and water sanitizing equipment.” The term “hot tub” is defined in ANSI/APSP/ICC–14 2019 as a synonym of “spa.”

In addition, Section 3 of ANSI/APSP/ICC–14 2019 defines the following categories of portable electric spas:

(1) *Standard Spa*: A portable electric spa that is not an inflatable spa, an exercise spa, or the exercise spa portion of a combination spa.

(2) *Exercise Spa*: (Also known as a swim spa); Variant of a portable electric spa in which the design and construction includes specific features and equipment to produce a water flow intended to allow recreational physical activity including, but not limited to, swimming in place.

<sup>6</sup> See section 1602(g)(2) of Article 4 of Division 2 of Title 20 of the California Code of Regulations (“CCR”).

<sup>7</sup> ANSI/APSP/ICC–14 2019 is available at: <https://webstore.ansi.org/standards/apsp/ansiapspicc142019>.

<sup>5</sup> Portable Electric Spas, information provided to DOE from PHTA, California Investor-Owned Utilities and Appliance Standards Awareness Project, [www.regulations.gov/docket/EERE-2022-BT-DET-0006-0001](http://www.regulations.gov/docket/EERE-2022-BT-DET-0006-0001).

(3) *Combination Spa*: A portable electric spa with two separate and distinct reservoirs, where (a) one reservoir is an exercise spa; (b) the second reservoir is a standard spa; and (c) each reservoir has an independent water temperature setting control.

(4) *Inflatable Spa*: A portable electric spa where the structure is collapsible and is designed to be filled with air to form the body of the spa.

The CEC defines portable electric spa and most of the spa categories consistently with ANSI/APSP/ICC-14 2019,<sup>8</sup> though CEC does not define “spa”. For the purpose of this analysis, DOE evaluated portable electric spas as a factory-built electric spa or hot tub, supplied with equipment for heating and circulating water at the time of sale or sold separately for subsequent attachment, as defined by ANSI/APSP/ICC-14 2019 and the CEC. DOE proposes to adopt this definition to inform stakeholders while DOE continues its analysis. DOE notes that this proposed definition would exclude units that are site-assembled, such as portable electric spas that are permanently installed in the ground or attached to a pool, and spas sold with methods of water heating other than electricity, such as propane or natural gas spa heaters or wood-fired hot tubs.

As stated previously in this document, EPCA authorizes DOE to classify a type of consumer product as a covered product upon making certain determinations. EPCA defines a “consumer product” as any article (other than an automobile) of a type— (A) which in operation consumes, or is designed to consume, energy; and (B) which, to any significant extent, is distributed in commerce for personal use or consumption by individuals; without regard to whether such article of such type is in fact distributed in commerce for personal use or consumption by an individual. (42 U.S.C. 6291(1)) As such, when considering the potential scope of coverage, DOE does not consider whether an individual product is distributed in commerce for residential or commercial use, but whether it is of a type of product distributed in commerce for residential use.

DOE seeks feedback from interested parties on its proposed definition and scope of coverage of portable electric spas.

<sup>8</sup> See section 1602(g)(2) of Article 4 of Division 2 of Title 20 of the CCR. There is some variation in the definition of exercise spa as compared to ANSI/APSP/ICC-14 2019.

#### IV. Evaluation of Portable Electric Spas as a Covered Product Subject to Energy Conservation Standards

The following sections describe DOE’s preliminary evaluation of whether portable electric spas fulfill the criteria for being added as a covered product pursuant to 42 U.S.C. 6292(b)(1). As stated previously, DOE may classify a consumer product as a covered product if:

- (1) Classifying products of such type as covered products is necessary or appropriate to carry out the purposes of EPCA; and
- (2) The average annual per-household energy use by products of such type is likely to exceed 100 kWh (or its Btu equivalent) per year. 42 U.S.C. 6292(b)(1)

##### A. Coverage Necessary or Appropriate To Carry Out the Purposes of EPCA

After evaluating the estimated shipments of portable electric spas and the potential availability of technologies that can be employed to improve the efficiency of portable electric spas, DOE has preliminarily determined that coverage of portable electric spas is necessary and appropriate to carry out the purposes of EPCA, which include:

- (1) To conserve energy supplies through energy conservation programs, and, where necessary, the regulation of certain energy uses; and
- (2) To provide for improved energy efficiency of motor vehicles, major appliances, and certain other consumer products. (42 U.S.C. 6291(4)–(5))

Although portable electric spas are not currently subject to energy conservation standards under EPCA, as discussed, several states have adopted standards, starting with California in 2004 and including Arizona, Colorado, Connecticut, Maine, Massachusetts, Nevada, Oregon, Rhode Island, Vermont, and Washington.<sup>9</sup> According to the DOE Energy Information Administration’s Residential Energy Consumption Survey (“RECS”), there were 8.4 million spas in the U.S. in 2015.<sup>10</sup> DOE also obtained data from PKData, and, based on that data, DOE estimates that in, 2019, the existing stock of residential hot tubs (as separate from the stock of spas in residential pools) was approximately 5.5 million, with approximately 95% of these being electric spas.<sup>11</sup> Based on these same

<sup>9</sup> <https://appliance-standards.org/product/portable-electric-spas>.

<sup>10</sup> <https://www.eia.gov/consumption/residential/data/2015/>. DOE would note that this number likely includes spas that do not meet the proposed definition of portable electric spa.

<sup>11</sup> P.K. Data Inc. 2020 Pool Heaters Market Data: Custom Compilation for Lawrence Berkeley National Laboratory. 2020. Alpharetta, GA. (Last accessed July 1, 2021.) <https://www.pkdata.com/reports-store.html#/>.

data, DOE also estimates that approximately 230,000 electric spas were shipped in 2019. *Id.*

DOE requests data and information regarding the current annual shipments of portable electric spas and the installed base of portable electric spas, specifying the scope of products included in any such estimates (*e.g.*, standard, exercise, combination, inflatable, *etc.*).

In 2018, the CEC published a final staff report analyzing efficiency standards and marking for spas.<sup>12</sup> That report examined potentially available technologies that can be employed to improve the efficiency of portable electric spas. The report included several options but stated that improved insulation (in terms of improved insulation coverage, type and quantity) within the tub walls and of the tub cover offer the greatest opportunity for improved efficiency. The report also mentioned further attainable efficiency improvements through, but not limited to, improved spa cover design, and improved pump and motor system design within the spa itself. The findings of this report indicate that technologies exist, and are already available in the market, to reduce the energy consumption of portable electric spas.

DOE requests comment on the availability of technologies for improving energy efficiency of portable electric spas. Specifically, DOE requests comment on the available technologies for improving energy efficiency as they apply to the different types of portable electric spas under consideration.

##### B. Average Household Energy Use

Additionally, DOE analyzed whether portable electric spas would meet the average annual per-household energy use criteria in 42 U.S.C. 6292(b)(1)(B). For this determination, DOE estimated the average household energy use threshold for portable electric spas, in households that use the product, using power consumption data reported in the CEC database (“MAEDBs”).<sup>13</sup> The ratings of certified portable electric spas contained in MAEDBs demonstrate significant variation in the total power consumption among different models of standard, combination, and exercise spas that are currently available.

<sup>12</sup> Final Staff Report, Analysis of Efficiency Standards and Marking for Spas, 2018 Appliance Efficiency Rulemaking for Spas Docket Number 18-AAER-02 TN 222413. Available online at <https://efiling.energy.ca.gov/GetDocument.aspx?tn=222413&DocumentContentId=31256>.

<sup>13</sup> CEC Modernized Appliance Efficiency Database System. Accessed December 17, 2021. Available online at <https://cacetappliances.energy.ca.gov>.

MAEDbS is the only publicly available source that provides energy consumption data for portable electric spas of which DOE is aware. For each model, MAEDbS lists the standby power in watts (“W”), along with other relevant capacity and performance metrics. MAEDbS certification requires that standby power is measured according to ANSI/APSP/ICC–14 2019, the required California test procedure as specified in the CCR at 20 CCR 1604(g)(2). For portable electric spas measured according to the test

procedure, standby mode is the predominant mode of spa operation and includes power use to maintain the set temperature and to circulate and filter the water. Power use in standby mode may also include some ancillary power use, *e.g.*, to power a controller. CEC estimated that standby mode represents 75 percent of the energy consumed by a portable electric spa, with the remainder being startup mode (when the spa is heating up to its operating temperature) and active mode (when the spa’s water jets are operating).<sup>14</sup>

CEC has set standards specifying maximum allowable standby power consumption as a function of spa volume separately for: (1) Standard spas and exercise spas capable of maintaining 100 degrees F during the test; (2) exercise spas; and (3) inflatable spas.<sup>15</sup> Table IV.1 shows the reported range of power consumption by volume for the different spa categories specified in the database for models. DOE further divided the metrics in Table IV.1 by the volume bins defined by the CEC in its report.<sup>16</sup>

TABLE IV.1—REPORTED POWER CONSUMPTION BY SPA CATEGORY AND VOLUME

CEC index	Volume range (gallons)	Model count	Standby power (W)		
			Minimum	Average	Maximum
<b>Standard Spas</b>					
1A .....	100 < 180	38	82	130	169
1B .....	181 < 300	289	40	156	215
2 .....	301 < 600	568	75	204	295
3 .....	601 < 900	7	208	277	350
5 .....	1,201 < 1,500	3	275	375	458
7 .....	1,801 < 2,100	6	559	588	602
8 .....	2,101 < 2,400	3	401	508	561
9 .....	>2,401	14	414	424	555
<b>Inflatable Spas</b>					
1A .....	100 < 180	8	221	237	239
1B .....	1,181 < 300	7	232	233	233
<b>Exercise Spas</b>					
3 .....	601 < 900	2	212	212	212
4 .....	901 < 1,200	14	163	278	445
5 .....	1,201 < 1,500	26	265	391	491
6 .....	1,501 < 1,800	47	263	424	551
7 .....	1,801 < 2,100	24	217	452	555
8 .....	2,101 < 2,400	14	413	525	657
9 .....	>2,401	6	437	462	474
<b>Combination Spas (Standard Spa Portion)</b>					
1B .....	181 < 300	7	160	180	207
2 .....	301 < 600	25	145	201	243
<b>Combination Spas (Exercise Spa Portion)</b>					
6 .....	1,501 < 1,800	22	162	373	563
7 .....	1,801 < 2,100	10	234	382	467

During the process of updating the standards for California in 2018, CEC reported a duty cycle of 5,040 hours per year for inflatable spas (which are intended for seasonal use) and 8,760 hours per year for standard, exercise, and combination spas.<sup>17</sup> And according

to RECS, spas that are in use are used on average 7.4 months per year.<sup>18</sup> However, DOE notes that the spas may be kept full and in standby mode the entire year regardless of active use of the spa.

Using average power consumption for a standard spa of 194 W (the lowest average of the categories in MAEDbS) and 8,760 hours per year of use, DOE estimates an average standby energy consumption of 1,699 kWh per year for portable electric spas. DOE notes that

<sup>14</sup> Final Staff Report, Analysis of Efficiency Standards and Marking for Spas, 2018 Appliance Efficiency Rulemaking for Spas Docket Number 18-AAER-02 TN 222413. Available online at <https://efiling.energy.ca.gov/GetDocument.aspx?tn=222413&DocumentContentId=31256>.

<sup>15</sup> See section 1605.3(g)(7)(A) of Article 4 of Division 2 of Title 20 of the CCR.

<sup>16</sup> Final Staff Report, Analysis of Efficiency Standards and Marking for Spas, 2018 Appliance Efficiency Rulemaking for Spas Docket Number 18-AAER-02 TN 222413 at p. 35, Available online at

<https://efiling.energy.ca.gov/GetDocument.aspx?tn=222413&DocumentContentId=31256>.

<sup>17</sup> *Ibid.*

<sup>18</sup> U.S. Energy Information Administration, Residential Energy Consumption Survey (RECS), 2015, <https://www.eia.gov/consumption/residential/data/2015/>.

use of the minimum standby power found in MAEDbS (40 W) and the estimated 5,040 hours per year of use for inflatable spas (and similar to 7.4 months of use found in RECS) exceeds 200 kWh per year energy use. In addition, the rest of the country may have shipments of portable electric spas that exceed California's and other states' maximum power consumption standards.<sup>19</sup>

In a presentation provided to DOE in December 2021,<sup>20</sup> PHTA also provided an estimate of household energy use based on RECS. PHTA estimated that portable electric spas consume 5.755 billion kWh/year in the U.S. and there are 3.673 million households in the U.S. that operate portable electric spas regularly. This estimate results in average energy consumption of 1,567 kWh per year per household, which is similar to DOE's estimate of 1,699 kWh per year.

For these reasons, although there may be variation in distribution due to climate or spa size that might impact national average power consumption as compared to the estimate of 194 W (either higher or lower), DOE has tentatively determined that the average annual per-household energy use for portable electric spas is very likely to exceed 100 kWh per year, satisfying the provisions of 42 U.S.C. 6292(b)(1).

DOE requests comment on the national representativeness of the spa volume bins shown in Table IV.1 of this document. DOE requests comment or information on whether these volume bins are applicable to all types of spas.

DOE requests data and information on the range of standby power consumption of spas in non-regulated markets.

DOE requests data and information regarding standby power consumption at the different volumes for all types of portable electric spas.

DOE request data and information regarding active power consumption at the different volumes for all types of portable electric spas.

### C. Preliminary Determination

Based on the foregoing, DOE has tentatively determined that: Classifying portable electric spas, as proposed to be defined in this document, is necessary and appropriate to carry out the purposes of EPCA; and the average

annual per-household energy use by portable electric spas is likely to exceed 100 kWh per year. As such, DOE has preliminarily determined to classify portable electric spas as a covered product under Part A of Title III of EPCA, as amended.

DOE requests comment on whether classifying portable electric spas as a covered product is necessary and appropriate to carry out the purposes of EPCA.

DOE also requests comment on its preliminary determination that the average annual per-household energy use by portable electric spas is likely to exceed 100 kWh per year.

## V. Procedural Issues and Regulatory Review

### A. Review Under Executive Order 12866

This proposed determination has been determined to be not significant for purposes of Executive Order ("E.O.") 12866, "Regulatory Planning and Review," 58 FR 51735 (Oct. 4, 1993). As a result, the Office of Management and Budget ("OMB") did not review this proposed determination.

### B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis ("IRFA") for any rule that by law must be proposed for public comment, unless the agency certifies that the proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As required by E.O. 13272, "Proper Consideration of Small Entities in Agency Rulemaking" 67 FR 53461 (Aug. 16, 2002), DOE published procedures and policies on February 19, 2003, to ensure that the potential impact of its rules on small entities are properly considered during the DOE rulemaking process. 68 FR 7990. DOE has made its procedures and policies available on the Office of the General Counsel's website ([www.energy.gov/gc/office-assistant-general-counsel-legislation-regulation-and-energy-efficiency](http://www.energy.gov/gc/office-assistant-general-counsel-legislation-regulation-and-energy-efficiency)).

This proposed determination would not establish test procedures or energy conservation standards for portable electric spas. If adopted, the proposed determination would only positively determine that future standards may be warranted and should be explored in an energy conservation standards and test procedure rulemaking. Economic impacts on small entities would be considered in the context of such rulemakings. Therefore, DOE initially concludes that the impacts of the

proposed determination would not have a "significant economic impact on a substantial number of small entities," and that the preparation of an IRFA is not warranted. DOE will transmit the certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

### C. Review Under the Paperwork Reduction Act

Manufacturers of covered products must certify to DOE that their products comply with any applicable energy conservation standards. To certify compliance, manufacturers must first obtain test data for their products according to the DOE test procedures, including any amendments adopted for those test procedures. DOE has established regulations for the certification and recordkeeping requirements for all covered consumer products and commercial equipment. (*See generally* 10 CFR part 429.) The collection-of-information requirement for the certification and recordkeeping is subject to review and approval by OMB under the Paperwork Reduction Act ("PRA"). This requirement has been approved by OMB under OMB control number 1910-1400. Public reporting burden for the certification is estimated to average 35 hours 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.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number. As noted previously, this proposed determination, if made final, would not establish any testing requirements or energy conservation standards for portable electric spas that would be subject to the PRA.

### D. Review Under the National Environmental Policy Act of 1969

DOE is analyzing this proposed determination in accordance with the National Environmental Policy Act ("NEPA") and DOE's NEPA implementing regulations (10 CFR part 1021). DOE's regulations include a categorical exclusion for rulemakings that are strictly procedural. 10 CFR part 1021, subpart D, appendix A6. DOE anticipates that this rulemaking qualifies for categorical exclusion A6

<sup>19</sup> See PHTA information provided to DOE for a list of states with minimum efficiency requirements, [www.regulations.gov/docket/EERE-2022-BT-DET-0006](http://www.regulations.gov/docket/EERE-2022-BT-DET-0006).

<sup>20</sup> PHTA information provided to DOE for a list of states with minimum efficiency requirements, [www.regulations.gov/docket/EERE-2022-BT-DET-0006](http://www.regulations.gov/docket/EERE-2022-BT-DET-0006).



because it is a strictly procedural rulemaking and otherwise meets the requirements for application of a categorical exclusion. See 10 CFR 1021.410. DOE will complete its NEPA review before issuing the final determination.

#### *E. Review Under Executive Order 13132*

E.O. 13132, "Federalism" 64 FR 43255 (Aug. 10, 1999), imposes certain requirements on federal agencies formulating and implementing policies or regulations that preempt state law or that have federalism implications. The Executive order requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The Executive order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications. On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process that it will follow in the development of such regulations. 65 FR 13735. DOE has examined this proposed determination and had tentatively determined that it would not have a substantial direct effect on the States, on the relationship between the Federal government and the States, or on the distribution of power and responsibilities among the various levels of government. DOE notes, however, that if the agency determines that the products at issue in today's proposed determination are covered and energy conservation standards are subsequently promulgated for these products, any existing State standards would be preempted by EPCA. EPCA governs and prescribes Federal preemption of State regulations as to energy conservation for the products that are the subject of this proposed determination. States can petition DOE for exemption from such preemption to the extent, and based on criteria, set forth in EPCA. (42 U.S.C. 6297) Therefore, no further action is required by E.O. 13132.

#### *F. Review Under Executive Order 12988*

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of E.O. 12988, "Civil Justice Reform," imposes on federal agencies the general duty to adhere to the following requirements: (1) Eliminate drafting errors and ambiguity, (2) write regulations to minimize litigation, (3) provide a clear legal standard for affected conduct

rather than a general standard, and (4) promote simplification and burden reduction. 61 FR 4729 (Feb. 7, 1996). Regarding the review required by section 3(a), section 3(b) of E.O. 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) Clearly specifies the preemptive effect, if any, to be given to the law (2) clearly specifies any effect on existing Federal law or regulation, (3) provides a clear legal standard for affected conduct, (4) specifies the retroactive effect, if any, to be given to the law, (5) defines key terms, either explicitly or by reference to other statutes that explicitly define those terms, and (6) addresses other important issues affecting clarity and general draftsmanship of legislation under any guidelines issued by the Attorney General. Section 3(c) of E.O. 12988 requires Executive agencies to review regulations in light of applicable standards in sections 3(a) and 3(b) to determine whether they are met or it is unreasonable to meet one or more of those standards. DOE completed the required review and determined that, to the extent permitted by law, this proposed determination meets the relevant standards of E.O. 12988.

#### *G. Review Under the Unfunded Mandates Reform Act of 1995*

Title II of the Unfunded Mandates Reform Act of 1995 ("UMRA") requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104-4, sec. 201 (codified at 2 U.S.C. 1531). For a proposed regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of \$100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a), (b)) The UMRA requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a proposed "significant intergovernmental mandate," and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirement that might significantly or uniquely affect them. On March 18, 1997, DOE published a statement of policy on its process for intergovernmental consultation under UMRA. 62 FR 12820. DOE's policy statement is also available at

[www.energy.gov/sites/prod/files/gcprod/documents/umra\\_97.pdf](http://www.energy.gov/sites/prod/files/gcprod/documents/umra_97.pdf).

DOE examined this proposed determination according to UMRA and its statement of policy and determined that the proposed determination does not contain a Federal intergovernmental mandate, nor is it expected to require expenditures of \$100 million or more in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector. As a result, the analytical requirements of UMRA do not apply.

#### *H. Review Under the Treasury and General Government Appropriations Act of 1999*

Section 654 of the Treasury and General Government Appropriations Act of 1999 (Pub. L. 105-277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This proposed determination would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

#### *I. Review Under Executive Order 12630*

Pursuant to E.O. 12630, "Governmental Actions and Interference with Constitutionally Protected Property Rights" 53 FR 8859 (Mar. 15, 1988), DOE has determined that this proposed determination would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

#### *J. Review Under the Treasury and General Government Appropriations Act of 2001*

Section 515 of the Treasury and General Government Appropriation Act, 2001 (44 U.S.C. 3516, note) provides for Federal agencies to review most disseminations of information to the public under information quality guidelines established by each agency pursuant to general guidelines issued by OMB. OMB's guidelines were published at 67 FR 8452 (Feb. 22, 2002), and DOE's guidelines were published at 67 FR 62446 (Oct. 7, 2002). Pursuant to OMB Memorandum M-19-15, Improving Implementation of the Information Quality Act (April 24, 2019), DOE published updated guidelines which are available at [www.energy.gov/sites/prod/files/2019/12/70/DOE%20Final%20Updated%20IQA%20Guidelines%20Dec%202019.pdf](http://www.energy.gov/sites/prod/files/2019/12/70/DOE%20Final%20Updated%20IQA%20Guidelines%20Dec%202019.pdf). DOE has reviewed this proposed determination under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

### K. Review Under Executive Order 13211

E.O. 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,” 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare and submit to the Office of Information and Regulatory Affairs (“OIRA”) at OMB a Statement of Energy Effects for any proposed significant energy action. A “significant energy action” is defined as any action by an agency that promulgates or is expected to lead to promulgation of a final rule, and that (1) is a significant regulatory action under E.O. 12866, or any successor Executive order; and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (3) is designated by the Administrator of OIRA as a significant energy action. For any proposed significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use should the proposal be implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use.

This proposed determination to classify portable electric spas as covered products is not a significant regulatory action under Executive Order 12866. Moreover, it would not have a significant adverse effect on the supply, distribution, or use of energy, nor has it been designated as such by the Administrator of OIRA. Accordingly, DOE has not prepared a Statement of Energy Effects.

### L. Information Quality

On December 16, 2004, OMB, in consultation with the Office of Science and Technology Policy (“OSTP”), issued its Final Information Quality Bulletin for Peer Review (“the Bulletin”). 70 FR 2664 (Jan. 14, 2005). The Bulletin establishes that certain scientific information shall be peer reviewed by qualified specialists before it is disseminated by the Federal Government, including influential scientific information related to agency regulatory actions. The purpose of the Bulletin is to enhance the quality and credibility of the Government’s scientific information. DOE has determined that the analyses conducted for this proposed determination do not constitute “influential scientific information,” which the Bulletin defines as “scientific information the agency reasonably can determine will have or does have a clear and substantial impact on important public policies or private sector decisions.” 70 FR 2667 (Jan. 14, 2005). The analyses

were subject to pre-dissemination review prior to issuance of this proposed determination.

## VI. Public Participation

### A. Submission of Comments

DOE will accept comments, data, and information regarding this notification of proposed determination no later than the date provided at the **DATES** section at the beginning of this document. Interested parties may submit comments, data, and other information using any of the methods described in the **ADDRESSES** section at the beginning of this document.

*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. Otherwise, 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 information to *www.regulations.gov* 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. Anyone submitting comments 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 *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. With this instruction followed, 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. Facsimile submissions will not be accepted.

Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, or text (ASCII) file format. Provide documents that are not secured, that are written in English, and that are 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 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).

### B. Issues on Which DOE Seeks Comments

DOE welcomes comments on all aspects of this proposed determination. DOE is particularly interested in receiving comments and views of interested parties concerning the following issues:

- Proposed definition and scope of coverage of portable electric spas;
- Data and information regarding current annual shipments of portable electric spas and the installed base of portable electric spas, specifying the scope of products included in any such estimates (*e.g.*, standard, exercise, combination, inflatable, *etc.*);
- Availability or lack of availability of technologies for improving energy efficiency of portable electric spas;
- Data and information regarding annual energy use estimates for portable electric spas;
- Whether classifying portable electric spas as a covered product is necessary or appropriate to carry out the purposes of EPCA; and
- Whether the average annual per-household energy use by portable electric spas is likely to exceed 100 kWh per year.

DOE is interested in receiving views concerning other relevant issues that participants believe would affect its ability to establish test procedures and energy conservation standards for portable electric spas.

After the expiration of the period for submitting written statements, DOE will consider all comments and additional information that is obtained from interested parties or through further analyses, and it will prepare a final determination.

### VII. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this notification of proposed determination.

#### Signing Authority

This document of the Department of Energy was signed on February 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 February 10, 2022.

**Treena V. Garrett,**

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

[FR Doc. 2022-03190 Filed 2-15-22; 8:45 am]

**BILLING CODE 6450-01-P**

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2022-0022; Project Identifier AD-2020-01264-A]

RIN 2120-AA64

#### Airworthiness Directives; Piper Aircraft, Inc. Airplanes

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

**ACTION:** Proposed rule; correction.

**SUMMARY:** The FAA is correcting a notice of proposed rulemaking (NPRM) that published in the **Federal Register**. The NPRM proposed to issue an airworthiness directive (AD) that would apply to certain Piper Aircraft, Inc., (Piper) Model PA-34-200 airplanes. As published, the docket number referenced throughout is incorrect. This document corrects that error. In all other respects, the original document remains the same; however, for clarity, the FAA is publishing the entire proposed rule in the **Federal Register**.

**DATES:** The last date for submitting comments on the NPRM (87 FR 6089, February 3, 2022) remains March 21, 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 Piper Aircraft, Inc.,

2926 Piper Drive, Vero Beach, FL, 32960; phone: (772) 299-2141; website: <https://www.piper.com>. You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. 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-2022-0022; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains the NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

**FOR FURTHER INFORMATION CONTACT:** John Marshall, Aviation Safety Engineer, Atlanta ACO Branch, FAA, 1701 Columbia Avenue, College Park, GA 30337; phone: (404) 474-5524; email: [john.r.marshall@faa.gov](mailto:john.r.marshall@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include "Docket No. FAA-2022-0022; Project Identifier AD-2020-01264-A" 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 the 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 the 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 the NPRM. Submissions containing CBI should be sent to John Marshall, Aviation Safety Engineer, Atlanta ACO Branch, FAA, 1701 Columbia Avenue, College Park, GA 30337. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

**Background**

The FAA issued an NPRM (87 FR 6089, February 3, 2022) that would apply to certain serial-numbered Piper Model PA-34-200 airplanes. The NPRM proposed to require establishing a 500-hour life limit for bolt P/N 693-215 and P/N NAS6207-50D. The NPRM was prompted by the determination that the life limit for these bolts, which are alternate bolts that attach the drag link to the nose gear, were not listed as airworthiness limitations. If the bolts remain in service beyond their fatigue life, failure of the nose landing gear

could occur, which could result in loss of airplane control during take-off, landing, or taxi operations.

**Need for the Correction**

As published, the docket number referenced throughout the NPRM is incorrect. The NPRM incorrectly references "Docket No. FAA-2022-0222" instead of "Docket No. FAA-2022-0022."

Although no other part of the preamble or regulatory information has been corrected, for clarity, the FAA is publishing the entire proposed rule in the **Federal Register**.

The comment due date of the NPRM remains March 21, 2022.

**Related Service Information**

The FAA reviewed Piper Seneca Service Manual, Airworthiness Limitations, 753-817, page 1-1, dated November 30, 2019. This service information specifies the life limits of the P/N 693-215 (standard P/N NAS6207-50D) bolt that attaches the drag link to the nose gear trunnion.

**ADs Mandating Airworthiness Limitations**

The FAA has previously mandated airworthiness limitations by issuing

ADs that require revising the ALS of the existing maintenance manual or instructions for continued airworthiness to incorporate new or revised inspections and life limits. This AD, however, requires incorporating new or revised inspections and life limits into the maintenance records required by 14 CFR 91.417(a)(2) or 135.439(a)(2) for your airplane. The FAA does not intend this as a substantive change. Requiring incorporation of the new ALS requirements into the maintenance records, rather than requiring individual repetitive inspections and replacements, allows operators to record AD compliance once after updating the maintenance records, rather than recording compliance after every inspection and part replacement.

**Proposed AD Requirements in This NPRM**

This proposed AD would require establishing a 500-hour life limit for bolt P/N 693-215 and P/N NAS6207-50D.

**Costs of Compliance**

The FAA estimates that this AD, if adopted as proposed, would affect 187 airplanes of U.S. registry.

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

**ESTIMATED COSTS**

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Revise the Airworthiness Limitations.	1 work-hour × \$85 per hour = \$85	Not Applicable .....	\$85	\$15,895

**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.

**Correction**

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 [Corrected]**

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

**Piper Aircraft, Inc.:** Docket No. FAA-2022-0022; Project Identifier AD-2020-01264-A.

**(a) Comments Due Date**

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

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to Piper Aircraft, Inc., Model PA-34-200 airplanes, serial numbers 34-7250001 through 34-7450220, certificated in any category.

**(d) Subject**

Joint Aircraft System Component (JASC) Code 3220, Nose/Tail Landing Gear.

**(e) Unsafe Condition**

This AD was prompted by the determination that the life limit for alternate bolts that attach the drag link to the nose gear were not included as airworthiness limitations. The FAA is issuing this AD to establish a life limit on bolt part numbers 693-215 and NAS6207-50D that attach the drag link to the nose gear trunnion. The unsafe condition, if not addressed, could result in failure of the nose landing gear and lead to loss of airplane control during take-off, landing, or taxi operations.

**(f) Compliance**

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

**(g) Actions**

(1) Within 90 days after the effective date of this AD, incorporate into the maintenance records required by 14 CFR 91.417(a)(2) or 135.439(a)(2) for your airplane a life limit of 500 hours for bolt part numbers 693-215 and NAS6207-50D.

**Note to paragraph (g)(1):** Piper Seneca Service Manual, Airworthiness Limitations, 753-817, page 1-1, dated November 30, 2019, contains the life limit in paragraph (g)(1) of this AD.

(2) Thereafter, except as provided in paragraph (h)(1) of this AD, no alternative replacement times may be approved for these bolts.

**(h) Alternative Methods of Compliance (AMOCs)**

(1) The Manager, Atlanta ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or 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 (i)(1) of this AD.

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

**(i) Related Information**

(1) For more information about this AD, contact John Marshall, Aviation Safety Engineer, Atlanta ACO Branch, FAA, 1701

Columbia Avenue, College Park, GA 30337; phone: (404) 474-5524; email: [john.r.marshall@faa.gov](mailto:john.r.marshall@faa.gov).

(2) For service information identified in this AD, contact Piper Aircraft, Inc., 2926 Piper Drive, Vero Beach, FL 32960; phone: (772) 299-2141; website: <https://www.piper.com>. You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (817) 222-5110.

Issued on February 9, 2022.

**Lance T. Gant,**

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2022-03213 Filed 2-15-22; 8:45 am]

BILLING CODE 4910-13-P

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 71**

[Docket No. FAA-2022-0041; Airspace Docket No. 21-ANM-47]

RIN 2120-AA66

**Proposed Establishment of Class E Airspace; Limon Municipal Airport, CO**

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to establish Class E airspace at Limon Municipal Airport, Limon, CO. The establishment of airspace supports the airport's transition from visual flight rules to instrument flight rule (IFR) operations. This action would ensure the safety and management of IFR operations at the airport.

**DATES:** Comments must be received on or before April 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-2022-0041; Airspace Docket No. 21-ANM-47, 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/](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](mailto:fr.inspection@nara.gov) or go to <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.

**FOR FURTHER INFORMATION CONTACT:**

Nathan A. Chaffman, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198; telephone (206) 231-3460.

**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 establish Class E airspace at Limon Municipal Airport, CO, to support IFR operations at the 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. Persons 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-2022-0041; Airspace Docket No. 21-ANM-47". 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/](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 Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 2200 S 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.

#### The Proposal

The FAA is proposing an amendment to 14 CFR part 71 by establishing Class E airspace extending upward from 700 feet above the surface of the Earth at Limon Municipal Airport, Limon, CO. This airspace is designed to contain the new Area Navigation (RNAV) approaches into the airport and the instrument departures from the airport. The airspace supports the airport's transition from visual flight rules to IFR operations.

Class E5 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 designation 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 Part 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.*

\* \* \* \* \*

#### **ANM CO E5 Limon, CO [New]**

Limon Municipal Airport, CO  
(Lat. 39°16'29" N, long. 103°39'57" W)

That airspace extending upward from 700 feet above the surface within a 5.9-mile radius of the airport, and within a 6.6-mile radius of the airport from the 339° bearing from the airport clockwise to the 026° bearing from the airport.

Issued in Des Moines, Washington, on February 8, 2022.

**B.G. Chew,**

*Acting Group Manager, Operations Support Group, Western Service Center.*

[FR Doc. 2022–03204 Filed 2–15–22; 8:45 am]

**BILLING CODE 4910–13–P**

## **DEPARTMENT OF LABOR**

### **Occupational Safety and Health Administration**

#### **29 CFR Parts 1910 and 1926**

[Docket No. OSHA–2020–0008]

RIN 1218–AD26

#### **Powered Industrial Trucks Design Standard Update**

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** OSHA proposes updating the design and construction requirements of the powered industrial trucks standards for general industry and construction by incorporating by reference the applicable provisions of the most relevant national consensus standards from the American National Standards Institute/Industrial Truck Standards Development Foundation (ANSI/ITSDF). OSHA also proposes allowing employers to use powered industrial trucks not constructed in accordance with those national consensus standards incorporated by reference in the OSHA standards if the employer can demonstrate that the truck they use was designed and constructed in a manner that provides employee protection that is at least as effective as the national consensus standards incorporated by reference in OSHA's standards.

**DATES:** Submit written comments on this proposed rule, hearing requests, and other information (including comments on the information-collection (paperwork) determination described

under section III.C. of the preamble) by May 17, 2022. All submissions must bear a postmark or provide other evidence of the submission date.

**ADDRESSES:** Comments may be submitted as follows:

*Electronically:* You may submit comments, including attachments, electronically at <https://www.regulations.gov>, the Federal eRulemaking Portal. Follow the online instructions for submitting comments.

*Docket:* To read or download comments or other material in the docket go to <https://www.regulations.gov>. Documents in the docket are listed in the <https://www.regulations.gov> index; however, some information (e.g., copyrighted material) is not publicly available to read or download through this website. All submissions, including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office at (202) 693-2350 (TTY (877) 889-5627) for assistance in locating docket submissions.

*Instructions:* All submissions must include the agency's name and the docket number for this rulemaking (Docket No. OSHA-2020-0008). All comments, including any personal information you provide, are placed in the public docket without change and may be made available online at [www.regulations.gov](https://www.regulations.gov). Therefore, OSHA cautions commenters about submitting information they do not want made available to the public, or submitting materials that contain personal information (either about themselves or others), such as Social Security Numbers and birthdates.

**FOR FURTHER INFORMATION CONTACT:**

*General information and press inquiries:* Contact Frank Meilinger, OSHA Office of Communications, telephone: (202) 693-1999, email: [meilinger.francis2@dol.gov](mailto:meilinger.francis2@dol.gov).

*Technical inquiries:* Contact Kenneth Stevanus, Directorate of Standards and Guidance, telephone: (202) 693-2260; fax: (202) 693-1663; email: [stevanus.ken@dol.gov](mailto:stevanus.ken@dol.gov).

*Copies of this Federal Register document.* Electronic copies of these documents are available at OSHA's web page at <https://www.osha.gov>.

**SUPPLEMENTARY INFORMATION:**

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**I. Background**

This proposed rulemaking is part of a series of regulatory projects by OSHA to update standards to reflect the current versions of consensus and national industry standards (see, e.g., 74 FR 46350, September 9, 2009). These projects include updating or revoking outdated national consensus and industry standards incorporated by reference, and updating regulatory text of current OSHA standards that directly adopted the language of national consensus and industry standards that have now become outdated.

*A. OSHA's Powered Industrial Truck Standards*

1. General Industry

OSHA's general industry powered industrial trucks standard at 29 CFR 1910.178 contains safety requirements relating to fork trucks, tractors, platform lift trucks, motorized hand trucks, and other specialized industrial trucks powered by electric motors or internal combustion engines. The standard requires that all new powered industrial trucks acquired and used by an employer meet the design and construction requirements established in the American National Standard for Powered Industrial Trucks, Part II, ANSI B56.1-1969. 29 CFR 1910.178(a)(2). In addition, OSHA's standard requires that all approved trucks bear a label or some other identifying mark indicating approval by a nationally recognized testing laboratory, as also required by

paragraph 405 of that same ANSI standard. 29 CFR 1910.178(a)(3).

OSHA initially adopted the powered industrial trucks standard for general industry on May 29, 1971 (36 FR 10613), pursuant to section 6(a) of the Occupational Safety and Health Act of 1970 (OSH Act) (29 U.S.C. 651, 655),<sup>1</sup> primarily based on the 1969 edition of ANSI's Safety Standard for Powered Industrial Trucks, B56.1.

2. Construction

In 1971, under section 6(a) of the OSH Act, OSHA adopted existing Federal standards issued under section 107 of the Contract Work Hours and Safety Standards Act as OSHA construction standards (36 FR 7340, April 17, 1971; 36 FR 25232, December 30, 1971), including provisions covering powered industrial trucks used in construction. OSHA's powered industrial trucks standard can be found at 29 CFR 1926.602(c), Lifting and hauling equipment. In the portion relevant to this rulemaking, § 1926.602(c)(1)(v) requires that all high-lift rider industrial trucks<sup>2</sup> be equipped with overhead guards that meet the configuration and structural requirements as defined in paragraph 421 in Part II of ANSI B56.1-1969. Section 1926.602(c)(1)(vi) states that all industrial trucks in use must meet the applicable requirements of design, construction, stability, inspection, testing, maintenance, and operation contained in ANSI B56.1-1969, Safety Standards for Powered Industrial Trucks.

*B. Consensus Standards for Powered Industrial Trucks*

Since OSHA adopted the 1969 version of the ANSI B56.1, ANSI has revised its B56.1 consensus standard twelve times (in 1975, 1983, 1988, 1993, 2000, 2004, 2005, 2009, 2012, 2016, 2018, and 2020). Starting in 1978, ANSI reorganized its B56 consensus standard by narrowing the scope of B56.1 to a subset of previously covered equipment and adding new volumes to cover other truck types that had previously been covered under B56.1. Specifically, ANSI B56.1, which originally covered powered industrial trucks generally, now only covers Low Lift and High Lift

<sup>1</sup> Section 6(a) directed OSHA, during the first two years after the OSH Act became effective, to promulgate as an occupational safety and health standard any national consensus standard or any established Federal standard if such promulgation would improve employee safety or health.

<sup>2</sup> A "high-lift truck" is defined in ANSI B56.1-1969, Appendix A, as "A self-loading truck equipped with an elevating mechanism designed to permit tiering. Popular types are high-lift fork truck, high-lift ram truck, high-lift boom truck, high-lift clamp truck, and high-lift platform truck."

Trucks. ANSI B56.5 covers Driverless, Automatic Guided Industrial Vehicles and Automated Functions of Manned Industrial Vehicles; and ANSI B56.6 covers Rough Terrain Forklift Trucks. ANSI has periodically published revisions to each of these B56 volumes, but at intervals different from the B56.1 revisions. As of the date of this notice, the most current editions are ANSI B56.1–2020 (effective March 27, 2022), ANSI/B56.5–2019, and ANSI B56.6–2021 (effective March 27, 2022).<sup>3</sup>

Together, these three B56 volumes cover all powered industrial trucks that are currently in the scope of OSHA's standards (§§ 1910.178(a)(1) and 1926.602(c)(1)(vi)) and encompass all of the equipment originally covered by the consensus standard cited in OSHA's existing standards (ANSI B56.1–1969). OSHA is not aware of any other consensus standards covering powered industrial trucks in its scope, but requests comments on whether any other such standards exist and should be referenced by OSHA.

The following is a summary of each of the ANSI/ITSDF B56 consensus standards discussed in this NPRM.

ANSI/ITSDF B56.1–2020, Safety Standard for Low Lift and High Lift Trucks, defines the safety requirements relating to the elements of design, operation, and maintenance of low lift and high lift powered industrial trucks controlled by a riding or walking operator, and intended for use on compacted, improved surfaces.

ANSI/ITSDF B56.5–2019, Safety Standard for Driverless, Automatic Guided Industrial Vehicles and Automated Functions of Manned Industrial Vehicles, defines the safety requirements relating to the elements of design, operation, and maintenance of powered, not mechanically restrained, unmanned automatic guided industrial vehicles and the system of which the vehicles are a part. It also applies to vehicles originally designed to operate exclusively in a manned mode but which are subsequently modified to operate in an unmanned, automatic mode, or in a semiautomatic, manual, or maintenance mode.

ANSI/ITSDF B56.6–2021, Safety Standard for Rough Terrain Forklift Trucks, defines the safety requirements relating to the elements of design, operation, and maintenance of rough terrain forklift trucks. These trucks are

intended for operation on unimproved natural terrain as well as the disturbed terrain of construction sites.

## II. Summary and Explanation of the Proposed Revisions to the Powered Industrial Trucks Standards

This proposed rulemaking would update the references to national consensus standards in OSHA's powered industrial truck design and construction requirements applicable to general industry work (29 CFR 1910.178(a)(2) & (3)) and construction work (29 CFR 1926.602(c)(1)(v) & (vi)). It would also update the general incorporation by reference section for each of these standards (*i.e.*, 29 CFR 1910.6 and 1926.6) to include the same ANSI consensus standards and to note where they can be obtained. OSHA is also proposing an alternative method of compliance for employers that use trucks that are not manufactured in accordance with any of the consensus standards incorporated by reference in the proposed standard.

### A. Scope of the Proposed Rule

The scope of this proposed rulemaking includes the equipment covered by the three ANSI volumes currently in use (B56.1–2020, Low Lift and High Lift Trucks; B56.5–2019, Guided Industrial Vehicles; B56.6–2021, Rough Terrain Forklift Trucks).<sup>4</sup> This scope is consistent with OSHA's previous determination made in its 1998 rulemaking that because the initial OSHA standard issued in 1971 had adopted the ANSI B56.1–1969 provisions under section 6(a) of the Act, the scope of § 1910.178 must be the same as the scope of the original source standard, ANSI B56.1–1969. See 63 FR 66255, December 1, 1998 (training standard rulemaking).

This proposed rule only updates the references to the design and construction requirements in the OSHA standards for general industry and construction. Consequently, provisions in OSHA's industrial trucks standards that do not relate to design or construction will continue to reference only the 1969 edition of ANSI B56.1. For example, § 1926.602(c)(1)(vi) includes operator requirements on stability, inspection, testing, maintenance, and operation, which would not be amended in this proposal to reference more current ANSI standards.

Currently, § 1926.602(c)(1)(v) requires that all high lift rider industrial trucks used in construction be equipped with overhead guards that meet the configuration and structural requirements in paragraph 421 of ANSI B56.1–1969. The configuration and structural requirements for overhead guards in paragraph 421 are part of the design and construction provisions of ANSI B56.1–1969. Therefore, the proposed rule would also update § 1926.602(c)(1)(v) by adding a cross-reference to the revised requirements in § 1926.602(c)(1)(vi).

Furthermore, the proposed rule would update § 1910.178(a)(3), which requires that approved trucks bear a label or other identification mark indicating approval by a testing laboratory in accordance with paragraph 405 of ANSI B56.1–1969. The proposed rule would add reference to the latest ANSI provisions in table 1 to § 1910.178(a)(2), but would maintain the current reference to paragraph 405 of ANSI B56.1–1969. OSHA believes that labels and other identification marks on powered industrial trucks have not significantly changed since the adoption of the 1969 edition of ANSI B56.1 and that the nameplates and markings requirements in the latest ANSI versions in table 1 are well established. OSHA invites comments on this aspect of the proposed rule.

### B. Proposed Changes

This proposed rule would update the references in 29 CFR 1910.178(a) and 29 CFR 1926.602(c) to recognize the design and construction requirements in the latest editions of the ANSI B56 consensus standards for powered industrial trucks (*i.e.*, ANSI B56.1–2020, Safety Standards for Low Lift and High Lift Trucks; ANSI B56.5–2019, Safety Standards for Driverless, Automatic Guided Industrial Vehicles and Automated Functions of Manned Industrial Vehicles; ANSI B56.6–2021, Safety Standards for Rough Terrain Forklift Trucks). For both general industry and construction, OSHA would incorporate by reference these latest ANSI B56 consensus standards. The proposed rule would also maintain the existing reference in 29 CFR 1910.178(a) and 29 CFR 1926.602(c) to ANSI B56.1–1969, but only for trucks manufactured prior to the effective date of the final rule. OSHA is proposing that the final rule will go into effect 30 days after its publication. As part of this rulemaking, OSHA would also add an alternative method of compliance for employers that use trucks that are not manufactured in accordance with any of

<sup>3</sup> Since 2005, the Industrial Truck Standards Development Foundation (ITSDF), an ANSI-accredited standards-developing organization, has developed and published the national consensus standards for industrial trucks. For simplicity, the agency may refer to ANSI/ITSDF standards as ANSI standards throughout this document.

<sup>4</sup> Equipment covered by ANSI B56.7, Safety Standard for Industrial Crane Trucks, was originally covered by ANSI B56.1–1969. However, ANSI B56.7 was discontinued in 1992 and therefore OSHA is not including ANSI B56.7 in this proposed rulemaking.



the consensus standards incorporated by reference in the proposed standard.

#### 1. Updating References to ANSI B56 Consensus Standards

The design and construction compliance requirements in this proposed rule are not identical for trucks manufactured prior to the effective date of the final rule, and for trucks manufactured on or after that date. For both categories of equipment—trucks manufactured before, on, or after the effective date of the final rule, the proposed rule would incorporate by reference the most recent versions of the ANSI B56 standards applicable to powered industrial trucks, ANSI B56.1–2020, ANSI B56.5–2019, and ANSI B56.6–2021, as shown in table 1 to §§ 1910.178(a)(2) and 1926.602(c)(1)(vi). The proposed rule, however, would maintain the current reference to ANSI B56.1–1969 only for equipment manufactured before the effective date of the final rule. Powered industrial trucks manufactured prior to the effective date of the final rule would be required to meet the design and construction requirements established in either (1) the 1969 edition of the ANSI B56.1 consensus standard (*i.e.*, ANSI B56.1–1969), or (2) the more recent and applicable ANSI B56 standard in table 1 (*i.e.*, ANSI B56.1–2020, ANSI B56.5–2019, or ANSI B56.6–2021).

For all powered industrial trucks manufactured on or after the effective date of the final rule, the proposed rule would require that such equipment meet the design and construction requirements established in the applicable ANSI B56 consensus standard in table 1. Because different powered industrial trucks are now covered by different ANSI consensus standards, employers would need to ensure that the equipment they use complies with the applicable ANSI consensus standard in table 1. For example, for trucks manufactured on or after the effective date of the final rule, a high-lift truck must comply with ANSI B56.1–2020; a driverless industrial truck must comply with ANSI B56.5–2019; and a rough terrain forklift must comply with ANSI B56.6–2021.

#### 2. Alternative Method of Compliance for Existing Equipment

For both general industry and construction, OSHA's current design and construction requirements for powered industrial trucks mandate compliance with the ANSI B56.1–1969 standard, but OSHA is aware that over the past decades, manufacturers of this equipment have typically designed and

constructed this equipment to comply with more recent editions of the ANSI B56 standards. For example, a high-lift industrial truck manufactured in 1990 would typically be designed and constructed in compliance with ANSI B56.1–1988 rather than B56.1–1969. Consequently, in this proposed rule, OSHA is adding an alternative method of compliance for employers that use trucks manufactured before the effective date of the final rule that do not meet the design and construction requirements established in ANSI B56.1–1969 or in the applicable ANSI standard in table 1. Specifically, for both general industry and construction, the proposed rule would add a provision that allows employers to use powered industrial trucks manufactured before the effective date of the final rule as long as the employer can demonstrate that the design and construction of the truck is at least as protective as those designed and constructed in accordance with ANSI B56.1–1969 or the applicable ANSI standard in table 1. That is, employers would be able to acquire and use powered industrial trucks manufactured before the effective date of the final rule, whether they are designed and constructed in accordance with an ANSI consensus standard or a non-ANSI standard, so long as the employer can demonstrate that their design and construction provide employee protection that is at least equal to the protection provided by trucks that are designed and constructed in accordance with ANSI B56.1–1969 or the applicable ANSI B56 standard in table 1.

OSHA has used a similar approach in some other OSHA standards. For example, in several protective equipment standards (29 CFR 1910.133, 1910.135, and 1910.136; 29 CFR 1915.153, 1915.155, and 1915.156; 29 CFR 1917.91, 1917.93, and 1917.94; 29 CFR 1918.101, 1918.103, and 1918.104; and 29 CFR 1926.100 and 1926.102), the employer must ensure that the protective devices meet the construction requirements of one or more incorporated by reference ANSI standards or, alternatively, must show that the devices are at least as protective as protective devices constructed in accordance with the incorporated by reference ANSI standards.

OSHA has preliminarily determined that powered industrial trucks meeting the design and construction requirements of the applicable ANSI B56.1, B56.5, or B56.6 consensus standards not incorporated by reference in this proposed rule that were published after 1969 and before the applicable consensus standard in table

1, provide employee protection that is at least as protective as those designed and constructed in accordance with ANSI B56.1–1969. For ANSI B56.1, these include the design and construction requirements published in 1975, 1983, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1995, 2000, 2001, 2003, 2004, 2005, 2009, 2012, 2016, and 2018 (OSHA–2020–0008–0002). For ANSI B56.5, these include the design and construction requirements published in 1978, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 2004, and 2012 (OSHA–2020–0008–0003). For ANSI B56.6, these include the design and construction requirements published in 1978, 1987, 1988, 1990, 1991, 1992, 1994, 1998, 2002, 2005, 2005(R11), 2011, and 2016 (OSHA–2020–0008–0004).<sup>5</sup> Hence, for an employer using a truck manufactured after 1969 but before the applicable ANSI standard in table 1 and designed and constructed according to one of these applicable non-incorporated ANSI B56.1, B56.5, and B56.6 consensus standards, the employer would be deemed to be in compliance with the design and construction requirements of the proposed rule.

OSHA has made a similar preliminary determination for the now discontinued ANSI B56.7, Safety Standard for Industrial Crane Trucks. That is, OSHA has determined that powered industrial trucks meeting the design and construction requirements in any version of ANSI B56.7 published between 1969 and 1992 (the date that ANSI provision was discontinued) provide employee protection that is at least as protective as those designed and constructed in accordance with ANSI B56.1–1969. This includes design and construction requirements in ANSI B56.7 published in 1982, 1987, 1988 addendum, and 1988 (reaffirmed in 1992). Thus, for example, an employer using an industrial crane truck designed and constructed in accordance with the 1988 (reaffirmed in 1992) standard would be deemed to be in compliance with the design and construction requirements of this proposed rule.

The agency believes that allowing equipment that complies with the design and construction requirements in these applicable ANSI B56 standards that are not incorporated by reference in this proposed rule would not reduce employee protection but, rather, would enhance employee safety and provide greater flexibility to employers. Thus,

<sup>5</sup> For purposes of this rulemaking, applicable B56 consensus standards published after 1969 and before the consensus standards in table 1 also include those published by the American Society of Mechanical Engineers (ASME) or the ITSDF.

under the proposal, an employer with equipment designed and constructed in compliance with one of these standards would be able to show that they are at least as protective as equipment designed and constructed to ANSI B56.1–1969. OSHA invites public comments on powered industrial trucks built to the design and construction specifications in the ANSI B56 standards published after 1969 and before the applicable ANSI B56 standard in table 1, and OSHA's view that their design and construction requirements are at least as protective as the design and construction requirements in ANSI B56.1–1969. OSHA is not aware of any other non-ANSI consensus standards for powered industrial trucks published from 1969 to 2020, nor any powered industrial trucks designed and constructed in accordance with non-consensus standards, but requests comment on whether any other such standards or non-standard trucks exist, whether design and construction requirements in such standards or non-standard trucks provide equal or greater employee protection, and whether any such non-ANSI standards or non-standard trucks should be incorporated by reference in the revised OSHA standards for powered industrial trucks.

### 3. Alternative Method of Compliance for Equipment Manufactured on or After the Effective Date of the Final Rule

The proposed rule also contains an alternative method of compliance for employers that use powered industrial trucks manufactured on or after the effective date of the final rule. As discussed above, OSHA's proposed rule would require these trucks to comply with the design and construction requirements in the applicable ANSI B56 standard in table 1 to §§ 1910.178(a)(2) and 1926.602(c)(1)(vi): ANSI B56.1–2020, ANSI B56.5–2019, or ANSI B56.6–2021. The proposed rule would add another provision that would allow employers to use powered industrial trucks manufactured on or after the effective date of the final rule if they can demonstrate that the design and construction of the trucks are at least as protective as powered industrial trucks that are designed and constructed in accordance with the applicable ANSI B56 standard in table 1. That is, an employer may use a powered industrial truck manufactured on or after the effective date of the final rule, so long as the employer can demonstrate that the design and construction of the truck—whether designed and constructed in accordance with a non-incorporated ANSI standard or a non-ANSI standard—are at least as

protective as a truck designed and constructed in accordance with the applicable ANSI B56 standard: ANSI B56.1–2020, ANSI B56.5–2019, or ANSI B56.6–2021.

ANSI continues to update its B56 standards regularly and it is difficult for OSHA to provide timely corresponding updates in its standards through notice and comment rulemaking. Consequently, there is likely to be a period of years during which OSHA's standards require compliance with an outdated ANSI standard while industrial truck manufacturers are designing and constructing equipment in accordance with the newest ANSI standard or, possibly, other new non-ANSI consensus standards. To address this likely lag in OSHA regulatory updates, this proposal incorporates by references the most current editions of the applicable ANSI B56 standards as shown in table 1, but also would allow employers additional flexibility to use trucks that are manufactured in accordance with future editions of applicable consensus standards, including ANSI B56 standards, if the employers can demonstrate that the design and construction of the truck provides employee protection equal to or greater than the design and construction requirements of the applicable ANSI standard in table 1. OSHA is not aware of any other current non-ANSI consensus standards that would provide equivalent protection to employees, but requests comment on whether any other such standards exist and should be referenced by OSHA in its standards.

OSHA anticipates that consensus-standard issuing bodies will aid in this new flexible approach and want employers to use powered industrial trucks designed and constructed according to the latest editions of their standards. Standard developing bodies typically have a summary of changes section in each new edition and also indicate in the margins where changes from the previous edition were made. The summary of changes also lists those changes they consider significant. These changes are intended to alleviate confusion, provide up-to-date protection for workers using powered industrial trucks, and give employers greater clarity and flexibility in complying with OSHA's standards as ANSI continues to update its standards.

OSHA notes that this proposed compliance alternative is somewhat similar to OSHA's longstanding policies regarding *de minimis* conditions. As set out in OSHA's Field Operations Manual, a *de minimis* condition includes a situation in which an

employer complies with a proposed OSHA standard or a consensus standard rather than with the standard in effect at the time of the inspection, and the employer's action clearly provides equal or greater employee protection. See CPL 02–00–164, p. 4–28 (2020). OSHA documents such conditions as violations, but does not typically cite employers for these conditions. While a *de minimis* condition is still a violation of the standard, even if not cited, under the proposed rule an employer would be in compliance with the OSHA standard by demonstrating that the alternative national consensus standard is equally or more protective.

To assist the employer in demonstrating that trucks designed and constructed in accordance with future national consensus standards provide equal or greater protection, OSHA may consider periodically issuing guidance confirming a future national consensus standard's protectiveness in relation to the relevant ANSI standard listed in table 1. The agency may do this by either responding to the consensus-standard issuing bodies (e.g., ANSI) request for interpretation or some other means.

OSHA invites public comment on any aspect of this proposed rule. The agency is particularly interested in receiving comments on this new proposed approach of allowing trucks manufactured on or after the effective date of the final rule to satisfy the design and construction requirements of OSHA's powered industrial trucks standards if they are manufactured according to a future ANSI B56 standard or future non-ANSI consensus standard, provided that the employer can demonstrate that the design and construction of such trucks are at least as protective as the applicable ANSI standard in table 1 to §§ 1910.178(a)(2) and 1926.602(c)(1)(vi). Alternatively, should OSHA only require compliance with the design and construction requirements of the incorporated by reference of the applicable ANSI standard in table 1 and only allow for compliance with future consensus standards by incorporating by reference those new consensus standards through notice and comment rulemaking on an ongoing basis as they become available? OSHA also requests comment on what, if any, additional conditions should be required for an employer to make an equivalency showing for purposes of meeting the proposed alternative method of compliance. What should an employer be required to do to demonstrate that a truck is at least as protective as the design and construction requirements of the

applicable ANSI standard in table 1? For example, would it be sufficient for an employer to rely on the truck manufacturer's certification that the truck is at least as protective as the applicable ANSI standard? What, if any, action should OSHA take to confirm a consensus standard's protectiveness in relation to the design and construction requirements of the relevant ANSI standard in table 1? Relatedly, the agency welcomes comments on whether employers that rely on a future consensus standard should be required to demonstrate that the design and construction requirements of that consensus standard are at least as protective as the design and construction requirements in the applicable ANSI standard in table 1, or whether OSHA should bear the burden of establishing, as part of its *prima facie* case against an employer, that a powered industrial truck designed and constructed in accordance with a future national consensus standard provides less protection than a truck designed and constructed in accordance with the applicable ANSI standard in table 1.

#### 4. Updates to Other Design and Construction Provisions

Furthermore, in the powered industrial trucks standard for construction, § 1926.602(c)(1)(v) includes configuration and structural requirements for overhead guards on high lift rider trucks that are already required by the ANSI B56–1969 standard referenced in § 1926.602(c)(1)(vi). Therefore, the proposed rule would revise § 1926.602(c)(1)(v) by replacing the reference to paragraph 421 of ANSI B56.1–1969 with a cross-reference to the design requirements in § 1926.602(c)(1)(vi). This proposed change is not intended to eliminate the existing requirement in the construction standard that high lift rider trucks be equipped with overhead guards; instead, this proposed change aims to align the specific design requirements for overhead guards with the general design and construction requirements in the proposed rule. OSHA invites comment on whether the agency should move forward with this approach or whether it should delete § 1926.602(c)(1)(v) given that the design requirements for overhead guards on high lift rider trucks are already covered by § 1926.602(c)(1)(vi).

#### C. Incorporation by Reference and Reasonable Availability of the ANSI Standard to the Public

OSHA also proposes to update the general incorporation by reference

section for each of these standards (*i.e.*, 29 CFR 1910.6 and 29 CFR 1926.6) to reflect the incorporation of the relevant national consensus standards, summarized in section I.B of this preamble. OSHA believes that the ANSI/ITSDF standards, as well as any applicable ASME standards published after 1969 and before the applicable ANSI consensus standard in table 1 to §§ 1910.178(a)(2) and 1926.602(c)(1)(vi), are reasonably available to interested parties and can be purchased from one of the following sites in pdf form: ANSI (<https://webstore.ansi.org>), IHS Standards (<https://global.ihs.com>), or TechStreet (<https://www.techstreet.com>). If OSHA ultimately finalizes this rule, the agency will make all documents available for review by the public in accordance with OSHA's policies regarding availability of documents incorporated by reference. These documents are typically available in national and regional OSHA offices.

### III. Procedural Determinations

#### A. Legal Considerations

The purpose of the OSH Act is to achieve to the extent possible safe and healthful working conditions for all employees. 29 U.S.C. 651(b). To achieve this goal, Congress authorized the Secretary of Labor to promulgate and enforce occupational safety and health standards. 29 U.S.C. 654(b), 655(a) and (b). A safety or health standard is a standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes "reasonably necessary or appropriate" to provide safe or healthful employment and places of employment. 29 U.S.C. 652(8). A standard is reasonably necessary or appropriate within the meaning of section 652(8) of the OSH Act when a significant risk of material harm exists in the workplace and the standard would substantially reduce or eliminate that workplace risk. See *Indus. Union Dep't, AFL-CIO v. Am. Petroleum Inst.*, 448 U.S. 607 (1980).

Under Section 6(a) of the OSH Act, OSHA was given the authority for a period of two years from the effective date of the Act to adopt national consensus standards and established Federal standards as OSHA standards without following notice and comment rulemaking procedures. 29 U.S.C. 655(a). Congress provided this authority so that OSHA would have a mechanism to begin immediately protecting the Nation's workers through mandatory standards. OSHA's powered industrial truck standards were among the many standards adopted under Section 6(a). Thus Congress determined that these

adopted standards, including the powered industrial power standards, were reasonably necessary or appropriate within the meaning of Section 652(8). Moreover, worker protections under this proposed rule, if finalized, would be equal or greater than under the existing standards because powered industrial truck design and construction would have to be at least as protective as the current regulatory requirements. Accordingly, this proposal does not require an additional significant risk finding (see *Edison Elec. Inst. v. OSHA*, 849 F.2d 611, 620 (D.C. Cir. 1988)).

A safety standard must be technologically feasible. See *UAW v. OSHA*, 37 F.3d 665, 668 (D.C. Cir. 1994). A standard is technologically feasible when the protective measures it requires already exist, when available technology can bring the protective measures into existence, or when that technology is reasonably likely to develop. See *Am. Iron and Steel Inst. v. OSHA*, 939 F.2d 975, 980 (D.C. Cir. 1991). OSHA has preliminarily determined that the revisions in this proposal are technologically feasible because: (1) Existing powered industrial trucks only need to comply with the 1969 version of ANSI's B56.1 standard; (2) existing powered industrial trucks are already manufactured according to an existing applicable ANSI B56 standard; and (3) future powered industrial trucks would only need to comply with the existing applicable ANSI standard in table 1.

A safety standard must also be economically feasible. See *Forging Indus. Ass'n v. Secretary of Labor*, 773 F.2d 1436, 1453 (4th Cir. 1985). Such a standard is economically feasible if industry can absorb or pass on the costs of compliance without threatening its long-term profitability or competitive structure. See *ATMI*, 452 U.S. at 530 n. 55; *AIISI*, 939 F.2d at 980. As described below, OSHA has preliminarily determined that this proposal is economically feasible because it would impose no new costs on employers.

#### B. Preliminary Economic Analysis and Regulatory Flexibility Act Certification

OSHA has preliminarily determined that this proposed rule will impose no new costs on employers. The proposed rule is intended to accommodate existing industry practices for existing equipment manufacture and design, and to adapt to industry norms for future manufacture and design.

OSHA understands that powered industrial trucks are designed, tested, or manufactured in accordance with the latest version of ANSI B56 consensus

standards, and, therefore, believes the proposed updates are consistent with the usual and customary practice of employers in the general and construction industries. Accordingly, the agency determined that incorporating by reference ANSI B56.1a–2018, ANSI B56.5–2019, and ANSI B56.6–2021 will not add a compliance burden for employers. In addition, because OSHA is not removing the reference to the 1969 version of the ANSI standard applicable to previously manufactured equipment, employers will be able to continue following that version of the consensus standard for existing equipment, and thus, employers will not occur any new compliance burdens. Going forward, OSHA anticipates that if standards developing organizations (SDO) were to publish a newer version of ANSI B56 in the future, an employer would need to show that equipment manufactured on or after the effective date of the final rule complied with the design and construction requirements of the applicable consensus standard in table 1 to §§ 1910.178(a)(2) and 1926.602(c)(1)(vi) or that the design and construction requirements of the new SDO standard would be at least as protective as the applicable consensus standard in table 1. OSHA expects that in most cases SDOs would provide guidance to employers regarding this determination whenever the SDO issues a new standard (in order to encourage adoption of the new standard). OSHA also expects that affixing new data plates or markings on equipment or the certification of existing data plates or markings on equipment would be a usual and customary practice by employers when demonstrating compliance with newer versions of the consensus standard. OSHA invites public comment on its preliminary determination that the proposed rule will not result in any additional cost burden on employers. Specifically, the agency invites comment on the economic impacts of any future revisions to the ANSI B56 series of standards that affect equipment manufactured on or after the effective date of the final rule, thereby triggering compliance with the design and construction requirements of the applicable ANSI B56 standard in table 1. The agency also requests public comment on any other issues raised by OSHA's proposed revisions.

OSHA therefore finds that this proposed rule is not economically significant within the context of Executive Order 12866, or a major rule under the Unfunded Mandates Reform

Act or Section 801 of the Small Business Regulatory Enforcement Fairness Act. In addition, this proposed rule complies with Executive Order 13563 because it would allow employers increased flexibility in choosing powered industrial trucks for their employees and allow employers to keep practices that meet the requirements of the existing standard for trucks manufactured prior to the effective date of the final rule. Because the rule would impose no costs, OSHA certifies that it would not have a significant economic impact on a substantial number of small private or public sector entities and would not meet any of the criteria for an economically significant or major rule specified by the Executive order or relevant statutes.

#### *C. OMB Review Under the Paperwork Reduction Act of 1995*

This proposed rule would not establish or revise any collection of information requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. 3501. Accordingly, the agency did not submit an Information Collection Request to Office of Management and Budget (OMB) in association with this rulemaking.

Members of the public may respond to this paperwork determination by sending their written comments to the Office of Information and Regulatory Affairs, Attn: OSHA Desk Officer, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503. The agency encourages commenters to also submit these comments to the rulemaking docket, along with their comments on other parts of this notice of proposed rulemaking. For instructions on submitting these comments and accessing the docket, see the sections of this **Federal Register** document titled **DATES and ADDRESSES**.

To make inquiries or to request other information related to information collection, contact Seleda Perryman, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor; telephone: (202) 693–4131; email: [Perryman.Seleda.M@dol.gov](mailto:Perryman.Seleda.M@dol.gov).

#### *D. Federalism*

OSHA reviewed this notice of proposed rulemaking in accordance with the Executive order on federalism (Executive Order 13132, 64 FR 43255, August 4 1999), which requires that agencies, to the extent possible, refrain from limiting state policy options, consult with states prior to taking any actions that would restrict state policy options, and take such actions only when clear constitutional authority

exists, and the problem is national in scope. Executive Order 13132 provides for preemption of state law only with the expressed consent of Congress. Agencies must limit any such preemption to the extent possible.

Under Section 18 of the OSH Act, 29 U.S.C. 651 *et seq.*, Congress expressly provides that states may adopt, with Federal approval, a plan for the development and enforcement of occupational safety and health standards (29 U.S.C. 667); OSHA refers to states that obtain Federal approval for such a plan as “State Plan states.” Occupational safety and health standards developed by State Plan states must be at least as effective in providing safe and healthful employment and places of employment as the Federal standards. 29 U.S.C. 667. Subject to these requirements, State Plan states are free to develop and enforce under state law their own requirements for occupational safety and health standards.

While OSHA drafted this proposed rule to protect employees in every state, Section 18(c)(2) of the OSH Act permits State Plan states and U.S. territories to develop and enforce their own standards for powered industrial trucks provided the requirements in these standards are at least as safe and healthful as the requirements specified in this proposed rule. In summary, this notice of proposed rulemaking complies with Executive Order 13132. In States without OSHA-approved State Plans, any standard developed from this proposed rule would limit State policy options in the same manner as every standard promulgated by OSHA. In States with OSHA-approved State Plans, this rulemaking would not significantly limit State policy options.

#### *E. State Plan States*

When Federal OSHA promulgates a new standard or a more stringent amendment to an existing standard, the 28 States and U.S. territories with their own OSHA-approved occupational safety and health plans must revise their standards to reflect the new standard or amendment. The State standard must be at least as effective as the final Federal standard or amendment and must be promulgated within six months of the publication date of the final Federal rule (29 U.S.C. 667(c)(2); 29 CFR 1953.5(a)).

A State Plan state may demonstrate that a standard change is unnecessary because the State standard is already the same as or at least as effective as the new or amended Federal standard. In order to avoid delays in worker protection, the effective date of the State standard and any of its delayed

provisions must be the date of State promulgation or the Federal effective date, whichever is later. The Assistant Secretary may permit a longer time period if the State timely demonstrates that good cause exists for extending the time limitation (29 CFR 1953.5(a)). Of the 28 States and territories with OSHA-approved State plans, 22 cover public and private-sector employees: Alaska, Arizona, California, Hawaii, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Nevada, New Mexico, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, and Wyoming. Six States and territories cover only public-sector employees: Connecticut, Illinois, Maine, New Jersey, New York, and the Virgin Islands. When OSHA promulgates a new standard or amendment that does not impose additional or more stringent requirements than the existing standard, State Plan states are not required to amend their standards, although OSHA may encourage them to do so.

If OSHA promulgates this proposed rule, employers would be required to ensure that new equipment manufactured on or after the effective date of the final rule complies with the relevant ANSI B56 standard incorporated by reference in table 1 or, alternatively, with a future national consensus standard or no consensus standard provided that the employer can demonstrate that the design and construction of the truck provides at least the same degree of safety as the design and construction requirements of the applicable ANSI standard in table 1. States and territories with approved State Plans would be required to adopt comparable amendments within six months of OSHA's promulgation of the final rule, unless they demonstrate that such a change is not necessary because their existing standards are already the same, or at least as effective, as OSHA's new final rule. State Plans would also be permitted to choose to conform to other proposed revisions, including the proposed provision allowing compliance with other consensus standards that are at least as protective as the applicable consensus standard incorporated by reference. OSHA seeks comment on this assessment of its proposal.

#### F. Unfunded Mandates Reform Act of 1995

OSHA reviewed this notice of proposed rulemaking according to the Unfunded Mandates Reform Act of 1995 (UMRA), 2 U.S.C. 1501–1571, and Executive Order 13132 (64 FR 43255) (1999). As discussed above in Section

III.B (“Preliminary Economic Analysis and Regulatory Flexibility Certification”) of this preamble, OSHA preliminarily determined that the proposed rule would not impose additional costs on any private-sector or public-sector entity employers.

As noted above under Section III.E (“State Plan States”) of this preamble, OSHA standards do not apply to state or local governments except in states that elected voluntarily to adopt an OSHA-approved state plan. Consequently, this rulemaking does not meet the definition of a “Federal intergovernmental mandate.” See 2 U.S.C. 658(5). Therefore, for the purposes of the UMRA, OSHA certifies that this proposed rule would not mandate that state, local, or tribal governments adopt new, unfunded regulatory obligations, or increase expenditures by the private sector of more than \$100 million in any year.

#### G. Consultation and Coordination With Indian Tribal Governments

OSHA reviewed this notice of proposed rulemaking in accordance with Executive Order 13175, 65 FR 67249 (2000), and determined that it does not have “tribal implications” as defined in that order. If finalized, this rule would not have substantial direct effects 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.

#### H. Consultation With the Advisory Committee on Construction Safety and Health

Under 29 CFR parts 1911 and 1912, OSHA must consult with the Advisory Committee on Construction Safety and Health (ACCSH), established pursuant to section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 3704), in setting standards for construction work. Specifically, 29 CFR 1911.10(a) requires the Assistant Secretary to provide ACCSH with a draft proposed rule (along with pertinent factual information) and give ACCSH an opportunity to submit recommendations. See also 29 CFR 1912.3(a).

On July 1, 2020, OSHA presented its proposal to update the agency's powered industrial trucks standards, including its construction standard at 29 CFR 1926.602, to ACCSH. The Committee subsequently passed a motion recommending that the agency move forward in the rulemaking process. (See the minutes from the meeting, Docket No. 2020–0003).

#### List of Subjects in 29 CFR Parts 1910 and 1926

Incorporation by reference, Occupational safety and health, Powered industrial trucks.

#### Authority and Signature

Douglas L. Parker, Assistant Secretary for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210, authorized the preparation of this document. OSHA is issuing this document pursuant to 29 U.S.C. 653, 655, and 657; 40 U.S.C. 3701 *et seq.*; 5 U.S.C. 553; Secretary of Labor's Order 8–2020, 85 FR 58393 (2020); and 29 CFR part 1911.

Signed at Washington, DC, on January 7, 2022.

**Douglas L. Parker,**

*Assistant Secretary for Occupational Safety and Health.*

#### Amendments to Standards

For the reasons stated above in the preamble, the Occupational Safety and Health Administration proposes to amend 29 CFR parts 1910 and 1926 as follows:

#### PART 1910—[AMENDED]

##### Subpart A—[Amended]

■ 1. The authority citation for subpart A of part 1910 is revised to read as follows:

**Authority:** 29 U.S.C. 653, 655, 657; Secretary of Labor's Order Numbers 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), 5–2002 (67 FR 65008), 5–2007 (72 FR 31159), 4–2010 (75 FR 55355), 1–2012 (77 FR 3912), or 8–2020 (85 FR 58393), as applicable.

Sections 1910.6, 1910.7, 1910.8, and 1910.9 also issued under 29 CFR part 1911. Section 1910.7(f) also issued under 31 U.S.C. 9701, 29 U.S.C. 9a, 5 U.S.C. 553; Pub. L. 106–113, 113 Stat. 1501A–222; Pub. L. 111–8, 123 Stat. 524, and Pub. L. 111–317, 124 Stat. 3454; and OMB Circular A–25 (58 FR 38142).

■ 2. Amend § 1910.6 by:

■ a. Redesignating paragraphs (e)(30), (32), and (34) as paragraphs (e)(33), (34), and (35), respectively;

■ b. Adding new paragraph (e)(30), paragraph (e)(31), and new paragraph (e)(32); and

■ c. In newly redesignated paragraph (e)(34), removing “1910.266(e)(2)(i)” and adding “§ 1910.266(e)(2)(i)” in its place.

The additions read as follows:

#### § 1910.6 Incorporation by reference.

\* \* \* \* \*  
(e) \* \* \*

(30) ANSI/ITSDF B56.1–2020, Safety Standards for Low Lift and High Lift Trucks; IBR approved for § 1910.178(a).

(31) ANSI/ITSDF B56.5–2019, Safety Standard for Driverless, Automatic Guided Industrial Vehicles and Automated Functions of Manned Industrial Vehicles; IBR approved for § 1910.178(a).

(32) ANSI/ITSDF B56.6–2021, Safety Standard for Rough Terrain Forklift Trucks; IBR approved for § 1910.178(a).

**Subpart N—[Amended]**

■ 3. The authority citation for subpart N of part 1910 is revised to read as follows:

**Authority:** 29 U.S.C. 653, 655, 657; Secretary of Labor’s Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), 5–2002 (67 FR 65008), 5–2007 (72 FR 31159), 4–2010 (75 FR 55355), 1–2012 (77 FR 3912), or 8–2020 (85 FR 58393), as applicable; and 29 CFR part 1911.

■ 4. Amend § 1910.178 by revising paragraphs (a)(2) and (3) to read as follows:

**§ 1910.178 Powered industrial trucks.**

(a) \* \* \*

(2)(i) All powered industrial trucks manufactured before [DATE 30 DAYS AFTER PUBLICATION OF THE FINAL RULE] and used by an employer shall meet the design and construction requirements for powered industrial trucks established in either:

(A) The “American National Standard for Powered Industrial Trucks, Part II, ANSI B56.1–1969,” which is incorporated by reference in § 1910.6; or  
(B) The applicable ANSI B56 standard in table 1 to this paragraph (a)(2).

(ii) Powered industrial trucks manufactured before [DATE 30 DAYS AFTER PUBLICATION OF THE FINAL RULE] that the employer can demonstrate are at least as protective as powered industrial trucks that are designed and constructed in accordance

with one of the consensus standards listed in paragraph (a)(2)(i) of this section will be deemed to be in compliance with the requirements of paragraph (a)(2)(i) of this section.

(iii) All powered industrial trucks manufactured on or after [DATE 30 DAYS AFTER PUBLICATION OF THE FINAL RULE] and used by an employer shall meet the design and construction requirements for powered industrial trucks established by the applicable ANSI B56 standard in table 1 to this paragraph (a)(2).

(iv) Powered industrial trucks manufactured on or after [DATE 30 DAYS AFTER PUBLICATION OF THE FINAL RULE] that the employer can demonstrate are at least as protective as powered industrial trucks that are designed and constructed in accordance with the applicable ANSI B56 standard in table 1 to this paragraph (a)(2) will be deemed to be in compliance with the requirements of paragraph (a)(2)(iii) of this section.

TABLE 1 TO PARAGRAPH (a)(2)

Design and construction requirements for powered industrial trucks in ANSI B56 <sup>1</sup>

ANSI/ITSDF B56.1–2020, Safety Standard for Low Lift and High Lift Trucks.

ANSI/ITSDF B56.5–2019, Safety Standard for Driverless, Automatic Guided Industrial Vehicles and Automated Functions of Manned Industrial Vehicles.

ANSI/ITSDF B56.6–2021, Safety Standard for Rough Terrain Forklift Trucks.

<sup>1</sup> Incorporated by reference, see § 1910.6.

(3) Approved trucks shall bear a label or some other identifying mark indicating approval by the testing laboratory. See paragraph (a)(7) of this section and paragraph 405 of ANSI B56.1–1969 or the design and construction requirements of the applicable ANSI B56 standard in table 1 to paragraph (a)(2) of this section, which require powered industrial trucks that are accepted by a nationally recognized testing laboratory to be so marked.

\* \* \* \* \*

**PART 1926—[AMENDED]**

**Subpart A—[Amended]**

■ 5. The authority citation for subpart A of part 1926 is revised to read as follows:

**Authority:** 40 U.S.C. 3701 *et seq.*; 29 U.S.C. 653, 655, 657; Secretary of Labor’s Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), 5–2002 (67 FR 65008), 5–2007 (72 FR 31160), 4–2010 (75 FR 55355), 1–2012 (77 FR 3912), or 8–2020 (85 FR 58393), as applicable; and 29 CFR part 1911.

■ 6. Amend § 1926.6 by adding paragraphs (e)(17) through (19) to read as follows:

**§ 1926.6 Incorporation by reference.**

\* \* \* \* \*

(e) \* \* \*

(17) ANSI/ITSDF B56.1–2020, Safety Standards for Low Lift and High Lift Trucks; IBR approved for § 1926.602(c).

(18) ANSI/ITSDF B56.5–2019, Safety Standard for Driverless, Automatic Guided Industrial Vehicles and Automated Functions of Manned Industrial Vehicles; IBR approved for § 1926.602(c).

(19) ANSI/ITSDF B56.6–2021, Safety Standard for Rough Terrain Forklift Trucks; IBR approved for § 1926.602(c).

\* \* \* \* \*

**Subpart O—[Amended]**

■ 7. The authority citation for subpart O of part 1926 is revised to read as follows:

**Authority:** 40 U.S.C. 333; 29 U.S.C. 653, 655, 657; Secretary of Labor’s Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 5–2007 (72 FR 31159), 4–2010 (75 FR 55355), 1–2012 (77 FR 3912), or 8–2020

(85 FR 58393), as applicable. Section 1926.602 also issued under 29 CFR part 1911.

■ 8. Amend § 1926.602 by revising paragraph (c)(1)(v) and (vi) to read as follows:

**§ 1926.602 Material handling equipment.**

\* \* \* \* \*

(c) \* \* \*

(1) \* \* \*

(v) All high-lift rider industrial trucks shall be equipped with overhead guards which meet the design requirements provided in paragraph (c)(1)(vi) of this section.

(vi)(A) All industrial trucks manufactured before [DATE 30 DAYS AFTER PUBLICATION OF THE FINAL RULE] and used by an employer shall meet the design and construction requirements for powered industrial trucks established in either:

(1) The “American National Standard for Powered Industrial Trucks, Part II, ANSI B56.1–1969,” which is incorporated by reference in § 1926.6; or  
(2) The applicable ANSI B56 standard in table 1 to this paragraph (c)(1)(vi).

(B) Powered industrial trucks manufactured before [DATE 30 DAYS AFTER PUBLICATION OF THE FINAL

RULE] that the employer can demonstrate are at least as protective as powered industrial trucks that are designed and constructed in accordance with one of the consensus standards listed in paragraph (c)(1)(vi)(A) of this section will be deemed to be in compliance with the requirements of paragraph (c)(1)(vi)(A) of this section.

(C) All industrial trucks manufactured on or after [DATE OF PUBLICATION OF THE FINAL RULE] and used by an

employer shall meet the design and construction requirements for powered industrial trucks established in the applicable ANSI B56 standard in table 1 to this paragraph (c)(1)(vi).

(D) Powered industrial trucks manufactured on or after [DATE 30 DAYS AFTER PUBLICATION OF THE FINAL RULE] that the employer can demonstrate are at least as protective as powered industrial trucks that are designed and constructed in accordance

with the applicable ANSI B56 standard in table 1 to this paragraph (c)(1)(vi) will be deemed to be in compliance with the requirements of paragraph (c)(1)(vi)(C) of this section.

(E) All industrial trucks in use shall meet the applicable requirements of stability, inspection, testing, maintenance, and operation, as defined in American National Standards Institute B56.1–1969, Safety Standards for Powered Industrial Trucks.

TABLE 1 TO PARAGRAPH (c)(1)(vi)

Design and construction requirements for powered industrial trucks in ANSI B56<sup>1</sup>

ANSI/ITSDF B56.1—2020, Safety Standard for Low Lift and High Lift Trucks.

ANSI/ITSDF B56.5—2019, Safety Standard for Driverless, Automatic Guided Industrial Vehicles and Automated Functions of Manned Industrial Vehicles.

ANSI/ITSDF B56.6—2021, Safety Standard for Rough Terrain Forklift Trucks.

<sup>1</sup> Incorporated by reference, see § 1926.6.

\* \* \* \* \*

[FR Doc. 2022–01155 Filed 2–15–22; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 1 and 27

[AU Docket No. 20–429; DA 22–120; FR ID 71309]

#### Auction of Flexible-Use Licenses in the 2.5 GHz Band for Next-Generation Wireless Services; Further Comment Sought on Competitive Bidding Procedures for Auction 108

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule; proposed auction procedures.

**SUMMARY:** The Office of Economics and Analytics and the Wireless Telecommunications Bureau seek further comment on the procedures to be used for Auction 108, an auction of approximately 8,300 geographic overlay licenses in the 2.5 GHz band. This document describes the procedures for an ascending clock auction format and seeks comment on whether this format would address concerns and suggestions raised by commenters with respect to both the single-round and simultaneous multiple-round auction formats on which the Federal Communication Commission (Commission or FCC) sought comment in the *Auction 108 Comment Public Notice*.

**DATES:** Comments are due on or before February 23, 2022.

**ADDRESSES:** Interested parties may file comments in AU Docket No. 20–429.

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. Interested parties are strongly encouraged to file comments electronically.

- *Electronic Filers:* Comments may be filed electronically using the internet by accessing the ECFS at <https://www.fcc.gov/ecfs/>.

- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing.

- Filings in response to the Public Notice can be sent by commercial 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 deliveries (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Dr., Annapolis Junction, MD 20701.

- U.S. Postal Service first-class, Express, or Priority mail must be addressed to 45 L Street NE, Washington, DC 20554.

- 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.

- *Email:* Commenters are asked to also submit a copy of their comments and reply comments electronically to the following address: [auction108@fcc.gov](mailto:auction108@fcc.gov).

#### FOR FURTHER INFORMATION CONTACT:

*Auction Legal Questions:* Daniel Habif, (202) 418–0660, [Daniel.Habif@fcc.gov](mailto:Daniel.Habif@fcc.gov); Lyndsey Grunewald, (202) 418–

0660, [Lyndsey.Grunewald@fcc.gov](mailto:Lyndsey.Grunewald@fcc.gov); or Scott Mackoul, (202) 418–0660, [Scott.Mackoul@fcc.gov](mailto:Scott.Mackoul@fcc.gov).

*General Auction Questions:* (717) 338–2868.

*2.5 GHz Band Licensing Questions:*

Madelaine Maior, (202) 418–1466, [Madelaine.Maior@fcc.gov](mailto:Madelaine.Maior@fcc.gov) or Nadja Sodos-Wallace, (202) 418–0955, [Nadja.Sodoswallace@fcc.gov](mailto:Nadja.Sodoswallace@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the *Auction 108 Further Comment Public Notice*, AU Docket No. 20–429, DA 22–120, adopted on February 9, 2022 and released on February 9, 2022. The complete text of the *Auction 108 Further Comment Public Notice* is available on the Commission's website at <https://www.fcc.gov/auction/108> or by using the search function for AU Docket No. 20–429, DA 22–120, on the Commission's Electronic Comment Filing System (ECFS) web page at [www.fcc.gov/ecfs](https://www.fcc.gov/ecfs). Alternative formats are available to persons with disabilities by sending an email to [FCC504@fcc.gov](mailto:FCC504@fcc.gov) or by calling the Consumer & Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

#### I. Introduction

1. By the *Auction 108 Further Comment Public Notice*, the Office of Economics and Analytics (OEA), jointly with the Wireless Telecommunications Bureau (WTB), seeks further comment on the auction format to be used for Auction 108. Specifically, the Public Notice seeks comment on whether the use of an ascending clock auction format—a multiple-round auction with bidding for frequency-specific blocks—

would address certain concerns and suggestions raised by commenters with respect to both the single-round and simultaneous multiple-round (SMR) auction formats on which the Commission sought comment in the *Auction 108 Comment Public Notice*, 86 FR 12146, March 3, 2021.

2. On January 13, 2021, the Commission released the *Auction 108 Comment Public Notice* seeking comment on competitive bidding procedures and various other procedures to be used in Auction 108, in accordance with 47 U.S.C. 309(j)(3). In that public notice, the Commission described and sought comment on a single-round auction format with user-defined package bidding, and on an SMR auction format.

3. Numerous commenters responded to the *Auction 108 Comment Public Notice* expressing specific concerns with one or the other format. In particular, several commenters express concern that the potentially long duration of an SMR auction could deter participation. Some commenters assert that the costs of monitoring an overly long auction, as well as complying with an extended quiet period, would be burdensome for bidders, especially smaller entities, and accordingly, they favor the single-round approach. On the other hand, several commenters cite the unfamiliarity of the single-round format as problematic, claiming that the additional resources needed to understand the auction format and develop an optimal bidding strategy could deter participation.

4. The *Auction 108 Further Comment Public Notice* seeks comment on whether the clock auction procedures set forth here would be an appropriate means of addressing these concerns and suggestions. The clock auction procedures described below, like the SMR, would be for a multiple-round auction, a characteristic which is favored by several commenters. A clock auction is a familiar auction format, which has been used in a number of recent FCC spectrum and Universal Service Fund auctions. In addition, comments filed in response to the *Auction 108 Comment Public Notice* suggest the use of intra-round bidding to reduce the length of an SMR auction. Intra-round bidding, however, is not a feature of Commission SMR auctions, but has been regularly used in clock auctions. Commenters also suggest the use of proxy bidding as an option to reduce the costs to bidders of continually monitoring a lengthy multiple-round auction. Proxy bidding has been provided as an option to bidders in reverse clock auctions, but

has not been a feature of past SMR auctions.

5. To date, the Commission has used an ascending clock auction format in situations in which multiple frequency blocks of similar spectrum were offered, where a clock auction could be conducted more efficiently than could an SMR auction with license-by-license bidding. Consistent with these experiences, in the *Auction 108 Comment Public Notice* the Commission discounted the appropriateness of the typical clock auction format it uses—with multiple generic blocks in a category—for this auction of heterogeneous licenses. However, given commenters' requests for a familiar auction format with a manageable duration, with the benefits of intra-round bidding and proxy bidding, the *Auction 108 Further Comment Public Notice* seeks comment on whether the clock auction format is more responsive to bidder needs than the auction formats outlined in the *Auction 108 Comment Public Notice*.

6. As an initial matter, the *Auction 108 Further Comment Public Notice* seeks comment on whether the proposals concerning upfront payments and bidding eligibility as described in the *Auction 108 Comment Public Notice* remain reasonable and appropriate if Auction 108 is conducted under the clock auction format discussed herein. The clock auction procedures discussed in the *Auction 108 Further Comment Public Notice* do not impact the proposals described in the *Auction 108 Comment Public Notice* with respect to implementation of the Commission's part 1 competitive bidding rules. Thus, in calculating its upfront payment amount and hence its initial bidding eligibility for the clock auction format set forth below, an applicant would determine the maximum number of bidding units on which it may wish to bid in any single round, and submit an upfront payment amount covering that total number of bidding units.

7. The *Auction 108 Further Comment Public Notice* seeks focused input on whether the clock auction bidding format discussed herein would address issues raised by commenters with respect to both the SMR and single-round auction formats. It is not intended to invite further comment on other procedures proposed in the *Auction 108 Comment Public Notice* apart from auction design. In light of the limited scope of the *Auction 108 Further Comment Public Notice* and comments urging the Commission to move expeditiously to the start of bidding, OEA and WTB provide for a single round of comments by February 23,

2022, with no filing period for reply comments. A subsequent public notice will announce final procedures for Auction 108, including the procedures, terms, conditions, dates, and deadlines for applying to and participating in Auction 108, as well as provide an overview of the post-auction application and payment processes.

## II. Further Comment Sought on Bidding Procedures

8. The *Auction 108 Further Comment Public Notice* seeks comment on additional multiple-round auction procedures prompted by filings in this proceeding. In particular, OEA and WTB ask for feedback on the use of a clock auction format with bidding on specific licenses. This clock auction format, if adopted, would follow the basic structure of the ascending clock auction used in previous FCC spectrum clock auctions, in which bidding in the clock phase was conducted for multiple generic spectrum blocks in a category in a geographic area, with adjustments, as described below, to account for the fact that Auction 108 would have only a single frequency-specific license in a category in a county. If the clock auction format were adopted for Auction 108, there would be up to three categories of licenses in each county, with one license block in each category. Accordingly, OEA and WTB refer to this specific format as a clock auction with a supply of one in each category—or a clock-1 auction format. Unlike previous FCC spectrum clock auctions, Auction 108 would not include an assignment phase, as none is needed with a format that provides for bidding on specific licenses.

9. OEA and WTB released a technical guide concurrently with the *Auction 108 Further Comment Public Notice* supplementing the information in it and providing the mathematical details and algorithms of the procedures described therein. The Clock-1 Technical Guide details procedures and provide examples for bidding in Auction 108 if a clock auction is adopted.

### A. Clock-1 Auction Structure

10. Using the clock-1 format, if adopted, each bidder would be able to bid for licenses, where specific licenses will be identified by a category within a county. As in the SMR auction format, the auction would proceed in a series of rounds, with bidding conducted simultaneously for all licenses available in the auction. Consistent with prior FCC clock auctions, during each bidding round, the bidding system would announce a clock price for each license, and a bidder would indicate its demand



for licenses at the clock prices associated with the current round. After the first round, intra-round bids would also be allowed.

11. The clock price for a license would increase from round to round if more than one bidder indicates demand for that license. The bidding rounds would continue until, for all licenses—that is, all categories in all counties—the number of bidders demanding each license does not exceed one. Once bidding rounds stop, the bidder with demand for a license becomes the winning bidder.

12. The *Auction 108 Further Comment Public Notice* seeks comment on the specific procedures OEA and WTB describe for conducting an auction of 2.5 GHz licenses, as an alternative approach that addresses the concerns of commenters with respect to the single-round and SMR formats described in the *Auction 108 Comment Public Notice*.

### 1. Single Licenses in Three Bidding Categories

13. Auction 108 will offer geographic overlay licenses for unassigned spectrum in the 2.5 GHz (2496–2690 MHz) band, offered in up to three blocks of spectrum—49.5 megahertz, 50.5 megahertz, and 17.5 megahertz blocks—licensed on a county basis. With overlay licenses, licensees obtain the rights to geographic area licenses overlaid on top of the existing incumbent licenses. *2.5 GHz Report and Order*, 84 FR 57343, October 25, 2019. As with an ordinary flexible-use license, the overlay licensee may operate anywhere within its geographic area, subject to protecting the licensed areas (*i.e.*, circular Geographic Service Areas with a 35-mile radius) of incumbent licensees. If an incumbent licensee in a county cancels or terminates its license, then the overlay licensee obtains the rights to operate in the geographic area and on the channel of the canceled license. An overlay licensee may clear its geographic area by purchasing the incumbent licenses, but it does not have the exclusive right to negotiate with the incumbent licensee for its spectrum rights or to purchase an incumbent license in the geographic area in which it has the overlay rights. For bidding in this clock auction, in the counties where available, OEA and WTB would designate the 49.5 megahertz block as bidding category 1 (C1); the 50.5 megahertz block as bidding category 2 (C2); and the 17.5 megahertz block as bidding category 3 (C3). Specifically, the C1 license block would include channels A1–A3, B1–B3, C1–C3 (49.5 megahertz); the C2 license block would include channels D1–D3, the J channels,

and channels A4–G4 (50.5 megahertz); and the C3 license block would include channels G1–G3 and the relevant K channels (16.5 megahertz of contiguous spectrum and 1 megahertz of the K channels associated with the G channel group). Therefore, the combination of a bidding category and a county would define a single specific license, and bidding for a category and a county under the clock-1 auction format would constitute license-by-license bidding, as in the SMR format.

### 2. Bidding Rounds

14. Under the clock-1 auction format, Auction 108 would consist of multiple, sequential bidding rounds, each followed by the release of round results, as would an SMR auction. Bidding would be conducted simultaneously for all licenses—all categories in all counties available in the auction. In the first bidding round of Auction 108, a bidder would indicate, for each category and county, whether it demands the license at the minimum opening bid price. During each subsequent bidding round, the bidding system would announce a start-of-round price and a clock price for each license, and qualified bidders would indicate the licenses for which they wish to bid at the prices associated with the current round. Bidding rounds would be open for predetermined periods of time. Bidders would be subject to activity and eligibility rules that govern the pace at which they participate in the auction.

15. For each category and county—that is, each license—the clock price for a license would increase from round to round if more than one bidder indicates demand for that license. The bidding rounds would continue until, for every category and county, demand does not exceed one. At that point, the bidder still indicating demand for a license would be deemed the winning bidder.

16. As would be the case with the SMR format, the initial bidding schedule for a clock-1 auction would be announced in a public notice to be released at least one week before the start of bidding, and OEA would retain the discretion to adjust the bidding schedule in order to foster an auction pace that reasonably balances speed with the bidders' needs to study round results and adjust their bidding strategies. Such adjustments may include changes in the amount of time for bidding rounds, the amount of time between rounds, and/or the number of rounds per day, and would depend upon bidding activity and other factors.

17. Regardless of the format ultimately adopted, OEA and WTB would conduct Auction 108 over the

internet. Under the clock-1 format, as with an SMR auction, a bidder would submit its bids using the bidding system's upload function, which allows bid files in a comma-separated values (CSV) text format to be uploaded. The bidding system would allow a bidder to submit bids only for licenses in counties the bidder selected on its FCC Form 175 and for which the bidder has sufficient bidding eligibility.

18. During each round of the bidding, a bidder would be able to modify its bids placed in the current bidding round. It would do so by uploading a new file of all its bids, including the modifications, which would replace bids previously submitted in the round. The system would take the last bid file submission as that bidder's bids for the round.

### 3. Stopping Rule

19. As in previous FCC clock and SMR auctions, with a clock-1 format for Auction 108, OEA and WTB would use a simultaneous stopping rule, under which all licenses would remain available for bidding until the bidding stops on all licenses. The Commission has discretion to establish stopping rules before or during multiple round auctions in order to complete the auction within a reasonable time, 47 CFR 1.2104(e). Specifically, bidding would close for all licenses after the first round in which demand does not exceed one for any license. Consequently, under this approach, it is not possible to determine in advance how long Auction 108 would last.

### 4. Availability of Bidding Information

20. The bidding system would disclose, after each round of Auction 108, clock auction round results analogous to those for an SMR auction: Namely, for each license, the aggregate demand, the posted price of the last completed round, and the clock price for the next round. The posted price of the previous round is, generally, the start-of-round price if supply exceeds demand; the clock price of the previous round if demand exceeds supply; or the price at which a reduction caused demand to equal supply. Note that, for Auction 108, supply equals one. The identities of bidders making specific bids would not be disclosed until after the close of bidding in the auction.

21. Each bidder would have access to additional information related to its own bidding and bid eligibility. Specifically, after the bids of a round have been processed, the bidding system would inform each bidder of the licenses it currently demands (its

processed demand) and its eligibility for the next round.

### B. Activity Rule

22. In order to ensure that the auction closes within a reasonable period of time, an activity rule requires bidders to bid actively throughout the auction, rather than wait until late in the auction before participating, an approach that is routinely used in multiple-round auctions such as the SMR and the clock auction. For a clock-1 auction, a bidder's activity in a round for purposes of the activity rule would be the sum of the bidding units associated with the bidder's demands as applied by the auction system during bid processing (its processed demand). Bidders are required to be active on a specific percentage (the activity requirement percentage) of their current bidding eligibility during each round of the auction. Failure to maintain the requisite activity level would result in a reduction in the bidder's eligibility, possibly curtailing or eliminating the bidder's ability to place bids in subsequent rounds of the auction.

23. Under this auction format, a bidder would be required to maintain a fixed, high level of activity in each round of Auction 108 in order to maintain its bidding eligibility. Specifically, a bidder would be required to be active on between 90% and 100% of its bidding eligibility in all rounds, with the specific percentage within this range to be set for each round. Thus, the activity rule would be satisfied when a bidder has bidding activity on licenses with bidding units that total 90% to 100% of its current eligibility in the round. OEA and WTB would set the activity requirement percentage initially at 95%. If the activity rule is met, then the bidder's eligibility would not change for the next round. If the activity rule is not met in a round, the bidder's eligibility would be reduced accordingly. Bidding activity would be based on the bids that are applied by the FCC auction bidding system. That is, if a bidder bids to reduce its demand for a license, but the FCC auction bidding system cannot apply the request because demand for that license would fall below one, then the bidder's activity would reflect its unreduced demand.

24. OEA would retain the discretion to change the activity requirement percentage during the auction. The bidding system would announce any such changes in advance of the round in which they would take effect, giving bidders adequate notice to adjust their bidding strategies.

25. *Contingent Bidding Limit.* The *Auction 108 Further Comment Public*

*Notice* seeks comment on procedures by which, after Round 1, a bidder may submit bids with bidding units totaling up to a contingent bidding limit greater than or equal to the bidder's current bidding eligibility for the round, as in the three most recent FCC clock auctions. A bidder's contingent bidding limit would be calculated as its current eligibility times a contingent bidding percentage equal to or greater than 100%.

26. Allowing a bidder to submit bids with associated bidding activity greater than its current bidding eligibility would potentially help a bidder avoid having its eligibility reduced as a result of submitted bids that could not be applied during bid processing. However, even under these additional procedures, the bidder's activity as applied by the auction system during bid processing would not exceed the bidder's current bidding eligibility. That is, if a bidder were allowed to submit bids with associated bidding units exceeding 100% of its current bidding eligibility, its processed activity would never exceed its eligibility.

27. The *Auction 108 Further Comment Public Notice* seeks comment on whether OEA and WTB should allow bidders to submit bids with associated bidding activity greater than their current bidding eligibility. If adopted, OEA and WTB would set the initial contingent bidding percentage at 120%, which would apply starting in Round 2, subject to change in subsequent rounds within a range of 100% to 140%. In any bidding round, the auction bidding system would advise the bidder of its current bidding eligibility, its required bidding activity, and its contingent bidding limit.

### C. Acceptable Bids

#### 1. Minimum Opening Bids

28. Minimum opening bids would serve as initial clock prices under a clock-1 auction format. In Round 1 of the auction, qualified bidders would indicate the licenses they demand at the minimum opening bids. OEA and WTB seek comment on whether use of a clock-1 auction format would warrant any change to the minimum opening bids proposed in the *Auction 108 Comment Public Notice*.

#### 2. Clock Price Increments

29. Under clock-1 procedures for Auction 108, after bidding in the first round and before each subsequent round, for each license, the FCC auction bidding system would announce the start-of-round price (also referred to as the posted price) and the clock price for

the upcoming round—that is, the lowest price and the highest price at which bidders can indicate their demand for the license during the round. As long as aggregate demand for the license exceeds one, the start-of-round price would be equal to the clock price from the prior round. If demand equaled one at a price in a previous round, then the start-of-round price for the next round would be equal to the price at which demand equaled one. If demand was zero in the previous round, then the start-of-round price for the next round would not increase.

30. The clock price for a license for a round would be set by adding a percentage increment to the start-of-round price. OEA would set the increment percentage within a range of 5% to 30% inclusive, with the initial increment percentage at 10%, and potentially would adjust the increment as rounds continue. OEA would retain the discretion to cap the increment if the total dollar amount of the increment (the difference between the clock price and the start-of-round price) would exceed a certain amount. The 5% to 30% increment range and cap would allow OEA and WTB to set a percentage that manages the auction pace and takes into account bidders' needs to evaluate their bidding strategies while moving the auction along quickly.

#### 3. Intra-Round Bids

31. The use of intra-round bidding has been suggested as a method of reducing the number of bidding rounds needed for the auction to reach equilibrium prices. Intra-round bidding could be particularly useful in the instant context given the number of licenses being offered, such that there would be more benefit than usual in reducing the number of bidding rounds. While the Commission has never conducted an SMR auction with intra-round bidding, it is a familiar feature of the Commission's recent clock auctions. To address commenters' concerns about the length of a multiple-round auction while also being mindful of comments that the use of a familiar auction format would foster participation, the *Auction 108 Further Comment Public Notice* seeks comment on use of intra-round bidding under the clock-1 format. Could intra-round bidding be useful in reducing the number of bidding rounds needed for the auction to reach equilibrium prices?

32. In a clock-1 auction, in a round after the first round, a bidder would be permitted to make intra-round bids by indicating a point between the start-of-round price and the clock price at which its demand for a license changes.

In placing an intra-round bid for a license, a bidder would indicate a specific price and the changed quantity it demands (either zero or one) if the price for the license should increase beyond that price.

33. Intra-round bid amounts would be limited to multiples of \$10 for prices below \$10,000; to multiples of \$100 for prices between \$10,000 and \$100,000, inclusive; and to multiples of \$1,000 for prices above \$100,000.

34. Intra-round bids would be optional; a bidder may choose to express its demands only at the start-of-round price or the clock price. Using intra-round bidding would allow the auction system to use relatively large percentage increments, thereby speeding up the auction, without running the risk that a jump in the clock price will overshoot the market clearing price—the point at which only one bidder demands the license—because bidders could specify an amount lower than the clock price.

#### 4. Proxy Bids

35. To address commenters' concerns that monitoring every round of a multiple-round auction may be burdensome, especially for smaller bidders, the *Auction 108 Further Comment Public Notice* seeks comment on providing each bidder with the option to use proxy bidding under the clock-1 format. OEA and WTB would permit a bidder to submit a proxy instruction to the bidding system to reduce its demand for a license to zero at a price higher than the current round's clock price. A bidder would submit its proxy instructions along with its bids, using the bidding system's upload function described in Section II.A.2 (Bidding Rounds), above. Proxy instructions to increase a bidder's demand for a license at a given price would not be permitted.

36. Under these procedures, if a proxy instruction has been submitted, the bidding system would automatically submit a proxy bid to maintain the bidder's demand for the license in every subsequent round as long as the clock price for the round is less than the proxy instruction price. In the first round in which the clock price is greater than or equal to the proxy instruction price, the bidding system would submit a proxy bid on behalf of the bidder to reduce the bidder's demand for that license to zero at the proxy instruction price.

37. In the case that a bid to reduce demand, placed according to proxy instructions or submitted by the bidder in the round, is not applied during bid processing, the bidding system would

automatically generate a proxy instruction at the bid price and, in the following rounds, submit proxy bids on behalf of the bidder according to that proxy instruction.

38. In any round, a bidder can remove or modify any existing proxy instructions or proxy bids for the round by uploading a new bid file, including the modifications, which would replace any bids and proxy instructions previously submitted. The system would take the last bid file submission as that bidder's bids and proxy instructions.

39. As is the case for intra-round bid amounts, proxy instruction prices would be limited to multiples of \$10 for prices below \$10,000; to multiples of \$100 for prices between \$10,000 and \$100,000, inclusive; and to multiples of \$1,000 for prices above \$100,000. Proxy instructions would not be publicly released either during or after the auction.

#### 5. Bid Types

40. Under a clock-1 auction format for Auction 108, as in other FCC spectrum clock auctions, a bidder would indicate in each round the licenses it demands at the prices associated with the round. Bidders would be permitted to make two types of bids: Simple bids and switch bids.

41. A simple bid indicates a desired quantity (in this auction, one or zero) at a price. A bidder that is willing to maintain its demand for a license at the new clock price would bid for the license at the clock price, indicating that it is willing to pay up to that price, if need be, for the license. A bidder that wishes to change the quantity it demands for a license (relative to its processed demand from the previous round) would express the price (either the clock price or an intra-round price) at which it wishes to change its demand.

42. A switch bid allows the bidder to request to move its demand for a license from C1 to C2, or vice versa, within the same county at a price for the from category (either the clock price or an intra-round price). Switch bids are allowed only in counties with both an available Category 1 and a Category 2 license.

43. Bids to maintain demand would always be applied by the auction bidding system during bid processing. Simple bids to change demand and switch bids would not necessarily be applied during bid processing. See Section II.D (Bid Processing) below for details on bid processing.

#### 6. Missing Bids

44. Under the clock-1 auction format, a bidder would be required to indicate its demands in every round or have a proxy instruction in place (as in other FCC spectrum clock auctions), even if its demands at the new round's prices are unchanged from the previous round. If a bidder does not submit a new bid for a license for which it had processed demand from the previous round and does not have a proxy instruction in place, the system will consider that a missing bid.

45. Missing bids are treated by the auction bidding system as requests to reduce to a quantity of zero for the license. If these requests are applied, then a bidder's bidding activity, and its bidding eligibility for the next round, may be reduced. Unlike in previous FCC clock auctions, under the clock-1 format for Auction 108, a bidder would be permitted to enter proxy instructions. Thus, a bidder that is unable to indicate its demands in every round can avoid having missing bids by entering appropriate proxy instructions.

#### D. Bid Processing

46. After each bidding round, bid processing procedures would process bids to change demand to determine the processed demand of each bidder for each license and a posted price for each license that would serve as the start-of-round price for the next round. The bid processing procedures described below are similar in many respects to other FCC spectrum clock auctions.

##### 1. No Excess Supply Rule for Bids To Reduce Demand

47. Under the clock-1 auction format, the FCC auction bidding system would not allow a bidder to reduce its demand for a license if the reduction would cause demand to fall below one. Therefore, if a bidder has been bidding for a specific license but submits a simple bid to reduce its demand to zero for the license if the price should increase above the price in its bid, the FCC auction bidding system would treat the bid as a request to reduce demand that would be applied only if the no excess supply rule would be satisfied. Similarly, if a bidder submits a switch bid to move its demand from the C1 license to the C2 license in the same county, the FCC auction bidding system would treat the bid as a request that would be applied only if the no excess supply rule would be satisfied for C1 in the county, and vice versa. Note, however, if a bid to reduce demand is not applied, the bidder will not be asked

to pay more for the license than the highest price it agreed to pay.

### 2. Eligibility Rule for Bids To Increase Demand

48. The bidding system would not allow a bidder to increase its demands for licenses if the total number of bidding units associated with the bidder's demands exceeds the bidder's bidding eligibility for the round. Therefore, if a bidder submits a simple bid to add a license for which it did not have processed demand in the previous round, the FCC auction bidding system would treat the bid as a request to increase demand that would be applied only if that would not cause the bidder's activity to exceed its eligibility. Note, the eligibility rule for bids to increase demand is always satisfied for switch bids because the bidder's processed activity does not change when a switch bid is applied (since, in a given county, the C1 and C2 licenses have the same number of bidding units).

### 3. Processed Demand

49. After a round ends, the bidding system would first consider and apply all bids to maintain demand, and then it would process bids to change demand in order of price point, where the price point represents the percentage of the bidding interval for the round. The bidding system would process bids to change demand in ascending order of price point, first considering intra-round bids in order of price point and then bids at the clock price. The system would consider bids at the lowest price point across all licenses, then look at bids at the next price point across all licenses, and so on. If there are multiple bids at a single price point, the system would process bids in order of a bid-specific pseudo-random number. As it considers each submitted bid during bid processing, the FCC auction bidding system would determine whether there is excess demand for a license at that point in the processing in order to determine whether a bidder's request to reduce demand for that license can be applied. Likewise, the auction bidding system would evaluate the activity associated with the bidder's most recently determined demands at that point in the processing to determine whether a request to increase demand can be applied.

50. Because in any given round some bidders may request to increase demands for licenses while others may request reductions, the price point at which a bid is considered by the auction bidding system can affect whether it is applied. In addition, bids that were not applied because demand would fall

below one or because the bidder's activity (as applied by the auction system) would exceed its eligibility would be held in a queue and considered, again in price point order, if there should be excess demand or if the bidder's activity (as applied by the auction system) is reduced sufficiently later in the processing after other bids are processed.

51. Therefore, once a round closes, the auction system would process bids to change demand by first considering the bid submitted at the lowest price point and determining whether that bid can be applied given bidders' demands as determined at that point in the bid processing. If the bid can be applied, the licenses that the bidder holds at that point in the processing would be adjusted, and aggregate demand for the license would be recalculated accordingly. If the bid cannot be applied, the unfulfilled bid would be held in a queue to be considered later during bid processing for that round. The FCC auction bidding system would then consider the bid submitted at the next lowest price point, applying it or not given the most recently determined demands of bidders. Any unfulfilled requests would again be held in the queue, and aggregate demand would again be recalculated. Every time a bid is applied, the unfulfilled bids held in the queue would be reconsidered, in the order of the original price points of the bids (and by pseudo-random number, in the case of tied price points). The auction bidding system would not carry over unfulfilled bid requests to the next round. The bidding system, however, would generate a proxy bid in the case of bids to reduce to zero that are not applied. The bidding system would advise bidders of the status of their bids when round results are released.

### 4. Price Determination

52. The FCC auction bidding system further would determine, based on aggregate demand, the posted price for each license for the round that would serve as the start-of-round price for the next round. The price for a license would increase from round to round as long as there is excess demand for the license but would not increase if only a single bidder demands the license.

53. If, at the end of a round, the aggregate demand for a license exceeds the supply of one, the posted price would equal the clock price for the round. If a reduction in demand was applied during the round and caused demand to fall to one, the posted price would be the price at which the reduction was applied. If aggregate demand is zero, or one and no bid to

reduce demand was applied for the license, then the posted price would equal the start-of-round price for the round. The range of acceptable bid amounts for the next round would be set by adding the percentage increment to the posted price.

54. Under these procedures for a clock-1 auction, if a bid to reduce demand is not applied, it is because there is not excess demand for the license and, therefore, the posted price would not increase. Hence, a bidder that makes a bid to reduce demand that cannot be applied would not face a price for the license that is higher than its bid price.

55. After the bids of the round have been processed, if the stopping rule has not been met, the FCC auction bidding system would announce clock prices to indicate a range of acceptable bids for the next round. Each bidder would be informed of the licenses for which it has processed demand and the extent of excess demand for the licenses.

### E. Winning Bids

56. Under a clock-1 auction format for Auction 108, a bidder with processed demand for a license at the time the stopping rule is met would become the winning bidder for the license. The final price for a license would be the posted price for the final round.

### F. Digital Equity and Inclusion

57. Finally, as part of the Commission's continuing effort to advance digital equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality, OEA and WTB invite comment on any equity-related considerations and benefits (if any) that may be associated with the issues discussed herein. Specifically, OEA and WTB seek comment on how any bidding procedures for Auction 108 may promote or inhibit advances in diversity, equity, inclusion, and accessibility.

## III. Procedural Matters

### A. Second Supplemental Initial Regulatory Flexibility Analysis

58. OEA and WTB have prepared a Second Supplemental Initial Regulatory Flexibility Analysis (Second Supplemental IRFA) of the possible significant economic impact on small entities of the policies and rules addressed in the *Auction 108 Further Comment Public Notice* to supplement the Regulatory Flexibility Analyses completed in the *2.5 GHz Report and*

*Order, Auction 108 Comment Public Notice*, and other Commission orders pursuant to which Auction 108 will be conducted. Written public comments are requested on the Second Supplemental IRFA. Comments must be identified as responses to the Second Supplemental IRFA and must be filed by the same deadline for comments specified in the **DATES** section of this document. OEA and WTB will send a copy of the *Auction 108 Further Comment Public Notice*, including the Second Supplemental IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA). In addition, the *Auction 108 Further Comment Public Notice* and the Second Supplemental IRFA (or summaries thereof) will be published in the **Federal Register**.

59. *Need for, and Objectives of, the Proposed Rules.* The *Auction 108 Further Comment Public Notice* seeks further comment on procedural rules to govern Auction 108, which will auction geographic overlay licenses of unlicensed spectrum in the 2.5 GHz band (2496–2690 MHz). The process is intended to provide notice of and adequate time for potential applicants to comment on these additional auction procedures. To promote the efficient and fair administration of the competitive bidding process for all Auction 108 participants, the *Auction 108 Further Comment Public Notice* seeks further comment on the use of a clock auction format, including the following modified bidding procedures that would address concerns and suggestions raised by commenters, including small entities, in response to the *Auction 108 Comment Public Notice*:

- Use of a clock auction format with a supply of one for Auction 108, under which each qualified bidder would indicate in successive clock bidding rounds its demand for the single license in each category in each specific geographic area;
- establishment of categories based on the framework set forth in the *2.5 GHz Report and Order*, in which up to three blocks of spectrum—49.5 megahertz, 50.5 megahertz, and 17.5 megahertz blocks—would be offered in each available county;
- retention by OEA of discretion to adjust the bidding schedule in order to manage the pace of Auction 108;
- use of a simultaneous stopping rule for Auction 108, under which all licenses would remain available for bidding until the bidding stops on all licenses;
- use of information procedures which would make public after each

round of Auction 108, for each category in each county, the aggregate demand, the posted price of the last completed round, and the clock price for the next round;

- use of an activity rule that would require bidders to be active on between 90% and 100% of their bidding eligibility in all regular clock rounds, with the initial activity requirement percentage set at 95% and with OEA retaining discretion to change the activity requirement percentage during the auction;
  - use of a contingent bidding limit that would allow a bidder to submit bids with associated bidding activity greater than its current bidding eligibility;
  - establishment of an initial contingent bidding percentage at 120%, which would be subject to change in subsequent rounds within a range of 100% to 140%;
  - a specific minimum opening bid amount for licenses available in Auction 108;
  - establishment of acceptable bid amounts, including clock price increments and intra-round bids, along with a methodology for calculating such amounts;
  - to permit a bidder to submit a proxy instruction to reduce its demand for a license to zero at a price higher than the current round's clock price;
  - to permit bidders to make two types of bids, simple bids and switch bids, in which a simple bid indicates a desired quantity of blocks (one or zero) for a license at a price (either the clock price or an intra-round price), and a switch bid allows the bidder to request to move its demand from C1 to C2, or vice versa, within the same county at a price for the from category (either the clock price or an intra-round price);
  - a requirement that bidders indicate their demands in every round or submit appropriate proxy instructions, even if their demands at the new round's prices are unchanged from the previous round, and the treatment of bids that are not reconfirmed as requests to reduce demand to a quantity of zero for the license; and
  - a methodology for processing bids and requests to reduce and increase demand.
60. The procedures for the conduct of Auction 108 on which the *Auction 108 Further Comment Public Notice* seeks further comment constitute the more specific implementation of the competitive bidding rules contemplated by 47 CFR parts 1 and 27, the *2.5 GHz Report and Order*, and relevant competitive bidding orders, and are fully consistent therewith.

61. *Legal Basis.* The Commission's statutory obligations to small businesses under the Communications Act of 1934, as amended, are found in 47 U.S.C. 309(j)(3)(B) and 309(j)(4)(D). The statutory basis for the Commission's competitive bidding rules is found in various provisions of the Communications Act of 1934, as amended, including 47 U.S.C. 154(i), 301, 302, 303(e), 303(f), 303(r), 304, 307, and 309(j). The Commission has established a framework of competitive bidding rules, updated most recently in 2015, pursuant to which it has conducted auctions since the inception of the auctions program in 1994 and would conduct Auction 108.

62. *Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply.* The RFA directs agencies to provide a description of, and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules and policies, if adopted. The RFA generally defines the term small entity as having the same meaning as the terms small business, small organization, and small governmental jurisdiction. In addition, the term small business has the same meaning as the term small business concern under the Small Business Act. A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.

63. As noted above, Regulatory Flexibility Analyses were incorporated into the *2.5 GHz Report and Order* and the *Auction 108 Comment Public Notice*. In those analyses, the Commission described in detail the small entities that might be significantly affected. In the *Auction 108 Further Comment Public Notice*, OEA and WTB incorporate by reference the descriptions and estimates of the number of small entities from the previous Regulatory Flexibility Analyses in the *2.5 GHz Report and Order* and the *Auction 108 Comment Public Notice*.

64. *Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities.* OEA and WTB do not expect the processes and procedures described in the *Auction 108 Further Comment Public Notice* will require small entities to hire attorneys, engineers, consultants, or other professionals to participate in Auction 108 and comply with the procedures ultimately established because of the information, resources, and guidance the Commission makes available to potential and actual

participants. For example, OEA intends to make information on the bidding system available and offer demonstrations and other educational opportunities for applicants in Auction 108 to familiarize themselves with the FCC auction application system and the auction bidding system, consistent with the additional bidding procedures described in the *Auction 108 Further Comment Public Notice*. By providing these resources as well as the resources discussed below, OEA and WTB expect small entities that use the available resources to experience lower participation and compliance costs. Nevertheless, while OEA and WTB cannot quantify the cost of compliance with the procedures on which they seek further comment, they do not believe that the costs of compliance will unduly burden small entities that choose to participate in the auction because the additional procedures for Auction 108 on which the *Auction 108 Further Comment Public Notice* seeks further comment are similar in many respects to the procedures in recent spectrum auctions conducted by the Commission.

65. *Steps Taken to Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered.* The RFA requires an agency to describe any significant, specifically small business, alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities.

66. OEA and WTB have taken steps to minimize any economic impact of the additional procedures on small entities through, among other things, the Commission's potential use of a clock auction format. Among the comments received in response to the *Auction 108 Comment Public Notice* were several that support the SMR format at least in part because it is familiar to bidders, suggesting that small entities may be deterred from participating under the single-round format with package bidding described in the *Auction 108 Comment Public Notice*. The potential length of an SMR auction, however, is seen by some commenters as a disadvantage. With those comments in mind, the clock auction format on

which the *Auction 108 Further Comment Public Notice* seeks comment would be a familiar format to small entities that have previously participated in Commission auctions, and would consist of multiple rounds of bidding and incorporate intra-round bidding to potentially help manage the duration of the auction, thereby lessening the burden of a multiple-round auction on small entities. In addition, bidders would have an option to choose to use proxy bid instructions to reduce the time they spend monitoring the auction, further benefitting small entities.

67. OEA and WTB have also taken steps to minimize any economic impact of the Commission's auction procedures on small entities through, among other things, the many resources that the Commission provides to potential auction participants. These resources, which are described in detail in the Supplemental IRFA incorporated into the *Auction 108 Comment Public Notice* are provided at no cost and include, for example, access to an FCC Auctions Hotline for information about the auction process and procedures; an FCC Auctions Technical Support Hotline for technical assistance on issues such as access to or navigation within the electronic FCC Form 175 and use of the FCC's auction bidding system; a web-based, interactive online tutorial produced by Commission staff to familiarize applicants with auction procedures, filing requirements, bidding procedures, and other matters related to an auction; the opportunity to participate in a mock auction; and the opportunity to participate in Auction 108 electronically via the internet. Additionally, eligible small businesses and rural service providers will be able to participate in the bidding credit program for Auction 108, which may lower their relative costs of participation. In the *Auction 108 Further Comment Public Notice*, OEA and WTB incorporate by reference the description of the additional steps taken to minimize the significant economic impact on small entities, and significant alternatives considered, from the Regulatory Flexibility Analysis in the *Auction 108 Comment Public Notice*.

68. The procedures for the conduct of Auction 108 on which the *Auction 108 Further Comment Public Notice* seeks further comment constitute the more specific implementation of the competitive bidding rules contemplated by 47 CFR parts 1 and 27, the *2.5 GHz Report and Order*, and relevant competitive bidding orders, and are fully consistent therewith.

69. *Federal Rules that May Duplicate, Overlap, or Conflict with the Proposed Rules.* None.

#### B. Deadlines and Filing Procedures

70. Pursuant to 47 CFR 1.415(d) and 1.419, interested parties may file comments on or before the date indicated in the **DATES** section of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.

71. *Ex Parte Requirements.* This proceeding has been designated as a permit-but-disclose proceeding in accordance with the Commission's ex parte rules. Persons making oral ex parte presentations must file a copy of any written presentations or memoranda 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 presentations 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 the Commission staff during ex parte meetings are deemed to be written ex parte presentations and must be filed consistent with 47 CFR 1.1206(b). In proceedings governed by 47 CFR 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.

**William Huber,**

*Associate Chief, Auctions Division, Office of Economics and Analytics.*

[FR Doc. 2022-03182 Filed 2-15-22; 8:45 am]

**BILLING CODE 6712-01-P**

## DEPARTMENT OF DEFENSE

### Defense Acquisition Regulations System

#### 48 CFR Chapter 2

[Docket DARS-2019-0067]

#### Defense Federal Acquisition Regulation Supplement: Public Meeting on Noncommercial Computer Software (DFARS Case 2018-D018)

**AGENCY:** Defense Acquisition Regulations System, Department of Defense (DoD).

**ACTION:** Proposed rule; rescheduling of public meeting.

**SUMMARY:** DoD is rescheduling a public meeting to hear the views of experts and interested parties in Government and the private sector regarding amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement a section of the National Defense Authorization Act for Fiscal Year 2018 that requires DoD to consider all noncommercial computer software and related materials necessary to meet the needs of the agency.

**DATES:**

*Public Meeting Date:* The public meeting previously scheduled for March 3, 2022, is rescheduled for March 10, 2022, from 11:00 a.m. to 5:00 p.m., Eastern time. The public meeting will end at the stated time, or when the discussion ends, whichever comes first.

*Registration Date:* Registration to attend the public meeting must be received no later than close of business on March 3, 2022. Information on how to register for the public meeting may be found under the heading **SUPPLEMENTARY INFORMATION** section of this notice.

**ADDRESSES:** The virtual public meeting will be held using Zoom video conferencing software.

**FOR FURTHER INFORMATION CONTACT:** Mr. David E. Johnson, telephone 571-372-6115.

**SUPPLEMENTARY INFORMATION:** DoD is hosting a public meeting to continue a dialogue with experts and interested parties in Government and the private sector regarding amending the DFARS to implement section 871 of the National Defense Authorization Act for Fiscal Year 2018, which requires DoD to consider all noncommercial computer software and related materials necessary to meet the needs of the agency. DoD published a proposed rule in the **Federal Register** on January 28, 2022, at 87 FR 4546.

*Registration:* Individuals wishing to participate in the virtual meeting must register by March 3, 2022, to facilitate entry to the meeting. Interested parties may register for the meeting by sending the following information via email to [osd.dfars@mail.mil](mailto:osd.dfars@mail.mil) and include "Public Meeting, DFARS Case 2018-D018" in the subject line of the message:

- Full name.
- Valid email address, which will be used for admittance to the meeting.
- Valid telephone number, which will serve as a secondary connection method. Registrants must provide the telephone number they plan on using to connect to the virtual meeting.
- Company or organization name.

- Whether the individual desires to make a presentation.

Individuals who registered for the prior meeting date will not need to re-register for the rescheduled public meeting date. Pre-registered individuals will receive instructions for connecting using the Zoom video conferencing software not more than one week before the meeting is scheduled to commence.

*Presentations:* Presentations will be limited to 5 minutes per company or organization. This limit may be subject to adjustment, depending on the number of entities requesting to present, in order to ensure adequate time for discussion. If you wish to make a presentation, please submit an electronic copy of your presentation via email to [osd.dfars@mail.mil](mailto:osd.dfars@mail.mil) no later than the registration date for the specific meeting. Each presentation should be in PowerPoint to facilitate projection during the public meeting and should include the presenter's name, title, organization affiliation, telephone number, and email address on the cover page.

*Correspondence, Comments, and Presentations:* Please cite "Public Meeting, DFARS Case 2018-D018" in all correspondence related to the public meeting. There will be no transcription at the meeting. The submitted presentations will be the only record of the public meeting and will be posted to the following website at the conclusion of the public meeting: [https://www.acq.osd.mil/dpap/dars/technical\\_data\\_rights.html](https://www.acq.osd.mil/dpap/dars/technical_data_rights.html).

**Jennifer D. Johnson,**

*Editor/Publisher, Defense Acquisition Regulations System.*

[FR Doc. 2022-03319 Filed 2-15-22; 8:45 am]

**BILLING CODE 5001-06-P**

# Notices

Federal Register

Vol. 87, No. 32

Wednesday, February 16, 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

### Agricultural Marketing Service

[Doc. No. AMS-CP-22-0009]

#### Local Food for Schools Cooperative Agreement Program

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Notice of request for emergency approval of a new information collection.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the Agricultural Marketing Service's (AMS) intention to seek emergency approval from the Office of Management and Budget (OMB) for a new information collection to administer the Local Food for Schools Cooperative Agreement Program. AMS is implementing a new cooperative agreement program under the authority of the Commodity Credit Corporation Charter Act by entering into cooperative agreements with States to purchase food for schools from small businesses, local and regional farmers/producers (within the state or within 400 miles), and socially disadvantaged farmers/producers.

**DATES:** Submit comments on or before April 18, 2022.

**ADDRESSES:** Interested persons are invited to submit comments concerning this notice by using the electronic process available at [www.regulations.gov](http://www.regulations.gov). Written comments may also be submitted to the Commodity Procurement Program; AMS; USDA; 1400 Independence Avenue SW, Room 2517-South Building, Stop 0239; Washington, DC 20250-0239. All comments should reference the document number and the date and page number of this issue of the **Federal Register**. All comments submitted in response to this notice will be posted without change, including

any personal information provided, at [www.regulations.gov](http://www.regulations.gov) and will be included in the record and made available to the public. All comments received will also be available for public inspection during regular business hours at the address above.

**FOR FURTHER INFORMATION CONTACT:** David Munford, Contract Specialist, Commodity Procurement Program; telephone: (202) 937-4920, email: [David.Munford@usda.gov](mailto:David.Munford@usda.gov).

#### SUPPLEMENTARY INFORMATION:

#### Overview of This Information Collection

*Agency:* USDA, AMS.

*Title:* Local Food for Schools Cooperative Agreement Program (LFS).  
*OMB Number:* 0581-NEW.

*Type of Request:* Emergency Approval of a New Information Collection.

*Abstract:* The Agricultural Marketing Act of 1946 (7 U.S.C. 1621 *et. seq.*), as amended, directs and authorizes USDA to administer Federal cooperative agreements programs. AMS cooperative agreement programs are administered according to the OMB Guidance for Grants and Cooperative Agreements under the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR part 200) (85 FR 49506; December 13, 2020). The information collection requirements in this emergency request are needed for AMS to administer a new noncompetitive cooperative agreement program, in accordance with section 5(c) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c(c)), for the purchase of local foods for distribution to schools.

Because the LFS is a voluntary program, respondents request or apply for this specific non-competitive cooperative agreement, and in doing so, they provide information. The information collected is used only by authorized representatives of USDA, AMS, Commodity Procurement Program to certify that cooperative agreement participants are complying with applicable program regulations, and the data collected is the minimum information necessary to effectively carry out the program requirements.

The information collection requirements in this request are essential to carry out the intent of the Act, to provide the respondents the type

of service they request, and to administer the program.

*Estimate of Burden:* Public reporting burden for this collection of information is estimated to average 2.5 hours.

*Respondents:* Cooperative Agreement applicants; or Cooperative Agreement recipients.

*Estimated Number of Respondents:* 50.

*Estimated Total Annual Responses including Recordkeeping:* 650.

*Estimated Number of Responses per Respondent:* 2.5.

*Estimated Total Annual Burden on Respondents and Recordkeepers:* 3,154 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 new 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.

Obtaining OMB's approval of this new information collection enables AMS to publish a Request for Applications (RFA) to establish application requirements, the review and approval process, and cooperative agreement administration procedures. This will enable eligible entities to develop appropriate cooperative agreement applications for the program so that AMS can adequately evaluate these new proposals and obligate the funds as required by the Act.

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.

**Erin Morris,**

*Associate Administrator, Agricultural Marketing Service.*

[FR Doc. 2022-03345 Filed 2-15-22; 8:45 am]

**BILLING CODE 3410-02-P**



**DEPARTMENT OF AGRICULTURE****Food Safety and Inspection Service**

[Docket No. FSIS-2019-0023]

**Changes to the Salmonella Verification Testing Program: Proposed Performance Standards for Salmonella in Raw Comminuted Pork and Intact or Non-Intact Pork Cuts and Related Agency Verification Procedures****AGENCY:** Food Safety and Inspection Service, USDA.**ACTION:** Notice and request for comments.

**SUMMARY:** The Food Safety and Inspection Service (FSIS) is announcing and requesting comment on proposed pathogen reduction performance standards for *Salmonella* in raw comminuted pork and raw intact or non-intact pork cuts. The Agency is also announcing how it plans to assess whether establishments producing these products are effectively addressing *Salmonella* using a moving window of FSIS sampling results. Approximately one year (52 weeks) after the new performance standards are made final, the Agency plans to post online each establishment's performance category, based on the most recent 52 *Salmonella* sample results. The notice discusses other verification activities related to FSIS *Salmonella* sampling and testing of raw pork products. Finally, the notice provides a brief summary of the Agency's recent announcements concerning *Salmonella* in poultry products. FSIS will consider comments received on this notice before announcing the final performance standards in the **Federal Register** and assessing whether pork establishments meet them.

**DATES:** Submit comments on or before April 18, 2022.**ADDRESSES:** FSIS 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 commenters the ability to type short comments directly into the comment field on the web page or to attach a file for lengthier comments. Go to <https://www.regulations.gov>. Follow the on-line instructions at that site for submitting comments.

- **Mail:** Send to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Mailstop 3758, Washington, DC 20250-3700.

- **Hand- or courier-delivered submittals:** Deliver to 1400

Independence Avenue SW, Jamie L. Whitten Building, Room 350-E, Washington, DC 20250-3700.

**Instructions:** All items submitted by mail or electronic mail must include the Agency name and docket number FSIS-2019-0023. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to <https://www.regulations.gov>.

**Docket:** For access to background documents or comments received, call (202) 720-5627 to schedule a time to visit the FSIS Docket Room at 1400 Independence Avenue SW, Washington, DC 20250-3700.

**FOR FURTHER INFORMATION CONTACT:** Rachel Edelstein, Assistant Administrator, Office of Policy and Program Development by telephone at (202) 205-0495.

**SUPPLEMENTARY INFORMATION:** FSIS administers a regulatory program under the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*) that is intended to ensure that meat and meat food products distributed in commerce are wholesome; not adulterated; and properly marked, labeled, and packaged. As part of its inspection program, FSIS collects samples of these products for laboratory analysis (21 U.S.C. 642(a)).

*Salmonella* bacteria are among the most frequent causes of foodborne illness. These bacteria reside in the gastrointestinal tract and hide or hair of food animals; therefore, they also are good indicators for food product contamination with enteric pathogens. *Salmonella* are often introduced during the rearing of live animals (e.g., *Salmonella* may contaminate the exterior of an animal on the farm, remain attached to the animal's hide or hair, or be transferred to the carcass, and can contaminate raw products during slaughter and subsequent fabrication and further processing). Currently, events that cause contamination of pork carcasses cannot be completely eliminated from commercial slaughter, fabrication, or further processing operations. Contamination can be minimized, however, with the use of proper sanitary dressing procedures and through the application of antimicrobial interventions during the slaughter, fabrication, and further processing of pork carcasses into products, including raw comminuted pork and raw intact or non-intact pork cuts.<sup>1</sup>

<sup>1</sup> FSIS defines "comminuted pork" as pork that has been ground, mechanically separated, or otherwise processed to reduce particle size; an "intact pork cut" as a smaller cut derived from a pork primal cut that has not been subjected to

FSIS began its *Salmonella* verification testing program with the final rule entitled, "Pathogen Reduction; Hazard Analysis and Critical Control Point Systems" (PR/HACCP Rule), published on July 25, 1996 (61 FR 38805). Among other things, the PR/HACCP Rule established *Salmonella* pathogen reduction performance standards for establishments that slaughter selected classes of food animals and/or that produce selected classes of raw meat products, including pork carcasses, based on FSIS baseline study data (9 CFR 310.25(b)).<sup>2</sup> In 2012, FSIS stopped sampling and testing for *Salmonella* in pork carcasses because percent positive findings were very low<sup>3</sup> and the carcass sampling was not a good use of Agency resources. In the 2019 rule to modernize swine slaughter, FSIS removed the *Salmonella* pathogen reduction performance standards associated with pork carcasses and sausages from the regulations (84 FR 52300; Oct. 1, 2019). In that rule, FSIS also noted that it is testing pork cuts and comminuted pork products for *Salmonella* and expected to decide in 2019 whether to develop new pathogen performance standards for these products (82 FR 52318).

The Centers for Disease Control and Prevention (CDC) first estimated the role of pork products in salmonellosis cases by analyzing outbreak data collected between 1998 and 2008.<sup>4</sup> The estimated percentage of foodborne illnesses attributed to pork for this time period was 6.2 percent, with lower- and upper-bound estimates of 3.6 and 11.4 percent, respectively.<sup>5</sup> In 2011, the CDC, Food

processing that renders it non-intact; and a "non-intact pork cut" also as a smaller cut but that has been injected, mechanical tenderized, reconstructed, vacuum-tumbled, scored and marinated, or otherwise processed to render it non-intact.

<sup>2</sup> As noted in Table 2 at 9 CFR 310.25(b), FSIS intended to add a pathogen reduction performance standard for fresh pork sausage. FSIS collected data in 1998 and 1999 but a performance standard for fresh pork sausage was never finalized.

<sup>3</sup> At the time, FSIS estimated the prevalence of *Salmonella* in market hogs was 1.66% with a 95% confidence interval between 0.82% and 2.51%. See the *Nationwide Microbiological Baseline Data Collection Program: Market Hogs Survey August 2010–August 2011*; available at [https://www.fsis.usda.gov/sites/default/files/media\\_file/2020-07/Baseline\\_Data\\_Market\\_Hogs\\_2010-2011.pdf#:~:text=The%20Market%20Hogs%20Baseline%20Survey%20%28MHBS%29%20was%20conducted,at%20previsceration%20and%20post-chill%20and%20between%20production%20shifts](https://www.fsis.usda.gov/sites/default/files/media_file/2020-07/Baseline_Data_Market_Hogs_2010-2011.pdf#:~:text=The%20Market%20Hogs%20Baseline%20Survey%20%28MHBS%29%20was%20conducted,at%20previsceration%20and%20post-chill%20and%20between%20production%20shifts).

<sup>4</sup> Painter, J.A., Ayers, T., Woodruff, R., Blanton, E., Perez, N., Hoekstra, R.M., Griffin, P.M., Braden, C., 2009. Recipes for foodborne outbreaks: A scheme for categorizing and grouping implicated foods. *Foodborne Pathogens and Disease* 6, 1259–1264.

<sup>5</sup> Painter, J.A., Hoekstra, R.M., Ayers, T., Tauxe, R.V., Braden, C.R., Angulo, F.J., Griffin, P.M., 2013. Attribution of foodborne illnesses, hospitalizations,

and Drug Administration, and FSIS teamed up to form the Interagency Food Safety Analytics Collaboration (IFSAC). Using outbreaks between 1998 and 2017, the IFSAC estimates suggest pork is responsible for 10.3 percent of domestic cases of salmonellosis among all foods, with lower- and upper-bound estimates of 7.7 and 13.1 percent, respectively.<sup>6</sup> This represents about 30 percent of all domestic foodborne *Salmonella* illnesses among FSIS-regulated products. This makes pork the second highest contributor to *Salmonella* illnesses associated with products regulated by FSIS, behind chicken.

In 2013, FSIS committed to a 25-percent reduction in annual salmonellosis illnesses attributed to the products it regulates.<sup>7</sup> The 25-percent reduction goal was set to meet Healthy People 2020 objectives. FSIS will continue to use a 25-percent reduction as its intended target for salmonellosis illness reductions to meet Healthy People 2030, under which the objectives are unchanged.<sup>8</sup> FSIS requests comment on this intended target for salmonellosis illness reductions and whether the Agency should consider a more stringent reduction (e.g., 30 percent).

### Recent Announcements Concerning *Salmonella* in Poultry

On October 19, 2021, USDA announced that FSIS would be mobilizing a stronger and more comprehensive effort to reduce *Salmonella* illnesses associated with poultry products.<sup>9</sup> A key component of this effort is identifying ways to incentivize use of preharvest controls to reduce *Salmonella* contamination coming into the slaughterhouse.

In November 2021, FSIS held roundtable listening sessions with industry and consumer groups to answer questions about establishment pilot projects. On December 3, in its *Constituent Update*, FSIS invited poultry slaughter and processing establishments to submit proposals for pilot projects that will test different control strategies for *Salmonella*

contamination in poultry products.<sup>10</sup> FSIS explained that Pilot projects will last for a defined period of time, during which establishments will experiment with new or existing pathogen control and measurement strategies and share data collected during the pilots with FSIS. FSIS also explained that data will be analyzed by FSIS to determine whether it supports changes to FSIS' existing *Salmonella* control strategies.

In this notice, FSIS is proposing *Salmonella* performance standards for certain pork products. If we adopt a revised approach to performance standards for *Salmonella* in poultry, the Agency may also propose future changes to the pork standards.

### Public Health Concerns

There have been multiple outbreaks attributed to the consumption of pork in recent years. Between 2014 and 2016, CDC identified a total of approximately 772 persons sickened and 93 persons hospitalized with *Salmonella* resulting from 19 pork associated outbreaks. One individual died.<sup>11</sup> Two of these outbreaks resulted in recalls. In 2015, the CDC confirmed a multi-state outbreak of *Salmonella* I 4,[5],12:i:- and *Salmonella* Infantis that resulted in 192 illnesses and 30 hospitalizations.<sup>12</sup> This outbreak led to a recall of approximately 523,000 pounds of pork products.<sup>13</sup> In 2016, the CDC confirmed a single-state outbreak of *Salmonella* I 4,[5],12:i:- that resulted in 15 illnesses. This outbreak led to a recall of approximately 11,700 pounds of pork products.<sup>14</sup> Between 2017 and 2019, a total of approximately 475 persons were sickened and 93 persons hospitalized with *Salmonella* resulting from 15 pork associated outbreaks. One individual died.<sup>15</sup>

The outbreaks referenced here suggest that *Salmonella* in raw pork is a continuing public health concern. The changes described below will apply to most of the pork consumed in the United States and will likely improve FSIS' ability to detect *Salmonella* by focusing increased sampling on the

largest establishments that produce the greatest amount of product. Also discussed below, FSIS has developed performance standards that will likely lead establishments producing raw pork products to strengthen their own *Salmonella* control measures. Such changes at establishments will likely have a positive impact on public health.

### Moving Window Approach

On February 11, 2016, the Agency explained how it would assess performance using a moving window of FSIS sampling results in poultry establishments subject to *Salmonella* and *Campylobacter* pathogen reduction performance standards (81 FR 7285). FSIS stated that the moving window would be 52 weeks and that the Agency would collect samples more frequently in higher-volume establishments and less frequently in lower-volume establishments. The 52-week window obviates the need to account directly for seasonal fluctuations in contamination frequency.<sup>16</sup> FSIS intends to use this moving window approach for pork establishments that produce raw comminuted pork and/or raw intact or non-intact pork cuts that will be subject to the new *Salmonella* performance standards.

In preparation for the implementation of the new performance standards, FSIS has begun *Salmonella* sampling in all pork establishments that produce greater than 1,000 pounds of raw comminuted pork and greater than 1,000 pounds of raw intact or non-intact pork cuts per day.<sup>17</sup> FSIS currently assigns samples five times per month in pork establishments producing greater than 6,000 pounds per day of raw comminuted pork and/or greater than 50,000 pounds per day of raw intact or non-intact pork cuts. FSIS samples less frequently in the lower-volume establishments.

FSIS will use the results of this sampling to gain additional information on the prevalence of *Salmonella* in these products and to make sure the data continue to support the standards. FSIS ensures that result information is made available to establishments. Note that FSIS does not recognize *Salmonella* in raw pork products as a pathogen that would ordinarily render the product injurious to health, and thus an adulterant within the meaning of 21 U.S.C. 601(m)(1). As such, currently and

and deaths to food commodities, United States, 1998–2008. *Emerging Infectious Diseases* 19, 407–415.

<sup>6</sup> IFSAC, 2019; available at <https://www.cdc.gov/foodsafety/ifsac/pdf/P19-2017-report-TriAgency-508-revised.pdf>.

<sup>7</sup> FSIS *Salmonella* Action Plan; available at [https://www.fsis.usda.gov/sites/default/files/media\\_file/2020-10/SAP-120413.pdf](https://www.fsis.usda.gov/sites/default/files/media_file/2020-10/SAP-120413.pdf).

<sup>8</sup> Available at <https://health.gov/healthypeople>.

<sup>9</sup> <https://www.fsis.usda.gov/news-events/news-press-releases/special-alert-constituent-update-usda-launches-new-effort-reduce>.

<sup>10</sup> USDA FSIS Constituent Update, Dec. 3, 2021, available at: <https://www.fsis.usda.gov/news-events/news-press-releases/constituent-update-december-3-2021>.

<sup>11</sup> Available at <https://www.cdc.gov/norsdashboard/>.

<sup>12</sup> Available at <https://www.cdc.gov/salmonella/pork-08-15/index.html>.

<sup>13</sup> FSIS Recall 110–2015; available at Kapowsin Meats Recalls Pork Product Due To Possible *Salmonella* Contamination | Food Safety and Inspection Service ([usda.gov](https://www.usda.gov)).

<sup>14</sup> Available at Kapowsin Meats Inc. Recalls Pork Products Due To Possible *Salmonella* Contamination | Food Safety and Inspection Service ([usda.gov](https://www.usda.gov)).

<sup>15</sup> Available at <https://www.cdc.gov/norsdashboard/>.

<sup>16</sup> Williams, M.S., Ebel, E.D., Golden, N.J., Schlosser, W.D. (2014). Temporal patterns in the occurrence of *Salmonella* in raw meat and poultry products and their relationship to human illnesses in the United States. *Food Control* 35(1): 267–273.

<sup>17</sup> FSIS Notice 41–19, Raw Pork Products Sampling Program; Oct. 28, 2019.

when new standards are in place, individual *Salmonella* sample results will not result in regulatory control actions.

**Illness Reduction Goals**

As explained above, FSIS has committed, with its public health partners, to a 25-percent reduction in annual cases of salmonellosis. Using published results,<sup>18</sup> FSIS estimates a median of about 122,000 annual cases of salmonellosis associated with the consumption of raw pork contaminated with *Salmonella*. FSIS estimates that approximately 34,000 of these illnesses are associated with raw comminuted pork and 88,000 of these illnesses are associated with raw intact or non-intact pork cuts. Thus, to meet the 25-percent reduction goal, there would need to be about 8,300 and 21,600 fewer annual *Salmonella* illnesses from raw comminuted pork and raw intact or non-intact pork cuts, respectively.

**Pathogen Reduction Performance Standards**

With the goal of reducing *Salmonella* in raw pork products, the Agency is proposing two new pathogen reduction performance standards—one for *Salmonella* in raw comminuted pork

and another for *Salmonella* in raw intact or non-intact pork cuts.<sup>19</sup>

Sampling evidence suggests that these two pork product classes differ with respect to *Salmonella* contamination occurrence. The prevalence of *Salmonella* in raw comminuted is about 30% while the combined percent positive for raw intact or non-intact pork cuts is about nine percent. Therefore, FSIS is proposing separate performance standards for each of these product classes.

The modeling methods for developing the proposed pathogen reduction performance standards and predictions for the public health effect of those standards are described in FSIS' Public Health Effects of Performance Standards for raw Comminuted Pork and raw Pork Cuts (2020 Pork Risk Assessment)(cite when posts).

Because the pork product industry is relatively concentrated by production volume, that is, a relatively small number of establishments produce most of the raw pork, FSIS developed pathogen reduction performance standards for each of the above product classes based on an average daily production volume threshold. The proposed performance standards would

be applicable to establishments producing greater than 6,000 pounds per day in the case of raw comminuted pork and/or greater than 50,000 pounds per day in the case of raw intact and/or non-intact pork cuts. This approach would account for approximately 96 percent of raw comminuted pork and 91 percent of raw intact and non-intact pork cuts produced annually. And as further explained in the 2020 Pork Risk Assessment, the approach would also focus Agency resources on that part of the pork industry where *Salmonella* contamination is most clustered.

FSIS intends to collect and analyze 52 samples per year for each establishment subject to the performance standards. Analyzing this number of samples would provide strong evidence that an establishment is meeting the performance standard.

FSIS has opted at this time not to propose pathogen reduction performance standards in lower-volume establishments (*i.e.*, those producing less than or equal to 6,000 pounds per day of raw comminuted pork and/or less than or equal to 50,000 pounds per day of raw intact or non-intact pork cuts). A summary of the new performance standards is provided in Table 1.

TABLE 1—NEW PERFORMANCE STANDARDS FOR SALMONELLA IN RAW COMMINUTED (GROUND) PORK AND RAW INTACT OR NON-INTACT PORK CUTS

Product (establishment volume (pounds/day))	Maximum number of allowable positive samples	Minimum number of samples needed to assess establishment performance *
Raw Comminuted Pork (>6,000) .....	13 of 52 .....	52
Raw Intact or Non-Intact Pork Cuts (>50,000) .....	6 of 52 .....	52

\* Any establishment with more than the maximum number of allowable positive samples for that product class in a 52-week window would be categorized as *Category 3* even when less than the minimum number of samples (52) are collected/analyzed.

*Raw Comminuted Pork*

For raw comminuted pork, FSIS is proposing a pathogen reduction performance standard for *Salmonella* of 13 allowable positives out of 52 samples. This standard would be applied to establishments producing greater than 6,000 pounds of raw comminuted pork per day (approximately 10 percent of establishments that produce this product class, 138 establishments). As mentioned above, FSIS would continue to assign samples five times per month in all establishments producing greater

than 6,000 pounds of eligible product per day with the intention of collecting and analyzing 52 samples in a 52-week window.

FSIS predicts that approximately 44 percent of establishments (about 61 establishments) would initially not meet this performance standard. Once implemented, if about half (45%) of the establishments producing greater than 6,000 pounds of raw comminuted pork per day that are not meeting the proposed performance standard subsequently begin to meet this standard, this should result in about a 25-percent reduction in *Salmonella*

illnesses from that product. The median expected number of illnesses avoided per year would be about 8,300 (95% uncertainty interval: 3,600–16,300).

*Raw Intact or Non-Intact Pork Cuts*

For both raw intact and non-intact pork cuts, FSIS is proposing a single pathogen reduction performance standard for *Salmonella* of 6 allowable positives out of 52 samples in a 52-week window. This standard would be applied to establishments producing greater than 50,000 pounds of these products per day (approximately 4 percent of establishments producing

<sup>18</sup> Scallan, et al., 2011; IFSAC 2019.

<sup>19</sup> Data collected during Phase 2 of the RPESP showed the percentage of positive samples for raw comminuted pork, intact pork cuts, and non-intact

cuts was 16.4, 9.4, and 6.3, respectively. However, FSIS found no significant difference in the percentage of positive samples from intact pork cuts and non-intact pork cuts, so the two product classes

were combined into a single product class. The percentage of *Salmonella*-positive samples for the combined product class was 8.7%.

this product class, 38 establishments). Approximately 39 percent of these establishments (about 15 establishments) are predicted to initially not meet this performance standard (*i.e.*, would be categorized as *Category 3*). Once implemented, if about half (45%) of the establishments producing greater than 50,000 pounds of raw intact or non-intact pork cuts per day that are not meeting the proposed performance standard subsequently begin to meet this standard, this should result in about a 25-percent reduction in *Salmonella* illnesses from that product. The median expected number of illnesses avoided per year would be about 21,600 (95% uncertainty interval: 10,000–40,000).

#### *Specifics of the 52-Week Window Approach and Categorizing Establishments*

As stated, the performance standard is intended to apply to 52 samples in a 52-week window. If FSIS analyzes more than 52 samples in a 52-week window, the most recent 52 sample results in that 52-week window would be used to categorize the establishment. Although unlikely, there may be rare occasions when fewer than 52 samples are analyzed in these establishments within a 52-week window. If fewer than 52 samples are analyzed, the establishment's status would be reported as "N/A," provided the establishment has fewer than the minimum number of allowable *Salmonella* positives for that product class in that window. Any establishment with more than the minimum number of allowable *Salmonella* positives for that product class in a 52-week window would be categorized as *Category 3* (outlined below), regardless of the number of samples collected/analyzed in that window.

#### **Web-Posting Establishment Performance**

Should FSIS move forward with finalizing the proposed pathogen reduction performance standards for *Salmonella* in raw comminuted pork and raw intact or non-intact pork cuts, FSIS would announce the final standards and the sample dates FSIS will use to assess whether establishments meet the standards in a subsequent **Federal Register** notice. About one year after FSIS starts assessing whether establishments meet the standards, FSIS would determine individual establishment performance based on the last 52 FSIS *Salmonella* sample results and then report on the FSIS website the category of each establishment subject to the

performance standard using the following criteria:

- *Category 1*: Establishments with 50% or less of the allowable number of positive *Salmonella* sample results for that product class during the most recent 52-week window, based on the last 52 FSIS *Salmonella* sample results.
- *Category 2*: Establishments with greater than 50% but not more than the allowable number of positive *Salmonella* sample results for that product class during the most recent 52-week window, based on the last 52 FSIS *Salmonella* sample results.
- *Category 3*: Establishments with more than the allowable number of positive *Salmonella* sample results for that product class during the most recent 52-week window, based on the last 52 FSIS *Salmonella* sample results.

During the period after FSIS begins to make performance assessments based on the proposed standards, and before the performance standards are implemented, FSIS intends to make available monthly aggregate information relative to status (*i.e.*, *Category 1*, *Category 2*, or *Category 3*) for all establishments subject to sampling under the final performance standards, using the most recent FSIS *Salmonella* sample results. This information will be aggregated and will not identify any specific establishment. FSIS would make this information available to give industry and other stakeholders timely information about progress being made to reduce *Salmonella* contamination in raw comminuted pork and raw intact or non-intact pork cuts.

#### **Related Agency Verification Actions**

An establishment that does not meet a pathogen reduction performance standard or produces product that has been associated with an outbreak may not have adequately addressed the food safety hazard, *Salmonella*, in its HACCP system. If the establishment considers *Salmonella* reasonably likely to occur and addresses *Salmonella* in its HACCP plan, it must take corrective actions as required in 9 CFR 417.3(a). If the establishment considers *Salmonella* not reasonably likely to occur, it must take corrective actions and reassess its HACCP plan for that product to determine whether the plan needs to be modified to address *Salmonella* as a hazard reasonably likely to occur (9 CFR 417.3(b)). To maintain an adequate HACCP system, the establishment may need to address the pathogen *Salmonella* in its HACCP plan, rather than through Sanitation Standard Operating Procedures (Sanitation SOPs) or another prerequisite program. Corrective actions taken in response to

exceeding a pathogen reduction performance standard would need to be documented in records subject to verification by FSIS as required in 9 CFR 417.3(c).

When a pork establishment does not meet a *Salmonella* performance standard (*i.e.*, when the number of positive samples within a specified timeframe exceeds the number of allowable positives for that product class), FSIS may conduct follow-up sampling after the establishment is categorized as *Category 3* to verify the adequacy of corrective actions taken by the establishment. The follow-up samples would not count towards the samples collected as part of the moving window procedure for assessing whether the establishment meets the standard. Follow-up sampling for establishments that do not meet the raw comminuted pork and/or raw pork cuts performance standard for an extended period of time, or that fluctuate between meeting or not meeting one or both of these performance standards, would occur at a frequency determined by FSIS.<sup>20</sup>

In addition, FSIS may conduct a Public Health Risk Evaluation (PHRE), a decision-making process that is used by Agency enforcement and investigation personnel, for any pork establishment that (a) does not meet a *Salmonella* pathogen reduction performance standard; (b) has produced products with repetitive *Salmonella* serotypes of public health concern<sup>21</sup> or repetitive antibiotic-resistant *Salmonella*; and/or (c) has *Salmonella* whole-genome sequencing (WGS) matching those found in recent outbreaks or epidemiologically linked to illnesses (see FSIS Directive 5100.4 at <https://www.fsis.usda.gov/wps/wcm/connect/6c30c8b0-ab6a-4a3c-bd87-fbce9bd71001/5100.4.pdf?MOD=AJPERES>). FSIS would use the results of the PHRE to determine whether to schedule a Food Safety Assessment (FSA)<sup>22</sup> at the establishment.

As explained above, and also consistent with existing FSIS

<sup>20</sup> See also FSIS Notice 17–19, Follow-up Sampling in Raw Poultry Establishments Not Meeting *Salmonella* Performance Standards; June 4, 2019.

<sup>21</sup> Information about the 20 most frequently reported *Salmonella* serotypes reported to the CDC's Laboratory-based Enteric Disease Surveillance system is available at <https://www.cdc.gov/national-surveillance/pdfs/2016-Salmonella-report-508.pdf>.

<sup>22</sup> The purpose of an FSA is to assess and analyze an establishment's food safety system to verify that the establishment is able to produce safe and wholesome meat or poultry products in accordance with FSIS statutory and regulatory requirements.

practices,<sup>23</sup> after notifying a pork establishment that it is in *Category 3* (has not met a pathogen reduction performance standard), FSIS would conduct an assessment of the establishment's HACCP plan and Sanitation SOPs, through a PHRE and possible subsequent FSA, focusing on the establishment's corrective actions, HACCP plan reassessment (if applicable), and the effectiveness of the establishment's system for controlling *Salmonella* in raw pork products. In addition, when necessary, FSIS would develop a plan to verify whether the establishment implemented corrective actions. If, after 120 days from not meeting the standard, the establishment has not been able to demonstrate reduced variability of process control, as determined from FSIS' follow-up and routine sampling and in some cases from the results of a PHRE or an FSA, and the establishment has not taken corrective actions, FSIS would likely take an enforcement action, such as issuing a Notice of Intended Enforcement (NOIE) or suspending inspection, under the conditions and according to the procedures described in 9 CFR part 500. FSIS would not issue an NOIE or suspend inspection based solely on the fact that an establishment did not meet a pathogen reduction performance standard for *Salmonella*.

Although establishments producing less than or equal to 6,000 pounds per day of raw comminuted pork and/or less than or equal to 50,000 pounds per day of raw intact or non-intact pork cuts would not be subject to the proposed performance standards, FSIS may initiate follow-up sampling and/or conduct a PHRE or a FSA in these establishments when there is evidence of a high level of *Salmonella* contamination and for any of the reasons listed above, other than failing to meet the performance standard.

Establishments producing less than or equal to 1,000 pounds per day would not be sampled and are not eligible for performance standards. However, recognizing that establishments producing greater than 1,000 pounds per day but less than or equal to 6,000 pounds per day of raw comminuted pork, and greater than 1,000 pounds per day but less than or equal to 50,000 pounds per day of raw intact or non-

intact pork cuts, would not be subject to the proposed performance standards, FSIS would continue the current sampling program discussed above to monitor this population of lower volume establishments.<sup>24</sup> FSIS would sample and test product from these establishments at a yearly rate that would allow the Agency to determine whether there has been a significant change in *Salmonella* prevalence at these establishments by +/- 5 percent. FSIS would review changes in prevalence over time in aggregate for this population of establishments and determine whether it is improving. If not, FSIS may increase sampling at that volume class in order to assess what is happening at the establishment level.

As previously announced in a 2012 **Federal Register** notice on Agency verification procedures, if any livestock establishment produces product associated with a *Salmonella* illness outbreak identified through epidemiological and/or traceback investigations, FSIS likely will consider the product to be adulterated under 21 U.S.C. 601(m)(3) because the product is "unsound, unhealthful, unwholesome, or otherwise unfit for human food" (77 FR at 72689; Dec. 6, 2012). In such cases, the Agency would request that the establishment recall the product if it is still in commerce. Additionally, in such situations, even if the establishment is meeting a *Salmonella* performance standard, FSIS will scrutinize its corrective actions closely and may conduct an Incident Investigation Team review (see FSIS Directive 5500.3 at <https://www.fsis.usda.gov/wps/wcm/connect/bf3095f8-c6aa-4ed7-b819-45668c05c44b/5500.3.pdf?MOD=AJPERES>).

FSIS monitors relevant databases (e.g., those maintained by the CDC and the National Institutes of Health) for clinical isolates<sup>25</sup> that match (via WGS) food isolates obtained by FSIS in its sampling of products produced by official establishments. This monitoring gives FSIS early warning that an outbreak involving an establishment's product could be developing. FSIS may alert its public health partners if it appears there are human illness (clinical isolates) and food isolate matches indicating a potential emerging outbreak. In such situations, FSIS may also collect distribution information (e.g., the consignee list) for product produced, so as to focus its attention on the

geographic area in which the affected product was distributed.

### Cost-Benefit Analysis

FSIS has considered the economic effects of the proposed pathogen reduction performance standards for *Salmonella* in raw comminuted pork and raw intact or non-intact pork cuts. The full analysis is published on the FSIS website as supporting documentation to this notice ([insert link]). FSIS is seeking comment on the information and assumptions used in the cost-benefit analysis. A summary of the analysis follows.

### Industry Costs

FSIS predicts that approximately 44 percent of the medium and higher-volume raw comminuted pork establishments (about 61 establishments) and 39 percent of the higher-volume intact or non-intact pork cuts establishments (about 15 establishments) would not initially meet the standards. Establishments meeting the performance standards would not have any cost associated with these standards. In order to ensure their HACCP systems are functioning correctly, establishments not meeting the performance standards would incur cost associated with a HACCP plan reassessment and possibly with an Agency Food Safety Assessment (FSA), the associated primary industry costs being \$18,203 and \$1,361, respectively, annualized at the 7 percent discount rate over 10 years.

Establishments that initially do not meet the proposed standards but aspire to do so, would incur additional cost. For those establishments initially not meeting the performance standards, FSIS assumes approximately 45 percent would start making changes after one year and eventually would meet the standards in two years by making changes to their production process. Based on available information, FSIS expects that these establishments would most likely add antimicrobial interventions and equipment to their production process to meet the performance standard, with an associated primary cost of \$1,236,391, annualized at the 7 percent discount rate over 10 years. These establishments may also add *Salmonella* testing to their existing sampling program or start *Salmonella* sampling and testing, with an associated primary cost of \$122,451, annualized at the 7 percent discount rate over 10 years. These establishments would also likely validate their HACCP plans, and/or conduct training, with an associated total primary industry cost of \$114,903 and \$11,097, annualized at the

<sup>23</sup> FSIS stated in a **Federal Register** notice published April 16, 2003 (68 FR 18593), that it was using *Salmonella* sample-set failures "as an indication that there is something wrong in the establishment's HACCP system, and that the system needs to be carefully evaluated by the Agency." More recently, FSIS announced the same course of action for poultry products subject to pathogen reduction performance standards on February 11, 2016 (81 FR 7288).

<sup>24</sup> FSIS Notice 41-19, Raw Pork Products Sampling Program; Oct. 28, 2019.

<sup>25</sup> In microbiology, the term "isolates" refers to strains of microorganisms isolated for study.

7 percent discount rate over 10 years, respectively.

Total industry cost ranges from \$1,163,796 to \$1,842,518, with a primary estimate of \$1,504,406, annualized at the 7 percent discount rate over 10 years, table 2. The majority of these costs are associated with antimicrobial equipment maintenance and labor incurred by establishments that initially do not meet the performance standards but attempt to meet the standards. Establishments that meet the performance standards would incur minimal cost associated with lost product due to FSIS *Salmonella* sampling.

#### Agency Costs

The raw comminuted pork and raw intact or non-intact performance standards would require FSIS sampling, which would incur Agency cost for follow-up sampling. FSIS estimates that total sampling for the performance standards, including follow-up sampling and lower-volume sampling, would be 12,232 samples. However, in 2021 FSIS planned for 8,640 raw comminuted pork *Salmonella* samples and 2,400 raw intact or non-intact pork cuts samples for a total of 11,040 samples<sup>26</sup> for the Raw Pork Sampling Program.<sup>27</sup> The raw comminuted pork and raw intact or non-intact performance standards would replace the Raw Pork Sampling Program, leading to a net increase of 1,192 samples, which are attributed to follow-up sampling. The primary cost estimate for the additional 1,192 follow-up samples is \$81,508, annualized at the 7 percent discount rate over ten years.

FSIS would also incur costs from PHREs and FSAs. Pork establishments that do not meet the *Salmonella* pathogen reduction performance standards would be prioritized for a PHRE. A portion of the establishments that receive a PHRE would also have an FSA.<sup>28</sup> The combined PHRE and FSA primary cost estimate is \$20,988, annualized at the 7 percent over 10 years.

The total Agency cost for follow-up sampling, PHREs and FSAs ranges from \$0.06 million to \$0.18 million, with a

primary estimate of \$0.10 million, annualized at the 7 percent over 10 years, table 2.

#### Public Health Benefits

As pork establishments subject to the proposed performance standards make changes to their production processes and reduce the prevalence of *Salmonella* in raw comminuted pork and intact or non-intact pork cuts, public health benefits would be realized in the form of averted illnesses. The Agency's policy of web-posting establishments' process control performance may stimulate improvement in industry performance. FSIS data show that sharing this information provides an incentive for establishments to further reduce *Salmonella* levels, which is necessary to reduce foodborne illness due to salmonellosis and protect consumers. For instance, in the poultry industry, after the Agency's announcement in 2006 that it was considering posting the names of broiler and turkey slaughter establishments with their respective performance standard categories based on *Salmonella* verification testing, the number of broiler slaughter establishments that had been in Category 3 decreased by 55 percent.<sup>29</sup> As discussed in the 2020 Risk Assessment, FSIS estimated the annual *Salmonella* foodborne illnesses associated with pork products. FSIS then estimated the number of annual illnesses attributed to products subject to the updated or new performance standards. Finally, FSIS estimated the number of illnesses averted if 45 percent of the establishments that do not initially meet the standards, meet the standards over the course of two years. Additionally, FSIS estimated the cost savings associated with the percentage reduction in human illnesses as calculated in the 2020 Risk Assessment. The estimated public health benefits from the illnesses averted because of the

<sup>29</sup> FSIS defined the following categories for broiler and turkey slaughter establishments in 2006: Category 1: Consistent Process Control: Establishments that have achieved 50 percent or less of the *Salmonella* maximum allowable percent positive during all completed 52-week moving windows over the last 3 months. Category 2: Variable Process Control: Establishments that meet the *Salmonella* maximum allowable percent positive for all completed 52-week moving windows but have results greater than 50 percent of the maximum allowable percent positive during any completed 52-week moving window over the last 3 months. Category 3: Highly Variable Process Control: Establishments that have exceeded the *Salmonella* maximum allowable percent positive during any completed 52-week moving window over the last 3 months. Changes to the *Salmonella* and *Campylobacter* Verification Testing Program, **Federal Register**, Vol. 80, No. 16, January 26, 2015, Docket No. FSIS–2014–0023.

proposed *Salmonella* pork performance standards ranges from \$49.09 million to \$203.24 million, with a primary estimate of \$107.94 million, annualized at the 7 percent discount rate over 10 years, table 2.

#### Industry Benefits

FSIS expects that industry would benefit from reduced outbreak-related recalls. The negative impacts of recalls on industry include the loss of sales revenue, the loss of consumer confidence and consumers shifting away from meat products.<sup>30</sup> Recalls negatively impact consumers by creating anxiety and time-consuming inconveniences (e.g., looking for recall information, checking the products purchased, returning or disposing of products identified by the recalls, and so on). FSIS expects the proposed raw comminuted pork and intact or non-intact pork cuts performance standards would lead to fewer contaminated products, because of industry actions taken to reduce *Salmonella* in these products to meet the proposed performance standards. The reduction in *Salmonella* would result in less exposure to *Salmonella* for consumers that eat pork products and fewer illnesses, outbreaks, and recalls.

#### Summary of Net Benefits

Table 2 displays the total costs and benefits expected from the implementation of the performance standards for raw comminuted pork and raw intact or non-intact pork cuts establishments. There would be 138 establishments subject to the raw comminuted pork performance standard and 38 establishments subject to the intact or non-intact pork cuts performance standard. These establishments represent 96 and 91 percent of total production volume, respectively. The proposed performance standards would lead to industry cost for these establishments and FSIS would incur Agency cost implementing these standards. Benefits would occur once establishments who initially do not meet the standard make changes to meet the performance standards. The net benefits are the public health benefits minus the industry and agency cost. The estimated net benefits associated with the proposed *Salmonella* pork performance standards range from \$47.87 million to \$201.22

<sup>30</sup> Marsh, T.L., T.C. Schroeder, J. Mintert. (2004). Impacts of Meat Product Recalls on Consumer Demand in the USA. *Applied Economics*. 36(9):897–909. URL accessed on July 1, 2020; available at <http://ses.wsu.edu/publication/impacts-of-meat-product-recalls-on-consumer-demand-in-the-usa/>.

<sup>26</sup> FSIS Annual Sampling Plan FY2021: Table A3: FY 2020 and FY 2021 Sample Numbers for Raw Pork; available at [https://www.fsis.usda.gov/sites/default/files/media\\_file/2021-02/fsis-annual-sampling-plan-fy2021.pdf](https://www.fsis.usda.gov/sites/default/files/media_file/2021-02/fsis-annual-sampling-plan-fy2021.pdf).

<sup>27</sup> FSIS Notice: Raw Pork Parts Sampling Program; available at <https://www.fsis.usda.gov/wps/wcm/connect/e2176090-7257-4d6e-9964-e9b8a512d8b5/41-19.pdf?MOD=AJPERES>.

<sup>28</sup> ELAO Public Health Risk Evaluation (PHRE) methodology Implementation of FSIS Directive 5100.4 (September 2016) report. The FSA cost estimate includes travel cost to the establishment.

million, with a primary estimate of \$106.33 million, annualized at the 7 percent discount rate over 10 years, table 2.

TABLE 2—SUMMARY OF ESTIMATED NET BENEFITS <sup>1</sup>

Compliance rate <sup>2</sup>	Cost/benefit component	Low estimate (\$mil)	Primary estimate (\$mil)	High estimate (\$mil)
45% .....	Industry Costs .....	\$1.16	\$1.50	\$1.84
	Agency Cost .....	0.06	0.10	0.18
	Public Health Benefits .....	49.09	107.94	203.24
	Net Benefits <sup>3</sup> .....	47.87	106.33	201.22

<sup>1</sup> All costs (savings) annualized at a discount rate of 7 percent over 10 years. Numbers in table may not sum to totals due to rounding.  
<sup>2</sup> Compliance rate for establishments initially not meeting the proposed standards, but then meeting the proposed standards over 2 years.  
<sup>3</sup> Numbers in the table may not sum to totals due to rounding.

**USDA Non-Discrimination Statement**

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Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotope, American Sign Language, etc.) should contact the responsible Agency or USDA’s TARGET Center at (202) 720–2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877–8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD–3027, found online at <https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint> and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632–9992. Submit your completed form or letter to USDA by: (1) Mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250–9410; (2) fax: (202) 690–7442; or (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

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**Additional Public Notification**

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication online through the FSIS web page located at: <https://www.fsis.usda.gov/federal-register>.

FSIS also will announce and provide a link to it through the FSIS *Constituent Update*, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The *Constituent Update* is available on the FSIS web page. Through the web page, FSIS is able to provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at <https://www.fsis.usda.gov/subscribe>. Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves and have the option to password protect their accounts.

**Paul Kiecker,**  
 Administrator.

[FR Doc. 2022–03301 Filed 2–15–22; 8:45 am]

**BILLING CODE 3410–DM–P**

**DEPARTMENT OF AGRICULTURE**

**Food and Nutrition Service**

**Child Nutrition Programs: Income Eligibility Guidelines**

**AGENCY:** Food and Nutrition Service, USDA.

**ACTION:** Notice.

**SUMMARY:** This notice announces the Department’s annual adjustments to the Income Eligibility Guidelines to be used in determining eligibility for free and reduced price meals and free milk for the period from July 1, 2022 through June 30, 2023. These guidelines are used by schools, institutions, and facilities participating in the National School Lunch Program (and Commodity School Lunch Program), School Breakfast Program, Special Milk Program for Children, Child and Adult Care Food Program and Summer Food Service Program. The annual adjustments are required by section 9 of the Richard B. Russell National School Lunch Act. The guidelines are intended to direct benefits to those children most in need and are revised annually to account for changes in the Consumer Price Index.

**DATES:** *Applicable Date:* July 1, 2022.

**FOR FURTHER INFORMATION CONTACT:** J. Kevin Maskornick, Program Monitoring and Operational Support Division, Child Nutrition Programs, Food and Nutrition Service, United States Department of Agriculture, 1320 Braddock Place, Suite 401, Alexandria, Virginia 22314, 703–305–2537.

**SUPPLEMENTARY INFORMATION:** This action is not a rule as defined by the Regulatory Flexibility Act (5 U.S.C. 601–612) and thus is exempt from the provisions of that Act.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), no recordkeeping or reporting requirements have been included that are subject to approval from the Office of Management and Budget.

This notice has been determined to be not significant and was not reviewed by the Office of Management and Budget in conformance with Executive Order 12866.

The affected programs are listed in the Assistance Listings (<https://beta.sam.gov/>) under No. 10.553, No. 10.555, No. 10.556, No. 10.558, and No. 10.559 and are subject to the provisions

of Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 2 CFR part 415).

### Background

Pursuant to sections 9(b)(1) and 17(c)(4) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(1) and 42 U.S.C. 1766(c)(4)), and sections 3(a)(6) and 4(e)(1)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1772(a)(6) and 1773(e)(1)(A)), the Department annually issues the Income Eligibility Guidelines for free and reduced price meals for the National School Lunch Program (7 CFR part 210), the Commodity School Program (7 CFR part 210), School Breakfast Program (7 CFR part 220), Summer Food Service Program (7 CFR part 225) and Child and Adult Care Food Program (7 CFR part 226) and the guidelines for free milk in the Special Milk Program for Children (7 CFR part 215). These eligibility guidelines are based on the Federal income poverty guidelines and are stated by household size. The guidelines are used to determine eligibility for free and reduced price meals and free milk in accordance with applicable program rules.

### Definition of Income

In accordance with the Department's policy as provided in the Food and Nutrition Service publication Eligibility Manual for School Meals, "income," as the term is used in this notice, means income before any deductions such as income taxes, Social Security taxes, insurance premiums, charitable contributions, and bonds. It includes the

following: (1) Monetary compensation for services, including wages, salary, commissions or fees; (2) net income from nonfarm self-employment; (3) net income from farm self-employment; (4) Social Security; (5) dividends or interest on savings or bonds or income from estates or trusts; (6) net rental income; (7) public assistance or welfare payments; (8) unemployment compensation; (9) government civilian employee or military retirement, or pensions or veterans payments; (10) private pensions or annuities; (11) alimony or child support payments; (12) regular contributions from persons not living in the household; (13) net royalties; and (14) other cash income. Other cash income would include cash amounts received or withdrawn from any source including savings, investments, trust accounts and other resources that would be available to pay the price of a child's meal.

"Income", as the term is used in this notice, does *not* include any income or benefits received under any Federal programs that are excluded from consideration as income by any statutory prohibition. Furthermore, the value of meals or milk to children shall not be considered as income to their households for other benefit programs in accordance with the prohibitions in section 12(e) of the Richard B. Russell National School Lunch Act and section 11(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1760(e) and 1780(b)).

### The Income Eligibility Guidelines

The following are the Income Eligibility Guidelines to be effective

from July 1, 2022 through June 30, 2023. The Department's guidelines for free meals and milk and reduced price meals were obtained by multiplying the year 2022 Federal income poverty guidelines by 1.30 and 1.85, respectively, and by rounding the result upward to the next whole dollar.

This notice displays only the annual Federal poverty guidelines issued by the Department of Health and Human Services because the monthly and weekly Federal poverty guidelines are not used to determine the Income Eligibility Guidelines. The chart details the free and reduced price eligibility criteria for monthly income, income received twice monthly (24 payments per year); income received every two weeks (26 payments per year) and weekly income.

Income calculations are made based on the following formulas: Monthly income is calculated by dividing the annual income by 12; twice monthly income is computed by dividing annual income by 24; income received every two weeks is calculated by dividing annual income by 26; and weekly income is computed by dividing annual income by 52. All numbers are rounded upward to the next whole dollar. The numbers reflected in this notice for a family of four in the 48 contiguous States, the District of Columbia, Guam and the territories represent an increase of 4.7 percent over last year's level for a family of the same size.

*Authority:* Section 9(b)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(1)(A)).

**BILLING CODE 3410-30-P**



INCOME ELIGIBILITY GUIDELINES											
Effective from July 1, 2022 to June 30, 2023											
HOUSEHOLD SIZE	FEDERAL POVERTY GUIDELINES ANNUAL	REDUCED PRICE MEALS - 185 %			FREE MEALS - 130 %						
		ANNUAL	MONTHLY	TWICE PER MONTH	EVERY TWO WEEKS	WEEKLY	ANNUAL	MONTHLY	TWICE PER MONTH	EVERY TWO WEEKS	WEEKLY
<b>48 CONTIGUOUS STATES, DISTRICT OF COLUMBIA, GUAM, AND TERRITORIES</b>											
1 .....	13,590	25,142	2,096	1,048	967	484	17,667	1,473	737	680	340
2 .....	18,310	33,874	2,823	1,412	1,303	652	23,803	1,984	992	916	458
3 .....	23,030	42,606	3,551	1,776	1,639	820	29,939	2,495	1,248	1,152	576
4 .....	27,750	51,338	4,279	2,140	1,975	988	36,075	3,007	1,504	1,388	694
5 .....	32,470	60,070	5,006	2,503	2,311	1,156	42,211	3,518	1,759	1,624	812
6 .....	37,190	68,802	5,734	2,867	2,647	1,324	48,347	4,029	2,015	1,860	930
7 .....	41,910	77,534	6,462	3,231	2,983	1,492	54,483	4,541	2,271	2,096	1,048
8 .....	46,630	86,266	7,189	3,595	3,318	1,659	60,619	5,052	2,526	2,332	1,166
For each add'l family member, add	4,720	8,732	728	364	336	168	6,136	512	256	236	118
<b>ALASKA</b>											
1 .....	16,990	31,432	2,620	1,310	1,209	605	22,087	1,841	921	850	425
2 .....	22,890	42,347	3,529	1,765	1,629	815	29,757	2,480	1,240	1,145	573
3 .....	28,790	53,262	4,439	2,220	2,049	1,025	37,427	3,119	1,560	1,440	720
4 .....	34,690	64,177	5,349	2,675	2,469	1,235	45,097	3,759	1,880	1,735	868
5 .....	40,590	75,092	6,258	3,129	2,889	1,445	52,767	4,398	2,199	2,030	1,015
6 .....	46,490	86,007	7,168	3,584	3,308	1,654	60,437	5,037	2,519	2,325	1,163
7 .....	52,390	96,922	8,077	4,039	3,728	1,864	68,107	5,676	2,838	2,620	1,310
8 .....	58,290	107,837	8,987	4,494	4,148	2,074	75,777	6,315	3,158	2,915	1,458
For each add'l family member, add	5,900	10,915	910	455	420	210	7,670	640	320	295	148
<b>HAWAII</b>											
1 .....	15,630	28,916	2,410	1,205	1,113	557	20,319	1,694	847	782	391
2 .....	21,060	38,961	3,247	1,624	1,499	750	27,378	2,282	1,141	1,053	527
3 .....	26,490	49,007	4,084	2,042	1,885	943	34,437	2,870	1,435	1,325	663
4 .....	31,920	59,052	4,921	2,461	2,272	1,136	41,496	3,458	1,729	1,596	798
5 .....	37,350	69,098	5,759	2,880	2,658	1,329	48,555	4,047	2,024	1,868	934
6 .....	42,780	79,143	6,596	3,298	3,044	1,522	55,614	4,635	2,318	2,139	1,070
7 .....	48,210	89,189	7,433	3,717	3,431	1,716	62,673	5,223	2,612	2,411	1,206
8 .....	53,640	99,234	8,270	4,135	3,817	1,909	69,732	5,811	2,906	2,682	1,341
For each add'l family member, add	5,430	10,046	838	419	387	194	7,059	589	295	272	136

**Cynthia Long,**

*Administrator, USDA Food and Nutrition Service.*

[FR Doc. 2022-03261 Filed 2-15-22; 8:45 am]

BILLING CODE 3410-30-C

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Information Collection: Land Exchanges

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice; request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, the USDA Forest Service is seeking comments from all interested individuals and organizations on the extension without revision of a currently approved information collection, Land Exchanges.

**DATES:** Comments must be received in writing on or before April 18, 2022 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

**ADDRESSES:** Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email:* [betty.jewett@usda.gov](mailto:betty.jewett@usda.gov).
- *Mail:* Betty Jewett, National

Program Specialist, Lands, Forest Service, 201 14th Street SW, Suite 1SE, Mail Stop 1124, Washington, DC 20024.

- *Hand Delivery/Courier:* Betty Jewett, National Program Specialist, Lands, Forest Service, 201 14th Street SW, Suite 1SE, Mail Stop 1124, Washington, DC 20024.

- *Telephone:* 770-540-4800.
- *Facsimile:* 703-605-5117.

**FOR FURTHER INFORMATION CONTACT:**

Betty Jewett, National Program Specialist, Lands, at 770-540-4800. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Relay Service (FRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern Standard Time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:**

*Title:* Land Exchanges.

*OMB Number:* 0596-0105.

*Expiration Date of Approval:* November 30, 2022.

*Type of Request:* Extension without revision of a currently approved information collection.

*Abstract:* Land exchanges are discretionary, voluntary real estate transactions between the Secretary of Agriculture (acting by and through the Forest Service) and a non-Federal exchange party (or parties). Land

exchanges can be initiated by a non-Federal party (or parties), an agent of a landowner, a broker, a third party, or a non-Federal public agency.

Each land exchange requires preparation of an Agreement to Initiate as required by title 36 Code of Federal Regulations (CFR), part 254, subpart A—section 254.4—Agreement to Initiate. The Agreement to Initiate document specifies the preliminary and non-binding intentions of the non-Federal land exchange party and the Forest Service in pursuing a land exchange. The Agreement to Initiate can contain such information as the description of properties being considered in the land exchange, an implementation schedule of action items, identification of the party responsible for each action item, as well as target dates for completion of each action item.

As the exchange proposal develops, the Forest Service and the non-Federal land exchange party may enter into a binding Exchange Agreement, pursuant to Title 36 CFR part 254, subpart A, section 254.14—Exchange Agreement. The Exchange Agreement documents the conditions that must be met to complete the exchange. The Exchange Agreement can contain information such as identification of parties, description of lands and interests to be exchanged, identification of all reserved and outstanding interest, and all other terms and conditions necessary to complete the exchange.

The Forest Service collects the information from the non-Federal party (or parties) necessary to complete the Agreement to Initiate and the Exchange Agreement. The information is collected by Forest Service personnel from parties involved in the exchange via telephone, email or in person. Data from this information collection is unique to each land exchange and is not available from other sources. No standardized forms are associated with this information collection.

**Estimate of Annual Burden**

*Agreement to Initiate:* 3 hours.

*Exchange Agreement:* 1 hour.

*Type of Respondents:* Non-Federal party (or parties) that can include landowners, agents of landowners, brokers, a third party or a non-Federal public agency.

*Estimated Annual Number of Respondents:* 25.

*Estimated Annual Number of Responses per Respondent:* 1.826.

*Estimated Total Annual Burden on Respondents:* 88.

*Comment Is Invited:* Comment is invited on: (1) Whether this collection of information is necessary for the stated

purposes and the proper performance of the functions of the Agency, including whether the information will have practical or scientific utility; (2) the accuracy of the Agency's estimate of the burden 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 to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the submission request toward Office of Management and Budget approval.

**Chris French,**

*Deputy Chief, National Forest System.*

[FR Doc. 2022-03298 Filed 2-15-22; 8:45 am]

BILLING CODE 3411-15-P

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Information Collection; Fire & Aviation Management Medical Qualifications Program

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice; request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, the USDA Forest Service is seeking comments from all interested individuals and organizations on the renewal with revisions of a currently approved information collection, *Fire & Aviation Management Medical Qualifications Program*.

**DATES:** Comments must be received in writing on or before April 18, 2022 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

**ADDRESSES:** Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email:* [jennifer.symonds@usda.gov](mailto:jennifer.symonds@usda.gov).
- *Mail:* Dr. Jennifer Symonds, USDA

Forest Service, National Interagency Fire Center, 3833 South Development Avenue, Boise, Idaho 83705.

- *Hand Delivery/Courier:* Dr. Jennifer Symonds, USDA Forest Service, National Interagency Fire Center, 3833 South Development Avenue, Boise, Idaho 83705.

- *Facsimile*: 208–387–5735.

The public may inspect comments received at the National Interagency Fire Center, during normal business hours. Visitors are encouraged to call ahead to facilitate entry to the building.

**FOR FURTHER INFORMATION CONTACT:** Dr. Jennifer Symonds, Forest Service Wildland Fire Medical Qualifications Program Manager, at 208–387–5978. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 twenty-four hours a day, every day of the year, including holidays.

**SUPPLEMENTARY INFORMATION:**

*Title:* Fire & Aviation Management Medical Qualifications Program.

*OMB Number:* 0596–0164.

*Expiration Date of Approval:* November 30, 2022.

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

*Abstract:* The Protection Act of 1922 (16 U.S.C. 594) authorizes the Forest Service to fight fires on National Forest System lands. This information collection is an approved Forest Service collection. The collection covers the USDA Forest Service and the Department of the Interior and contains the information collection activities and burden hours for both agencies.

Wildland firefighters perform long hours of arduous labor in adverse environmental conditions. It is imperative that these firefighters be in sufficient physical condition to avoid injury to themselves or their coworkers. Federal employees and private individuals seeking employment as a firefighter with the Forest Service, or the Department of Interior complete the health capability forms. This information collection covers the forms and burden hours associated with the private individuals who apply for firefighter positions with the aforementioned agencies.

Form FS–5100–30, *Work Capacity Test—Informed Consent*. The form is signed by those deemed to be in sufficient health to undergo a Work Capacity Test. The Work Capacity Test determines the level of an individual's aerobic fitness, level of muscular strength, and muscle endurance. The consent form is necessary to ensure the individual taking the test is aware of the various testing levels (arduous, moderate, and light) and the risks involved. The individual indicates the following:

- They have read the information on the form, the brochure “Work Capacity Test” and understand the purpose, instructions, and risks of the test;

• They have read the information, understood, and truthfully answered the Health Screen Questionnaire; and

- Test to be taken—pack test (arduous), field test (moderate), or walk test (light).

Failure to collect this data could result in injuries or deaths during the “Work Capacity Test” and while working on wildland fires. The information provided by an applicant for Federal employment is stored in secured electronic official files, maintained according to Agency regulations. The information gathered is not available from other sources.

*Estimate of Annual Burden:* 5.5 Minutes.

*Type of Respondents:* Individuals.

*Estimated Annual Number of*

*Respondents:* 20,504.

*Estimated Annual Number of*

*Responses per Respondents:* 1.

*Estimated Total Annual Burden on Respondents:* 1,845 hours.

Form FS–5100–31, *Health Screening Questionnaire*. Prospective fire personnel must complete this form when seeking employment as new fire personnel with the Forest Service or Department of the Interior. This form collects the following information:

- Name and Unit;
- Medical history;
- Current medical symptoms;
- Other health history and issues; and
- Cardiovascular risk factors.

The information collected pertains to an individual's health status and health history in an effort to determine if any physical conditions exist that might result in injury or death during fitness testing or when fighting a wildfire. If Federal Agency officials determine, based on the collected information, that an individual may not be physically able to train for or take a Work Capacity Test; the agency will require the individual to undergo a physical examination by a physician.

Failure to collect this data could result in injuries or deaths during the “Work Capacity Test” and while working on wildland fires. The information provided by an applicant for Federal employment is stored in secured electronic official files, maintained according to Agency regulations. The information gathered is not available from other sources.

*Estimate of Annual Burden:* 10 Minutes.

*Type of Respondents:* Individuals.

*Estimated Annual Number of*

*Respondents:* 20,504.

*Estimated Annual Number of*

*Responses per Respondents:* 1.

*Estimated Total Annual Burden on Respondents:* 3,417 hours.

Form FS–5100–41, *USFS Wildland Firefighter Medical Qualifications Program Physical Exam*. Federal employees and private individuals seeking employment as a firefighter with the Forest Service will complete the form every three years (years 0, 3, 6, etc.). The form collects the following information:

- Name, Federal Employee Number (if applicable), Sex and Date of Birth;
- Address, Email Address, and Telephone Number;
- Physical Activity Level and Fire Experience with Home Unit and Forest;
- Past Medical History;
- Current medical symptoms; and
- Other health issues.

The information collected pertains to an individual's health status and health history in an effort to determine if any medical or physical conditions exist that might result in injury or death during fitness testing or when fighting a wildfire. If Federal Agency officials determine, based on the collected information, that an individual may not be medically or physically able to train for or take a Work Capacity Test or meet the Medical Standards of arduous duty fire positions, the individual may request a waiver.

The information provided by a firefighter for Federal employment is stored in secured official files, maintained according to Agency regulations. The information gathered is not available from other sources.

*Estimate of Annual Burden:* 2 to 3 hours.

*Type of Respondents:* Individuals.

*Estimated Annual Number of*

*Respondents:* 10,252.

*Estimated Annual Number of*

*Responses per Respondents:* 1.

*Estimated Total Annual Burden on Respondents:* 20,504–30,756 hours.

Form FS–5100–42, *Self-Certification Statement and Blood Pressure Check*.

Federal employees and private individuals seeking employment as a firefighter with the Forest Service will complete the form the years in which the individual does not complete an Arduous Duty Examination. The form collects the following information:

- Name and Date of Birth;
- Home Unit and Forest
- Medical history;
- Current medical symptoms; and
- Other health issues.

The information collected pertains to an individual's health status and health history in an effort to determine if any medical or physical conditions exist that might result in injury or death during fitness testing or when fighting a

wildfire. If Federal Agency officials determine, based on the collected information, that an individual may not be medically or physically able to train for or take a Work Capacity Test or meet the Medical Standards of arduous duty fire positions, the individual may request a waiver.

The information provided by a firefighter for Federal employment is stored in secured official files, maintained according to Agency regulations. The information gathered is not available from other sources.

*Estimate of Annual Burden:* 10 Minutes.

*Type of Respondents:* Individuals.

*Estimated Annual Number of Respondents:* 10,252.

*Estimated Annual Number of Responses per Respondents:* 1.

*Estimated Total Annual Burden on Respondents:* 1,709 hours.

*TOTAL Estimate of Annual Burden:* 145.5–205.5 Minutes.

*TOTAL Type of Respondents:* Individuals.

*TOTAL Estimated Annual Number of Respondents:* 20,504.

*TOTAL Estimated Annual Number of Responses per Respondents:* 1.

*TOTAL Estimated Total Annual Burden on Respondents:* 27,475–30,756 hours.

*Comment is invited on:* (1) Whether this collection of information is necessary for the stated purposes and the proper performance of the functions of the Agency, including whether the information will have practical or scientific utility; (2) the accuracy of the Agency's estimate of the burden 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 to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the submission request toward Office of Management and Budget approval.

**Jaelith Rivera,**

*Deputy Chief, State & Private Forestry.*

[FR Doc. 2022–03297 Filed 2–15–22; 8:45 am]

**BILLING CODE 3411–15–P**

## COMMISSION ON CIVIL RIGHTS

### Notice of Public Meeting of the South Carolina Advisory Committee to the U.S. Commission on Civil Rights

**AGENCY:** U.S. Commission on Civil Rights.

**ACTION:** Notice of meeting.

**SUMMARY:** Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act, that the South Carolina Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a business meeting via WebEx at 11:00 a.m. ET on Thursday, March 3, 2022 for the purpose of discussing testimony from panels I through III on civil asset forfeiture in South Carolina and reviewing/approving work products.

**DATES:** The meeting will take place on Thursday, March 3, 2022, at 11:00 a.m. ET.

*Online (Audio/Visual):* <https://tinyurl.com/2p8kapd6>.

*Telephone (Audio Only):* Dial: 1 (800) 360–9505 Toll Free. Access code: 2763 412 6322.

**FOR FURTHER INFORMATION CONTACT:** Barbara Delaviez, DFO, at [ero@usccr.gov](mailto:ero@usccr.gov) or (202) 376–8473.

#### SUPPLEMENTARY INFORMATION:

Committee meetings are available to the public through the meeting link above. Any interested member of the public may listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Individuals who are deaf, deafblind, and hard of hearing may also follow the proceedings by first calling the Federal Relay Service at 1 (800) 877–8339 and providing the Service with the conference details found through registering at the web link above. To request additional accommodations, please email [ero@usccr.gov](mailto:ero@usccr.gov) at least ten (10) days prior to the meeting.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to Sarah Villanueva at [svillanueva@usccr.gov](mailto:svillanueva@usccr.gov). Persons who desire additional information may contact the Regional Programs Unit at (310) 464–7102.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available via [www.facadatabase.gov](http://www.facadatabase.gov) under the Commission on Civil Rights, South Carolina Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, <http://www.usccr.gov>, or may contact the Regional Programs Coordination Unit at the above email or street address.

#### Agenda

- I. Welcome and Roll Call
- II. Discussion of Testimony from Panels I–III and Review of Work Products
- III. Next Steps
- IV. Public Comment
- V. Adjournment

Dated: February 11, 2022.

**David Mussatt,**

*Supervisory Chief, Regional Programs Unit.*

[FR Doc. 2022–03377 Filed 2–15–22; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–489–501]

#### Circular Welded Carbon Steel Standard Pipe and Tube Products From Turkey: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2019–2020

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

**SUMMARY:** The Department of Commerce (Commerce) determines that sales of circular welded carbon steel standard pipe and tube products from Turkey were made at less than normal value (NV) during the period of review (POR) May 1, 2019, through April 30, 2020.

**DATES:** Applicable February 16, 2022.

**FOR FURTHER INFORMATION CONTACT:** Magd Zalok, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4162.

**SUPPLEMENTARY INFORMATION:**

#### Background

On August 17, 2021, Commerce published the *Preliminary Results* and

invited interested parties to comment.<sup>1</sup> These final results cover 20 companies for which an administrative review was initiated and not rescinded. The sole mandatory respondent in this administrative review is Borusan Mannesmann Boru Sanayi ve Ticaret A.S. (Borusan Mannesmann) and Borusan Istikbal Ticaret T.A.S. (Istikbal) (collectively, Borusan).<sup>2</sup> The producers/exporters not selected for individual examination are listed in the “Final Results of the Review” section of this notice. On September 30, 2021, Borusan and Wheatland Tube Company (Wheatland), petitioner, submitted their case briefs.<sup>3</sup> On October 12, 2021, Borusan and Wheatland submitted their rebuttal briefs.<sup>4</sup> On November 23, 2021, we extended the deadline for the final results by 58 days to February 11, 2021.<sup>5</sup> Commerce conducted this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act).

#### Scope of the Order<sup>6</sup>

The scope of the *Order* covers circular welded carbon steel standard pipe and tube products from Turkey. A full description of the scope of the *Order* is contained in the Issues and Decision Memorandum.<sup>7</sup>

<sup>1</sup> See *Circular Welded Carbon Steel Standard Pipe and Tube Products from Turkey: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2019–2020*, 86 FR 45957 (August 17, 2021) (*Preliminary Results*).

<sup>2</sup> See Memorandum, “Administrative Review of the Antidumping Duty Order on Welded Carbon Steel Standard Pipe and Tube Products from Turkey: Respondent Selection,” dated September 22, 2020.

<sup>3</sup> See Borusan’s Letter, “Circular Welded Carbon Steel Pipes and Tubes from Turkey, Case No. A–489–501: Case Brief,” dated September 30, 2021; see also Wheatland’s Letter, “Welded Carbon Steel Standard Pipe and Tube Products from Turkey: Case Brief,” dated September 30, 2021.

<sup>4</sup> See Borusan’s Letter, “Circular Welded Carbon Steel Pipes and Tubes from Turkey, Case No. A–489–501: Rebuttal Brief,” dated October 12, 2021, and Wheatland’s Letter, “Welded Carbon Steel Standard Pipe and Tube Products from Turkey: Rebuttal Brief,” dated October 12, 2021. See also a Letter from Nucor Tubular Products Inc. (Nucor), a domestic producer and interested party under section 771(9)(C) of the Act, dated October 12, 2021, in which Nucor stated that it supports Wheatland’s rebuttal brief.

<sup>5</sup> 2019–2020 Antidumping Duty Administrative Review of Circular Welded Carbon Steel Standard Pipe and Tube Products from Turkey: Extension of Deadline for Final Results of Antidumping Duty Administrative Review, dated November 23, 2021.

<sup>6</sup> See *Antidumping Duty Order: Welded Carbon Steel Standard Pipe and Tube Products from Turkey*, 51 FR 17784 (May 15, 1986) (*Order*).

<sup>7</sup> See Memorandum, “Issues and Decisions Memorandum for the Final Results of the Antidumping Duty Administrative Review: Circular Welded Carbon Steel Standard Pipe and Tube Products from Turkey; 2019–2020,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

#### Analysis of Comments Received

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

#### Changes Since the Preliminary Results

Based on our analysis of the comments received, and for the reasons explained in the Issues and Decision Memorandum, we made certain changes from the *Preliminary Results*.

#### Determination of No Shipments

In the *Preliminary Results*, we found that the following thirteen companies made no shipments of the subject merchandise to the United States during the POR: (1) Toscelik Profil ve Sac Endustrisi A.S.; (2) Tosyali Dis Ticaret A.S.; (3) Toscelik Metal Ticaret A.S.; (4) Cayirova Boru Sanayi ve Ticaret A.S.; (5) Yucel Boru ve Profil Endustrisi A.S.; (6) Yucelboru Ihracat ve Pazarlama A.S.; (7) Cinar Boru Profil San Ve Tic. AS; (8) Erbosan Erciyas Boru Sanayi ve Ticaret A.S.; (9) Borusan Birlesik Boru Fabrikalari San ve Tic; (10) Borusan Gemlik Boru Tesisleri A.S.; (11) Borusan Ihracat Ithalat ve Dagitim A.S.; (12) Tubeco Pipe and Steel Corporation; and (13) Borusan Ithicat ve Dagitim A.S. No parties commented on this determination. For the final results of review, we continue to find that these companies made no shipments of subject merchandise to the United States during the POR.

With respect to Istikbal, one of the companies that certified no shipments during the POR, we continue to find Istikbal to be part of the single entity, Borusan, and we find no record evidence that warrants altering this treatment. Therefore, because we find that Borusan had shipments during this POR, we have not made a determination of no shipments with respect to Istikbal.

#### Final Results of Administrative Review

For these final results, we determine that the following weighted-average dumping margins exist for the period May 1, 2019, through April 30, 2020:

Exporter/manufacturer	Weighted-average dumping margin (percent)
Borusan Mannesmann Boru Sanayi ve Ticaret A.S./ Borusan Istikbal Ticaret T.A.S	5.80
<b>Rate Applicable to the Following Non-Selected Companies:</b>	
Borusan Holding .....	5.80
Borusan Mannesmann Yatirim Holding .....	5.80
Kale Baglanti Teknolojileri San. ve Tic. A.S .....	5.80
Kale Baglann Teknolojileri San. Ve Tic. A.S. ....	5.80
Noksel Celik Boru Sanayi A.S ....	5.80

#### Rate for Non-Selected Respondents

For the rate for non-selected respondents in an administrative review, generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in a market economy investigation, for guidance. Under section 735(c)(5)(A) of the Act, the all-others rate is normally “an amount equal to the weighted-average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero or *de minimis* margins, and any margins determined entirely {on the basis of facts available}.” In this segment of the proceeding, we calculated a margin for Borusan that was not zero, *de minimis*, or based on facts available. Accordingly, in the instant review, we have applied the margin calculated for Borusan to the non-individually examined respondents.

#### Disclosure

Commerce intends to disclose the calculations performed in connection with these final results of review to parties in this review within five days after public announcement of the final results or, if there is no public announcement, within five days of the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

#### Assessment Rates

Commerce shall determine and U.S. Customs and Border Protection (CBP) shall assess antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. For Borusan, we calculated importer-specific assessment rates on the basis of the ratio

of the total amount of dumping calculated for each importer's examined sales and the total entered value of those sales in accordance with 19 CFR 351.212(b)(1). Where an importer-specific assessment rate is *de minimis* (*i.e.*, less than 0.5 percent), the entries by that importer will be liquidated without regard to antidumping duties. For entries of subject merchandise during the POR produced by Borusan for which it did not know its merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.<sup>8</sup> For the companies identified above that were not selected for individual examination, we will instruct CBP to liquidate entries at the rates established in these final results of review.

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

#### Cash Deposit Requirements

The following cash deposit requirements for estimated antidumping duties will be effective upon publication of this notice for all shipments of circular welded carbon steel standard pipe and tube products from Turkey entered, or withdrawn from warehouse, for consumption on or after the date of publication as provided by section 751(a)(2) of the Act: (1) The cash deposit rate for the companies subject to this review will be equal to the company-specific weighted-average dumping margin established in the final results of the review; (2) for merchandise exported by producers or exporters not covered in this review but covered in a prior completed segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published in the completed segment for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the producer has been covered in a prior completed segment of this proceeding, then the cash deposit rate will be the rate established in the completed

segment for the most recent period for the producer of the merchandise; (4) the cash deposit rate for all other producers or exporters will continue to be 14.74 percent, the all-others rate established in the less-than-fair-value investigation of this proceeding.<sup>9</sup> These cash deposit requirements, when imposed, shall remain in effect until further notice.

#### Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

#### Notification to Interested Parties Regarding Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the destruction or return of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the destruction or return of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(5).

Dated: February 9, 2022.

**Lisa W. Wang,**

*Assistant Secretary for Enforcement and Compliance.*

#### Appendix

##### List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the *Order*
- IV. Discussion of the Issues
  - Comment 1: Particular Market Situation
  - Comment 2: Section 232 Duties
  - Comment 3: Overrun Sales
  - Comment 4: Correction of Errors
- V. Recommendation

[FR Doc. 2022-03253 Filed 2-15-22; 8:45 am]

**BILLING CODE 3510-DS-P**

<sup>9</sup> See *Order*, 51 FR at 17784.

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648-XB815]

#### Endangered and Threatened Species; Take of Anadromous Fish

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

**ACTION:** Notice of receipt of an application; for a Section 10(a)(1)(A) Scientific Research and Enhancement Permit associated with the Rescue and Rearing Management Plan for the Central California Coast steelhead—Petaluma River population.

**SUMMARY:** We, NMFS, announce receipt of an application for a section 10(a)(1)(A) Scientific Research and Enhancement Permit (Number 25838) under the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et. seq.*), for an associated Rescue and Rearing Management Plan for Petaluma River Steelhead population (RRMP) for the United Anglers of Casa Grande (UACG, Applicant). The proposed 10(a)(1)(A) permit and RRMP is intended to: (1) Increase ESA-listed adult Central California Coast (CCC) steelhead (*Oncorhynchus mykiss*) abundance in the Petaluma River towards levels identified by NMFS in the recovery plan for this population; and (2) provide emergency incubation and rearing facilities for other hatchery programs where conditions within these facilities are expected to become unsuitable for the culture of ESA-listed steelhead or coho salmon (*O. kisutch*).

**DATES:** Comments or requests for a public hearing on the actions proposed in the application must be received at the appropriate address (see **ADDRESSES**) no later than 5 p.m. Pacific standard time on March 18, 2022.

**ADDRESSES:** Written comments on the application should be submitted to the California Coastal Office, NMFS, 777 Sonoma Avenue, Room 325, Santa Rosa, California 95404. Comments may also be submitted by email to: [Petaluma.steelhead.RRMP@noaa.gov](mailto:Petaluma.steelhead.RRMP@noaa.gov) (include the permit numbers in the subject line of the fax or email).

**FOR FURTHER INFORMATION CONTACT:** Jodi Charrier, Santa Rosa, California (ph.: 707-575-6069; Fax: 707-578-3435; email: [jodi.charrier@noaa.gov](mailto:jodi.charrier@noaa.gov)). The permit application is available upon request through the contact information above, or online at <https://apps.nmfs.noaa.gov>.

<sup>8</sup> See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

**SUPPLEMENTARY INFORMATION:****Species Covered in This Notice**

The following ESA-listed species are covered in this notice:

- Steelhead (*O. mykiss*); Threatened CCC Distinct Population Segment (DPS)

**Authority**

Scientific Research and Enhancement Permits are issued in accordance with Section 10(a)(1)(A) of the ESA (16 U.S.C. 1539(a)(1)(A)) and regulations governing listed fish and wildlife permits (50 CFR part 222, subpart C). NMFS issues permits based on findings that such permits: (1) Are applied for in good faith; (2) if granted and exercised, would not operate to the disadvantage of the listed species that are the subject of the permit; (3) are consistent with the purposes and policies of Section 2 of the ESA; and (4) would further a bona fide and necessary or desirable scientific purpose or enhance the propagation or survival of the endangered species, taking into account the benefits anticipated to be derived on behalf of the endangered species; and additional issuance criteria (as listed at 50 CFR § 222.308(c)(5–12)). The authority to take listed species is subject to conditions set forth in the permits.

Anyone requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). Such hearings are held at the discretion of the Assistant Administrator for Fisheries, NMFS.

**Permit Application Received**

A draft RRMP has been developed and a Section 10(a)(1)(A) Scientific Research and Enhancement Permit application has been submitted to NMFS by the UACG. Fish rearing will occur at the UACG Hatchery and will be run by Casa Grande High School located in Petaluma, California in cooperation with UACG, the California Department of Fish and Wildlife (CDFW), and NMFS. A Technical Advisory Committee, consisting of representatives of the operating organizations, will provide scientific oversight for the program. The RRMP anticipates a permit term of 5 years.

The permit will authorize incidental take of CCC steelhead that may occur as a result of implementing the rescue, rearing, and research activities as detailed in the RRMP. Incidental take and associated effects to other ESA-listed steelhead and/or coho salmon that may occur as part of the emergency incubation and rearing component of the RRMP will be covered under

existing 10(a)(1)(A) permits specific to individual hatchery management plans and will not be included in this permit.

NMFS anticipates a low level of incidental take of CCC steelhead will occur over the term (as detailed in Appendix A of the RRMP). The risk of such incidental take will be further avoided or minimized through implementation of rescue and rearing performance standards outlined in Table 1 of the RRMP. Steelhead eggs and carcasses will provide food for multiple species inhabiting the Petaluma River system. If rescued fish survive at higher rates than non-rescued fish, the resulting adult production will increase steelhead abundance in the watershed and increase the food supply for other species dependent on this resource. There will be no ecological interactions as part of emergency incubation and rearing as fish will only be reared in the hatchery and then be transported back to source hatcheries where they will be released to previously identified waters. The benefits to ESA-listed steelhead and coho salmon as a result of implementing the RRMP are expected to contribute to species recovery and outweigh any adverse effects.

Upon approval of the RRMP, NMFS will issue a Section 10(a)(1)(A) Scientific Research and Enhancement Permit to the Applicant. This permit will authorize the Applicant to take CCC steelhead incidental to the implementation of the RRMP. In addition to meeting other criteria, actions to be performed under the permit must not jeopardize the existence of federally listed species.

**National Environmental Policy Act**

Issuing an ESA section 10(a)(1)(A) permit constitutes a Federal action requiring NMFS to comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A. NMFS will evaluate the application with respect to environmental consequences on the human environment and determine the level of NEPA analysis needed for this action.

**Public Comments Solicited**

NMFS invites the public to comment, including any written data, views, or arguments, on the permit application during a 30-day public comment period beginning on the date of this notice. This notice is provided pursuant to Section 10(c) of the ESA (16 U.S.C. 1539(c)), 50 CFR 222.303. All comments and materials received, including names and addresses, will become part of the

administrative record and may be released to the public. We provide this notice in order to allow the public, agencies, or other organizations to review and comment on these documents.

**Next Steps**

NMFS will evaluate the application, associated documents, and comments submitted to determine whether the application meets the requirements of Section 10(a)(1)(A) of the ESA and Federal regulations. The final permit decisions will not be made until after the end of the 30-day public comment period and after NMFS has fully considered all relevant comments received. NMFS will also meet other legal requirements prior to taking final action, including preparation of a biological opinion. NMFS will publish notice of its final action in the **Federal Register**.

Dated: February 10, 2022.

**Angela Somma,**

*Chief, Endangered Species Conservation Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 2022–03293 Filed 2–15–22; 8:45 am]

**BILLING CODE 3510–22–P**

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

[RTID 0648–XB812]

**Endangered and Threatened Species; Take of Anadromous Fish**

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

**ACTION:** Notice of receipt of applications; for 37 permit renewals, three permit modifications, and 12 new permits.

**SUMMARY:** Notice is hereby given that NMFS has received 52 scientific research permit application requests relating to Pacific salmon, steelhead, green sturgeon, rockfish, and eulachon. The proposed research is intended to increase knowledge of species listed under the Endangered Species Act (ESA) and to help guide management and conservation efforts. The applications may be viewed online at: [https://apps.nmfs.noaa.gov/preview/preview\\_open\\_for\\_comment.cfm](https://apps.nmfs.noaa.gov/preview/preview_open_for_comment.cfm).

**DATES:** Comments or requests for a public hearing on the applications must be received at the appropriate address (see **ADDRESSES**) no later than 5 p.m. Pacific standard time on March 18, 2022.

**ADDRESSES:** Because all West Coast NMFS offices are currently closed, all written comments on the applications should be sent by email to [nmfs.wcr-apps@noaa.gov](mailto:nmfs.wcr-apps@noaa.gov) (please include the permit number in the subject line of the email).

**FOR FURTHER INFORMATION CONTACT:** Rob Clapp, Portland, OR (ph.: 503-231-2314, email: [Robert.Clapp@noaa.gov](mailto:Robert.Clapp@noaa.gov)). Permit application instructions are available from the address above, or online at <https://apps.nmfs.noaa.gov>.

**SUPPLEMENTARY INFORMATION:**

**Species Covered in This Notice**

The following listed species are covered in this notice:

Chinook salmon (*Oncorhynchus tshawytscha*): Threatened Lower Columbia River (LCR); threatened Puget Sound (PS); threatened Snake River (SnkR) spring/summer-run (spr/sum); threatened SnkR fall-run; endangered Upper Columbia River (UCR) spring-run; threatened Upper Willamette River (UWR); threatened Central Valley spring-run (CVS); endangered Sacramento River (SacR) winter-run; threatened California Coastal (CC).

Steelhead (*O. mykiss*): Threatened LCR; threatened Middle Columbia River (MCR); threatened PS; threatened SnkR; threatened UCR; threatened UWR; threatened Northern California (NC); threatened Central California Coast (CCC); threatened California Central Valley (CCV); threatened South-Central California Coast (SCCC); endangered Southern California (SC).

Chum salmon (*O. keta*): Threatened Hood Canal Summer-run (HCS), threatened Columbia River (CR).

Coho salmon (*O. kisutch*): Threatened LCR; threatened Oregon Coast (OC) coho; threatened Southern Oregon/Northern California Coast (SONCC), endangered Central California Coast (CCC).

Sockeye salmon (*O. nerka*): Endangered SnkR; threatened Ozette Lake (OL).

Eulachon (*Thaleichthys pacificus*): Threatened southern distinct population segment (SDPS).

Green sturgeon (*Acipenser medirostris*): Threatened SDPS.

Rockfish (*Sebastes spp.*): Endangered Puget Sound/Georgia Basin (PS/GB).

Bocaccio (*Sebastes paucispinis*); threatened PS/GB yelloweye rockfish (*S. ruberrimus*).

**Authority**

Scientific research permits are issued in accordance with section 10(a)(1)(A) of the ESA (16 U.S.C. 1531 *et seq.*) and regulations governing listed fish and

wildlife permits (50 CFR 222-226). NMFS issues permits based on findings that such permits: (1) Are applied for in good faith; (2) if granted and exercised, would not operate to the disadvantage of the listed species that are the subject of the permit; and (3) are consistent with the purposes and policy of section 2 of the ESA. The authority to take listed species is subject to conditions set forth in the permits.

Anyone requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). Such hearings are held at the discretion of the Assistant Administrator for Fisheries, NMFS.

**Applications Received**

*1127-6M*

The Shoshone-Bannock Tribes are seeking to modify a permit that for more than two decades has allowed them to annually take listed SnkR Chinook salmon and steelhead while conducting research designed to (1) monitor adult and juvenile fish in key upper Snake River subbasin watersheds, (2) assess the utility of hatchery Chinook salmon in increasing natural populations in the Salmon River, and (3) evaluate the genetic and ecological impacts hatchery Chinook salmon may have on natural populations. The modification would involve increasing the number of adult spr/sum Chinook the Tribes may observe and handle by permitting them to work at a currently unused weir in the East Fork Salmon River (Idaho). The modification would also involve greatly decreasing the number of juvenile salmon the Tribes capture and sample in the Yankee Fork of the Salmon River. The fish would continue to benefit from the research in two primary ways. First, the research would broadly be used to help guide restoration and recovery efforts throughout the Snake River basin. Second, the research would be used to analyze how hatchery supplementation can be used as a tool for salmon recovery.

The researchers would use screw traps, weirs, electrofishing, and hook-and-line angling gear to capture the listed fish. Once captured, the fish would undergo various sampling, tagging, and handling regimes, after which they would be allowed to recover and released. Some tissue samples would be taken from adult fish carcasses, and the researchers would conduct some snorkeling surveys and redd counts. In all cases, trained crews would conduct the operations and no adult salmonids would be electrofished.

All activities would take place in the Salmon River subbasin. The researchers are not proposing to kill any of the fish they capture, but some may die as an unintended result of the research.

*1135-11R*

The United States Geological Survey (USGS) is seeking to renew a permit that for more than 20 years has authorized them to take juvenile LCR steelhead in the Wind River subbasin (Washington). The purpose of the study is to provide information on LCR steelhead growth, survival, habitat use, and life histories. This information would improve understanding of habitat associations and life history strategies for LCR steelhead in the Wind River and that, in turn, would help state, tribal, and Federal efforts to restore LCR steelhead. The USGS proposes to capture juvenile LCR steelhead using backpack electrofishing equipment, hold the fish in buckets of aerated water, anesthetize them with MS-222, measure their length and weight, tag age-0 and age-1 fish with passive integrated transponders (PIT-tags), and release all fish at the site of collection after they recover from anesthesia. The researchers do not propose to kill any fish but a small number may die as an unintended result of research activities.

*1175-10R*

The Gifford Pinchot National Forest (GPNF) is seeking to renew for 5 years a permit that currently allows them to take juvenile LCR Chinook salmon, LCR coho salmon, and LCR and MCR steelhead in the Cowlitz River subbasin (Lewis, Cowlitz, and Washougal Rivers) and middle Columbia-Hood subbasin (Wind, Little White Salmon, and Big White Salmon Rivers) in Washington State. The purpose of this research is to describe fish species presence, distribution, spawning areas, and habitat conditions on lands that the GPNF administers. The GPNF and other agencies would use that information in forest management, habitat restoration, and species recovery efforts. The GPNF proposes to use backpack electrofishing and seines to capture juvenile salmonids, hold them for short periods in buckets of aerated water, identify them, and then release them at the site where they were captured. The researchers do not propose to kill any fish, but a small number may die as an unintended result of research activities.

*1339-6R*

The Nez Perce Tribe (NPT) under the authority of the Columbia River Intertribal Fish Commission (CRITFC) is seeking to renew for 5 years its permit



to annually take adult and juvenile SnkR spr/sum Chinook salmon and SnkR steelhead while conducting research in a number of the tributaries to the Imnaha River (Cow, Lightning, Horse, Big Sheep, Camp, Little Sheep, Freezeout, Grouse, Crazyman, Mahogany, and Gumboot Creeks), the Grande Ronde River (Joseph Creek, Wenaha and Minam rivers), the Clearwater River (South Fork Clearwater River and Lolo Creek), and the Snake River (Lower Granite Dam adult trap). The Imnaha and Grande Ronde Rivers are in northeastern Oregon, the Clearwater River is in Idaho, and the work in the Snake River would take place in Washington. The renewed permit would allow the NPT to continue work they have been conducting for over 2 decades.

The purpose of the research is to acquire information on the status (escapement abundance, genetic structure, life history traits) of juvenile and adult steelhead in the Imnaha, Grande Ronde, and Clearwater River basins. The research would benefit the listed species by providing status information that fishery managers may use to determine whether recovery actions are helping increase wild Snake River salmonid populations. Baseline information on steelhead populations in the Imnaha, Grande Ronde, and Clearwater River basins would also be used to help guide future management actions. Adult and juvenile salmon and steelhead would be observed, handled, and marked. The researchers would use temporary/portable picket and resistance board weirs and rotary screw traps to capture the fish and would then sample them for biological information (fin tissue and scale samples). They may also mark some of the fish with opercule punches, fin clips, dyes, and PIT, floy, and/or Tyvek disk tags. Adult steelhead carcasses would also be collected and sampled. The researchers do not intend to kill any of the fish being captured, but a small number may die as an unintended result of the activities.

#### 1341-6R

The Shoshone-Bannock Tribes are seeking to renew for 5 years their permit to take SnkR sockeye salmon and SnkR spr/sum Chinook salmon while conducting research designed to estimate their overwinter survival and downstream migration survival and timing. The researchers would also conduct limnological studies on Pettit and Alturas Lakes (Idaho) and monitor sockeye rearing. This research—which has been conducted every year since 1996—would continue to provide information on the relative success of

the Pettit and Alturas Lakes sockeye salmon reintroduction programs and thereby benefit the listed fish by improving those programs.

Juvenile SR sockeye salmon, spr/sum Chinook salmon, and steelhead would be collected using rotary screw traps and weirs. The fish would be sampled for biological information and released or tagged with passive integrated transponders and released. In addition, to determine trap efficiencies, a portion of the tagged juvenile SnkR sockeye salmon would then be released upstream of the traps, captured at the traps a second time, and re-released. Adult fish may be trapped as well if any are released above Sawtooth Fish Hatchery (run by the Idaho Department of Fish and Game); these fish would be tissue-sampled and then immediately released above a temporary weir to spawn in Petit Lake. The Tribes do not intend to kill any of the fish being captured, but a small percentage may die as an unintended result of the activities.

#### 1345-10R

The Washington Department of Fish and Wildlife (WDFW) is seeking to renew for 5 years a research permit that currently allows them to take juvenile and adult PS Chinook salmon, LCR Chinook salmon, LCR coho salmon, LCR steelhead, and PS steelhead. The WDFW administers a multitude of water bodies through the state of Washington, and this permit would cover their work throughout Puget Sound and the Lower Columbia River basin. The purpose of the warmwater fish surveys is to assess stocks of inland game fish communities and thereby improve fishery management. The research would benefit salmonids by helping managers write warmwater fish species harvest regulations in a manner that would reduce potential impacts on listed salmonids. The WDFW proposes capturing fish using boat electrofishing, fyke nets, and gillnets. After being captured, the listed salmon and steelhead would be placed in aerated live wells, identified, and immediately released before other species are processed. The researchers would avoid salmonids and do not propose to kill any, but a small number may die as an unintended result of the activities.

#### 1379-8R

The CRITFC is seeking to renew for 5 years a permit that currently allows them to take adult and juvenile UCR steelhead and Chinook while conducting research designed to (1) increase what we know about the status and productivity of various fish

populations, (2) collect data on migratory and exploitation (harvest) patterns, and (3) develop baseline information on various population and habitat parameters in order to guide salmonid restoration strategies. Much of the work in the permit has been conducted for nearly 20 years—first under permit 1134, and then under seven previous versions of 1379. The permit would comprise three studies: Project 1—Juvenile Upriver Bright Fall Chinook Sampling at the Hanford Reach; Project 2—Adult Sockeye Sampling at Tumwater and Wells Dams; and Project 3—Acoustic trawl survey for Lake Wenatchee juvenile sockeye salmon.

The research, as a whole, would benefit listed fish by helping managers set in-river and ocean harvest regimes so that they have minimal impacts on listed salmonid populations. It would also help managers prioritize projects in a way that gives maximum benefit to listed species—including projects designed to help the listed fish recover. The researchers would use beach- and stick seines to capture and tag juvenile fish in the Hanford reach of the Columbia River and capture fish during mid-water trawls in Lake Wenatchee (Washington). Those fish that are not immediately released upon capture would be transported to a holding facility where they would be anesthetized, examined for marks, adipose-clipped, coded wire tagged, allowed to recover, and released. The researchers would also collect, anesthetize, tissue-sample, and tag adult salmonids at Priest Rapids and Wells Dams in Washington State. The CRITFC researchers do not intend to kill any of the fish being captured but a small number may die as an unintended result of the activities.

#### 1386-10R

The Washington Department of Ecology (WDOE) is seeking to renew for 5 years a research permit that currently allows them to take juvenile and adult PS Chinook salmon, UCR spring-run Chinook salmon, SnkR spr/sum Chinook salmon, SnkR fall-run Chinook salmon, LCR Chinook salmon, HCS chum salmon, CR chum salmon, LCR coho salmon, OL sockeye salmon, SnkR sockeye salmon, LCR steelhead, PS steelhead, MCR steelhead, SnkR steelhead, and UCR steelhead. The purpose of the research is to investigate the occurrence and concentrations of toxic contaminants in non-anadromous freshwater fish tissue, sediment, and water at sites all across Washington. The WDOE conducts this research in order to meet Federal and state regulatory

requirements. This research would benefit listed species by identifying toxic contaminants in resident and prey fish and thereby inform pollution control actions. The WDOE proposes to capture fish using various methods including backpack and boat electrofishing, beach seining, block, fyke, and gill netting, and angling. All captured salmon and steelhead would either be released immediately or held temporarily in an aerated live well to help them recover before release. The researchers do not propose to kill any fish but a small number may die as an unintended result of research activities.

#### 1410–13M

The Northwest Fisheries Science Center (NWFSC) is seeking to modify a research permit that currently allows them to take juvenile and adult CVS, LCR, PS, SacR winter-run, SnkR fall-run, SnkR spr/sum, UCR, and UWR Chinook salmon; CR chum salmon; LCR, OC, and SONCC coho salmon; SnkR sockeye salmon; and LCR, MCR, SnkR basin, UCR, and UWR steelhead while conducting a study of the Columbia River plume and the surrounding ocean environment off the coasts of Oregon and Washington. The NWFSC research may also cause them to take SDPS eulachon, a species for which there are currently no ESA take prohibitions. The modification would largely entail increasing take for some species (e.g., juvenile SnkR spr/sum Chinook salmon) and decreasing take for other species (e.g., SnkR Fall Chinook salmon). The purposes of the research are to (1) determine the abundance, distribution, growth, and condition of juvenile Columbia River salmonids in the river's plume and characterize its physical and biological features as they relate to salmonid survival; (2) determine the impact that predators and food supply have on survival among juvenile Columbia River Chinook and coho salmon as they migrate through the Columbia River estuary and plume; and (3) synthesize the early ocean ecology of juvenile Columbia River salmonids, test mechanisms that control salmonid growth and survival, and produce ecological indices that forecast salmonid survival.

The research would benefit the affected species by (1) providing data to improve understanding of how the ocean and Columbia River plume conditions affect juvenile salmonids, (2) helping predict how changing ocean conditions would affect salmonid growth and survival, and (3) helping improve salmon management actions in relation to river, plume, and ocean conditions. This study would work in

conjunction with another NWFSC study (permit 22369–2M) by capturing salmonids using a different capture method at deeper locations. The NWFSC proposes to capture fish using a surface trawl, which can cause lethal crushing and descaling injuries to juvenile salmonids and eulachon. Juvenile salmonids would be identified to species, measured for length, and frozen for further analysis (*i.e.* weight, growth, genetics, diet (stomach contents), parasites, pathogens, and physiological condition). Adult salmonids would be held in an aerated livewell, identified to species, measured for length, checked for tags and marks, and released. Eulachon would either be returned to the capture location or retained for further scientific research activities at the NWFSC. The researchers do not intend to kill any listed adult salmonids, but some may die as an inadvertent result of the research.

#### 1465–5R

The Idaho Department of Environmental Quality (IDEQ) is seeking to renew for five years a research permit that currently allows them to take juvenile threatened SnkR steelhead, threatened SnkR fall Chinook salmon, threatened SnkR spr/sum Chinook salmon, and endangered SnkR sockeye salmon during the course of two research projects designed to ascertain the condition of many Idaho streams. The purposes of the research are to (a) determine whether aquatic life is being properly supported in Idaho's rivers, streams, and lakes, and (b) assess the overall condition of Idaho's surface waters. The fish would benefit from the research because the data it produces would be used to inform decisions about how and where to protect and improve water quality in the state. The researchers would use backpack- and boat electrofishing equipment to capture the fish. They would then be weighed and measured (some may be anesthetized to limit stress) and released. The IDEQ does not intend to kill any of the fish being captured, but a small percentage may die as an unintended result of the research activities.

#### 1564–6R

The University of Washington (UW) is seeking to renew for 5 years a permit that currently allows them to annually take juvenile natural- and hatchery-origin PS Chinook and steelhead while conducting research designed to monitor the success of habitat restoration projects in the Duwamish River estuary. The goal of these projects

is to understand changes in population characteristics among Chinook salmon in response to restoration actions. The habitat restoration work is conducted in association with several entities including King County, the City of Seattle, Long Live the Kings, and Vigor Shipyards. The researchers propose to capture fish using enclosure nets and beach seines. Juvenile salmon and steelhead would be handled (anesthetized, weighed, measured, and checked for marks or tags), and released. Juvenile steelhead and a subsample of Chinook salmon captured may have their stomach contents non-lethally sampled via gastric lavage. The UW researchers do not propose to kill any listed animals as part of this project, but a small number may die as an unintended result of the research activities.

#### 1586–5R

The NWFSC is seeking to renew for 5 years a permit that currently allows them to annually take juvenile, subadult, and adult PS Chinook salmon, and juvenile PS steelhead, HCS chum salmon, and Bocaccio and yelloweye rockfish. The purpose of the work is to characterize how wild juvenile PS Chinook salmon and various forage fish species use nearshore habitats in the oceanographic basins of the Puget Sound, the Straits of Juan de Fuca, and the San Juan Islands in Washington State. The permit would also allow the researchers to take adult SDPS eulachon, a species for which there are currently no take prohibitions. The goals of this project are to help managers develop protection and restoration strategies and monitor the effects of recovery actions. To accomplish this, the proposed work would help researchers (a) determine if nearshore populations are increasing or decreasing; and (b) establish baseline abundance, composition, and genetic structure metrics for nearshore populations throughout the Puget Sound. The researchers propose to capture fish using beach seines, Nordic surface trawls, and hook-and-line sampling. Juvenile salmon and steelhead would be handled (weighed, measured, and checked for marks or tags), and released. A subset of juvenile Chinook salmon would have fin clip samples collected. Adult Chinook salmon may have fin clip or scale samples collected. Captured rockfish, eulachon, and steelhead would be handled and released. A small subset of juvenile Chinook salmon would be lethally sacrificed for contaminant, otolith, and stomach content analyses. Any fish found dead at the time of

capture or unintentionally killed during sampling would be used in place of fish that would otherwise be intentionally sacrificed. Aside from the subset to be lethally sampled, the NWFSC does not propose to kill any fish being captured as part of this project—though a small number may die as an unintended result of the research activities.

#### 1587–7R

The USGS's Western Fisheries Research Center is seeking to renew for 5 years a permit that currently allows them to annually take juvenile PS Chinook salmon, juvenile PS steelhead, and juvenile HCS chum salmon while conducting two research projects designed to explore the influence of large river deltas on nearshore ecosystem processes and the impacts urbanization has on such processes in the Puget Sound, Washington. The permit would also allow the researchers to take adult SDPS eulachon, a species for which there are currently no take prohibitions. The goals of this work are to understand physio-chemical processes related to nearshore habitat changes that alter trophic webs, community dynamics, and forage fish populations. This information, in turn, would benefit listed fish by helping managers better grasp the processes and considerations critical to understanding (and thereby mitigating) human impacts on nearshore salmonid habitats.

The researchers propose to capture fish using lampara seines, dip nets, beach seines, gill nets, and hook-and-line sampling, and would only target forage fish species (*i.e.*, sand lance, surf smelt, and Pacific herring). Though this study does not target ESA-listed species, some may be unintentionally captured as part of this work. Any such fish would be handled (weighed, measured, and checked for marks or tags) and released near their capture location. The USGS does not propose to kill any listed fish, but a small number may die as an unintended result of the research activities.

#### 1598–5R

The Washington State Department of Transportation (WSDOT) is seeking to renew for 5 years a research permit that currently allows them to take juvenile PS Chinook salmon, UCR spring-run Chinook salmon, SnkR spr/sum Chinook salmon, SnkR fall-run Chinook salmon, LCR Chinook salmon, HCS chum salmon, CR chum salmon, LCR coho salmon, OL sockeye salmon, SnkR sockeye salmon, LCR steelhead, PS steelhead, MCR steelhead, SnkR steelhead, and UCR steelhead. The WSDOT research may also cause them

to take SDPS eulachon, a species for which there are currently no ESA take prohibitions. Sample sites would be located throughout the state of Washington. The purpose of the study is to determine the distribution and diversity of anadromous fish species in waterbodies crossed by or adjacent to the state transportation systems (highways, railroads, airports, etc.).

This information would be used to assess what impacts projects proposed at those facilities may have on listed species. The research would benefit the listed species by helping WSDOT minimize project impacts on listed fish to the greatest extent possible. Depending on the size of the stream system, the WSDOT proposes to capture fish using dip nets, stick seines, baited minnow traps, or backpack electrofishing. The captured fish would be identified to species and immediately released. The researchers do not propose to kill any listed fish being captured, but a small number may die as an unintended result of the activities.

#### 10093–3R

The California Department of Fish and Wildlife (CDFW) is seeking to renew a 5 year permit to annually take adult and juvenile CC Chinook; CCC and SONCC coho; and NC, SCCC, SC and CCC steelhead in watersheds throughout coastal California. The project goal is to restore salmon and steelhead productivity in coastal California streams through a comprehensive restoration program. The specific goals of this research project are to assess fish abundance and distribution in various streams slated for restoration work. This research would benefit listed species by providing data to help managers assess and direct habitat restoration projects across much of the salmonid-bearing waters of California. Fish would be captured by backpack electrofishing, beach seines, minnow traps, and weirs; they would also be observed during snorkel and spawning ground surveys. Some captured fish would be anesthetized, measured, weighed, tagged, and tissue-sampled for genetic information. The researchers do not expect to kill any listed salmonids but a small number may die as an unintended result of the proposed activities.

#### 13381–4R

The NWFSC is seeking to renew for 5 years a permit that currently allows them to annually take natural juvenile SnkR spr/sum Chinook and SnkR steelhead in various places in the Salmon River drainage in Idaho and at Little Goose and Lower Granite Dams on

the lower Snake River. The purpose of the research is to continue monitoring parr-to-smolt survival and outmigration behavior among wild SnkR spr/sum Chinook salmon populations from Idaho. Steelhead juveniles that are inadvertently collected would also be tagged to help supplement an ongoing Idaho Department of Fish and Game study.

The research would benefit the fish by continuing to supply managers with the information they need to budget water releases at hydropower facilities in ways designed to help protect migrating juvenile salmonids. The information gained would also be used to build long-term data sets on parr-to-smolt migration behavior and survival rates. This information, coupled with water quality, weather, and climate data, is intended to provide a foundation for understanding these populations' life histories—the knowledge of which is critical to planning effective recovery actions. The listed fish would be captured (using seines, dip nets, and electrofishing), anesthetized, tagged, and released. A portion of these fish would also be re-captured at a smolt bypass facility, anesthetized, weighed, measured, and released. The researchers do not intend to kill any of the fish being captured, but a small percentage may die as an unintended result of the research activities.

#### 13382–4R

The NWFSC is seeking to renew for 5 years a permit that currently allows them to annually take juvenile threatened SnkR spr/sum Chinook salmon and juvenile threatened SnkR steelhead at various places in the Snake River in Idaho and in various streams of Southeast Washington and Northeast Oregon. Most of the activities under this permit have been under way for nearly 20 years—first under Permit 1406 and then under previous versions of Permit 13382. Under the permit, the listed fish would be variously captured (using seines, dip nets, traps, and electrofishing), anesthetized, tissue sampled, weighed, measured, and released. In addition, a small number of juvenile fish would be caught using electrofishing methods, anesthetized, and then held in aerated containers of water with varying temperature regimes to measure their cardiac performance. The fish would then in all cases be allowed to recover and returned live to the place of their capture.

The purposes of the research are therefore (1) to continue monitoring the effects of supplementation among steelhead and spr/sum Chinook salmon populations in Idaho, and (2) measure

cardiac performance in juvenile salmonids. The research would benefit the fish by generating baseline information on elevated temperature effects and continuing to supply managers with the information they need when seeking to use hatchery programs to conserve listed species. The researchers do not intend to kill any of the fish being captured, but some may die as an unintended result of the process.

*14419-4R*

The Sonoma County Water Agency is seeking to renew a 5 year permit to annually take adult and juvenile CC Chinook, CCC coho and CCC steelhead in the Russian River watershed, California. The project's goal is to detect and depict trends in ESA-listed salmonid populations in the Russian River watershed and to monitor the results of salmonid habitat enhancement efforts. This research would benefit listed species by providing life cycle and habitat-specific estimates of residence time, growth, and survival so that resource management agencies can better identify and prioritize key restoration actions in the Russian River watershed.

Fish would be captured by downstream-migrant trapping (rotary screw traps, fyke nets, and pipe/funnel nets), electrofishing (backpack and boat), otter trawl, hook-and-line sampling, and beach seining. Fish would also be observed during snorkel and spawning surveys. Some fish would be anesthetized, measured, weighed, tagged, scale-sampled, and/or tissue-sampled for genetic information. The stomach contents of a small subset of fish would be sampled using non-lethal gastric lavage. A maximum of 130 juvenile steelhead and 150 juvenile Chinook would be sacrificed for otolith microchemistry analysis. Beyond these subsets, the researchers do not intend to kill any listed fish, and any that are inadvertently killed would be used in place of the animals that would otherwise be sacrificed.

*15542-6R*

TRPA Fish Biologists is seeking to renew a 5 year research permit to annually take juvenile and adult CCV steelhead in Lower Putah Creek in the lower Sacramento River basin, California. The project's goal is to monitor the distribution and relative abundance of fish populations in lower Putah Creek downstream from the Putah Diversion Dam. This research would benefit listed steelhead by providing information on fish response to river flows, and generating baseline

information on the distribution and diversity of rainbow trout/steelhead in Putah Creek. Fish would be captured by backpack and boat electrofishing. Captured fish would be identified by species, measured, weighed, allowed to recover, and released. The researchers do not expect to kill any listed salmonids but a small number may die as an unintended result of the research activities.

*15548-2R*

TRPA Fish Biologists is seeking to renew a 5 year research permit to annually take adult and juvenile CCC steelhead in Suisun Creek, Green Valley Creek, and Ledgebrook Creek in Solano and Napa Counties, California. The project's goal is to monitor fish distribution, population structure, relative abundance, condition, and general health. The research would benefit CCC steelhead by producing data that would be used to help develop the Solano Habitat Conservation Plan in as fish-friendly a manner as possible. Listed fish would be captured by backpack and boat electrofishing; they would then be identified by species, measured, weighed, allowed to recover, and released. The researchers do not expect to kill any listed salmonids but a small number may die as an unintended result of the research activities.

*15848-3R*

The WDFW is seeking to renew for 5 years a permit that currently allows them to annually take juvenile and adult PS Chinook salmon, PS steelhead, HCS chum salmon, Bocaccio, and yelloweye rockfish, and adult SDPS green sturgeon while conducting research to estimate the relative numerical and biomass abundance of bottom fish in the basins of Puget Sound, Washington. They would also collect other distributional and biological information for key marine resources. The researchers may also capture adult and juvenile SDPS eulachon, a species for which there are currently no take prohibition. The goals of this work are to develop a fishery-independent method for tracking population trends over time and provide managers and stakeholders with information about ecosystem productivity, community structure, and trends. This information would benefit listed species by informing an array of future management decisions.

The researchers would use bottom trawls to capture fish and would not target listed species, but they may unintentionally encounter some during the course of the work. All listed animals that may be captured would be

handled (weighed, measured, and checked for marks or tags) and released near their capture location. The WDFW does not propose to kill any listed fish as part of this project, but a small number may die as an unintended result of the proposed activities.

*15890-3R*

The WDFW is seeking to renew for 5 years a permit that currently allows them to annually take juvenile and adult PS Chinook salmon, PS steelhead, HCS chum salmon, Bocaccio, and yelloweye rockfish while conducting research to estimate the abundance of pelagic forage fish species in key areas of the Puget Sound, Washington. The researchers would also encounter SDPS eulachon, a species for which there are currently no take prohibitions. The goals of this work are to compare pelagic species stock abundances over time and gather growth, mortality, and recruitment information about the populations. This information would benefit listed species by informing an array of future fishery management decisions.

The researchers propose to capture fish using midwater trawls and, while they would not target listed species, some may be captured during the course of the work. Any ESA-listed salmon, steelhead, or rockfish captured would be handled (weighed, measured, and checked for marks or tags), tissue-sampled (scale or fin clip), and released near their capture location. Any SDPS eulachon captured would be handled and released. The WDFW does not propose to kill any listed fish as part of this project, but a small number may die as an unintended result of the research activities.

*16021-3R*

The WDFW is seeking to renew for 5 years a permit that currently allows them to annually take juvenile and adult PS Chinook salmon, Bocaccio, and yelloweye rockfish, and SDPS green sturgeon while conducting research to study the stock structure, biology, food web relationships, and abundance of groundfish species in inland marine waters of Puget Sound, Washington. The researchers may also capture adult SDPS eulachon, a species for which there are currently no take prohibitions. The goal of this work is to improve understanding of groundfish stock structure, life history, biology, geographic distribution, habitat use, and food web relationships. The researchers propose to capture fish using hook-and-line angling and live-capture traps and, though they are not targeting ESA-listed species, they may inadvertently capture some. In addition, the researchers

propose to use modified dinglebar trolling gear, although it will only be deployed in habitats where they do not anticipate encountering ESA-listed species. All captured rockfish would be handled (weighed, measured, and checked for marks or tags), sampled for stomach contents, tissue-sampled, floy-tagged, and released near the site of their capture. Any ESA-listed salmon, eulachon, or green sturgeon captured would be handled and swiftly released. The WDFW does not propose to kill any ESA-listed species as part of this project, but a small number may die as an unintended result of the proposed activities.

#### 16069-4R

The City of Portland is seeking to renew for 5 years a research permit that currently allows them to take juvenile UCR spring-run Chinook salmon, UWR Chinook salmon, SnkR spr/sum Chinook salmon, SnkR fall-run Chinook salmon, LCR Chinook salmon, CR chum salmon, LCR coho salmon, SnkR sockeye salmon, LCR steelhead, UWR steelhead, MCR steelhead, SnkR steelhead, and SDPS green sturgeon in the Columbia and Willamette rivers and some of their tributaries in Oregon. The researchers may also take some adult SDPS eulachon (a species for which there are currently no ESA take prohibitions). This research is part of the Portland Watershed Management Plan—a series of projects designed to improve watershed health in the Portland area. Project staff would annually sample 37 sites across all Portland watersheds and record data on local hydrology, habitat, water chemistry, and biological communities.

The research would benefit listed salmonids by providing information to help managers assess watershed health, critical habitat status, effectiveness of watershed restoration actions, and compliance with regulatory requirements. The City of Portland proposes to capture juvenile fish using backpack and boat electrofishing equipment, hold them in a bucket of aerated water, take caudal fin clips for genetic analysis, and release them. The researchers would avoid contact with adult fish. The researchers do not propose to kill any fish but a small number may die as an unintended result of the proposed activities.

#### 16091-3R

The WDFW is seeking to renew for 5 years a permit that currently allows them to annually take juvenile and adult PS Chinook salmon, PS steelhead, Bocaccio, yelloweye rockfish, and adult SDPS green sturgeon while monitoring

English sole (*Parophrys vetulus*) for (1) chemical contaminant levels in fish tissues, (2) pathological disorder frequency, and (3) other biomarkers signifying biological effects in the Puget Sound, Washington. The researchers may also capture SDPS eulachon, a species for which there are currently no take prohibitions. The goal of this work is to monitor contaminants in this indicator benthic fish to better understand toxic contaminant impacts on the benthic food web, measure changes in toxic contaminant levels at a local level, and prioritize cleanup efforts in the Puget Sound. This information would benefit listed fish by helping managers make informed decisions regarding habitat restoration efforts throughout the Puget Sound. The researchers propose to capture fish using bottom trawls and, though they are not targeting listed species, they may capture some as part of this work. Any viable ESA-listed species captured would be handled, allowed to recover, and quickly released. The WDFW does not propose to kill any listed fish, but a small number may die as an unintended result of the research activities.

#### 16318-4R

Hagar Environmental Services is seeking to renew for 5 years a permit that currently allows them to annually take juvenile CCC coho and juvenile CCC and SCCC steelhead in Santa Cruz, Monterey, and San Luis Obispo counties, California. The purpose of this study is to gather data on salmonid abundance and distribution and quantify various habitat parameters with the goal of improving watershed management across three counties. This research would benefit listed species by helping managers draft a fish-friendly habitat conservation plan for the City of Santa Cruz and, in general, better inform land management decisions throughout the area. Fish would be captured by backpack electrofishing and beach seines and observed during snorkel surveys. Some fish would be anesthetized, measured, weighed, tagged, and scale- and tissue-sampled for genetic information. The researchers do not expect to kill any listed salmonids but a small number may die as an unintended result of the research activities.

#### 16521-3R

The WDFW is seeking a to renew for 5 years their permit to annually capture, handle, and release juvenile UCR steelhead and Chinook salmon in the Hanford reach of the Columbia River and near the Tri-Cities, Washington.

The purpose of the research is to gather data on fall Chinook abundance, length frequency distribution, and fish losses in the area. The information collected from these surveys is used to evaluate protections for juvenile fall Chinook under the Hanford Reach Fall Chinook Protection Program Agreement; it has also been used to gauge the efficacy of the coded-wire-tagging program for marking wild up-river bright fall Chinook in the Hanford Reach. These surveys provide biologists and managers with definitive data on fish presence and the impacts both listed and non-listed Chinook and steelhead experience when residing in near-shore habitats in this area of the Columbia River. These data have been (and would continue to be) used to help guide management actions for the benefit of the listed species. The researchers would use beach seines and backpack electrofishing equipment to capture the fish. The captured fish would be anesthetized, measured, allowed to recover, and released back to the river. The researchers do not expect to kill any listed fish, but a small number may die as an unintended result of the research activities.

#### 16702-4R

The NWFSC is seeking to renew for 5 years a permit that currently allows them to annually take juvenile PS Chinook salmon and steelhead and adult SDPS eulachon (a species for which there are currently no take prohibitions) while conducting research designed to characterize how wild juvenile PS Chinook salmon use habitats in the Snohomish River estuary and delta in the Puget Sound, Washington. The goal of this project is to identify the life history types of juvenile PS Chinook salmon present, characterize their spatial and temporal distribution, and assess their feeding ecology and interactions with other biota. The gathered data would benefit listed fish by better informing Snohomish-area land management decisions as conditions and opportunities change.

The researchers propose to capture fish using beach seines and fyke nets. Juvenile salmon and steelhead would be handled (weighed, measured, and checked for marks or tags), and released. A small subset of hatchery- and naturally-produced juvenile Chinook salmon would be lethally sacrificed for stable isotope, otolith, and stomach contents analysis. Any fish found dead at the time of capture or unintentionally killed during sampling would be used in place of fish that would otherwise be intentionally sacrificed. Aside from this

subset, the NWFSC does not propose to kill any other fish being captured as part of this project, but a small number may die as an unintended result of the research activities.

*17292-3R*

NMFS's Southwest Fisheries Science Center (SWFSC) is seeking to renew a 5 year research permit to annually take adult and juvenile CC Chinook, CCC and SONCC coho, and NC, SCCC, SC and CCC steelhead. Sampling would be conducted in California on a variety of coastal salmonid populations. The purposes of this research are to: (1) Estimate population abundance and dynamics; (2) evaluate factors affecting growth, survival, reproduction, and other life history patterns; (3) assess life-stage specific habitat use and movement; (4) evaluate physiological performance and tolerance; (5) determine the genetic structure of populations; (6) evaluate the effects of water management and habitat restoration; and (7) develop improved sampling and monitoring methods. The research would benefit the coastal California salmon stocks by providing critical information to support their conservation, management, and recovery.

The listed fish would be captured using backpack electrofishing, hook-and-line sampling, hand- and dipnets, beach seines, fyke nets, panel, pipe or rotary screw traps, and weirs. They would also be observed during spawning ground and snorkel surveys. Some fish would be anesthetized, measured, weighed, tagged (coded wire, elastomer, radio, acoustic, PIT, or sonic), and tissue-sampled for genetic information. A small number of juvenile fish would be sacrificed to support laboratory experiments and assess mercury levels and RNA expression, but otherwise the researchers do not intend to kill any of the captured fish—though some may die as an inadvertent result of the activities.

*17299-4R*

The SWFSC is seeking to renew a 5 year research permit to annually take adult and juvenile CCV steelhead, SacR winter-run and CVS Chinook salmon, and SDPS green sturgeon while conducting research activities in the California Central Valley. The overall goal of this project is to provide critical information to support California salmonid stock conservation and management. The SWFSC would conduct comparative studies on salmon ecology across all Central Valley habitats (streams, rivers, and delta) to increase our knowledge of California's

Chinook salmon and steelhead life histories. The proposed action would include six study efforts: (1) Producing telemetry data to assess river habitat use, behavior, and survival; (2) estimating predator impacts on salmon; (3) making physiological measurements of aerobic scope across stocks; (4) examining otoliths to identify stocks of salmonids and thereby inform Central Valley project operations and Bay-Delta monitoring; (5) annually updating strontium and sulfur isotope validation tools for reconstructing juvenile habitat use; and (6) applying isotope methods to reconstruct salmon habitat use and growth studies. The research would benefit the affected species by providing critical information to inform life-cycle modeling efforts at the SWFSC and help guide NMFS's West Coast Region and various Central Valley agencies in their resource management efforts. In addition, results would also be integrated into the Central Valley Project Improvement Act and thereby help prioritize habitat restoration actions.

In situations where the SWFSC are unable to rely on collaborators to capture fish, collection methods would include rotary screw traps, fyke nets, backpack- and boat electrofishing, beach seining, tangle netting, DIDSON (sonar) observations, hook-and-line sampling, and spawning ground and snorkel surveys. Some fish would be anesthetized, measured, weighed, tagged (coded wire, elastomer, radio, acoustic, PIT, or sonic), and tissue sampled (fin clip, scales, stomach lavage). Another subset would be tested in the laboratory to measure aerobic scope under a range of temperature and flow combinations. Most of the fish to be captured would experience no long-term adverse effects, however, a number of hatchery fish that have had their adipose fins removed would be sacrificed to collect otoliths for age/growth analysis, organ tissues for isotope, biochemical and genomic expression assays and parasite infections, and to assess tag effects/retention. It should be noted that there are no take prohibitions for such fish and they are by definition considered excess to the species' recovery needs.

*17306-3R*

The Oregon Department of Fish and Wildlife (ODFW) is seeking to renew for 5 years a permit that currently authorizes them to capture threatened MCR steelhead (adults and juveniles) in the upper Deschutes River, Oregon. The various proposed activities would include adult and juvenile snorkel surveys throughout the basin, screw

trapping, backpack and boat electrofishing and mark/recapture studies, hook and line surveys, telemetry, seining, spawning ground surveys using weirs and redd counts, monitoring habitat restoration projects, and setting traps and nets in reservoirs for population monitoring. Most captured fish would be identified, measured and released, though some would also be tissue sampled and/or floy- or PIT-tagged. Data collected from this work would be used to inform management decisions in the Deschutes River watershed for the benefit of MCR steelhead. Biologists from the ODFW have been conducting this work in the area for decades. The researchers do not intend to kill any of the fish being captured, but a small percentage may be killed as an inadvertent result of the activities.

*17916-2R*

The Bureau of Land Management (BLM), Arcata Field Office, is seeking to renew a 5 year research permit to annually take adult and juvenile CC Chinook salmon, SONCC coho salmon, and NC steelhead in watersheds throughout Northwest California—including the Mattole River, Eel River, the Lost Coast region tributaries to the Pacific Ocean, and some Humboldt Bay tributaries. The purpose of this research is to monitor how current management actions under the Northwest Forest Plan's Aquatic Conservation Strategy are affecting anadromous salmonids and their habitats. In order to monitor land management actions and implement the Northwest Forest Plan in northern California, the BLM needs to obtain updated information on fish distribution and habitat. Thus, the information to be gathered would benefit listed species by informing adaptive management strategies intended to aid salmon recovery.

Fish would be captured using backpack electrofishing, hand/or dip nets, beach seines and observed during spawning and snorkel surveys. Some fish would be anesthetized, measured, and weighed. The researchers do not expect to kill any listed salmonids but a small number may die as an unintended result of the research activities.

*18012-3R*

The CDFW Bay Delta Region's Central Coast Watershed Restoration and Fisheries Management Program is seeking to renew a 5 year research permit to annually take adult and juvenile CC Chinook salmon, CCC coho salmon, and NC, CCC and SCCC steelhead in Sonoma, Mendocino, Napa,

Marin, San Mateo, Santa Cruz and Monterey Counties, California. The purpose of this research is to assess salmonid stock status throughout the seven counties and identify factors that may be limiting population growth and recovery. The proposed studies are: (1) Juvenile salmonid occurrence, distribution and habitat monitoring; (2) adult salmonid occurrence, passage, and distribution; (3) spawning ground surveys; (4) life cycle station monitoring; and (5) juvenile steelhead lagoon seining and habitat monitoring. This research would benefit listed species by informing proposed habitat restoration project designs, helping prioritize watershed restoration efforts, and helping managers mitigate the negative impacts of various management actions.

Fish would be captured via backpack electrofishing, beach seining, rotary screw trapping, fyke/pipe trapping, and weirs. They would also be observed during spawning and snorkel surveys and at electronic counting stations (by DIDSON (sonar) array, Vaki Riverwatcher, and video weirs). Most juvenile fish would be handled, measured for fork length, weighed, and released. Various subsets of the captured juvenile fish would be anesthetized, tissue-sampled (fin clip) for genetic analysis, scale sampled, marked with an upper caudal fin clip, and/or PIT-tagged. Captured adult salmon would be handled (identified, measured, weighed, and scale- and tissue-sampled), tagged (bi-colored Floy tags and/or opercule-punched), and released. The researchers do not expect to kill any listed salmonids but a small number may die as an unintended result of the research activities.

#### 19820-3R

The University of California, Davis (UC Davis) Biogeochemistry & Fish Ecology Lab is seeking to renew a 5 year research permit to annually take juvenile SacR winter-run and CVS Chinook, juvenile and adult CCC and CCV steelhead, and juvenile SDPS green sturgeon in the San Francisco Bay Area and tributaries. The purpose of this research is to determine the degree to which Longfin Smelt use tributaries of San Pablo and San Francisco bays as spawning and rearing habitat. This information would improve the understanding of how bay tributaries contribute to the overall population of Longfin Smelt and that information, in turn, would benefit listed salmonids by improving our understanding of tributary habitat health in areas not previously monitored.

Although this study principally targets longfin smelt, SacR winter-run and CVS Chinook, CCC and CCV steelhead and SDPS green sturgeon may be encountered during sampling. Fish would be captured with beach seines, fyke nets, and trawls (otter and Kodiak). Captured fish would be identified by species, enumerated, and released. A sub-sample of 30 individuals per species would be measured. The researchers do not propose to kill any fish but a small number may die as an unintended result of research activities.

#### 20104-3R

The Pacific Shellfish Institute is seeking to renew for 5 years a permit that currently allows them to annually take juvenile PS Chinook salmon, PS steelhead, and SDPS green sturgeon in eelgrass and mudflat habitats in Samish Bay in the Puget Sound and in Willapa Bay on the coast of Washington. The researchers may also capture SDPS eulachon, a species for which there are currently no take prohibitions. The researchers are also requesting to expand their work to include sites in Hood Canal, South Puget Sound, and Grays Harbor, Washington; Coos Bay, Oregon; and Humboldt Bay, California. They would also seek to also take juvenile HCS chum salmon, OC coho salmon, SONCC coho salmon, CC Chinook salmon, and NC steelhead. The research is designed to quantify the effects shellfish culture and burrowing shrimp have on seagrass and its function as habitat for fish and invertebrates. The researchers would examine the spatial relationships between existing shellfish culture, burrowing shrimp, and seagrass in several Pacific Northwest estuaries. They would also synthesize data and parameterize production functions for higher trophic level species of interest across habitat types. The goal of this project is to help develop a landscape-scale understanding of the influence aquaculture has on estuarine habitats and thereby help managers develop environmentally and economically sustainable shellfish farming practices that would also help conserve listed salmonids and other fish.

The researchers propose to capture fish using beach seines, open-ended fyke nets with cameras, and Breder traps. Captured fish would be handled (weighed, measured, and checked for marks or tags), and released. A small subset of fish from all species captured may also be lethally sacrificed for stable isotope and stomach contents analyses. Any fish found dead at the time of capture or unintentionally killed during sampling would be used in place of fish

that would otherwise be intentionally sacrificed. In addition to those intentionally sacrificed, a small number of listed juvenile fish may die as an unintended result of the research activities.

#### 20492-3R

The ODFW is seeking to renew a permit that currently authorizes research in lake, river, backwater, slough, and estuary habitats in the Willamette and Columbia basins (Oregon) and on the Oregon coast. The permit would continue to allow the ODFW to take juvenile CR Chum, LCR Columbia Chinook, UCR Chinook, SnkR spr/sum Chinook, SnkR fall Chinook, UWR Chinook, LCR Coho, LCR Steelhead, MCR Steelhead, UCR Steelhead, SnkR Steelhead, UWR Willamette Steelhead, SnkR Sockeye Salmon, OC Coho, and adult SDPS green sturgeon. The permit would also allow ODFW to take adult SDPS eulachon—a species for which there are currently no take prohibitions. The information to be collected would be used to monitor population structure and abundance for many species across the landscape. This, in turn, would be used to improve a suite of listed-fish-affecting management actions throughout much of Oregon.

The permit would cover the following projects: (1) Warmwater and Recreational Game Fish Management, (2) District Fish Population Sampling in the Upper Willamette Basin, and (3) Salmonid Assessment and Monitoring in the Deschutes River. The researchers propose to use boat electrofishing to sample fish. Most juveniles and all adults would be allowed to swim away without being handled after they are electroshocked, but some juveniles would be netted, identified, and released immediately. A subset of captured juveniles would be anesthetized, weighed and measured, allowed to recover, and then released. All ESA-listed fish would be processed and released before any non-listed fish are processed. The ODFW does not intend to kill any of the fish being captured, but a small number may die as an unintended result of the activities.

#### 21185-2R

The Wild Fish Conservancy (WFC) is seeking to renew for 5 years a permit that currently allows them to annually take juvenile PS Chinook salmon and steelhead while conducting research to validate and correct existing Washington Department of Natural Resources channel water-type classifications regarding tributaries to the Puget Sound and the Deschutes

River (Washington). The goal of this work is to generate data that can be used to identify wild fish habitat restoration opportunities and thereby (a) improve regulatory protection of sensitive aquatic habitats for ESA-listed Chinook salmon and steelhead, and (b) help land use planners implement better recovery strategies. The researchers propose to capture fish using backpack electrofishing. Any juvenile PS steelhead captured would be handled (weighed, measured, and checked for marks or tags), tissue-sampled (fin clip or opercule punch), and released. Juvenile PS Chinook salmon captured would be handled and released. The WFC does not propose to kill any listed fish as part of this project, but a small number may die as an unintended result of the research activities.

21220-2R

The Battelle Memorial National Ecological Observatory Network (NEON) Program is seeking to renew for 5 years a permit that currently authorizes them to capture adult and juvenile threatened LCR steelhead in Martha Creek, Washington while conducting research designed to monitor climate change, land use alterations, and invasive species distribution. The NEON researchers would continue to use instream and riparian sensors in combination with field sampling to characterize chemical, physical, and biological properties of the stream and riparian ecosystem. The aquatic sampling suite would consist of chemical measurements of surface and shallow ground water, physical measurements of stream and riparian habitat, and biological measurements of the aquatic community (biofilms, macrophytes, algae, invertebrates, and fish).

During times when no LCR steelhead adults or redds are present, NEON would survey fish using three-pass backpack electrofishing with block nets placed at the upper and lower boundaries of each survey reach. The captured fish would be held in buckets of cool stream water, anesthetized with a eugenol solution, identified, photographed, measured, allowed to recover, and then released back to the stream. If any adult steelhead are encountered during electrofishing, NEON would immediately turn off the electrofishing unit, let the fish swim away, and halt surveys until the researchers determine through consultation with NMFS and the Gifford Pinchot National Forest that listed adults or redds are no longer present in the research area. Although NEON's standardized fish survey protocols

describe tissue sampling and vouchering fish specimens, NEON does not propose to tissue-sample or intentionally kill any *O. mykiss* at the Martha Creek research site. However, a small number of juvenile LCR steelhead may die as an unintended consequence of the activities.

21330-4R

The U.S. Fish and Wildlife Service (USFWS) is seeking to renew for 5 years a permit that currently allows them to annually take juvenile and adult PS Chinook salmon and steelhead while conducting research to document fish presence and abundance in Jim Creek in Snohomish County, Washington. The goal of this work is to provide data regarding fish distribution and abundance in Jim Creek to help the U.S. Navy refine their Integrated Natural Resources Management plan for Naval Radio Station Jim Creek. The Navy would then use this information to design and carry out habitat restoration for the benefit of the listed fish.

The researchers propose to capture fish using backpack electrofishing; they would also conduct snorkel and spawning surveys. Any juvenile PS Chinook salmon or steelhead captured would be handled (weighed, measured, and checked for marks or tags) and released. Some juvenile steelhead may also be tissue-sampled (fin clip or opercule punch). The USFWS does not propose to kill any listed fish, but a small number may die as an unintended result of the research activities.

22369-2M

The NWFSC is seeking to modify a permit that currently allows them to annually take juvenile and adult PS Chinook salmon, PS steelhead, HCS chum salmon, OL sockeye salmon, SnkR fall-run Chinook salmon, SnkR spr/sum Chinook salmon, SnkR sockeye salmon, SnkR steelhead, UCR spring-run Chinook salmon, UCR steelhead, UWR Chinook salmon, MCR steelhead, LCR Chinook salmon, LCR coho salmon, LCR steelhead, CR chum salmon, OC coho salmon, SONCC coho salmon, CC Chinook salmon, SacR winter-run Chinook salmon, CV spring-run Chinook salmon, and SDPS green sturgeon. The researchers may also capture SDPS eulachon, a species for which there are currently no take prohibitions. The research involves using pop-up satellite tags and acoustic tags to identify the ocean distribution of salmonids off the coast of Washington and mouth of the Columbia River. The researchers wish to modify their permit by increasing the amount of take

allowed for some of the species they may encounter.

The primary goal of this project is to investigate nearshore behavior, distribution, and migration patterns, diet, growth rates, and habitat use among Chinook salmon, coho salmon, and steelhead. The researchers would also use tissue samples to determine the captured fishes' genetic origins. The researchers propose to capture fish using hook-and-line angling. Coho, chum, and sockeye salmon, as well as eulachon and green sturgeon, would be handled (weighed, measured, and checked for marks or tags), and released. Chinook and steelhead would be anesthetized, tagged with PIT and internal acoustic tags, and have scale and tissue samples collected. A small subset of juvenile Chinook salmon and steelhead would be lethally sacrificed to collect diet, age, and growth information. Aside from this subset, the NWFSC does not propose to kill any other fish being captured as part of this project, though a small number may die as an unintended result of the research activities.

23798

Michael Rogner, Senior Restoration Ecologist at River Partners is seeking a new, 5 year research permit that would allow him to take juvenile SacR winter-run and CVS Chinook salmon, and CCC and CCV steelhead in the Sacramento River, CA. The project's goal is to measure the effectiveness of an experimental approach to prolonging floodplain inundation for the purpose of maximizing growth and survival among outmigrating juvenile salmon. This research would benefit listed species by helping managers find new ways to convert floodplain areas throughout the Central Valley into habitat suitable for rearing juvenile salmon. Fish would be captured with fyke nets and anesthetized, measured, weighed, tagged, and tissue-sampled for genetic information. The researchers do not expect to kill any listed salmonids but a small number may die as an unintended result of the research activities.

25839

ICF Consulting is seeking a new, 5 year research permit to annually take juvenile CCV spring-run Chinook and juvenile CCV steelhead in the Lower Yuba River. The purpose of this research is to quantify habitat productivity and juvenile salmonid growth in seasonally available habitats in the Lower Yuba River. The information would benefit listed fish by improve our understanding of how



juvenile salmonids use these habitats for rearing. The researchers would survey main channel, side-channel, and intermittently inundated gravel bar habitats and identify environmental factors underlying differences among the various sites. This information, in turn, would be used to evaluate some of the assumptions about juvenile salmonid growth and habitat suitability that currently guide scientific and restoration efforts—thus improving such efforts' efficacy.

The researchers would employ single-pass transect backpack electrofishing to capture salmonids. Fish would be anesthetized, measured, clipped, weighed, and photographed. While electrofishing collection efforts would target salmonids, the researchers also expect to encounter known salmonid predators (*e.g.*, Sacramento Pikeminnow). Each captured predatory fish would be measured and released. The researchers do not expect to kill any listed salmonids but a small number may die as an unintended result of the research activities.

25856

Steve Zeug, Senior Scientist at Cramer Fish Sciences is seeking a new, 5 year research permit to take adult and juvenile CCV steelhead in the Stanislaus River. The project's goal is to provide information on the river's *O. mykiss* population: Annual growth rates, age and spatial structure, contribution of resident and anadromous parents to juvenile production, probability of juvenile outmigration, abundance and survival of downstream migrants, and timing, age, and size structure of outmigrating fish. This research would benefit listed steelhead by improving our fundamental understanding of Central Valley *O. mykiss* biology and ecology—information that would be used to better manage and conserve the species.

The fish would be captured by backpack and raft electrofishing, hook-and-line sampling, beach seines, fyke nets and rotary screw traps. Some fish would be anesthetized, measured, weighed, tagged, and tissue-sampled for genetic information. The researchers do not expect to kill any listed salmonids but a small number may die as an unintended result of the research activities.

25965

The ODFW is seeking a new, 5 year research permit to conduct research on hatchery salmon that may become infected with a harmful parasite (*Ceratonova shasta*) between their release into the Deschutes River

(Oregon) and their arrival at the Bonneville Dam on the Columbia River. The purpose of this research is to determine whether this parasitic infection is a causal mechanism related to poor smolt-to-adult return rates among non-listed hatchery Chinook salmon originating at the Round Butte hatchery on the Deschutes River. It would also indirectly inform the currently ongoing listed MCR steelhead reintroduction program on the Deschutes River. Both of these efforts would benefit listed salmonids by helping managers quantify the degree of adverse effect the parasite is having in the Deschutes and Columbia Rivers.

Under this permit, PIT-tagged juvenile hatchery spring Chinook would be sampled at the Bonneville Dam juvenile bypass system. The sort-by-code system at the structure would be set to separate PIT-tagged Round Butte Hatchery spring Chinook from the rest of the outmigrating salmon as they move through the dam. The segregated fish would be diverted by watered pipe into a holding tank, transferred as quickly as possible to buckets of aerated fresh water, and passed through a PIT-tag reader to confirm their identity as target fish. The target fish (which are not listed under the ESA) would then be euthanized, but all captured ESA-listed fish would swiftly be transferred to the bypass release tank at the juvenile fish facility and returned to the river without anesthesia or further handling. No listed fish would be killed during the course of this research.

26049

Dr. Robert Lusardi, Research Ecologist at the Center for Watershed Sciences, University of California, Davis, is seeking a new, 5 year research permit to annually take juvenile SacR winter-run chinook and CCV steelhead in the Sacramento River, CA, below Keswick Dam. The project's goal is to gather data on how different environmental variables affect juvenile steelhead growth in spring-fed, runoff, and regulated reaches of the Sacramento River. This research would benefit listed species by providing data to improve our understanding of the mechanisms affecting salmonid growth in different ecosystems across the landscape, but specifically those effects in regulated rivers below dams.

The fish would be captured by minnow traps, beach seines, and hook-and-line sampling. The majority of fish would be captured, handled and released without harm, but 25 juvenile CCV steelhead would be sacrificed each year in order to conduct otolith analysis. It is also possible that a very small

number of juvenile SacR winter-run Chinook would die as an unintended consequence of the proposed action.

26287

The WDFW is seeking a new, 5 year research permit to sample for invasive European Green Crab (EGC) at several locations in the Puget Sound, along the Washington Coast, and in the Lower Columbia River estuary. Though the researchers would not target listed species, they may encounter juvenile PS Chinook salmon, PS steelhead, HCS chum salmon, OL sockeye salmon, SR fall-run Chinook salmon, SR spr/sum Chinook salmon, SRB steelhead, SR sockeye salmon, UCR spring-run Chinook salmon, UCR steelhead, UWR Chinook salmon, UWR steelhead, CR chum salmon, LCR Chinook salmon, LCR steelhead, and LCR coho salmon while conducting this work in the lower Columbia River. They may also encounter adult SDPS eulachon, a species for which there are currently no take prohibitions. The researchers would conduct this work in conjunction with the Northwest Straits Commission (under Permit 26352) and Washington Sea Grant (under Permit 26359).

The goal of the research is to determine the extent of the threat posed by the EGC invasion in the in Washington State and, where possible, help mitigate it. The research would benefit listed species by monitoring, trapping, and removing individuals of an invasive species that is known to greatly damage eelgrass beds—an important habitat type upon which juvenile salmonids depend for rearing and food production. The researchers propose to use minnow traps, shrimp traps, and Fukui traps (and equivalent modifications of such traps) to capture the crabs. Trap configurations and locations would be adjusted to minimize the risk of encountering adult salmonids or hindering adult passage through main migration channels. The researchers do not propose to anesthetize, tag, sample, or kill any of the captured fish, but a small number may die as an unintended result of the trapping activities.

26295

Mount Hood Environmental is seeking a new, five-year research permit to conduct an inventory of all fish and their relative abundances in the Grande Ronde River in Eastern Oregon. The work would concentrate specifically on predators that may target listed salmonids. It is thought that such predators are a major source of listed salmonid mortality in the Grande Ronde subbasin. This research would help

determine if that is the case and, ultimately, help managers design actions (e.g., predator mitigation) to benefit the listed animals.

The researchers would use backpack or boat-mounted electrofishing, fyke netting, seining, angling, and minnow trapping to perform the inventories in each study reach. Fyke and minnow traps would be deployed for several days and checked every 4–6 hours during the day. Electrofishing, beach seining, and angling would be take place in conjunction with the trapping efforts. All ESA-listed fish would be released immediately following capture and identification. If any of these fish exhibit sign of stress (gill flaring, loss of equilibrium, slow reaction to touch, etc.) they would be allowed to recover in a holding tank (or bucket) of aerated water before being released. The researchers do not intend to kill any of the fish being captured, but a small number may die as an unintended result of the activities.

#### 26331

The ODFW is seeking a new, five-year research permit to implant acoustic tags in adult MCR steelhead at Bonneville Dam on the Columbia River and monitor the fishes' subsequent migration patterns and routes. The fish would be taken and tagged as they pass through the Bonneville Dam adult fish facility. Captured adult steelhead would be anesthetized, held in an oxygenated, river-temperature tank, and implanted with an acoustic transmitter once they are fully anesthetized. Following their recovery from anesthesia, tagged adult steelhead would be released immediately upstream of the adult fish trap and allowed to proceed up the fish ladder to cross Bonneville Dam. The fish would then be tracked by acoustic receiver arrays in upstream reservoirs and dams and at a location near the confluence of the Columbia and John Day Rivers.

The research is intended to generate information about adult MCR steelhead migration and, in particular, it is intended to help managers address the question of why so many steelhead that originate in the John Day River tend to swim past that river and continue up the Columbia River when they return as adults. Currently, approximately 60% of the returning steelhead overshoot the John Day River when they return as adults. If managers can figure out why that is the case and develop measures to reduce that percentage (*i.e.*, help the fish find their way back to their spawning grounds), it could potentially greatly increase their survival and, therefore, improve spawning success and overall

steelhead numbers in the John Day River. The researchers do not intend to kill any of the fish being tagged, but a small number may die as an inadvertent result of the capturing and tagging activities.

#### 26334

Dr. Robert Lusardi, Research Ecologist at the Center for Watershed Sciences, University of California, Davis, is seeking a new, five-year research permit that would allow him to annually take juvenile CCC coho in the Walker Creek drainage, CA. The project's goal is to study juvenile coho movement and characterize how they use over-summering habitat in the drainage. This research would benefit CCC coho by providing data on habitat use and outmigration timing—information that would be used to inform habitat restoration and species recovery efforts. The fish would be dip-netted and observed during snorkel surveys. Some of the captured fish would be anesthetized, measured, weighed, PIT tagged, and tissue-sampled for genetic information. The researchers do not expect to kill any listed salmonids but a small number may die as an unintended result of the research activities.

#### 26352

The Northwest Straits Commission is seeking a new, five-year research permit that would allow them to interact with listed fish while capturing, monitoring, and removing EGCs at multiple locations in the North Puget Sound, Washington. Though the researchers would not target listed species, they may encounter adult and juvenile PS Chinook and PS steelhead. The researchers would conduct this work in conjunction with the WDFW (under Permit 26287) and Washington Sea Grant (under Permit 26359).

The goal of the research is to determine the extent of the threat posed by the EGC invasion in the North Puget Sound in Washington State and, where possible, help mitigate it. The research would benefit listed species by monitoring, trapping, and removing individuals of an invasive species that is known to greatly damage eelgrass beds—an important habitat type upon which juvenile salmonids depend for rearing and food production. The researchers propose to use minnow traps, shrimp traps, and Fukui traps (and equivalent modifications of such traps) to capture the crabs. Trap configurations and locations would be adjusted to minimize the risk of encountering adult salmonids or hindering adult passage through main

migration channels. The researchers do not propose to anesthetize, tag, sample, or kill any of the captured fish, but a small number may die as an unintended result of the trapping activities.

#### 26359

Washington Sea Grant (WSG) is seeking a new, five-year research permit that would allow them to interact with listed fish while capturing, monitoring, and removing EGCs at several locations in Puget Sound and along the coast of Washington. Though the researchers would not target listed species, they may encounter adult and juvenile PS Chinook and PS steelhead, HCS chum, OL sockeye, and SDPS green sturgeon while sampling and removing the invasive crabs. The researchers may also encounter adult and juvenile SDPS eulachon, a species for which there are currently no take prohibitions. The WSG researchers would carry out this work in conjunction with the WDFW (under permit 26287) and the Northwest Straits Commission (under permit 26352).

The goal of the research is to determine the extent of the threat posed by the EGC invasion in Washington State and, where possible, help mitigate it. The research would benefit listed species by monitoring, trapping, and removing individuals of an invasive species that is known to greatly damage eelgrass beds—an important habitat type upon which juvenile salmonids depend for rearing and food production.

The researchers propose to use minnow traps, shrimp traps, and Fukui traps (and equivalent modifications of such traps) to capture the crabs. Trap configurations and locations would be adjusted to minimize the risk of encountering adult salmonids or hindering adult passage through main migration channels. All listed animals that may be captured would be handled only long enough to identify them to species. They would then swiftly be removed from the trap and released. The researchers do not propose to anesthetize, tag, sample, or kill any of the captured fish, but a small number may die as an unintended result of the trapping activities.

#### 26398

The South Puget Sound Salmon Enhancement Group (SPSSEG) is seeking a new, 5 year research permit that would allow them to annually take adult and juvenile PS Chinook salmon, PS steelhead, and HCS chum salmon while conducting research designed to help plan and monitor habitat restoration projects in several watersheds that drain into central and

southern Puget Sound. The goals of this work are to (1) identify potential restoration sites based on fish presence, (2) investigate options to improve restoration design at planned sites, and (3) record and evaluate changes in salmon and steelhead population characteristics in response to estuarine habitat restoration actions.

The researchers propose to capture juvenile fish using electrofishing, minnow traps, beach seines, and hook and line sampling. Juvenile salmon and steelhead would be handled (anesthetized, weighed, measured, and checked for marks or tags), and released. A subset of juvenile salmon and steelhead may be PIT-tagged and have their stomach contents non-lethally sampled via gastric lavage. No adult fish would be targeted for sampling, though some may be unintentionally captured in juvenile sampling gear. The researchers do not propose to kill any fish at all but some may die as an unintended result of the activities.

This notice is provided pursuant to section 10(c) of the ESA. NMFS will evaluate the applications, associated documents, and comments submitted to determine whether the applications meet the requirements of section 10(a) of the ESA and Federal regulations. The final permit decisions will not be made until after the end of the 30-day comment period. NMFS will publish notice of its final action in the **Federal Register**.

Dated: February 10, 2022.

**Angela Somma,**

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2022-03296 Filed 2-15-22; 8:45 am]

BILLING CODE 3510-22-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Hydrographic Services Review Panel Meeting for March 9–10, 2022

**AGENCY:** Office of Coast Survey (OCS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

**ACTION:** Announcement for open public meeting and notice of request for public comments.

**SUMMARY:** Notice of a virtual public meeting for the NOAA Hydrographic Services Review Panel (HSRP) on March 9, 2022, 12:45–5:30 p.m. EST, and March 10, 2022, 1 p.m.–5:30 p.m. EST

via webinar. The HSRP agenda will be posted in advance on the HSRP website. Individuals or groups who want to comment on NOAA navigation services topics are encouraged to submit advance public comments and letters via email or via the question function in the webinar.

**DATES:** NOAA HSRP public virtual meeting will meet via webinar as follows:

1. March 9, 2022, 12:45–5:30 p.m., EST
2. March 10, 2022, 1 p.m.–5:30 p.m., EST

**ADDRESSES:** You may submit public comments identified by “March 2022 HSRP meeting public comments” in the subject line of the message in advance of the meeting or request to be added to the meeting announcements list by sending an email request to: *Virginia.Dentler@noaa.gov*, *Melanie.Colantuno@noaa.gov*, and *hydroservices.panel@noaa.gov*.

**FOR FURTHER INFORMATION CONTACT:**

Lynne Mersfelder-Lewis, HSRP program manager, Office of Coast Survey, NOS, NOAA, email: *hydroservices.panel@noaa.gov*, *Lynne.Mersfelder@noaa.gov*, phone: 240–533–0064.

**SUPPLEMENTARY INFORMATION:** The webinar advance registration is at: <https://attendeegotowebinar.com/register/4379173811123072784>. The HSRP meeting agenda, draft meeting documents, presentations, and background materials are posted and updated online which can be downloaded prior to the meeting at: <https://www.nauticalcharts.noaa.gov/hsrp/hsrp.html> and <https://www.nauticalcharts.noaa.gov/hsrp/meetings.html>.

The agenda, speakers, and time are subject to change; please refer to these websites for the most updated information. Past HSRP recommendation letters, issue and position papers are located online at: <https://www.nauticalcharts.noaa.gov/hsrp/recommendations.html>.

Public comments are encouraged and requested in advance and during the meeting on the navigation, observations, and positioning data, products, and services for NOS’ Center for Operational Oceanographic Products and Services, National Geodetic Survey, Office of Coast Survey, and the University of New Hampshire’s and NOAA’s Joint Hydrographic Center (JHC) and the Center for Coastal and Ocean Mapping. Written statements received in advance of the meeting will be shared with the HSRP members, on the meeting website, and in the meeting public record. Due to the condensed nature of the meeting,

each individual or group providing public comments will be limited to one comment of three minutes per public comment period with no repetition of previous comments. Comments can also be submitted in writing during the public comment portion of the webinar. Comments will be read into the record as time allows as well as transcribed and become part of the meeting record. Due to time constraints, all comments may not be addressed during the meeting.

The HSRP is a Federal Advisory Committee established to advise the Under Secretary of Commerce for Oceans and Atmosphere, the NOAA Administrator, on matters related to the responsibilities and authorities set forth in section 303 of the Hydrographic Services Improvement Act of 1998, as amended, and such other appropriate matters that the Under Secretary refers to the Panel for review and advice.

#### Matters To Be Considered

The panel is convening on issues relevant to NOAA’s navigation, observations and positioning services and suggestions for improvements, including: Data sharing and data licensing especially for bathymetry to use for ocean mapping, charts, modeling, and other NOAA products; bridge heights, datums, and air gap sensors to address safe navigation and the possible technology solutions from the transition to the new National Spatial Reference System (NSRS); and a discussion about the changes to raster paper charts and the improvements to Electronic Navigational Charts (ENC). HSRP regularly discusses stakeholder use of NOAA’s navigation, observations and positioning data, products and services, and topics related to hydrographic surveys, nautical charting, coastal shoreline and ocean mapping, the NSRS modernization efforts, navigation services contributions to resilience and coastal data and information systems to support planning for resilience to climate change and sea level rise, contributions to the blue economy, coastal and ocean modeling and remote sensing, PORTS® (Physical Oceanographic Real-Time System) sensor enhancements and expansion, Precision Marine Navigation, the transition from raster paper charts to ENC, the scientific mapping and technology research projects of the cooperative agreements between NOAA and partners at the University of New Hampshire and the University of Southern Florida, and other topics. The meeting may include an update on the plans to address and implement two ocean and coastal mapping strategies—

the Alaska Coastal Mapping Strategy (ACMS) and the “Establishing a National Strategy for Mapping, Exploring, and Characterizing the U.S. EEZ” (NOMECE), including the Standard Ocean Mapping Protocol (SOMP). Navigation services include the data, products, and services provided by the NOAA programs and activities that undertake geodetic observations, gravity modeling, coastal and shoreline mapping, bathymetric mapping and modeling, hydrographic surveying, nautical charting, tide and water level observations, current observations, flooding, resilience, inundation and sea level rise, marine and coastal modeling, geospatial and LIDAR data, and related data and topics. This suite of NOAA products and services support safe and efficient navigation, the blue economy, resilient coasts and communities, and the nationwide positioning information infrastructure to support America’s climate needs and commerce. The Panel will hear about the missions and uses of NOAA’s navigation, observations and positioning services, the value these services bring, and what improvements could be made. Other matters may be considered.

#### Special Accommodations

This meeting is accessible to people with disabilities and there will be sign language interpretation. Please direct requests for other auxiliary aids to [Melanie.Colantuno@noaa.gov](mailto:Melanie.Colantuno@noaa.gov) at least 10 business days in advance of the meeting.

**Rear Admiral (lower half) Benjamin K. Evans,**

*NOAA Director, Office of Coast Survey, National Ocean Service, National Oceanic and Atmospheric Administration.*

[FR Doc. 2022–03312 Filed 2–15–22; 8:45 am]

**BILLING CODE 3510–JE–P**

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Greater Atlantic Region Logbook Family of Forms

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

**ACTION:** Notice of information collection, request for comment.

**SUMMARY:** The Department of Commerce, in accordance with the

Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public’s reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

**DATES:** To ensure consideration, comments regarding this proposed information collection must be received on or before April 18, 2022.

**ADDRESSES:** Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at [Adrienne.thomas@noaa.gov](mailto:Adrienne.thomas@noaa.gov). Please reference OMB Control Number 0648–0212 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or specific questions related to collection activities should be directed to James StCyr, Branch Chief, Greater Atlantic Regional Office, Analysis & Program Support Division, Data Processing & Quality Branch, 55 Great Republic Dr., Gloucester, MA 01930, (978) 281–9369 or [james.stcyr@noaa.gov](mailto:james.stcyr@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

This request is for revision and extension of a current information collection. This information collection, 0648–0212, is sponsored by the Data Processing & Quality Branch, which falls under the Analysis & Program Support Division located at the Greater Atlantic Regional Office. Under the provisions of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), the National Oceanic and Atmospheric Administration’s (NOAA) National Marine Fisheries Service (NMFS) is responsible for management of the nation’s marine fisheries. Fishing vessels permitted to participate in Federally-permitted fisheries in the Northeast are required to submit logbooks containing catch and effort information about their fishing trips. The information submitted is needed for the management of the fisheries. The only change to this collection is that all information collected is required to be submitted via electronic means.

##### II. Method of Collection

Required information is required to be reported electronically (internet).

### III. Data

*OMB Control Number:* 0648–0212.

*Form Number(s):* 80–30, 80–140.

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

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

*Estimated Number of Respondents:* 2,160.

*Estimated Time per Response:* Vessel Trip Report: 5 minutes; Shellfish Log: 12.5 minutes; Web Forms (Spawning Blocks, Monkfish DAS, Exempted Fishery Permit (EFP), Herring, Research Set-Aside (RSA), and Tilefish): 3 minutes.

*Estimated Total Annual Burden Hours:* 9,069.

*Estimated Total Annual Cost to Public:* \$0.

*Respondent’s Obligation:* Mandatory.

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

### IV. Request for Comments

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

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we

cannot guarantee that we will be able to do so.

**Sheleen Dumas,**

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

[FR Doc. 2022-03371 Filed 2-15-22; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Telecommunications and Information Administration

#### Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Connecting Minorities Communities Pilot Program

**AGENCY:** National Telecommunications and Information Administration (NTIA), Commerce.

**ACTION:** Notice of information collection, request for comment.

**SUMMARY:** The Department of Commerce, following the Paperwork Reduction Act of 1995 (PRA), invites the public and other Federal agencies to comment on proposed and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. This Notice of Information Collection is for the Connecting Minorities Communities Pilot Program Baseline Report, Performance Report and Annual Report. The purpose of this notice is to allow for 60 days of public comment preceding the submission of the collection to OMB.

**DATES:** To ensure consideration, comments regarding this proposed information collection must be received on or before April 18, 2022.

**ADDRESSES:** Interested persons are invited to submit written comments by mail to Jennifer Duane, Director, Grants Management, Administration, and Compliance, Office of internet Connectivity and Growth, National Telecommunication and Information Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Room 4887, Washington, DC 20230, or by email to [broadbandusa@ntia.gov](mailto:broadbandusa@ntia.gov). Please reference CMC Data Collection in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or specific questions related to collection

activities should be directed Jennifer Duane, Director, Grants Management, Administration, and Compliance, via email at [jduane@ntia.gov](mailto:jduane@ntia.gov); [broadbandusa@ntia.gov](mailto:broadbandusa@ntia.gov); or via telephone at (202) 482-2048.

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

The Connecting Minority Communities Pilot Program (CMC), authorized by the Consolidated Appropriations Act, 2021, Division N, Title IX, Section 902 (c), Public Law 116-260, 134 stat. 1182 Dec. 27, 2020) (Act), aims to address the lack of broadband access, connectivity, adoption, and equity to Historically Black Colleges and Universities (HBCUs), Tribal Colleges and Universities (TCUs), and Minority Serving Institutions (MSIs), and their surrounding anchor communities. NTIA will make up to 268,000,000 available for federal assistance to eligible entities and programs to facilitate educational instruction and learning, purchase or lease eligible equipment and devices for student or patron use and hire and train information technology personnel who are a part of the eligible anchor institution, MBE, or tax-exempt 501(c)(3) organization.

On August 3, 2021, NTIA published the program's Notice of Funding Opportunity (NOFO) on *Grants.gov* to describe the requirements under which it will award grants for the CMC.<sup>1</sup> The NOFO required award recipients to submit financial reports, performance (technical) reports, and annual reports to the NTIA Federal Program Officer and the NOAA Grants Officer and Grants Specialist. Award recipients must follow the reporting requirements described in Sections A.01, Reporting Requirement, of the Department of Commerce Financial Assistance Standard Terms and Conditions (dated November 12, 2020). Additionally, in accordance with 2 CFR part 170, all recipients of a federal award were made on or after October 1, 2010, must comply with reporting requirements under the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109-282).

NTIA will use the information collected from each award recipient to effectively administer and monitor the grant program to ensure the achievement of CMC program purposes and account for the expenditure of

<sup>1</sup> See Connecting Minority Communities (CMC) Notice of Funding Opportunity (NOFO) (August 3, 2021), <https://www.grants.gov/web/grants/search-grants.html> (available under the "Related Documents" tab).

federal funds to deter waste, fraud, and abuse.

##### II. Method of Collection

#### Connecting Minority Communities Pilot Program

Award recipients will submit financial and performance reports on a semi-annual basis for the periods ending March 31st and September 30th of each year, and an annual report no later than one year after receiving grant funds and until they have expended all funds. The Baseline Report is a one-time collection of information from award recipients covering project plans and details about key outputs and outcomes that is due within 45 days of the issuance of the award. NTIA will collect data through electronic submission.

##### III. Data

*OMB Control Number:* 06XX-XXXX.  
*Form Number(s):* TBD.

*Type of Review:* New information collection.

*Affected Public:* Grant award recipients consisting of Historically Black Colleges or Universities (HBCUs); Tribal Colleges or Universities (TCUs); Minority-serving institutions (MSIs); or consortiums that are led by a historically Black college or university, Tribal College or University, or Minority-serving institution and that also include: (a) An MBE; or (b) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code).

*Estimated Number of Respondents:* 183.

*Estimated Time Per Response:* 33.22.

*Estimated Total Annual Burden*

*Hours:* 17,055.7.

*Estimated Total Annual Cost to Public:* \$447,712.13.

*Respondent's Obligation:* Mandatory.

*Legal Authority:* Consolidated Appropriations Act, 2021, Division N, Title IX, Section 905, Public Law 116-260, 134 Stat. 1182 (Dec. 27, 2020).

##### IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to:

(a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility.

(b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.

(c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected.

(d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

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

**Sheleen Dumas,**

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

[FR Doc. 2022-03367 Filed 2-15-22; 8:45 am]

**BILLING CODE 3510-60-P**

## DEPARTMENT OF COMMERCE

### National Telecommunications and Information Administration

#### Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Broadband Infrastructure Program

**AGENCY:** National Telecommunications and Information Administration (NTIA), Commerce.

**ACTION:** Notice of Information Collection, request for comment.

**SUMMARY:** The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. This Notice of Information Collection is for the Broadband Infrastructure Program Baseline Report, Performance Report and Annual Report. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

**DATES:** To ensure consideration, comments regarding this proposed information collection must be received on or before April 18, 2022.

**ADDRESSES:** Interested persons are invited to submit written comments to Jennifer Duane, Director, Grants Management, Administration, and Compliance, Office of internet Connectivity and Growth, National Telecommunications and Information Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Room 4887, Washington, DC 20230, or by email to [broadbandusa@ntia.gov](mailto:broadbandusa@ntia.gov). Please reference BIP Data Collection in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or specific questions related to collection activities should be directed to Jennifer Duane, Director, Grants Management, Administration, and Compliance, via email at [jduane@ntia.gov](mailto:jduane@ntia.gov); [broadbandusa@ntia.gov](mailto:broadbandusa@ntia.gov); or via telephone at (202) 482-2048.

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

The Broadband Infrastructure Program was authorized by the Consolidated Appropriations Act, 2021, Division N, Title IX, Section 905, Public Law 116-260, 134 Stat. 1182 (Dec. 27, 2020) (ACT). This program seeks to provide federal funding to deploy broadband infrastructure to eligible service areas of the country. The program will make up to \$288,000,000 grant available on a competitive basis to covered partnerships for covered broadband projects. On May 19, 2021, NTIA published the program's Notice of Funding Opportunity (NOFO) on [Grants.gov](https://www.grants.gov) to describe the requirements under which it will award grants for the BIP.<sup>1</sup> The NOFO required award recipients to submit financial reports, performance (technical) reports, and annual reports to the NTIA Federal Program Officer and the NOAA Grants Officer and Grants Specialist. Award recipients must follow the reporting requirements described in Sections A.01, Reporting Requirement, of the Department of Commerce Financial Assistance Standard Terms and Conditions (dated November 12, 2020). Additionally, in accordance with 2 CFR part 170, all recipients of a federal award made on or after October 1, 2010, must comply with reporting requirements under the Federal Funding

Accountability and Transparency Act of 2006 (Pub. L. 109-282).

NTIA will use the information collected from each award recipient to effectively administer and monitor the grant program to ensure the achievement of BIP program purposes and account for the expenditure of federal funds to deter waste, fraud, and abuse.

##### II. Method of Collection

###### *Broadband Infrastructure Program*

Award recipients will be required to submit financial and performance reports on a semi-annual basis for the periods ending March 31 and September 30 of each year and an annual report no later than one year after receiving grant funds and annually thereafter until the funds have been expended. NTIA will collect data through electronic submission.

##### III. Data

*OMB Control Number:* 06XX-XXXX.  
*Form Number(s):* TBD.

*Type of Review:* New information collection.

*Affected Public:* Selected covered partnerships, defined as a partnership between (a) a State, or one or more political subdivisions of a State; and (b) a provider of a fixed broadband service.  
*Estimated Number of Respondents:* 240.

*Estimated Time per Response:* 33.22.  
*Estimated Total Annual Burden Hours:* 12,254.4.

*Estimated Total Annual Cost to Public:* \$407,092.

*Respondent's Obligation:* Mandatory.  
*Legal Authority:* Consolidated Appropriations Act, 2021, Division N, Title IX, Section 905, Public Law 116-260, 134 Stat. 1182 (Dec. 27, 2020).

##### IV. Request for Comments

We are soliciting public comments to permit the Department to:

(a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility.

(b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.

(c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected.

(d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

<sup>1</sup> See Broadband Infrastructure Program (BIP) Notice of Funding Opportunity (NOFO) (May 19, 2021), <https://www.grants.gov/web/grants/search-grants.html> (available under the "Related Documents" tab).

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

**Sheleen Dumas,**

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

[FR Doc. 2022–03365 Filed 2–15–22; 8:45 am]

**BILLING CODE 3510–60–P**

**CONSUMER PRODUCT SAFETY COMMISSION**

[CPSC Docket No. 22–1]

**Leachco, Inc.**

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Publication of a Complaint under the Consumer Product Safety Act.

**SUMMARY:** Under provisions of its Rules of Practice for Adjudicative Proceeding, the Consumer Product Safety Commission must publish in the **Federal Register** Complaints which it issues. Published below is a Complaint: In the matter of Leachco, Inc.

**FOR FURTHER INFORMATION CONTACT:** Alberta E. Mills, Secretary, Division of the Secretariat, Office of the General Counsel, U.S. Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814, (301) 504–7479 (Office) or 240–863–8938 (cell).

**SUPPLEMENTARY INFORMATION:** The Commission voted 3–1 to authorize issuance of this Complaint. Chair Hoehn-Saric, Commissioners Feldman and Trumka voted to authorize issuance of the Complaint. Commissioner Baiocco voted to take other action. The text of the Complaint appears below.

Dated: February 11, 2022.

**Alberta E. Mills,**  
*Secretary, Consumer Product Safety Commission.*

UNITED STATES OF AMERICA  
CONSUMER PRODUCT SAFETY COMMISSION

In the Matter of LEACHCO, INC.,  
Respondent.  
CPSC Docket No. 22–1

**COMPLAINT**

*Nature of the Proceedings*

1. This is an administrative enforcement proceeding pursuant to Section 15 of the Consumer Product Safety Act (“CPSA”), as amended, 15 U.S.C. 2064, for public notification and remedial action to protect the public from the substantial risks of injury presented by various models of infant lounging pillows (“Podsters”) which were manufactured and distributed by Leachco, Inc. (“Respondent”).

2. This proceeding is governed by the Rules of Practice for Adjudicative Proceedings before the Consumer Product Safety Commission (the “Commission”), 16 CFR part 1025.

*Jurisdiction*

3. This proceeding is instituted pursuant to the authority contained in Sections 15(c), (d), and (f) of the CPSA, 15 U.S.C. 2064(c), (d), and (f).

*Parties*

4. Complaint Counsel consists of attorneys in the Division of Enforcement and Litigation within the Office of Compliance and Field Operations representing the staff of the Commission. 16 CFR 1025.3(d). The Commission is an independent federal regulatory agency established pursuant to Section 4 of the CPSA. 15 U.S.C. 2053.

5. Respondent is an Oklahoma corporation with its principal place of business located at 130 E 10th Street, Ada, Oklahoma.

6. Upon information and belief, Respondent is a “manufacturer” and/or “distributor” of a “consumer product” that is “distribute[d] in commerce,” as those terms are defined in Sections 3(a)(5), (7), (8), and (11) of the CPSA, 15 U.S.C. 2052(a)(5), (7), (8), and (11).

*The Podsters*

7. The Podsters consist of various models of infant lounging pillows that were manufactured and/or distributed in U.S. commerce and offered for sale to consumers for their personal use in or around a permanent or temporary household or residence, school, in recreation, or otherwise.

8. The Podsters are manufactured at Respondent’s facilities in Ada, Oklahoma.

9. Upon information and belief, the Podsters include, but are not limited to, the following models: Podster, Podster Plush, Bummzie, and Podster Playtime.

10. Upon information and belief, approximately 180,000 Podsters have been manufactured and distributed in U.S. commerce since 2009. The Podster and Podster Plush models have been sold from 2009 to present; the Bummzie was sold exclusively at Walmart from 2010 to 2018; and the Podster Playtime was sold from 2014 to 2017.

11. Upon information and belief, the retail price for the Podsters ranges from approximately \$49 and \$89.

12. The Podsters are sold at various retail chains including, but not limited to, Amazon.com, Bed Bath and Beyond, Buy Buy Baby, Kohls, Macy’s, Toys R Us/Babies R Us, and Walmart.

13. The Podster is a product marketed for caregivers to use for infant lounging and to “provide[] a warm and cozy caress for infants.” It was designed to permit a caregiver to keep an infant in a safe environment, allowing for hands-free supervision.

14. The Podster is not and has never been advertised by Respondent as a sleep product.

15. The Podster contains warnings that the product should not be used for sleep and that adult supervision is always required.

16. The Podster contains warnings that the product should only be used on the floor, and not in another product, such as a crib, on a bed, table, playpen, counter, or any elevated surface.

17. The Podster contains warnings that infants should not be placed prone or on their side in the product.

18. The Podster contains instructions that it should be used for infants not to exceed 16 pounds, and should not be used if an infant can roll over.

19. The Podster contains warnings and instructions that use of the product in contravention to these warnings could result in serious injury or death.

*The Podsters’ Defects Create a Suffocation Hazard*

20. Despite the warnings and instructions, it is foreseeable that caregivers will use the Podster without supervision. It is also foreseeable that caregivers will use the Podster for infant sleep.

a. The Podsters are marketed for use with infants, and caregivers may trust that the products are safe places to leave infants. Because the Podsters appear simple to use, are likely to be used frequently, and do not appear

dangerous, it is foreseeable that some caregivers may disregard or not fully read the Podsters' warnings.

b. If an infant falls asleep in the Podster, a caregiver may choose not to disturb the infant and may leave the infant asleep in the product.

c. Caregivers facing difficulties in getting their infant to sleep may choose to use the Podster for that purpose if the Podster appears to help with sleep or if the infant appears to be comfortable in the Podster, even if the caregiver is aware of the contrary product warnings.

d. Caregivers with an infant who are traveling or who are dealing with significant financial hardship may be more likely to allow an infant to sleep in the Podster, as they may not have a crib or safe infant sleep product readily available.

e. If an infant falls asleep in the Podster, it is foreseeable that the caregiver may intentionally sleep while the infant is asleep, may accidentally fall asleep while the infant is asleep, may use the time that the infant is asleep to catch up on work or chores, or otherwise may leave the infant unsupervised.

21. Unsupervised infants can roll or move on the Podster into a position where their nose and mouth are obstructed by the Podster.

22. Unsupervised infants can roll or move off the Podster into a position where their nose and mouth are obstructed by another object, such as soft bedding.

23. Despite warnings and instructions, some caregivers may not place infants on their backs in the Podster and may place infants in positions where their nose and mouth may be obstructed by the Podster.

24. The Podster is defective because it can cause airflow obstruction if an unsupervised infant rolls, moves, or is placed in a position where the infant's nose and mouth are obstructed by the Podster.

25. The Podster is defective because it is constructed of thick, soft padding that has a concave shape which can envelop an infant's face and cause airflow obstruction if an unsupervised infant rolls, moves, or is placed in a position where the infant's nose and mouth are obstructed by the Podster.

26. The Podster is defective because it lacks rigid underlying components, which can impede the ability of an infant to self-rescue in the event that the infant rolls, moves, or is placed in a position where the infant's nose and mouth are obstructed by the Podster.

27. The Podster is defective because it facilitates an infant's movement on the Podster, enhancing the risk that the

infant's nose and mouth will be obstructed by the Podster.

28. The Podster is defective because it facilitates an infant's movement off the Podster, enhancing the risk that the infant's nose and mouth will be obstructed by another object in the infant's environment, such as soft bedding.

29. The design of the Podster allows infants to bend their knees and push off the raised edges of the Podster with their feet, allowing an infant to roll or move on or off the Podster.

30. The Podster may allow an infant to roll, even if the infant is not able to roll on a flat surface, such as in a crib or bassinet.

31. The Podster's design also can lead to unsafe bedsharing where the infant sleeps in an adult bed with one or more adult caregivers.

32. The Podster may be attractive to caregivers who wish to bedshare with an infant because it is soft and portable, and caregivers may believe that the product's high sides will act as a sufficient barrier between the adult and the infant to keep the infant secure in the Podster.

33. Bedsharing with an infant in a Podster can result in an infant moving into a compromised position within the Podster and suffocating, or moving outside the Podster and suffocating on another person or object, such as soft bedding or the adult bed.

34. If an infant rolls, moves, or is placed in a position where the infant's nose and mouth are obstructed by the Podster or another object, such as soft bedding, the infant can suffocate and die in three to 10 minutes.

#### *Fatal Incidents Caused by the Podsters*

35. The Podster's defects have led to the deaths of at least two infants.

36. Upon information and belief, on or about December 16, 2015, a 4-month-old infant suffocated after being placed face-up or on their side in the Podster in a crib. The infant was found face-down on the Podster and later died of complications from asphyxia.

37. Upon information and belief, on or about January 27, 2018, a 17-day-old infant suffocated after being placed face up in the Podster on an adult bed between two caregivers. Upon information and belief, the infant had moved off the Podster onto the adult bed after one of the caregivers rolled onto the Podster and infant.

#### *The Substantial Risk of Injury Posed by the Podsters*

38. It is foreseeable that caregivers will use the Podster for infant sleep, despite the instructions and warnings. It

is also foreseeable that caregivers will use the Podster without supervision.

39. It is foreseeable that some caregivers will not place infants on their backs in the Podster.

40. It is foreseeable that caregivers will place infants in Podsters and use the Podster for bedsharing in an adult bed.

41. If an infant rolls, moves, or is placed in a position where the infant's nose and mouth are obstructed by the Podster itself or by another object or person with whom the infant is bedsharing, the infant may not be able to self-rescue and can suffocate within minutes.

42. Upon information and belief, at least two infants, members of a vulnerable population, have suffocated and died after being placed in the Podster for unsupervised sleep.

#### *Legal Authority Under the CPSA*

43. Under the CPSA, the Commission may order a firm to provide notice to the public and take remedial action if the Commission determines that a product "presents a substantial product hazard." 15 U.S.C. 2064(c) and (d).

44. Under CPSA Section 15(a)(2), a "substantial product hazard" is "a product defect which (because of the pattern of defect, the number of defective products distributed in commerce, the severity of the risk, or otherwise) creates a substantial risk of injury to the public." 15 U.S.C. 2064(a)(2).

45. A product may contain a design defect even if it is manufactured exactly in accordance with its design and specifications if the design presents a risk of injury to the public. *See* 16 CFR 1115.4.

46. A defect can also occur in a product's contents, construction, finish, packaging, warnings, or instructions.

47. In assessing whether a product contains a defect, the Commission may consider a consumer's foreseeable use or misuse of the product. *See* 16 CFR 1115.4.

#### *Count I*

The Podsters are a Substantial Product Hazard Because They Contain Defects That Create a Substantial Risk of Injury to the Public

48. Paragraphs 1 through 47 are hereby realleged and incorporated by reference as if fully set forth herein.

49. The Podsters are consumer products.

50. The Podsters contain defects because it is foreseeable that caregivers will use the product for infant sleep and it is foreseeable that caregivers will



leave infants unattended in the product, and:

a. The Podster can cause airflow obstruction leading to suffocation if an infant rolls, moves, or is placed in a position where their nose and mouth are obstructed by the Podster;

b. The design of the Podster prevents infants from self-rescuing once their nose and mouth are obstructed by the Podster;

c. The design of the Podster facilitates infant movement on the Podster, which can result in an infant's nose and mouth becoming obstructed by the Podster;

d. The design of the Podster facilitates movement off the Podster, which can result in an infant's nose and mouth being obstructed by another object in the infant's environment, such as soft bedding; and

e. The design of the Podster may lead to it being used for bedsharing, which can facilitate an infant's rolling off the product onto an adult bed, leading to the infant's nose and mouth being obstructed by another object or an individual sleeping in the bed.

51. These defects separately, and in combination, create a substantial risk of injury to infants because of the pattern of defect, the number of defective products distributed in commerce, the severity of the risk, or otherwise.

52. Therefore, the Podsters present a substantial product hazard within the meaning of Section 15(a)(2) of the CPSA, 15 U.S.C. 2064(a)(2).

### Relief Sought

Wherefore, in the public interest, Complaint Counsel requests that the Commission:

A. Determine that the Podsters present a "substantial product hazard" within the meaning of Section 15(a)(2) of the CPSA, 15 U.S.C. 2064(a)(2).

B. Determine that extensive and effective public notification under Section 15(c) of the CPSA, 15 U.S.C. 2064(c), is required to adequately protect the public from the substantial product hazard presented by the Podsters, and order Respondent under Section 15(c) of the CPSA, 15 U.S.C. 2064(c), to:

(1) Notify all persons who sell or distribute the Podsters, or to whom such Podsters have been sold or distributed, to immediately cease distribution of the Podsters;

(2) Notify appropriate state and local public health officials;

(3) Give prompt public notice of the defect in the Podsters, including the incidents and injuries associated with the use of the Podsters, including posting clear and conspicuous notice on Respondent's website, and providing

notice to any third-party website on which Respondent has a presence, and provide further announcements in languages other than English and on radio, television, and social media;

(4) Mail and email notice to each distributor and retailer, of the Podsters; and

(5) Mail and email notice to every person to whom the Podsters were delivered or sold.

C. Determine that action under Section 15(d) of the CPSA, 15 U.S.C. 2064(d), is in the public interest and additionally order Respondent to:

(1) Refund the purchase price of the Podster;

(2) Reimburse distributors, retailers, and any other third parties for expenses in connection with carrying out any Commission Order issued in this matter, as provided by Section 15(e)(2) of the CPSA, 15 U.S.C. 2064(e)(2);

(3) Submit a plan satisfactory to the Commission, within ten (10) days of service of the Final Order, directing that actions specified in Paragraphs B(1) through (5), above and C(1) through (2) be taken in a timely manner;

(4) Submit monthly reports, to the Commission, documenting the progress of the corrective action program ordered pursuant to this matter;

(5) For a period of five (5) years after issuance of the Final Order in this matter, keep records of its actions taken to comply with Paragraphs B(1) through (5), C(1) through (4), above, and supply these records to the Commission for the purpose of monitoring compliance with the Final Order; and

(6) For a period of five (5) years after issuance of the Final Order in this matter, notify the Commission at least sixty (60) days prior to any change in its business (such as incorporation, dissolution, assignment, sale, or petition for bankruptcy) that results in, or is intended to result in, the emergence of a successor corporation, going out of business, or any other change that might affect compliance obligations under a Final Order issued by the Commission in this matter.

D. Order that Respondent take other and further actions as the Commission deems necessary to protect the public health and safety and to comply with the CPSA.

Issued by order of the Commission:

Dated this 9th day of February 2022.

By: Robert Kaye,

*Assistant Executive Director, Office of Compliance and Field Operations, (301) 504-6960.*

Mary B. Murphy,

*Director, Division of Enforcement and Litigation,*

Leah Ippolito,  
*Supervisory Attorney,*

Brett Ruff,

*Trial Attorney,*

Rosalee Thomas,

*Trial Attorney.*

Complaint Counsel,

*Office of Compliance and Field Operations,  
U.S. Consumer Product Safety Commission,  
Bethesda, MD 20814, Tel: (301) 504-7809.*

UNITED STATES OF AMERICA

CONSUMER PRODUCT SAFETY  
COMMISSION

In the Matter of LEACHCO, INC. Respondent.  
CPSC DOCKET NO. 22-1

### LIST AND SUMMARY OF DOCUMENTARY EVIDENCE

Pursuant to 16 CFR 1025.11(b)(3) of the Commission's Rules of Practice for Adjudicative Proceedings, the following is a list and summary of documentary evidence supporting the charges in this matter. Complaint Counsel reserves the right to offer additional or different evidence during the course of the proceedings, or to withhold evidence on the basis of any applicable legal privileges.

1. Claims, complaints, records, reports, CPSC's In-Depth Investigations, and lawsuits concerning incidents or injuries involving infant lounging pillows manufactured and distributed by Respondent Leachco, Inc. ("Podsters").

2. CPSC Product Safety Assessments.

3. Correspondence between Respondent and CPSC staff related to the Podsters.

4. Documents and information related to the Podsters, including notices issued regarding the Podsters and similar products.

Dated this 9th day of February 2022.

Mary B. Murphy,

*Director, Division of Enforcement and Litigation,*

Leah Ippolito,

*Supervisory Attorney*

Brett Ruff,

*Trial Attorney,*

Rosalee Thomas,

*Trial Attorney.*

Complaint Counsel,

*Office of Compliance and Field Operations,  
U.S. Consumer Product Safety Commission  
Bethesda, MD 20814, Tel: (301) 504-7809.*

### CERTIFICATE OF SERVICE

I hereby certify that on February 9th, 2022, I served the foregoing Complaint and List and Summary of Documentary Evidence upon all parties of record in

these proceedings by emailing a copy to counsel, as follows:

Cheryl Falvey Crowell and Moring, 1001 Pennsylvania Avenue NW, Washington, DC 20004  
Email: [cfalvey@crowell.com](mailto:cfalvey@crowell.com).

*Complaint Counsel for U.S. Consumer Product Safety Commission.*

[FR Doc. 2022-03307 Filed 2-15-22; 8:45 am]

BILLING CODE 6355-01-P

## CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC-2012-0024]

### Agency Information Collection Activities; Submission for OMB Review; Comment Request; Notification Requirements for Coal and Wood Burning Appliances

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice.

**SUMMARY:** As required by the Paperwork Reduction Act of 1995, the Consumer Product Safety Commission (CPSC or Commission) announces that the Commission has submitted to the Office of Management and Budget (OMB) a request for extension of approval for information collection requirements regarding notification requirements for coal and wood burning appliances. OMB previously approved the collection of information under OMB Control No. 3041-0040. On December 10, 2021, CPSC published a notice in the **Federal Register** to announce the agency's intention to seek extension of approval of the collection of information. The Commission received no comments. Therefore, by publication of this notice, the Commission announces that CPSC has submitted to the OMB a request for extension of approval of this collection of information.

**DATES:** Submit written or electronic comments on the collection of information by March 18, 2022.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to: [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function. In addition, written comments that are sent to OMB also should be submitted electronically at: <http://www.regulations.gov>, under Docket No. CPSC-2012-0024.

**FOR FURTHER INFORMATION CONTACT:** Cynthia Gillham, Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814; (301) 504-7991, or by email to: [cgillham@cpsc.gov](mailto:cgillham@cpsc.gov).

**SUPPLEMENTARY INFORMATION:** On December 10, 2021, CPSC published a notice in the **Federal Register** to announce the agency's intention to seek extension of approval of the collection of information. 86 FR 70475. The Commission received no comments. Accordingly, CPSC seeks renewal approval for the following collection of information:

*Title:* Notification Requirements for Coal and Wood Burning Appliances.

*OMB Number:* 3041-0040.

*Type of Review:* Renewal of collection.

*Frequency of Response:* On occasion.

*Affected Public:* Manufacturers and importers of coal and wood burning appliances.

*Estimated Number of Respondents:* An estimated five submissions annually.

*Estimated Time per Response:* Three hours per submission and 30 minutes for collecting and mailing the information to the CPSC.

*Total Estimated Annual Burden:* 17.5 hours (5 submissions × 3.5 hours).

*Total Estimated Annual Cost to Respondents:* \$1,238, based on an average total hourly employee compensation rate of \$70.73 for management, professional, and related occupations (Bureau of Labor Statistics: Total compensation rates for management, professional, and related occupations in private goods-producing industries, Table 4, March 2021) (17.5 hours × \$70.73).

*General Description of Collection:* 16 CFR part 1406, Coal and Wood Burning Appliances—Notification of Performance and Technical Data requires that manufacturers and importers provide consumers with written notification regarding certain technical and performance information related to safety on each coal and wood burning appliance. Manufacturers are also required to provide to the CPSC a copy of the notification to consumers and an explanation of all clearance distances contained in the notification. For existing models, all known manufacturers are believed to have already satisfied the requirements. Accordingly, there is no new burden associated with the requirements of 16 CFR part 1406, except in cases where existing models are changed, or new models are introduced. Fewer than five submissions are estimated annually from new stove models coming into the

market, or new firms entering the market.

**Alberta E. Mills,**  
*Secretary, Consumer Product Safety Commission.*

[FR Doc. 2022-03325 Filed 2-15-22; 8:45 am]

BILLING CODE 6355-01-P

## CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC-2012-0030]

### Agency Information Collection Activities; Submission for OMB Review; Comment Request; Testing and Recordkeeping Requirements for Carpets and Rugs

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice.

**SUMMARY:** As required by the Paperwork Reduction Act of 1995, the Consumer Product Safety Commission (CPSC or Commission) announces that the Commission has submitted to the Office of Management and Budget (OMB) a request for extension of approval for information collection requirements for manufacturers and importers of carpets and rugs under the Standard for the Surface Flammability of Carpets and Rugs and the Standard for the Surface Flammability of Small Carpets and Rugs. OMB previously approved the collection of information under OMB Control No. 3041-0017. On December 10, 2021, CPSC published a notice in the **Federal Register** to announce the agency's intention to seek extension of approval of the collection of information. The Commission received no comments. Therefore, by publication of this notice, the Commission announces that CPSC has submitted to the OMB a request for extension of approval of this collection of information.

**DATES:** Submit written or electronic comments on the collection of information by March 18, 2022.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to: [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function. In addition, written comments that are sent to OMB also should be submitted electronically at: <http://www.regulations.gov>, under Docket No. CPSC-2012-0030.

**FOR FURTHER INFORMATION CONTACT:** Cynthia Gillham, Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814; (301) 504-7991, or by email to: [cgillham@cpsc.gov](mailto:cgillham@cpsc.gov).

**SUPPLEMENTARY INFORMATION:** On December 10, 2021, CPSC published a notice in the **Federal Register** to announce the agency's intention to seek extension of approval of the collection of information. 86 FR 70476. The Commission received no comments. Accordingly, CPSC seeks renewal approval for the following collection of information:

*Title:* Safety Standard for the Flammability of Carpets and Rugs and Standard for the Flammability of Small Carpets and Rugs.

*OMB Number:* 3041-0017.

*Type of Review:* Renewal of collection.

*Frequency of Response:* On occasion.

*Affected Public:* Manufacturers and importers of carpets and rugs.

*Estimated Number of Respondents:* Approximately 120 firms are subject to the information collection requirements under the FFA. An estimated 100 firms issue a general conformity certificate (GCC) or a children's product certificate (CPC). In addition, an estimated 20 firms elect to issue a guaranty of compliance with the FFA. Staff estimates that the average firm issuing a GCC, CPC, or guaranty under the FFA is required to conduct, on average, 100 tests per year, although the actual number of tests required by a given firm may vary, depending upon the number of carpet styles and the annual production volume.

*Estimated Time per Response:* For firms issuing a GCC or CPC, staff estimates that the time to conduct each test is 2.0 hours, including the time required to establish and maintain the test records. For firms issuing a guaranty of compliance, staff estimates that the time to conduct each test is 2.5 hours, including the time required to establish and maintain the test records.

*Total Estimated Annual Burden:* Staff estimates the total annualized burden to respondents to be 25,000 hours (20,000 hours for firms that issue a GCC/CPC plus 5,000 hours for firms that issue a guaranty of compliance).

*Total Estimated Annual Cost to Respondents:* The total annualized costs to all respondents for the hour burden for collection of information is estimated to be as high as \$1,557,750 using a mean hourly employer cost-per-hour-worked of \$62.31 (Bureau of Labor Statistics: Total compensation rates for management, professional, and related

occupations, June 2021) (25,000 hours × \$62.31).

*General Description of Collection:* The Standard for the Surface Flammability of Carpets and Rugs (16 CFR part 1630) and the Standard for the Surface Flammability of Small Carpets and Rugs (16 CFR part 1631) establish requirements to reduce the flammability of carpets and rugs. The standards' provisions include requirements for testing and recordkeeping for manufacturers and importers who furnish guaranties subject to the carpet and rug flammability standards. Separate from the guaranties, the Consumer Product Safety Improvement Act of 2008 (CPSIA) established product certification requirements for applicable consumer product safety standards and rules. 15 U.S.C. 2063. Manufacturers and importers of carpets and rugs intended for general use must certify in a GCC that the product complies with the applicable standards based on testing or a reasonable testing program. Manufacturers and importers of children's carpets and rugs must certify in a CPC that the product complies with the applicable standards based on testing by a CPSC accredited third-party conformity assessment body.

**Alberta E. Mills,**

*Secretary, Consumer Product Safety Commission.*

[FR Doc. 2022-03323 Filed 2-15-22; 8:45 am]

**BILLING CODE 6355-01-P**

## COUNCIL ON ENVIRONMENTAL QUALITY

[CEQ-2022-0001]

### Carbon Capture, Utilization, and Sequestration Guidance

**AGENCY:** Council on Environmental Quality (CEQ).

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** Consistent with the Utilizing Significant Emissions with Innovative Technologies (USE IT) Act, the Council on Environmental Quality (CEQ) is announcing the availability of and seeking comment on an interim guidance document, "Carbon Capture, Utilization, and Sequestration Guidance," to assist Federal agencies with the regulation and permitting of CCUS activities in the United States.

**DATES:** CEQ must receive comments by March 18, 2022.

**ADDRESSES:** You may submit comments, identified by docket number CEQ-2022-0001, by any of the following methods:

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

- *Fax:* (202) 456-6546.

- *Mail:* Council on Environmental Quality, 730 Jackson Place NW, Washington, DC 20503.

*Instructions:* All submissions received must include the agency name, "Council on Environmental Quality," and docket number, CEQ-2022-0001. All comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided. Do not submit electronically any information you consider to be private, Confidential Business Information (CBI), or other information, the disclosure of which is restricted by statute.

*Docket:* For access to the docket to read background documents or comments received, go to <https://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:**

Amy B. Coyle, Deputy General Counsel, 730 Jackson Place NW, Washington, DC 20503, (202) 395-5750 or [Amy.B.Coyle@ceq.eop.gov](mailto:Amy.B.Coyle@ceq.eop.gov).

**SUPPLEMENTARY INFORMATION:** Pursuant to the Utilizing Significant Emissions with Innovative Technologies (USE IT) Act, Public Law 116-260, div. S, 102, 134 Stat. 1182, 2243 (2020), the Council on Environmental Quality (CEQ) is issuing this guidance for Federal agencies on the facilitation of reviews associated with the deployment of carbon capture, utilization, and sequestration (CCUS) projects and carbon dioxide pipelines, and to support the efficient, orderly, and responsible deployment of CCUS projects and carbon dioxide pipelines, where appropriate. This guidance is consistent with CEQ's report, "Council on Environmental Quality Report to Congress on Carbon Capture, Utilization, and Sequestration" (CEQ CCUS Report or Report) issued in June 2021.<sup>1</sup>

### Context

The CEQ CCUS Report<sup>2</sup> recognized that to reach the President's ambitious climate goal of net-zero emissions economy-wide by 2050, the United States will likely have to capture, transport, and permanently sequester significant quantities of carbon dioxide. There is growing scientific consensus

<sup>1</sup> CEQ CCUS Report (June 2021), <https://www.whitehouse.gov/wp-content/uploads/2021/06/CEQ-CCUS-Permitting-Report.pdf>.

<sup>2</sup> See, e.g., CEQ CCUS Report, "Executive Summary" (June 2021), <https://www.whitehouse.gov/wp-content/uploads/2021/06/CEQ-CCUS-Permitting-Report.pdf>.

that, while the first priority for addressing climate change must be to avoid emissions, CCUS technologies and permanent sequestration are likely needed to prevent the worst impacts of climate change. CCUS deployment can and should reduce emissions of other kinds of pollution in addition to carbon pollution, protect communities from increases in cumulative pollution, and maintain and create good, union-friendly jobs across the country.

CCUS refers to a set of technologies that remove carbon dioxide from the emissions of point sources or the atmosphere, and either transport it, compress it, and inject it deep in the earth's crust (and monitor sites to verify safe and secure storage operations), or transform it for use in industrial processes or as feedstock for useful commercial products. Technical and economic feasibility of carbon capture at significant rates has been established in the literature.<sup>3</sup>

In many cases, the carbon dioxide must be transported, usually by pipeline, for permanent and verifiable sequestration. There are important differences between point-source carbon capture and carbon dioxide removal from the ambient air (CDR). However, per Congressional direction, and, for the purposes of this guidance, CCUS includes approaches such as direct air capture (DAC), which captures carbon dioxide from the ambient air, and bioenergy with carbon capture and sequestration (BECCS) techniques, where transportation and permanent and verifiable sequestration is required to meet climate goals. The Administration recognizes the imperative for CCUS actions to be considered in a timely manner and in the context of a strong regulatory regime that includes early consultation with Tribal Nations and meaningful engagement with communities, stakeholders, and other sovereigns.

To advance these aims, the President is committed to increasing support for CCUS research, development, demonstration, and deployment (RDD&D), enhancing the Section 45Q tax incentive for CCUS (Internal

Revenue Code of 1986, as amended ("Section 45Q")), appropriately implementing the robust and effective regulatory regime that exists in the United States, and ensuring that CCUS technologies are informed by community perspectives and are consistent with the Administration's climate, public health, and economic goals.

To reach the President's ambitious domestic climate goal of net-zero emissions economy-wide by 2050, the United States will likely have to capture, transport, and permanently sequester significant quantities of carbon dioxide. As explained in more detail below, deploying CCUS technologies will require agencies to manage and complete sound, effective, and efficient environmental analyses under a variety of statutes, while also ensuring that CCUS systems deliver desired societal outcomes with broad and deep public support. These outcomes should generate societal net benefits, including emissions reductions. In short, the successful widespread deployment of responsible CCUS will require strong and effective permitting, efficient regulatory regimes, meaningful public engagement early in the review and deployment process, and measures to safeguard public health and the environment. Agencies have already taken actions in the past decade to develop a robust CCUS regulatory framework to protect the environment and public health across multiple statutes. This framework requires monitoring and compliance with a variety of reporting requirements. This guidance is intended to address opportunities for clarifications and improvements to ensure that CCUS is responsibly scaled in a timely manner, while maintaining the integrity of public health, the environment, and the economy.

### Guidance

CEQ issues the following guidance to facilitate reviews associated with the deployment of CCUS and to promote the efficient, orderly, and responsible development and permitting of CCUS projects at an increased scale in line with the Administration's climate, economic, and public health goals.

#### 1. Facilitating Federal Decision Making on CCUS Projects and Carbon Dioxide Pipelines

The process for permitting a CCUS project is similar to that for any industrial activity, and the CEQ CCUS

Report<sup>4</sup> recognized that the Federal Government has an existing regulatory framework that is capable of safeguarding the environment, public health, and public safety as CCUS projects move forward. The Report also provided an inventory of Federal permits and reviews that are potentially relevant to any CCUS project.

Likewise, the Report identified a number of areas where CEQ could work with agencies to continue to facilitate efficient, orderly, and responsible deployment of CCUS. For example, federally funded CCUS projects or CCUS activities on federally managed lands may trigger obligations under a variety of statutes including the National Environmental Policy Act (NEPA); the National Historic Preservation Act; the Clean Water Act; the Clean Air Act; the Safe Drinking Water Act; the Marine Protection, Research, and Sanctuaries Act; the Outer Continental Shelf Lands Act; the Endangered Species Act (ESA); the Marine Mammal Protection Act; the Migratory Bird Treaty Act; the Bald and Golden Eagle Protection Act; the Natural Gas Pipeline Safety Act; the Rivers and Harbors Act of 1899; the Federal Land Policy and Management Act; and the Hazardous Liquid Pipeline Safety Act. Other safety, environmental, and ecological requirements may also apply.

To facilitate the deployment of CCUS in the United States, in line with the Administration's climate and economic goals, agencies should consider developing programmatic environmental reviews,<sup>5</sup> such as tiered documents or programmatic environmental impact statements (PEISs) under NEPA, or programmatic biological opinions under the ESA, where such analyses can facilitate more efficient and effective environmental reviews of multiple projects while maintaining strong community engagement.<sup>6</sup>

For example, a PEIS could be prepared for a region where agencies anticipate review of multiple CCUS projects. In 2012, the Department of Energy (DOE) and Bureau of Land Management (BLM) completed a PEIS that evaluated actions that would facilitate utility-scale solar energy development on public lands in six

<sup>3</sup> See, e.g., Alexander Zoelle, et al., "Bituminous Coal and Natural Gas to Electricity: >90% Capture Cases Technical Note," DOE/NETL-2022/3222 (Dec. 2021); [https://www.netl.doe.gov/projects/files/BituminousCoalandNaturalGastoElectricity\\_TechnicalNote\\_Final\\_123021.pdf](https://www.netl.doe.gov/projects/files/BituminousCoalandNaturalGastoElectricity_TechnicalNote_Final_123021.pdf); Y. Du, et al., "Zero- and negative-emissions fossil-fired power plants using CO<sub>2</sub> capture by conventional aqueous amines+," *Int'l Journal of Greenhouse Gas Control* (Oct. 2021), <https://doi.org/10.1016/j.ijggc.2021.103473>; Patrick Brandl, et al., "Beyond 90% capture: Possible, but at what cost?," *Int'l Journal of Greenhouse Gas Control* (Feb. 2021), <https://doi.org/10.1016/j.ijggc.2020.103239>.

<sup>4</sup> See, e.g., CEQ CCUS Report, "Key Findings," "Section 5.1," and "Appendix A" (June 2021), <https://www.whitehouse.gov/wp-content/uploads/2021/06/CEQ-CCUS-Permitting-Report.pdf>.

<sup>5</sup> See, e.g., Effective Use of Programmatic NEPA Reviews (Dec. 18, 2014), [https://ceq.doe.gov/docs/ceq-regulations-and-guidance/Effective\\_Use\\_of\\_Programmatic\\_NEPA\\_Reviews\\_Final\\_Dec2014\\_searchable.pdf](https://ceq.doe.gov/docs/ceq-regulations-and-guidance/Effective_Use_of_Programmatic_NEPA_Reviews_Final_Dec2014_searchable.pdf).

<sup>6</sup> See, e.g., 40 CFR 1501.11; 43 CFR 46.140.

southwestern states.<sup>7</sup> That same year, BLM also worked with the U.S. Fish and Wildlife Service to complete a programmatic consultation under the ESA addressing the solar energy program's potential effects on listed species.<sup>8</sup> Agencies could apply a similar approach in the CCUS context, preparing programmatic analyses assessing impacts associated with the deployment of CCUS, such as to help identify appropriate areas for CCUS project deployment.

As always, agencies conducting NEPA analyses regarding proposed CCUS actions must analyze all reasonably foreseeable direct, indirect, and cumulative effects, including cumulative pollution from numerous sources. Agencies should work with communities and Tribes during the scoping phase to identify alternatives to the proposed action, including alternatives that reduce environmental impacts, especially on overburdened and underserved communities.

The USE IT Act established CCUS as a sector under Title 41 of the Fixing America's Surface Transportation (FAST-41) Act. However, the Federal Permitting Infrastructure Permitting Council has not received any CCUS project applications for FAST-41 coverage as of the issuance of this guidance; therefore, agencies have not had the opportunity to develop a comprehensive permitting timetable for any CCUS project. CEQ recommends that the Permitting Council Executive Director, in consultation with the Permitting Council member agencies, establish an appropriate facilitating agency for each general CCUS project category. CEQ also recommends that the Permitting Council Executive Director, in consultation with the Permitting Council member agencies, develop for each category of CCUS project recommended performance schedules. Identification of the environmental reviews and authorizations most commonly required will help facilitate timely reviews of such projects. Separately, agencies may also consider implementing memoranda of understanding to establish the process by which they will collaborate on anticipated CCUS projects and related activities.

Carbon dioxide pipelines and permanent sequestration are critical to

the future nationwide deployment of CCUS. Extensive analysis identifies the priority pathways and necessary pipeline infrastructure required to achieve CCUS and permanent sequestration at a climate-relevant scale across all industries, but significant investments, planning, and community engagement and analysis are required. An expanded carbon dioxide pipeline and sequestration network in the United States should be accompanied by close monitoring and enforcement of existing regulations and development of new tools to monitor and improve safety while also reducing the number of incidents that result in leakage of carbon dioxide.

To facilitate effective permanent sequestration, the Infrastructure Investment and Jobs Act (the IJJA) provides additional funding for implementation of the Environmental Protection Agency (EPA) Class VI Underground Injection Control (UIC) Program, including funds that could enable increased staff capacity and training at agencies with geological sequestration permitting authorities, and providing grants for States with UIC Class VI primary enforcement authority (primacy) or to States seeking primacy. The IJJA also expands the Carbon Storage Validation and Testing Demonstration Program at DOE to include a large-scale carbon storage commercialization program to demonstrate the feasibility, site characterization, permitting and construction stages of permanent, commercial-scale geologic sequestration projects. In addition, the IJJA amended the Outer Continental Shelf Lands Act to authorize the Secretary of the Interior to grant leases, easements, and rights-of-way to support CCUS activities on the outer continental shelf (OCS). It also required the Department of the Interior (DOI) to promulgate related regulations within a year. CEQ will collaborate with agencies and monitor progress related to these activities and regulations in the coming months, including authorizing use of geologic pore space on Federal lands.

To build public confidence and increase transparency in geologic carbon sequestration activities, CEQ further recommends that agencies responsible for greenhouse gas inventories and related reporting, such as EPA, include provisions that increase transparency regarding CCUS activities in the United States. For example, the EPA could consider enhancing reporting for CCUS and carbon capture and utilization (CCU) in proposed rule revisions to the Greenhouse Gas Reporting Program.

Transparently and reliably quantifying the amount of carbon dioxide permanently sequestered also requires monitoring and verification, which is required as part of the EPA's UIC Class VI permitting and Greenhouse Gas Reporting Program requirements for geologic sequestration of carbon dioxide. For additional transparency regarding geologic sequestration activities in the United States, agencies such as DOI, DOE, and the National Oceanic and Atmospheric Administration (NOAA) should consider expanding existing efforts, and (when feasible) implementing a national program for monitoring deep geologic carbon sequestration.

On pipelines, the IJJA establishes the Carbon Dioxide Transportation Infrastructure Finance and Innovation Program to provide flexible Federal loans and grants for building carbon dioxide pipelines designed with excess capacity. Because multiple Federal and State agencies will be responsible for planning and permitting priority pipeline pathways, and in order to ensure that these actions are aligned with climate, economic, and public health objectives, CEQ will convene the relevant agencies to assess opportunities for improvement in carbon dioxide pipeline permitting.

CEQ also recommends that the agencies with oversight authority for carbon dioxide pipelines update regulations, as appropriate, to address the deployment of CCUS technologies. For example, the impacts of climate change should be planned for and addressed in the design, construction, and maintenance of carbon dioxide pipelines. Agencies with regulatory authority, such as the Department of Transportation's (DOT) Pipeline and Hazardous Materials Safety Administration, should consider updating criteria for geohazard risk evaluation and emergency planning and enforce the application of those criteria to carbon dioxide and other pipeline operations in the United States. In addition, agencies should provide updated training for first responders regarding potential carbon dioxide pipeline incidents. Agencies should also consider developing and applying protocols for safety monitoring and enforcement that also consider the company's capacity to respond to an incident should one occur, evaluating financial risk.

## 2. Public Engagement and Interdisciplinary Research

The scale of implementation of CCUS likely to be required to achieve climate goals understandably raises concerns

<sup>7</sup> See DOE and BLM, "Solar Energy Development Programmatic Environmental Impact Statement" (July 2012), <https://solareis.anl.gov/documents/fpeis/index.cfm>.

<sup>8</sup> See Bureau of Land Management Solar Energy Program, "Endangered Species Act Section 7 Compliance" (August 2013), <https://blmsolar.anl.gov/program/laws/esa/>.

about public health and environmental impacts, as well as questions about who stands to benefit from the deployment of these systems. Responsible CCUS projects should engage communities and Tribes in co-development of projects and approaches; protect communities from pollution; and incorporate environmental justice and equity considerations, especially in communities that are already exposed to multiple pollution sources.

CEQ recommends that agencies undertake measures to facilitate a transparent process and meaningful public engagement. In addition to developing robust Tribal consultation and stakeholder engagement plans and conducting regular engagement, agencies should prioritize the development and application of environmental justice best practices for CCUS efforts.<sup>9</sup> Actions that should be taken include:

- Evaluating the impacts of proposed CCUS actions on potential host communities early in the planning process;
- Providing information about the impacts, costs and benefits of CCUS in advance of Tribal consultation and stakeholder engagement;
- Consulting Tribal Nations on potential CCUS projects in a manner that strengthens Nation-to-Nation relationships;
- Avoiding the imposition of additional burdens on overburdened and underserved communities, including by evaluating direct, indirect, and cumulative effects and identifying and implementing appropriate mitigation and avoidance measures; and
- Ensuring transparent decisions and accountability to Tribes and communities with respect to any applicable mitigation measures designed to reduce environmental impacts.

When feasible, CEQ further recommends that agencies with substantial CCUS technology development and deployment activities initiate interdisciplinary RDD&D programs and robust community engagement in the context of CCUS technology deployment. This can help to ensure that RDD&D on CCUS is informed by diverse academic

perspectives and aligned with community objectives and goals. These agencies include DOE, EPA, DOT, and the National Science Foundation. The White House Office of Science and Technology Policy should coordinate this interdisciplinary research.

### 3. Understanding Environmental Impacts

The CEQ CCUS Report also highlighted the need to further assess and quantify potential impacts on local criteria air pollutants and other emissions resulting from carbon capture retrofits at industrial facilities in response to concerns regarding potential cumulative emissions from single and/or multiple sources.<sup>10</sup> In addition to assessing criteria pollutants associated with CCUS activities, agencies should also assess carbon dioxide emissions from project infrastructure. OCS sequestration projects should further consider possible impacts on water column carbonate chemistry.

CEQ recommends that agencies, including EPA and DOE, collaborate on studies regarding the effect of carbon capture deployment on air quality in the United States. Such studies will be coordinated by CEQ, and may include evaluating use of air dispersion modeling as part of comprehensive air quality impacts analysis and will be used to develop additional guidance for considering air quality impacts as part of the planning and permitting process for CCUS activities. CEQ also recommends that agencies, including DOE, EPA, DOI, and NOAA, collaborate on additional studies that are needed to better monitor and verify CCUS results and understand the impacts to living marine resources associated with geologic sequestration and monitoring efforts on the OCS.

In addition, CEQ recommends that agencies share best practices with respect to data collection and reporting on CCUS projects. For example, DOE now requires recipients of funding to collect and report data regarding the non-carbon dioxide air emissions associated with carbon capture projects.

### 4. Carbon Capture and Utilization and Carbon Dioxide Removal

Each technical approach for CCU and CDR differs in technical maturity, market potential, cost, and carbon dioxide reduction potential. Each may also have different societal and environmental impacts and benefits. Enabling commercialization of CCU and

CDR will ultimately require increased transparency to build public confidence in the emissions reductions associated with these projects and their durability. Such transparency can be accomplished through publicly available analyses, such as life-cycle analyses, and/or the establishment of standards or certification for products.

Commercialization of CCU and CDR can be further expedited through Federal procurement and other economic incentives. The IJA supports engineered carbon removal, including by creating regional DAC hubs.

Agencies with activities and responsibilities for CCU and CDR regulations, standards, and greenhouse gas reporting, such as EPA, DOE, the National Institute of Standards and Technology, and other relevant agencies, should consider consolidating and publishing a repository for life-cycle analysis (LCA) methodology, results, and information related to CCU and CDR, building on existing collaboration through the Federal LCA Commons. As DOE further develops standards and certifications needed to facilitate the commercialization of CCU technologies as required in the IJA, CEQ recommends that DOE and other agencies with equities in CCUS standards consider evaluating how standards and certifications can increase Federal procurement of CCU, CCUS, and CDR technologies.

**Brenda Mallory,**  
*Chair.*

[FR Doc. 2022-03205 Filed 2-15-22; 8:45 am]

**BILLING CODE 3325-F2-P**

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## DEPARTMENT OF EDUCATION

### Extension of Application Deadline Date; Application for New Awards; Statewide Family Engagement Centers

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

**ACTION:** Notice.

**SUMMARY:** On December 20, 2021, the Department of Education (Department) published in the **Federal Register** a notice inviting applications (NIA) for the fiscal year (FY) 2022 Statewide Family Engagement Centers (SFEC) Program competition, Assistance Listing Number 84.310A. Because the SFEC application package was not posted on *Grants.gov* until January 10, 2022, we are extending the deadline for transmittal of applications to March 11, 2022. We are also extending the

<sup>9</sup> See, e.g., E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (Feb. 11, 1994); Environmental Justice: Guidance Under the National Environmental Policy Act (Dec. 10, 1997), [https://www.epa.gov/sites/default/files/2015-02/documents/ej\\_guidance\\_nepa\\_ceq1297.pdf](https://www.epa.gov/sites/default/files/2015-02/documents/ej_guidance_nepa_ceq1297.pdf); Promising Practices for EJ Methodologies in NEPA Reviews (Mar. 2016), [https://www.epa.gov/sites/default/files/2016-08/documents/nepa\\_promising\\_practices\\_document\\_2016.pdf](https://www.epa.gov/sites/default/files/2016-08/documents/nepa_promising_practices_document_2016.pdf).

<sup>10</sup> See, e.g., CEQ CCUS Report at 40 (June 2021), <https://www.whitehouse.gov/wp-content/uploads/2021/06/CEQ-CCUS-Permitting-Report.pdf>.

deadline for intergovernmental review until May 10, 2022.

**DATES:**

*Deadline for transmittal of applications:* March 11, 2022.

*Deadline for intergovernmental review:* May 10, 2022.

**FOR FURTHER INFORMATION CONTACT:** Beth Yeh, U.S. Department of Education, 400 Maryland Avenue SW, Room 3E335, Washington, DC 20202-6135. Telephone: (202) 205-5798. Email: [beth.yeh@ed.gov](mailto:beth.yeh@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 20, 2021, the Department published an NIA for the SFEC competition in the **Federal Register** (86 FR 71880). However, the SFEC application package was not posted on *Grants.gov* until January 10, 2022. Therefore, we are extending the deadline for transmittal of applications for the competition by 21 days until March 11, 2022, at 11:59:59 p.m. Eastern Time. This extension will allow applicants more time to prepare and submit their applications. Applicants that have already timely submitted applications under the FY 2022 SFEC competition may resubmit applications but are not required to do so. If a new application is not submitted, the Department will use the application that was submitted by the original deadline. If a new application is submitted, the Department will consider the application that is last submitted and timely received.

All other requirements and conditions stated in the NIA remain the same.

*Program Authority:* 20 U.S.C. 7241-46.

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

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

published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

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

**Ruth E. Ryder,**

*Deputy Assistant Secretary for Policy and Programs Office of Elementary and Secondary Education.*

[FR Doc. 2022-03448 Filed 2-15-22; 8:45 am]

**BILLING CODE 4000-01-P**

**DEPARTMENT OF EDUCATION****Applications for New Awards; Jacob K. Javits Gifted and Talented Students Education Program**

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

**ACTION:** Notice.

**SUMMARY:** The Department of Education (Department) is issuing a notice inviting applications for new awards for fiscal year (FY) 2022 for the Jacob K. Javits Gifted and Talented Students Education (Javits) program, Assistance Listing Number 84.206A. This notice relates to the approved information collection under the Office of Management and Budget (OMB) control number 1894-0006.

**DATES:**

*Applications Available:* February 16, 2022.

*Deadline for Notice of Intent To Apply:* March 8, 2022.

*Deadline for Transmittal of Applications:* April 4, 2022.

*Deadline for Intergovernmental Review:* June 1, 2022.

**ADDRESSES:** For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on December 27, 2021 (86 FR 73264) and available at [www.federalregister.gov/d/2021-27979](http://www.federalregister.gov/d/2021-27979). Please note that these Common Instructions supersede the version published on February 13, 2019, and, in part, describe the transition from the requirement to register in SAM.gov a Data Universal Numbering System (DUNS) number to the implementation

of the Unique Entity Identifier (UEI). More information on the phase-out of DUNS numbers is available at <https://www2.ed.gov/about/offices/list/fofo/docs/unique-entity-identifier-transition-fact-sheet.pdf>.

**FOR FURTHER INFORMATION CONTACT:** M. Jeanette Horner-Smith, U.S. Department of Education, 400 Maryland Avenue SW, Room 3E252, Washington, DC 20202-6450. Telephone: (202) 453-6661. Email: [Mildred.Horner-Smith@ed.gov](mailto:Mildred.Horner-Smith@ed.gov) or Jennifer Brianas, U.S. Department of Education, 400 Maryland Avenue SW, Room 3E239, Washington, DC 20202-6450. Telephone: (202) 401-0299. Email: [Jennifer.Brianas@ed.gov](mailto:Jennifer.Brianas@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.

*Pre-Application Meeting Information:* The Department will hold a pre-application meeting via Microsoft Teams for prospective applicants. For information about the pre-application meeting, visit the Javits website at: <https://oese.ed.gov/offices/office-of-discretionary-grants-support-services/well-rounded-education-programs/jacob-k-javits-gifted-and-talented-students-education-program/>.

**SUPPLEMENTARY INFORMATION:****Full Text of Announcement****I. Funding Opportunity Description**

*Purpose of Program:* The Javits program supports *evidence-based*<sup>1</sup> research, demonstration projects, innovative strategies, and similar activities designed to build and enhance the ability of *elementary schools* and *secondary schools* nationwide to identify *gifted and talented* students and meet their special educational needs. A major emphasis of the program is on identifying and serving students traditionally underrepresented in gifted and talented programs (including economically disadvantaged individuals, individuals who are *English learners*, and *children with disabilities*), including the training of personnel in the identification and education of *gifted and talented* students and in the use, where appropriate, of gifted and talented services, materials, and methods, for all students.

*Background:* Through this competition, the Department seeks to increase the focus on students who are traditionally underserved and underrepresented in gifted and talented programs by funding projects that are

<sup>1</sup> Terms defined in this notice are italicized.

designed to develop new information that assists schools in identifying, and providing services to, *gifted and talented* students (including economically disadvantaged individuals, individuals who are *English learners*, and *children with disabilities*) who may not be identified and served through traditional assessment methods.

Schools and districts have an opportunity to better identify and serve the educational needs of *children with disabilities* who are *gifted and talented*. According to the *Report on the Condition of Education 2021* from the National Center for Education Statistics (NCES), approximately 7.3 million students (ages 3 through 21) received special education services under the Individuals with Disabilities Education Act (IDEA) in school year 2019–20. Based on the NCES data, the most common category of *children with disabilities* receiving IDEA services are students with learning disabilities.<sup>2</sup> Unfortunately, researchers have been unable to collect accurate data on the number of *children with disabilities* who are *gifted and talented* largely because of the unique characteristics of this group of students. Research has also demonstrated that teachers and administrators may struggle to identify gifted and talented children with disabilities because the disability could mask the giftedness or vice versa.<sup>3</sup>

The use of appropriate assessments can help identify *gifted and talented* students who are *children with disabilities* and measure not only improvements in academic achievement but growth and development in other areas, such as social and emotional development, critical thinking, and behavioral skills. Appropriate monitoring and continuous assessments are necessary elements of a successful strategy for addressing the needs of *gifted and talented* students. Cao, Jung and Lee (2017) list a number of assessments that are typically used to identify *gifted and talented* students, such as ability tests, achievement tests, norm-referenced achievement tests,

performance-based tests, and dynamic assessments.<sup>4</sup>

Some of these traditional methods of assessing *gifted and talented* students may be limited in their current form in reflecting the needs of underrepresented groups. Nontraditional assessment methods can provide comprehensive analyses that reduce bias related to the student's education, background, or culture and provide greater opportunities for identifying *gifted and talented* students who are underserved (including students who are economically disadvantaged, individuals who are *English learners*, and *children with disabilities*) than traditional assessment methods may afford. Additionally, there are nontraditional assessment methods that focus on changes to student performance over time, rather than student performance at a single point in time, such as process-oriented assessments that evaluate a student's performance of an actual task rather than an output.

The absolute priority in this notice requires applicants to develop "new information" that assists schools in the identification of, and provision of services to, *gifted and talented* students (including economically disadvantaged individuals, individuals who are *English learners*, and *children with disabilities*) who may not be identified and served through traditional assessment methods. In proposing projects that would develop "new information," we encourage applicants to propose nontraditional and nondiscriminatory methods of identifying and teaching *gifted and talented* students, such as utilizing a combination of valid and reliable assessments; process-oriented and performance-based assessments (e.g., portfolios of the student's work over a period of time, open-ended essays, project work that involves collaboration with peers, and artistic and musical skills and abilities); behavioral characteristic checklists; and interviews with teachers, family members, and community members who are familiar with the student's abilities and performance.

Competitive Preference Priority 1 focuses on training personnel to identify and educate *gifted and talented* students who are *children with disabilities*. Competitive Preference Priority 2 emphasizes the importance of utilizing nontraditional methods for assessing

*gifted and talented* students, particularly as they relate to the identification of, and provision of services to, *gifted and talented* students who are *children with disabilities*, because traditional assessment methods, on their own, may not provide a complete evaluation of a potential *gifted and talented* student's knowledge, skills and abilities and could potentially lead to the misidentification of a *gifted and talented child with a disability*.

Another important goal of the Javits program is to increase equity in identifying and providing services to gifted and talented students from underrepresented groups.<sup>5</sup> In his research, Grissom (2016) found that underserved students, such as Black and Hispanic students, are less likely to be identified as gifted and talented, in part, because many schools in low socioeconomic status communities do not have gifted and talented programs. Concomitantly, Grissom (2016) provides evidence that suggests Black and Hispanic students excel in gifted and talented programs in schools where there are larger numbers of educators who are also Black and Hispanic.<sup>6</sup>

Competitive Preference Priority 3 addresses projects designed to increase the number and proportion of experienced, fully certified, in-field, and effective *educators*, and *educators* from traditionally underrepresented backgrounds or the communities they serve, in order to support the needs of *gifted and talented* students who are traditionally *underserved students*. In this context, with respect to in-field *educators*, we encourage applicants to propose projects that are designed to increase the number and proportion of experienced and effective *educators* who are certified to identify and teach *gifted and talented* students.

*Priorities:* This notice contains one absolute priority and three competitive preference priorities. The absolute priority and Competitive Preference Priority 2 are from section 4644(f)(1)(B) of the Elementary and Secondary Education Act of 1965, as amended (ESEA) (20 U.S.C. 7294(f)(1)(B)). Competitive Preference Priority 1 is from section 4644(b)(1) of the ESEA (20 U.S.C. 7294(b)(1)), and Competitive

<sup>2</sup> Irwin, V., Zhang, J., Wang, X., Hein, S., Wang, K., Roberts, A., York, C., Barner, A., Bullock Mann, F., Dilig, R., and Parker, S. (2021). Report on the condition of education 2021 (NCES 2021–144). U.S. Department of Education. Washington, DC: National Center for Education Statistics. Retrieved February 4, 2022 from <https://nces.ed.gov/pubsearch/pubinfo.asp?pubid=2021144>.

<sup>3</sup> Beckmann, E., & Minnaert, A. (2018). Non-cognitive characteristics of gifted students with learning disabilities: An in-depth systematic review. *Frontiers in Psychology*, 9(504). <https://doi.org/10.3389/fpsyg.2018.00504>.

<sup>4</sup> Cao, T. H., Jung, J. Y., & Lee, J. (2017). Assessment in gifted education: A review of the literature from 2005 to 2016. *Journal of Advanced Academics*, 28(3), 163–203. <https://doi.org/10.1177/1932202X17714572>.

<sup>5</sup> WestEd (October 28, 2021). Addressing the social and emotional assets and needs of underrepresented gifted and talented students. Jacob K. Javits Gifted and Talented Students Project Director's Meeting, [PPT] pp.1–39. *Center to Improve Social and Emotional Learning and School Safety*.

<sup>6</sup> Grissom, J.A., & Redding, C. (2016). Discretion and Disproportionality: Explaining the Underrepresentation of High-Achieving Students of Color in Gifted Programs. *AERA Open*. <https://doi.org/10.1177/2332858415622175>.



Preference Priority 3 is from the Final Priorities and Definitions—Secretary’s Supplemental Priorities and Definitions for Discretionary Grants Programs, published in the **Federal Register** on December 10, 2021 (86 FR 70612) (Supplemental Priorities).

**Absolute Priority:** For FY 2022 and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3), we consider only applications that meet this absolute priority.

This priority is:

*Identification of, and Provision of Services to, Gifted and Talented Students Who May Not Be Identified through Traditional Assessment Methods.*

Projects designed to develop new information that assists schools in the identification of, and provision of services to, *gifted and talented* students (including economically disadvantaged individuals, individuals who are *English learners*, and *children with disabilities*) who may not be identified and served through traditional assessment methods.

**Competitive Preference Priorities:** For FY 2022 and any subsequent year in which we make awards from the list of unfunded applications from this competition, these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(i), we award up to an additional 5 points to an application, depending on how well the application meets Competitive Preference Priority 1, Competitive Preference Priority 2, or Competitive Preference Priority 3, for a maximum of an additional 15 points.

These priorities are:

**Competitive Preference Priority 1—Training Personnel in the Identification and Education of Gifted and Talented Students Who are Children with Disabilities.** (up to 5 points)

Projects that include providing training to personnel in schools served under the project to assist such personnel in identifying and educating *gifted and talented* students who are *children with disabilities*. Such training may include, but is not limited to, workshops or programs that teach effective instructional and communication techniques, classroom practices and culture, and other strategies that support the social, emotional, developmental and academic needs of *gifted and talented* students who are *children with disabilities*.

**Competitive Preference Priority 2—Identification of, and Provision of Services to, Gifted and Talented**

**Students Who are Children with Disabilities.** (up to 5 points)

Projects that include developing new information, that assists schools in the identification of, and provision of services to, *gifted and talented* students who are *children with disabilities* who may not be identified through traditional assessment methods.

**Competitive Preference Priority 3—Promoting Equity in Student Access to Educational Resources and Opportunities.** (up to 5 points)

Projects designed to promote educational equity and adequacy in resources and opportunity for *underserved students*—

(1) In one or more of the following educational settings:

- (i) Middle school.
- (ii) Elementary school.<sup>7</sup>
- (iii) High school.
- (iv) Career and technical education programs.

(2) That examine the sources of inequity and inadequacy and implement responses, and that may include one or more of the following:

(i) Rigorous, engaging, and well-rounded (e.g., that include music and the arts) approaches to learning that are inclusive with regard to race, ethnicity, culture, language, and disability status and prepare students for college, career, and civic life, including one or more of the following:

(A) Student-centered learning models that may leverage technology to address learner variability (e.g., *universal design for learning*, K–12 *competency-based education*, project-based learning, or hybrid/blended learning) and provide high-quality learning content, applications, or tools.

(B) Middle school courses or projects that prepare students to participate in advanced coursework in high school.

(C) Advanced courses and programs, including dual enrollment and early college programs.

(D) Project-based and experiential learning, including service and work-based learning.

(E) High-quality career and technical education courses, pathways, and industry-recognized credentials that are integrated into the curriculum.

(F) Science, technology, engineering, and mathematics (STEM), including computer science coursework.

(ii) Increasing the number and proportion of experienced, fully

<sup>7</sup> The Javits program supports *gifted and talented* programs and their students in *elementary schools* and *secondary schools*. In States in which elementary education includes preschool, preschool students may receive services through the Javits program.

certified, in-field, and effective *educators*, and *educators* from traditionally underrepresented backgrounds or the communities they serve, to ensure that *underserved students* have *educators* from those backgrounds and communities and are not taught at disproportionately higher rates by uncertified, out-of-field, and novice teachers compared to their peers.<sup>8</sup>

**Program Requirements:** These program requirements are from sections 4644(c) and (g) of the ESEA (20 U.S.C. 7294(c) and (g)). For FY 2022 and any subsequent year in which we make awards from the list of unfunded applications, the following program requirements apply:

**Uses of Funds:** Programs and projects funded under this competition may include any of the following:

(a) Conducting *evidence-based* research on methods and techniques for identifying and teaching *gifted and talented* students and for using gifted and talented programs and methods to identify and provide the opportunity for all students to be served, particularly low-income and at-risk students.

(b) Establishing and operating programs and projects for identifying and serving *gifted and talented* students, including innovative methods and strategies (such as summer programs, mentoring programs, peer tutoring programs, service-learning programs, and cooperative learning programs involving business, industry, and education) for identifying and educating students who may not be served by traditional gifted and talented programs.

(c) Providing technical assistance and disseminating information, which may include how gifted and talented programs and methods may be adapted for use by all students, particularly low-income and at-risk students. (Section 4644(c) of the ESEA).

**Equitable Participation of Private School Students and Teachers:** Grant recipients under this program must provide for the equitable participation of students and teachers in private nonprofit elementary schools and secondary schools, including the participation of teachers and other personnel in professional development programs serving such students. (Section 4644(g) of the ESEA).

**Application Requirements:** These application requirements are from section 4644(b) and (c) of the ESEA (20 U.S.C. 7294(b) and (c)). For FY 2022 and

<sup>8</sup> All strategies to increase racial diversity of *educators* must comply with applicable law, including Title VI of the Civil Rights Act of 1964.

any subsequent year in which we make awards from the list of unfunded applications from this competition, the following application requirements apply:

Each application must describe how—

(1) The proposed identification methods, as well as gifted and talented services, materials, and methods, can be adapted, if appropriate, for use by all students;

(2) The proposed programs can be evaluated; and

(3) The proposed project will provide for training of personnel in the identification and education of *gifted and talented* students and in the use, where appropriate, of gifted and talented services, materials, and methods for all students.

**Definitions:** These definitions are from section 8101 of the ESEA (20 U.S.C. 7801), 34 CFR 77.1, and the Supplemental Priorities. These definitions apply to the FY 2022 Javits grant competition and any subsequent year in which we make awards from the list of unfunded applications from this competition.

*Child with a disability (or children with disabilities)*, unless otherwise indicated, has the same meaning given that term in section 602 of IDEA, which is—

(1) A child—

(i) With intellectual disabilities, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance (referred to in the IDEA as “emotional disturbance”), orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities; and

(ii) Who, by reason thereof, needs special education and related services.

(2) The term “child with a disability,” for a child aged three through nine (or any subset of that age range, including ages three through five), may, at the discretion of the State and the local educational agency, include a child—

(i) Experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: physical development; cognitive development; communication development; social or emotional development; or adaptive development; and

(ii) Who, by reason thereof, needs special education and related services. (Section 8101(4) of the ESEA).

*Competency-based education* (also called proficiency-based or mastery-based learning) means learning based on knowledge and skills that are

transparent and measurable. Progression is based on demonstrated mastery of what students are expected to know (knowledge) and be able to do (skills), rather than seat time or age. (Supplemental Priorities).

*Disconnected youth* means an individual, between the ages 14 and 24, who may be from a low-income background, experiences homelessness, is in foster care, is involved in the justice system, or is not working or not enrolled in (or at risk of dropping out of) an educational institution. (Supplemental Priorities).<sup>9</sup>

*Educator* means an individual who is an early learning (as defined in the Supplemental Priorities) *educator*, teacher, principal or other school leader, specialized instructional support personnel (e.g., school psychologist, counselor, school social worker, early intervention service personnel), paraprofessional, or faculty. (Supplemental Priorities).

*Elementary school* means a nonprofit institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under State law. (Section 8101(19) of the ESEA).

*English learner*, unless otherwise indicated, when used with respect to an individual, means an individual—

(1) Who is aged three through 21;

(2) Who is enrolled or preparing to enroll in an elementary school or secondary school;

(3)(i) Who was not born in the United States or whose native language is a language other than English;

(ii)(A) Who is a Native American or Alaska Native, or a native resident of the outlying areas; and

(B) Who comes from an environment where a language other than English has had a significant impact on the individual’s level of English language proficiency; or

(iii) Who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and

(4) Whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual—

(i) The ability to meet the challenging State academic standards;

(ii) The ability to successfully achieve in classrooms where the language of instruction is English; or

(iii) The opportunity to participate fully in society. (Section 8101(20) of the ESEA).

*Evidence-based*, when used with respect to a State, local educational agency, or school activity, means an activity, strategy, or intervention that demonstrates a statistically significant effect on improving student outcomes or other *relevant outcomes* based on—

(1) *Strong evidence* from at least one well designed and well-implemented *experimental study*;

(2) *Moderate evidence* from at least one well-designed and well-implemented *quasi-experimental study*; or

(3) *Promising evidence* from at least one well-designed and well implemented correlational study with statistical controls for selection bias. (Section 8101(21) of the ESEA).

*Experimental study* means a study that is designed to compare outcomes between two groups of individuals (such as students) that are otherwise equivalent except for their assignment to either a treatment group receiving a *project component* or a control group that does not. Randomized controlled trials, regression discontinuity design studies, and single-case design studies are the specific types of *experimental studies* that, depending on their design and implementation (e.g., sample attrition in randomized controlled trials and regression discontinuity design studies), can meet What Works Clearinghouse (WWC) standards without reservations as described in the *What Works Clearinghouse Handbooks (WWC Handbooks)*:

(1) A randomized controlled trial employs random assignment of, for example, students, teachers, classrooms, or schools to receive the *project component* being evaluated (the treatment group) or not to receive the *project component* (the control group).

(2) A regression discontinuity design study assigns the *project component* being evaluated using a measured variable (e.g., assigning students reading below a cutoff score to tutoring or developmental education classes) and controls for that variable in the analysis of outcomes.

(3) A single-case design study uses observations of a single case (e.g., a student eligible for a behavioral intervention) over time in the absence and presence of a controlled treatment manipulation to determine whether the outcome is systematically related to the treatment. (34 CFR 77.1).

*Gifted and talented*, when used with respect to students, children, or youth, means students, children, or youth who give evidence of high achievement

<sup>9</sup>In accordance with sections 4644(a) and 8101(45) of the ESEA, disconnected youth may only receive Javits program services through secondary schools. See 20 U.S.C. 7294(a) and 7801(45).

capability in areas such as intellectual, creative, artistic, or leadership capacity, or in specific academic fields, and who need services or activities not ordinarily provided by the school in order to fully develop those capabilities. (Section 8101(27) of the ESEA).

*Military- or veteran-connected student* means one or more of the following:

(1) A student enrolled in preschool through grade 12 or a student enrolled in career and technical education who has a parent or guardian who is a member of the uniformed services (as defined by 37 U.S.C. 101), in the Army, Navy, Air Force, Marine Corps, Coast Guard, Space Force, National Guard, Reserves, National Oceanic and Atmospheric Administration, or Public Health Service or is a veteran of the uniformed services with an honorable discharge (as defined by 38 U.S.C. 3311).

(2) A student who is a member of the uniformed services, a veteran of the uniformed services, or the spouse of a service member or veteran.

(3) A student enrolled in preschool through grade 12 or a student enrolled in career and technical education who has a parent or guardian who is a veteran of the uniformed services (as defined by 37 U.S.C. 101). (Supplemental Priorities).

*Moderate evidence* means that there is evidence of effectiveness of a key project component in improving a relevant outcome for a sample that overlaps with the populations or settings proposed to receive that component, based on a relevant finding from one of the following:

(1) A practice guide prepared by the WWC using version 2.1, 3.0, 4.0, or 4.1 of the WWC Handbooks reporting a “strong evidence base” or “moderate evidence base” for the corresponding practice guide recommendation;

(2) An intervention report prepared by the WWC using version 2.1, 3.0, 4.0, or 4.1 of the WWC Handbooks reporting a “positive effect” or “potentially positive effect” on a relevant outcome based on a “medium to large” extent of evidence, with no reporting of a “negative effect” or “potentially negative effect” on a relevant outcome; or

(3) A single experimental study or quasi-experimental design study reviewed and reported by the WWC using version 2.1, 3.0, 4.0, or 4.1 of the WWC Handbooks, or otherwise assessed by the Department using version 4.1 of the WWC Handbooks, as appropriate, and that—

(i) Meets WWC standards with or without reservations;

(ii) Includes at least one statistically significant and positive (*i.e.*, favorable) effect on a relevant outcome;

(iii) Includes no overriding statistically significant and negative effects on relevant outcomes reported in the study or in a corresponding WWC intervention report prepared under version 2.1, 3.0, 4.0, or 4.1 of the WWC Handbooks; and

(iv) Is based on a sample from more than one site (*e.g.*, State, county, city, school district, or postsecondary campus) and includes at least 350 students or other individuals across sites. Multiple studies of the same project component that each meet requirements in paragraphs (3)(i), (ii), and (iii) of this definition may together satisfy this requirement in this paragraph (3)(iv). (34 CFR 77.1).

*Project component* means an activity, strategy, intervention, process, product, practice, or policy included in a project. Evidence may pertain to an individual project component or to a combination of project components (*e.g.*, training teachers on instructional practices for English learners and follow-on coaching for these teachers). (34 CFR 77.1).

*Promising evidence* means that there is evidence of the effectiveness of a key project component in improving a relevant outcome, based on a relevant finding from one of the following:

(1) A practice guide prepared by WWC reporting a “strong evidence base” or “moderate evidence base” for the corresponding practice guide recommendation;

(2) An intervention report prepared by the WWC reporting a “positive effect” or “potentially positive effect” on a relevant outcome with no reporting of a negative effect” or “potentially negative effect” on a relevant outcome; or

(3) A single study assessed by the Department, as appropriate, that—

(i) Is an *experimental study*, a *quasi-experimental design study*, or a well-designed and well-implemented correlational study with statistical controls for selection bias (*e.g.*, a study using regression methods to account for differences between a treatment group and a comparison group); and

(ii) Includes at least one statistically significant and positive (*i.e.*, favorable) effect on a relevant outcome. (34 CFR 77.1).

*Quasi-experimental design study* means a study using a design that attempts to approximate an *experimental study* by identifying a comparison group that is similar to the treatment group in important respects.

This type of study, depending on design and implementation (*e.g.*, establishment of baseline equivalence of

the groups being compared), can meet WWC standards with reservations, but cannot meet WWC standards without reservations, as described in the *WWC Handbooks*. (34 CFR 77.1).

*Relevant outcome* means the student outcome(s) or other outcome(s) the key project component is designed to improve, consistent with the specific goals of the program. (34 CFR 77.1).

*Secondary school* means a nonprofit institutional day or residential school, including a public secondary charter school, that provides secondary education, as determined under State law, except that the term does not include any education beyond grade 12.

*Strong evidence* means that there is evidence of the effectiveness of a key project component in improving a relevant outcome for a sample that overlaps with the populations and settings proposed to receive that component, based on a relevant finding from one of the following:

(1) A practice guide prepared by the WWC using version 2.1, 3.0, 4.0, or 4.1 of the *WWC Handbooks* reporting a “strong evidence base” for the corresponding practice guide recommendation;

(2) An intervention report prepared by the WWC using version 2.1, 3.0, 4.0, or 4.1 of the *WWC Handbooks* reporting a “positive effect” on a relevant outcome based on a “medium to large” extent of evidence, with no reporting of a “negative effect” or “potentially negative effect” on a relevant outcome; or

(3) A single *experimental study* reviewed and reported by the WWC using version 2.1, 3.0, 4.0, or 4.1 of the *WWC Handbooks*, or otherwise assessed by the Department using version 4.1 of the *WWC Handbook*, as appropriate, and that—

(i) Meets WWC standards without reservations;

(ii) Includes at least one statistically significant and positive (*i.e.*, favorable) effect on a relevant outcome;

(iii) Includes no overriding statistically significant and negative effects on relevant outcomes reported in the study or in a corresponding WWC intervention report prepared under version 2.1, 3.0, 4.0, or 4.1 of the *WWC Handbooks*; and

(iv) Is based on a sample from more than one site (*e.g.*, State, county, city, school district, or postsecondary campus) and includes at least 350 students or other individuals across sites. Multiple studies of the same project component that each meet requirements in paragraphs (3)(i), (ii), and (iii) of this definition may together

satisfy the requirement in this paragraph (3)(iv). (34 CFR 77.1).

*Underserved student* means a student (which includes students in K–12 programs and students in career and technical education, as appropriate)<sup>10</sup> in one or more of the following subgroups:

(1) A student who is living in poverty or is served by schools with high concentrations of students living in poverty.

(2) A student of color.

(3) A student who is a member of a federally recognized Indian Tribe.

(4) An *English learner*.

(5) A *child or student with a disability*.

(6) A *disconnected youth*.

(7) A technologically unconnected youth.

(8) A migrant student.

(9) A pregnant, parenting, or caregiving student.

(10) A student performing significantly below grade level.

(11) A *military- or veteran-connected student*.

For the purpose of the definition of *underserved student* only—

“Child or student with a disability” means children with disabilities as defined in section 602(3) of the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. 1401(3)) and 34 CFR 300.8, or students with disabilities, as defined in the Rehabilitation Act of 1973 (29 U.S.C. 705(37), 705(202)(B)); and

“English learner” means an individual who is an English learner as defined in section 8101(20) of the ESEA, or an individual who is an English language learner as defined in section 203(7) of the Workforce Innovation and Opportunity Act. (Supplemental Priorities).

*Universal design for learning* means a scientifically valid framework for guiding educational practice that—

(1) Provides flexibility in the ways information is presented, in the ways students respond or demonstrate knowledge and skills, and in the ways students are engaged; and

(2) Reduces barriers in instruction, provides appropriate accommodations, supports, and challenges, and maintains high achievement expectations for all students including students with

disabilities and students who are limited English proficient.<sup>11</sup> (Supplemental Priorities).

*What Works Clearinghouse Handbooks (WWC Handbooks)* means the standards and procedures set forth in the WWC Standards Handbook, Versions 4.0 or 4.1, and WWC Procedures Handbook, Versions 4.0 or 4.1, or in the WWC Procedures and Standards Handbook, Version 3.0 or Version 2.1 (all incorporated by reference, see 34 CFR 77.2). Study findings eligible for review under WWC standards can meet WWC standards without reservations, meet WWC standards with reservations, or not meet WWC standards. WWC practice guides and intervention reports include findings from systematic reviews of evidence as described in the WWC Handbooks documentation. (34 CFR 77.1).

*Program Authority:* Section 4644 of the ESEA (20 U.S.C. 7294).

**Note:** Projects will be awarded and must be operated in a manner consistent with the nondiscrimination requirements contained in Federal civil rights laws.

*Applicable Regulations:* (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 81, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget (OMB) Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474. (d) The regulations in 34 CFR part 299. (e) The Supplemental Priorities.

**Note:** The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian Tribes.

**Note:** The regulations in 34 CFR part 86 apply only to institutions of higher education (IHEs).

## II. Award Information

*Type of Award:* Discretionary grants.  
*Estimated Available Funds:* The Administration has requested \$13,500,000 for awards for the Javits program for FY 2022, of which we intend to use an estimated \$6,600,000 for this competition. The actual level of

<sup>11</sup> See the definition of *English learner* in the Definitions section in this notice. The terms *limited English proficient* and *English learner* have the same meaning.

funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2023 and subsequent years from the list of unfunded applications from this competition.

*Estimated Range of Awards:* \$450,000 to \$730,000.

*Estimated Average Size of Awards:* \$600,000.

*Estimated Number of Awards:* 9–15.

**Note:** The Department is not bound by any estimates in this notice.

*Project Period:* 60 months.

## III. Eligibility Information

1. *Eligible Applicants:* To be considered for an award under this competition, an applicant must be one or more of the following:

- (1) State educational agency;
- (2) Local educational agency;
- (3) Bureau of Indian Education;
- (4) IHE;
- (5) Other public agency; or
- (6) Other private agency or organization.

2. a. *Cost Sharing or Matching:* This competition does not require cost sharing or matching.

b. *Indirect Cost Rate Information:* This program uses an unrestricted indirect cost rate. For more information regarding indirect costs, or to obtain a negotiated indirect cost rate, please see [www2.ed.gov/about/offices/list/ocfo/intro.html](http://www2.ed.gov/about/offices/list/ocfo/intro.html).

c. *Administrative Cost Limitation:* This program does not include any program-specific limitation on administrative expenses. All administrative expenses must be reasonable and necessary and conform to the Cost Principles described in 2 CFR part 200, subpart E of the Uniform Guidance.

3. *Subgrantees:* A grantee under this competition may not award subgrants to entities to directly carry out project activities described in its application.

## IV. Application and Submission Information

1. *Application Submission Instructions:* Applicants are required to follow the Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on December 27, 2021 (86 FR 73264) and available at [www.federalregister.gov/d/2021-27979](http://www.federalregister.gov/d/2021-27979), which contain

<sup>10</sup> The Javits program supports *gifted and talented* programs and their students in *elementary schools* and *secondary schools*. For each of the subgroups of *underserved students* included in this definition, for the purpose of this program, we refer to those students who are in *elementary schools* and *secondary schools*, which includes students in preschool in those States in which elementary education includes preschool.

requirements and information on how to submit an application. Please note that these Common Instructions supersede the version published on February 13, 2019, and, in part, describe the transition from the requirement to register in *SAM.gov* a DUNS number to the implementation of the UEI. More information on the phase-out of DUNS numbers is available at <https://www2.ed.gov/about/offices/list/fofo/docs/unique-entity-identifier-transition-fact-sheet.pdf>.

#### 2. Submission of Proprietary

**Information:** Given the types of projects that may be proposed in applications for the Javits program, your application may include business information that you consider proprietary. In 34 CFR 5.11(c) we define “business information” and describe the process we use in determining whether any of that information is proprietary and, thus, protected from disclosure under Exemption 4 of the Freedom of Information Act (5 U.S.C. 552, as amended).

Because we plan to make successful applications available to the public, you may wish to request confidentiality of business information.

Consistent with Executive Order 12600, please designate in your application any information that you believe is exempt from disclosure under Exemption 4. In the appropriate Appendix section of your application, under “Other Attachments Form,” please list the page number or numbers on which we can find this information. For additional information please see 34 CFR 5.11(c).

3. **Intergovernmental Review:** This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

4. **Funding Restrictions:** We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

5. **Recommended Page Limit:** The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative to no more than 30 pages and (2) use the following standards:

- A “page” is 8.5” x 11”, on one side only, with 1” margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations,

references, and captions, as well as all text in charts, tables, figures, and graphs.

- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to the cover sheet; the budget section, including the narrative budget justification; the assurances and certifications; the one-page abstract, resumes, bibliography, or letters of support. However, the recommended page limit does apply to all of the application narrative.

6. **Notice of Intent to Apply:** The Department will be able to review grant applications more efficiently if we know the approximate number of applicants that intend to apply. Therefore, we strongly encourage each potential applicant to notify us of their intent to submit an application. To do so, please email the program contact person listed under **FOR FURTHER INFORMATION CONTACT** with the subject line “Intent to Apply,” and include the applicant’s name and a contact person’s name and email address. Applicants that do not submit a notice of intent to apply may still apply for funding; applicants that do submit a notice of intent to apply are not bound to apply or bound by the information provided.

#### V. Application Review Information

1. **Selection Criteria:** The selection criteria for this competition are from 34 CFR 75.210 and are as follows:

(a) **Need for the Project** (up to 5 points).

The Secretary considers the need for the proposed project. In determining the need for the proposed project, the Secretary considers the extent to which specific gaps or weaknesses in services, infrastructure, or opportunities have been identified and will be addressed by the proposed project, including the nature and magnitude of those gaps or weaknesses.

(b) **Quality of the Project Design** (up to 30 points).

The Secretary considers the quality of the design of the proposed project. In determining the quality of the design of the proposed project, the Secretary considers the following factors:

(1) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable;

(2) The extent to which the design of the proposed project is appropriate to, and will successfully address, the needs

of the target population or other identified needs;

(3) The extent to which the proposed project is designed to build capacity and yield results that will extend beyond the period of Federal financial assistance;

(4) The extent to which the design of the proposed project reflects up-to-date knowledge from research and effective practice;

(5) The extent to which the proposed project is supported by *promising evidence*; and

(6) The extent to which performance feedback and continuous improvement are integral to the design of the proposed project.

(c) **Quality of the Management Plan** (up to 20 points).

The Secretary considers the quality of the management plan for the proposed project. In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

(1) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks;

(2) The adequacy of procedures for ensuring feedback and continuous improvement in the operation of the proposed project; and

(3) The extent to which the time commitments of the project director and principal investigator and other key project personnel are appropriate and adequate to meet the objectives of the proposed project.

(d) **Quality of Project Services** (up to 30 points).

The Secretary considers the quality of the services to be provided by the proposed project.

(1) In determining the quality of the services to be provided by the proposed project, the Secretary considers the quality and sufficiency of strategies for ensuring equal access and treatment for eligible project participants who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(2) In addition, the Secretary considers the likely impact of the services to be provided by the proposed project on the intended recipients of those services.

(e) **Quality of Project Personnel** (up to 5 points).

The Secretary considers the quality of the personnel who will carry out the proposed project.

(1) In determining the quality of project personnel, the Secretary

considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(2) In addition, the Secretary considers the following factors—

(i) The qualifications, including relevant training and experience, of the project director or principal investigator; and

(ii) The qualifications, including relevant training and experience, of key project personnel.

(f) *Adequacy of Resources* (up to 10 points).

The Secretary considers the adequacy of resources for the proposed project. In determining the adequacy of resources for the proposed project, the Secretary considers one or more of the following factors:

(1) The extent to which the budget is adequate to support the proposed project;

(2) The extent to which the costs are reasonable in relation to the objectives, design, and potential significance of the proposed project; and

(3) The extent to which the costs are reasonable in relation to the number of persons to be served and to the anticipated results and benefits.

**2. Review and Selection Process:** We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

**3. Risk Assessment and Specific Conditions:** Consistent with 2 CFR 200.206, before awarding grants under this program the Department conducts a review of the risks posed by applicants. Under 2 CFR 200.208, the Secretary may impose specific conditions and, under 2 CFR 3474.10, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of

unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

**4. Integrity and Performance System:** If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently \$250,000), under 2 CFR 200.206(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds \$10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed \$10,000,000.

**5. In General:** In accordance with OMB's guidance located at 2 CFR part 200, all applicable Federal laws, and relevant Executive guidance, the Department will review and consider applications for funding pursuant to this notice inviting applications in accordance with—

(a) Selecting recipients most likely to be successful in delivering results based on the program objectives through an objective process of evaluating Federal award applications (2 CFR 200.205);

(b) Prohibiting the purchase of certain telecommunication and video surveillance services or equipment in alignment with section 889 of the National Defense Authorization Act of 2019 (Pub. L. 115–232) (2 CFR 200.216);

(c) Providing a preference, to the extent permitted by law, to maximize use of goods, products, and materials produced in the United States (2 CFR 200.322); and

(d) Terminating agreements in whole or in part to the greatest extent authorized by law if an award no longer

effectuates the program goals or agency priorities (2 CFR 200.340).

## VI. Award Administration Information

**1. Award Notices:** If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

**2. Administrative and National Policy Requirements:** We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

**3. Open Licensing Requirements:** Unless an exception applies, if you are awarded a grant under this competition, you will be required to openly license to the public grant deliverables created in whole, or in part, with Department grant funds. When the deliverable consists of modifications to pre-existing works, the license extends only to those modifications that can be separately identified and only to the extent that open licensing is permitted under the terms of any licenses or other legal restrictions on the use of pre-existing works. Additionally, a grantee or subgrantee that is awarded competitive grant funds must have a plan to disseminate these public grant deliverables. This dissemination plan can be developed and submitted after your application has been reviewed and selected for funding. For additional information on the open licensing requirements please refer to 2 CFR 3474.20.

**4. Reporting:** (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report

that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to [www.ed.gov/fund/grant/apply/appforms/appforms.html](http://www.ed.gov/fund/grant/apply/appforms/appforms.html).

5. *Performance Measures*: For the purposes of Department reporting under 34 CFR 75.110, the Department has established the following performance measures for the Javits program: (1) The number of students newly identified as *gifted and talented* under the program; (2) The number of *underserved students* newly identified as *gifted and talented* under the program; (3) The percentage of students newly identified as *gifted and talented* under the program who were served under the program; (4) The percentage of *underserved students* newly identified as *gifted and talented* under the program who were served by the program; (5) Of the students served under the program who were in tested grades, the percentage who made gains on State assessments in mathematics; (6) Of the students served under the program who were in tested grades, the percentage who made gains on State assessments in science; (7) Of the students served under the program who were in tested grades, the percentage who made gains on State assessments in reading; and (8) The number of teachers and other *educators* who received services that enable them to better identify and improve instruction for *gifted and talented* students.

All grantees will be expected to submit an annual performance report that includes data addressing these performance measures to the extent that they apply to the grantee's project.

6. *Continuation Awards*: In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: Whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, whether the grantee has made substantial progress in achieving the performance targets in the grantee's approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities

receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

## VII. Other Information

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

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

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

**Ruth E. Ryder**,

*Deputy Assistant Secretary for Policy and Programs, Office of Elementary and Secondary Education.*

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**BILLING CODE 4000-01-P**

## DEPARTMENT OF EDUCATION

[Docket No.: ED-2022-SCC-0018]

### Agency Information Collection Activities; Comment Request; HEERF Quarterly Budget and Expenditure Reporting

**AGENCY**: Office of Postsecondary Education (OPE), Department of Education (ED).

**ACTION**: Notice.

**SUMMARY**: In accordance with the Paperwork Reduction Act of 1995, ED is requesting the Office of Management and Budget (OMB) to conduct an emergency review of a revision of a currently approved collection.

**DATES**: The Department is requesting emergency processing and OMB

approval for this information collection by March 15, 2022; and therefore, the Department is requesting public comments by March 14, 2022. A regular clearance process is also hereby being initiated to provide the public with the opportunity to comment under the full comment period. Interested persons are invited to submit comments on or before April 18, 2022.

**ADDRESSES**: To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED-2022-SCC-0018. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the [regulations.gov](http://www.regulations.gov) site is not available to the public for any reason, ED will temporarily accept comments at [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov). Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the PRA Coordinator of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 6W208D, Washington, DC 20202-8240.

**FOR FURTHER INFORMATION CONTACT**: For specific questions related to collection activities, please contact Karen Epps, 202-453-6337.

**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:* HEERF Quarterly Budget and Expenditure Reporting.

*OMB Control Number:* 1840-0849.

*Type of Review:* A revision of a currently approved collection.

*Respondents/Affected Public:* Private Sector; State, Local, and Tribal Governments.

*Total Estimated Number of Annual Responses:* 20,680.

*Total Estimated Number of Annual Burden Hours:* 103,400.

*Abstract:* Section 18004(a)(1) of the CARES Act, Public Law 116-136 (March 27, 2020), authorizes the Secretary of Education to allocate formula grant funds to participating institutions of higher educations (IHEs). Section 18004(c) of the CARES Act allows the IHEs to use up to one-half of the total funds received to cover any costs associated with the significant changes to the delivery of instruction due to the coronavirus (with specific exceptions). Section 18004(a)(2) of the CARES Act authorizes the Secretary to make awards under parts A and B of title III, parts A and B of title V, and subpart 4 of part A of title VII of the Higher Education Act of 1965, as amended ("HEA"), to address needs directly related to the coronavirus. These awards are in addition to awards made in Section 18004(a)(1) of the CARES Act. Section 18004(a)(3) of the CARES Act, Pub. authorizes the Secretary to allocate funds for part B of Title VII of the HEA, for IHEs that the Secretary determines have the greatest unmet needs related to coronavirus.

This information collection request includes additions and revisions to the quarterly budget and expenditure reporting form used by grantees under these sections of the CARES Act, as well as comparable sections of the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSAA) (Pub. L. 116-260) and the American Rescue Plan Act of 2021 (ARP) (Pub. L. 117-2). These revisions to the collection will ensure the Department will be able to more effectively monitor the use of funds by grantees that have received awards under these sections. The majority of

the quarterly report aligns closely with the recently-approved annual reporting form, for which 60- and 30-day comment notices were published.

*Additional Information:* The Department is requesting emergency approval to allow the revisions to be implemented and announced prior to the first quarter reporting deadline on April 10, 2022. If the Department is unable to implement the changes in time for this reporting deadline, the Department will be lacking critical information needed to monitor and provide technical assistance to HEERF grantees. Given the amount of HEERF funds that have been distributed, it is imperative that the Department has the information needed to ensure that all uses of funds are in accordance with the governing statutes and program guidance.

**Kate Mullan,**

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

[FR Doc. 2022-03268 Filed 2-15-22; 8:45 am]

**BILLING CODE 4000-01-P**

## DEPARTMENT OF EDUCATION

### Applications for New Awards; Competitive Grants for State Assessments Program

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

**ACTION:** Notice.

**SUMMARY:** The Department of Education (Department) is issuing a notice inviting applications for fiscal year (FY) 2022 for the Competitive Grants for State Assessments program, Assistance Listing Number (ALN) 84.368A. This notice relates to the approved information collection under OMB control number 1894-0006.

**DATES:**

*Applications Available:* February 16, 2022.

*Deadline for Notice of Intent to Apply:* March 18, 2022.

*Deadline for Transmittal of Applications:* April 18, 2022.

**ADDRESSES:** For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on December 27, 2021 (86 FR 73264) and available at [www.federalregister.gov/d/2021-27979](http://www.federalregister.gov/d/2021-27979). Please note that these Common

Instructions supersede the version published on February 13, 2019, and, in part, describe the transition from the requirement to register in *SAM.gov* a Data Universal Numbering System (DUNS) number to the implementation of the Unique Entity Identifier (UEI). More information on the phase-out of DUNS numbers is available at <https://www2.ed.gov/about/offices/list/fofo/docs/unique-entity-identifier-transition-fact-sheet.pdf>.

**FOR FURTHER INFORMATION CONTACT:**

Donald Peasley, Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue SW, Room 3W106, Washington, DC 20202-6132. Telephone: (202) 453-7982. Email: [ESEA.Assessment@ed.gov](mailto:ESEA.Assessment@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:**

**Full Text of Announcement**

**I. Funding Opportunity Description**

*Purpose of Program:* The purpose of the Competitive Grants for State Assessments (CGSA) program is to enhance the quality of assessment instruments and assessment systems used by States for measuring the academic achievement of elementary and secondary school students.

*Background:* The Department recognizes the importance of high-quality assessment systems, which include diagnostic, formative, interim, and summative assessments that are valid and reliable for the purposes for which they are used and that provide relevant and timely information to help educators, parents or caregivers, and policymakers support students at the student, classroom, school, and system levels.

Statewide summative assessments are among multiple measures that can provide valuable information to students, parents or caregivers, educators, and the public about student outcomes and opportunity gaps. In its draft Frequently Asked Question document, *Impact of COVID-19 on 2021-2022 Accountability Systems Required under the Elementary and Secondary Education Act of 1965 (ESEA)*,<sup>1</sup> the Department encourages States to explore "opportunities to improve statewide summative assessments, which may include, consistent with ESEA section 1111(b)(2)(B)(vi), the use of multiple

<sup>1</sup> Available at: <https://oese.ed.gov/files/2021/12/DRAFT-Accountability-FAQ-12.15.pdf>.



measures of student academic achievement, including measures of higher-order thinking skills and understanding, which may include measures of student academic growth and may be partially delivered in the form of portfolios, projects, or extended performance tasks which can provide students with culturally and linguistically responsive ways of demonstrating progress.”<sup>2</sup> In particular, the available uses of funds for CGSA include developing or improving models to measure individual student growth and improving assessments for English learners and children and students with disabilities. For example, a State could develop statewide academic assessments in another language or form, if that would likely yield more accurate and reliable information on what such a student knows and can do, or use the principles of universal design for learning to improve the accessibility of their statewide assessments. Additionally, technology advancement can allow for assessments to be conducted with more frequency and less interruptions in instruction. These technology-enhanced assessments may be able to provide timely and tailored supports for teachers to inform instruction.

Further, this notice is aligned with the strategies outlined in the Secretary’s Supplemental Priorities and Definitions for Discretionary Grant Programs (Supplemental Priorities), which include developing and implementing high-quality assessments of student learning (for example, curriculum-aligned and performance-based tools aligned with State grade-level content standards and, for career and technical education, relevant industry standards) and strategies that allow educators to use the data from assessments to inform instructional design and classroom practices that meet the needs of all students and providing high-quality professional development to support educators in implementing these strategies.<sup>3</sup>

Section 1203(b)(1)(A) of the ESEA identifies six allowable uses of funds under CGSA. In brief, these uses include (1) developing or improving assessments for English learners; (2) developing or improving models to measure and assess student progress or student growth on assessments; (3) developing or improving assessments for children with disabilities; (4) collaborating with institutions of higher

education or other organizations to improve the quality, validity, and reliability of State academic assessments; (5) measuring student academic achievement using multiple measures of student academic achievement from multiple sources; and (6) evaluating student academic achievement using comprehensive academic assessment instruments (such as performance and technology-based academic assessments, computer adaptive assessments, projects, or extended performance task assessments) that emphasize the mastery of standards and aligned competencies in a competency-based education model. The Department notes that, as set forth below in the *Priorities* section, the last two statutory uses of funds also are the two absolute priorities in this competition.

The Department notes that these allowable uses of funds are not mutually exclusive. An SEA, or consortium of SEAs, applying for funds must identify how the proposed project addresses at least one of the absolute priorities in this CGSA competition. An applicant may also propose any of the other four allowed uses of funds, as long as it also addresses either absolute priority.

Grants awarded from this competition are available for up to 48 months with a maximum budget request of \$3,000,000 for the total project period.

*Priorities:* This competition includes two absolute priorities, one competitive preference priority, and one invitational priority to encourage State educational agencies (SEAs) to consider new approaches to their State assessment systems.

Absolute Priority 1 is from ESEA section 1201(a)(2)(K) and is intended to encourage the use of multiple measures of academic achievement. Projects under this absolute priority might promote deeper understanding of academic achievement of all student subgroups by supporting States in designing a statewide assessment system that meets Federal requirements and, for example, integrates information obtained from curriculum-embedded performance tasks with information obtained from an end-of-year assessment to produce a valid, reliable, and fair measure of student achievement of State academic standards.

Absolute Priority 2 is from ESEA section 1201(a)(2)(L) and is focused on the development of comprehensive academic assessments that emphasize the mastery of standards and aligned competencies in a competency-based education model. Projects under this absolute priority could, for example, strengthen statewide assessment

systems by incorporating innovative, dynamic, and real-time tools for assessing student learning and progression and providing information to educators.

The competitive priority is from the Notice of Final Priorities—Enhanced Assessment Instruments, published in the **Federal Register** on August 8, 2016, (81 FR 52341) (2016 NFP).<sup>4</sup> The competitive priority focuses on improving the utility of information about student performance included in reports of assessment results and providing better and more timely information to educators and parents.

The invitational priority is from the Secretary’s Final Supplemental Priorities and Definitions for Discretionary Grant Programs, published in the **Federal Register** on December 10, 2021, at 86 FR 70612.<sup>5</sup> The invitational priority is focused on supporting effective instruction and building educator capacity through the development of high-quality assessments of student learning and strategies that allow educators to use data from assessments to inform instruction.

For FY 2022 and any subsequent year in which we make awards from the list of unfunded applications from this competition, these are the priorities.

*Absolute Priorities:* Under 34 CFR 75.105(c)(3), we consider only applications that meet one of these priorities. Absolute Priorities 1 and 2 each constitute their own funding categories. The Department may award grants under each of these absolute priorities provided that applications of sufficient quality are submitted. As a result, the Department may fund applications out of the overall rank order. To ensure that applicants are considered for the correct type of grant, applicants must clearly identify the specific absolute priority that the proposed project addresses. If an SEA (or consortium of SEAs) is interested in proposing separate projects (e.g., one that addresses Absolute Priority 1 and another that addresses Absolute Priority 2), the SEA (or consortium of SEAs) must submit separate applications.

These priorities are:

*Absolute Priority 1:* Measuring student academic achievement using multiple measures of student academic achievement from multiple sources.

<sup>4</sup> Available at: <https://www.federalregister.gov/documents/2016/08/08/2016-18530/final-priorities-enhanced-assessment-instruments>.

<sup>5</sup> Available at <https://www.federalregister.gov/documents/2021/12/10/2021-26615/final-priorities-and-definitions-secretarys-supplemental-priorities-and-definitions-for>.

<sup>3</sup> Available at: <https://www.federalregister.gov/documents/2021/12/10/2021-26615/final-priorities-and-definitions-secretarys-supplemental-priorities-and-definitions-for>.

*Absolute Priority 2:* Evaluating student academic achievement through the development of comprehensive academic assessment instruments (such as performance and technology-based academic assessments, computer adaptive assessments, projects, or extended performance task assessments) that emphasize the mastery of standards and aligned competencies in a competency-based education model.

*Competitive Preference Priority:* Under 34 CFR 75.105(c)(2)(i), the Department awards up to an additional 3 points to an application, depending on how well the application meets the priority. The competitive priority is: Improving assessment scoring and score reporting. (Up to 3 points)

*Under this priority, SEAs must:*  
(a) Propose projects, in consultation with organizations representing parents (including parents of English learners and parents of students with disabilities), students, teachers, counselors, and school administrators to address needs related to score reporting and improve the utility of information about student performance included in reports of assessment results and provide better and more timely information to educators and parents;

(1) To respond to paragraph (a), applicants must include one or more of the following in their projects:

(i) Developing enhanced score reporting templates or digital mechanisms for communicating assessment results and their meaning (such as by providing clear and actionable next steps for parents);

(ii) Improving the assessment literacy of educators and parents to help them interpret test results and to support teaching and learning in the classroom (such as by providing training on test development and interpretation of test scores); and

(iii) Developing mechanisms for secure transmission and individual use of assessment results by teachers, students, and parents.

(b) Applicants proposing projects under paragraph (a) must provide a dissemination plan for sharing lessons learned and best practices such that their projects can serve as models and resources that can be shared with other States.

#### *Invitational Priority*

Under 34 CFR 75.105(c)(1) we do not give an application that meets an invitational priority any preference over other applications.

The invitational priority is: Supporting effective instruction and building educator capacity by developing and implementing high-

quality assessments (as defined in the Secretary's Supplemental Priorities<sup>6</sup>) of student learning (for example, curriculum-aligned and performance-based tools aligned with State grade-level content standards or, for career and technical education, relevant industry standards) and strategies that allow educators to use the data from assessments to inform instructional design and classroom practices that meet the needs of all students, and providing high-quality professional development to support educators in implementing these strategies.

*Application Requirement:* For FY 2022, and any subsequent year in which we make awards from the list of unfunded applications from this competition, applicants must meet the following uses of funds application requirement from section 1203(b)(1)(B) of the ESEA, which refers to section 1201(a)(2)(C) and (H)–(L) of the ESEA.

*Uses of Funds:* As required by statute and stated earlier in this notice, applicants must demonstrate that their proposed uses of funds for CGSA would be to carry out one or more of the following activities:

(a) Developing or improving assessments for English learners, including assessments of English language proficiency as required under section 1111(b)(2)(G) of the ESEA and academic assessments in languages other than English to meet the State's obligations under section 1111(b)(2)(F) of the ESEA.

(b) Developing or improving models to measure and assess student progress or student growth on State assessments under section 1111(b)(2) of the ESEA and other assessments not required under section 1111(b)(2) of the ESEA.

(c) Developing or improving assessments for children with disabilities, including alternate assessments aligned to alternate academic achievement standards for students with the most significant cognitive disabilities described in section 1111(b)(2)(D) of the ESEA, and using the principles of universal design for learning.

(d) Allowing for collaboration with institutions of higher education, other research institutions, or other organizations to improve the quality, validity, and reliability of State academic assessments beyond the requirements for such assessments described in section 1111(b)(2) of the ESEA.

(e) Measuring student academic achievement using multiple measures of

student academic achievement from multiple sources.

(f) Evaluating student academic achievement through the development of comprehensive academic assessment instruments (such as performance and technology-based academic assessments, computer adaptive assessments, projects, or extended performance task assessments) that emphasize the mastery of standards and aligned competencies in a competency-based education model.

*Definitions:* For FY 2022 and any subsequent year in which we make awards from the list of unfunded applications from this competition, the following definitions apply. The definitions of "Child with a disability," "English learner," and "Universal design for learning" are from section 8101 of the ESEA (20 U.S.C. 7801). The definitions of "Demonstrates a rationale," "Logic model," "Project component," and "Relevant outcome" are from 34 CFR 77.1.

*Child with a disability,* as defined in section 602 of the Individuals with Disabilities Education Act, means—

(A) A child—

(i) With intellectual disabilities, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance (referred to in the IDEA as "emotional disturbance"), orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities; and

(ii) Who, by reason thereof, needs special education and related services.

(B) The term "child with a disability" for a child aged 3 through 9 (or any subset of that age range, including ages three through five), may, at the discretion of the State and the local educational agency, include a child—

(i) Experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures, in 1 or more of the following areas: Physical development; cognitive development; communication development; social or emotional development; or adaptive development; and

(ii) Who, by reason thereof, needs special education and related services.

*Demonstrates a rationale* means a key project component included in the project's logic model is informed by research or evaluation findings that suggest the project component is likely to improve relevant outcomes.

*English learner,* when used with respect to an individual, means an individual—

(A) Who is aged 3 through 21;

<sup>6</sup> Available at: <https://www.federalregister.gov/d/2021-26615/p-643>.

(B) Who is enrolled or preparing to enroll in an elementary school or secondary school;

(C)(i) Who was not born in the United States or whose native language is a language other than English;

(ii)(I) Who is a Native American or Alaska Native, or a native resident of the outlying areas; and

(II) Who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or

(iii) Who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and

(D) Whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual—

(i) The ability to meet the challenging State academic standards;

(ii) The ability to successfully achieve in classrooms where the language of instruction is English; or

(iii) The opportunity to participate fully in society.

*Logic model* (also referred to as a theory of action) means a framework that identifies key project components of the proposed project (*i.e.*, the active “ingredients” that are hypothesized to be critical to achieving the relevant outcomes) and describes the theoretical and operational relationships among the key project components and relevant outcomes.

*Project component* means an activity, strategy, intervention, process, product, practice, or policy included in a project. Evidence may pertain to an individual project component or to a combination of project components (*e.g.*, training teachers on instructional practices for English learners and follow-on coaching for these teachers).

*Relevant outcome* means the student outcome(s) or other outcome(s) the key project component is designed to improve, consistent with the specific goals of the program.

*Universal design for learning*, as defined under section 103 of the Higher Education Act of 1965, as amended, means a scientifically valid framework for guiding educational practice that—

(a) Provides flexibility in the ways information is presented, in the ways students respond or demonstrate knowledge and skills, and in the ways students are engaged; and

(b) Reduces barriers in instruction, provides appropriate accommodations, supports, and challenges, and maintains high achievement expectations for all students, including students with

disabilities and students who are limited English proficient.<sup>7</sup>

*Program Authority:* Section 1203(b)(1) of the ESEA (20 U.S.C. 6363(b)(1)).

**Note:** Projects will be awarded and must be operated in a manner consistent with the nondiscrimination requirements contained in Federal civil rights laws.

*Applicable Regulations:* (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 81, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474. (d) The 2016 NFP. (e) The Supplemental Priorities.

## II. Award Information

*Type of Award:* Discretionary grants.

*Estimated Available Funds:*

\$17,711,000. The Administration has requested \$8,900,000 for new awards for this program for FY 2022. Congress has already appropriated \$8,900,000 for FY 2021. The actual total amount of funding for this competition depends on final congressional action for FY 2022.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2023 (or later) from the list of unfunded applications from this competition.

*Estimated Range of Awards for the Project Period:* \$1,000,000 to \$3,000,000.

*Estimated Average Size of Awards for the Project Period:* \$2,500,000.

*Maximum Size of Awards for the Project Period:* We will not make an award exceeding \$3,000,000.

**Note:** The Department will not make an award under any of the absolute priorities for less than the amount specified in section 1203(b)(1)(C) of the ESEA.

*Estimated Number of Awards:* 3 to 6.

**Note:** The Department is not bound by any estimates in this notice.

*Project Period:* Up to 48 months.

## III. Eligibility Information

1. *Eligible Applicants:* SEAs, as defined in section 8101(49) of the ESEA, of the 50 States, the District of Columbia, and the Commonwealth of

Puerto Rico, and consortia of such SEAs.

2. *Cost Sharing or Matching:* This competition does not require cost sharing or matching.

3. *Subgrantees:* A grantee under this competition may not award subgrants to entities to directly carry out project activities described in its application.

4. *Other:* An application from a consortium of SEAs must designate one SEA as the fiscal agent.

## IV. Application and Submission Information

### 1. Application Submission

*Instructions:* Applicants are required to follow the Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on December 27, 2021 (86 FR 73264) and available at [www.federalregister.gov/d/2021-27979](https://www.federalregister.gov/d/2021-27979), which contain requirements and information on how to submit an application. Please note that these Common Instructions supersede the version published on February 13, 2019, and, in part, describe the transition from the requirement to register in SAM.gov a DUNS number to the implementation of the UEI. More information on the phase-out of DUNS numbers is available at <https://www2.ed.gov/about/offices/list/fofo/docs/unique-entity-identifier-transition-fact-sheet.pdf>.

2. *Submission of Proprietary Information:* Given the types of projects that may be proposed in applications for the CGSA, your application may include business information that you consider proprietary. In 34 CFR 5.11, we define “business information” and describe the process we use in determining whether any of that information is proprietary and, thus, protected from disclosure under Exemption 4 of the Freedom of Information Act (5 U.S.C. 552, as amended). Because we plan to make all application materials public, you may wish to request confidentiality of business information.

Consistent with Executive Order 12600, please designate in your application any information that you believe is exempt from disclosure under Exemption 4. In the appropriate Appendix section of your application, under “Other Attachments Form,” please list the page number or numbers on which we can find this information. For additional information please see 34 CFR 5.11(c).

3. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79.

<sup>7</sup> For purposes of this notice, English learner and limited English proficient have the same meaning.

4. *Funding Restrictions*: We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

5. *Recommended Page Limit*: The project narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative to the equivalent of no more than 65 pages and (2) use the following standards:

- A “page” is 8.5” x 11”, on one side only, with 1” margins at the top, bottom, and both sides.

- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.

- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).

- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit applies to the project narrative, including the table of contents, which must include a discussion of how the application meets one of the absolute priorities, and how well the application addresses each of the selection criteria. The recommended page limit also applies to any attachments to the project narrative other than the items mentioned in Part 6 of the application package, including the references/bibliography. In other words, we recommend that the entirety of the project narrative, including the aforementioned discussion and any attachments to the project narrative, be limited to the equivalent of no more than 65 pages. The only allowable attachments other than those included in the project narrative are outlined in Part 6, “Other Attachments Forms,” in the application package.

The recommended 65-page limit, or its equivalent, does not apply to the following sections of an application: Part 1 (including the response regarding research activities involving human subjects); Part 2 (budget information); Part 3 (two-page project abstract); Part 5 (the budget narrative); Part 6 (memoranda of understanding or other binding agreement, if applicable; copy of applicant’s indirect cost rate agreement; letters of commitment and support from collaborating SEAs and organizations; other attachments forms, including, if applicable, references/bibliography for the project narrative and individual résumés for project director(s) and key personnel); and Part 7 (standard assurances and

certifications). Applicants are encouraged to limit each résumé to no more than five pages.

Please note, hyperlinks should not be used in an application. Reviewers will be instructed not to follow hyperlinks if included. Applicants are encouraged to submit applications that meet the page limit following the standards outlined in this section rather than submitting applications that are the equivalent of the page limit applying other standards.

6. *Notice of Intent to Apply*: We are better able to develop a more efficient process for reviewing grant applications if we have a better understanding of the number of applicants that intend to apply for funding under this competition. Therefore, we strongly encourage each potential applicant to notify us of the applicant’s intent to submit an application for funding and which absolute priority the applicant intends to address. This notification should be brief and identify the SEA applicant and, in the case of consortia applicants, the SEA that it will designate as the fiscal agent for an award. Submit this notification by email to [ESEA.Assessment@ed.gov](mailto:ESEA.Assessment@ed.gov) with “Intent to Apply” in the email subject line or mail to Donald Peasley, U.S. Department of Education, 400 Maryland Avenue SW, Room 3W106, Washington, DC 20202–6132. Applicants that do not provide this notification may still apply for funding.

## V. Application Review Information

1. *Selection Criteria*: The selection criteria for this competition are from 34 CFR 75.210. We will award up to 100 points to an application under the selection criteria; the total possible points for each selection criterion are noted in parentheses.

(a) *Significance* (up to 10 points).

The Secretary considers the significance of the proposed project. In determining the significance of the proposed project, the Secretary considers the following factors:

(1) The extent to which the proposed project is likely to build local capacity to provide, improve, or expand services that address the needs of the target population. (5 points)

(2) The likely utility of the products (such as information, materials, processes, or techniques) that will result from the proposed project, including the potential for their being used effectively in a variety of other settings. (5 points).

(b) *Quality of the project design* (up to 25 points).

The Secretary considers the quality of the design of the proposed project. In determining the quality of the design of

the proposed project, the Secretary considers the following factors:

(1) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable. (10 points)

(2) The extent to which the proposed project is part of a comprehensive effort to improve teaching and learning and support rigorous academic standards for students. (10 points)

(3) The extent to which the proposed project demonstrates a rationale (as defined in this notice). (5 points)

(c) *Quality of project services* (up to 30 points).

The Secretary considers the quality of the services to be provided by the proposed project. In determining the quality of the services to be provided by the proposed project, the Secretary considers:

(1) The quality and sufficiency of strategies for ensuring equal access and treatment for eligible project participants who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability. (10 points)

(2) The extent to which the services to be provided by the proposed project are appropriate to the needs of the intended recipients or beneficiaries of those services. (10 points)

(3) The extent to which the training or professional development services to be provided by the proposed project are of sufficient quality, intensity, and duration to lead to improvements in practice among the recipients of those services. (10 points)

(d) *Adequacy of resources* (up to 10 points).

The Secretary considers the adequacy of resources for the proposed project. In determining the adequacy of resources for the proposed project, the Secretary considers the extent to which the costs are reasonable in relation to the number of persons to be served and to the anticipated results and benefits.

(e) *Quality of the management plan* (up to 20 points).

The Secretary considers the quality of the management plan for the proposed project. In determining the quality of the management plan for the proposed project, the Secretary considers:

(1) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks. (10 points)

(2) The extent to which the time commitments of the project director and principal investigator and other key

project personnel are appropriate and adequate to meet the objectives of the proposed project. (10 points)

(f) *Quality of the project evaluation* (up to 5 points).

The Secretary considers the quality of the evaluation to be conducted of the proposed project. In determining the quality of the evaluation, the Secretary considers the extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Risk Assessment and Specific Conditions:* Consistent with 2 CFR 200.206, before awarding grants under this competition the Department conducts a review of the risks posed by applicants. Under 2 CFR 200.208, the Secretary may impose specific conditions and, under 2 CFR 3474.10, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently \$250,000), under 2 CFR 200.206(a)(2), we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal

Awardee Performance and Integrity Information System (FAPIIS)), accessible through SAM. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds \$10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed \$10,000,000.

5. *In General:* In accordance with the Office of Management and Budget's guidance located at 2 CFR part 200, all applicable Federal laws, and relevant Executive guidance, the Department will review and consider applications for funding pursuant to this notice inviting applications in accordance with:

(a) Selecting recipients most likely to be successful in delivering results based on the program objectives through an objective process of evaluating Federal award applications (2 CFR 200.205);

(b) Prohibiting the purchase of certain telecommunication and video surveillance services or equipment in alignment with section 889 of the National Defense Authorization Act of 2019 (Pub. L. 115—232) (2 CFR 200.216);

(c) Providing a preference, to the extent permitted by law, to maximize use of goods, products, and materials produced in the United States (2 CFR 200.322); and

(d) Terminating agreements in whole or in part to the greatest extent authorized by law if an award no longer effectuates the program goals or agency priorities (2 CFR 200.340).

## VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN), or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Open Licensing Requirements:* Unless an exception applies, if you are awarded a grant under this competition, you will be required to openly license to the public grant deliverables created in whole, or in part, with Department grant funds. When the deliverable consists of modifications to preexisting works, the license extends only to those modifications that can be separately identified and only to the extent that open licensing is permitted under the terms of any licenses or other legal restrictions on the use of preexisting works. Additionally, a grantee or subgrantee that is awarded competitive grant funds must have a plan to disseminate these public grant deliverables. This dissemination plan can be developed and submitted after your application has been reviewed and selected for funding. For additional information on the open licensing requirements please refer to 2 CFR 3474.20.

4. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to [www.ed.gov/fund/grant/apply/appforms/appforms.html](http://www.ed.gov/fund/grant/apply/appforms/appforms.html).

(c) Under 34 CFR 75.250(b), the Secretary may provide a grantee with additional funding for data collection analysis and reporting. In this case the Secretary establishes a data collection period.

5. *Performance Measures:* For purposes of Department reporting under 34 CFR 75.110, the Department has developed three measures to evaluate

the overall effectiveness of the CGSA program:

(1) The percentage of grantees, for each grant cycle, that demonstrate significant progress towards improving, developing, or implementing a new model for measuring the achievement of students.

(2) The percentage of grantees, for each grant cycle, that demonstrate collaboration with institutions of higher education, other research institutions, or other organizations to develop or improve State assessments.

(3) The percentage of grantees that, at least three times during the period of their grants, make available to SEA staff in non-participating States and to assessment researchers information on findings resulting from the CGSA program through presentations at national conferences, publications in refereed journals, or other products disseminated to the assessment community.

Grantees will be expected to include in their interim and final performance reports information about the accomplishments of their projects.

## VII. Other Information

**Accessible Format:** Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

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

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

### Ruth E. Ryder,

*Deputy Assistant Secretary for Policy and Programs, Office of Elementary and Secondary Education.*

[FR Doc. 2022-03290 Filed 2-15-22; 8:45 am]

BILLING CODE 4000-01-P

## DEPARTMENT OF EDUCATION

[Docket No.: ED-2022-SCC-0019]

### Agency Information Collection Activities; Comment Request; Connecting Adults to Success: Career Navigator Training Study (CATS Study)

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

**ACTION:** Notice.

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

**DATES:** Interested persons are invited to submit comments on or before April 18, 2022.

**ADDRESSES:** To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED-2022-SCC-0002. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the [regulations.gov](http://www.regulations.gov) site is not available to the public for any reason, ED will temporarily accept comments at [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov). Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the PRA Coordinator of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 6W208DC, Washington, DC 20202-8240.

**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact Melanie Ali, (202) 245-8345.

**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:** Connecting Adults to Success: Career Navigator Training Study (CATS Study).

**OMB Control Number:** 1850-NEW.

**Type of Review:** New collection.

**Respondents/Affected Public:** Individuals or Households.

**Total Estimated Number of Annual Responses:** 503,950.

**Total Estimated Number of Annual Burden Hours:** 4,257.

**Abstract:** This demonstration study will examine the impact of training for career navigators—local adult education provider staff who provide services to address the challenges that learners face navigating the transition to the workforce and to further education and training. The study will compare the education and employment outcomes of learners enrolled in adult education sites whose career navigators are assigned by lottery to receive the study's training (the treatment group) with the outcomes of learners enrolled in the business-as-usual sites who are assigned by lottery to receive the study's training after the study period (the comparison group). Approximately 64 adult education sites from across five to seven states are expected to participate in the study. Impacts on learners' education and employment outcomes will be examined after 18 and 30 months.

Dated: February 10, 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. 2022-03284 Filed 2-15-22; 8:45 am]

BILLING CODE 4000-01-P

**DEPARTMENT OF ENERGY****Notice of Request for Information (RFI) on Clean Hydrogen Manufacturing, Recycling, and Electrolysis**

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

**ACTION:** Request for information.

**SUMMARY:** The U.S. Department of Energy (DOE) invites public comment on its request for information (RFI) number DE-FOA-0002698 regarding clean hydrogen manufacturing, recycling, and electrolysis technology research, development, and demonstration (RD&D). The purpose of the RFI is to collect stakeholder feedback regarding RD&D efforts needed to meet the goals of the “Clean Hydrogen Manufacturing Initiative;” “Clean Hydrogen Technology Recycling Research, Development, and Demonstration Program;” and the “Clean Hydrogen Electrolysis Program.”

**DATES:** Responses to the RFI must be received by March 29, 2022, by 5:00 p.m. ET.

**ADDRESSES:** Comments to the RFI must be provided in writing. Interested parties are to submit comments electronically to [H2RFI@ee.doe.gov](mailto:H2RFI@ee.doe.gov). Include “Clean Hydrogen Manufacturing, Recycling, and Electrolysis RFI Response” in the subject line of the email. If possible, copy and paste the RFI sections as a template for your responses. Email attachments can be provided as a Microsoft Word (.docx) file or an Adobe PDF (.pdf) file, prepared in accordance with the detailed instructions in the RFI. Documents submitted electronically should clearly indicate which topic areas and specific questions are being addressed and should be limited to no more than 25 MB in size. The complete RFI document is located at <https://eere-exchange.energy.gov/>.

**FOR FURTHER INFORMATION CONTACT:** Questions may be addressed to [H2RFI@ee.doe.gov](mailto:H2RFI@ee.doe.gov) or to Karen Dandridge at (202) 586-7768. Further instruction can be found in the RFI document posted on EERE Exchange at <https://eere-exchange.energy.gov/>.

**SUPPLEMENTARY INFORMATION:** DOE’s Hydrogen and Fuel Cell Technologies Office (HFTO), in coordination with EERE’s Advanced Manufacturing Office, seeks input on priority areas that will advance domestic manufacturing and recycling of clean hydrogen technologies, including fuel cells, storage equipment, and other hydrogen related components; and on priority

areas that will advance electrolyzer technologies for affordable clean hydrogen production, in alignment with section 40314 of the Infrastructure Investment and Jobs Act, also known as the Bipartisan Infrastructure Law (BIL) and the mission of DOE’s Hydrogen Energy Earthshot.<sup>1</sup> This RFI is issued to obtain feedback on the status of and opportunities for technologies that support goals in BIL Sec. 40314, amending the Energy Policy Act of 2005 (EPACT). The BIL added a new section 815 on clean hydrogen manufacturing and recycling research, development, and demonstration (RD&D) and a new section 816 for the establishment of the Clean Hydrogen Electrolysis Program to EPACT. Specifically, the EPACT Sec. 815 activities are grouped into a Clean Hydrogen Manufacturing Initiative (815a) focused on enhancing domestic manufacturing of clean hydrogen use, storage, and related equipment and a Clean Hydrogen Technology Recycling RD&D Program (815b) that covers recycling of equipment for clean hydrogen processing, delivery, storage, and use, including fuel cells. The Clean Hydrogen Electrolysis Program expands on DOE’s existing, comprehensive Program on electrolysis and is a research, development, demonstration, commercialization, and deployment program aimed at improving efficiency, increasing durability, and reducing capital costs of electrolyzers, thus facilitating the commercialization of clean hydrogen electrolyzer technology.<sup>2</sup>

Specifically, this RFI seeks feedback and other guidance from industry, academia, research laboratories, government agencies, community groups, labor unions, energy users, environmental justice organizations, and other stakeholders regarding RD&D needs, critical barriers, or other activities needed in the following areas:

- New manufacturing technologies and techniques for clean hydrogen production, processing, delivery, storage and use equipment, including fuel cells
- Innovative and practical approaches to increase the reuse and recycling of clean hydrogen technologies
- Expanding research, development, demonstration, commercialization, and deployment of clean hydrogen electrolyzer technology to reach \$2/kg H<sub>2</sub> production cost by 2026
- Environmental justice, diversity, equity, and inclusion strategies,

including significant and meaningful community engagement plans and workforce education and training strategies

Specific questions can be found in the RFI. The RFI is available at: <https://eere-exchange.energy.gov/>.

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

**Signing Authority:** This document of the Department of Energy was signed on February 7, 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 February 9, 2022.

**Treena V. Garrett,**  
Federal Register Liaison Officer, U.S.  
Department of Energy.

[FR Doc. 2022-03088 Filed 2-15-22; 8:45 am]

**BILLING CODE 6450-01-P**

**DEPARTMENT OF ENERGY****Notice of Request for Information (RFI) on Regional Clean Hydrogen Hubs Implementation Strategy**

**AGENCY:** Office Energy Efficiency and Renewable Energy, Office of Fossil Energy and Carbon Management, Office of Nuclear Energy, Office of Clean Energy Demonstrations, Department of Energy.

**ACTION:** Request for information.

<sup>1</sup> [www.energy.gov/eere/fuelcells/hydrogen-shot](https://www.energy.gov/eere/fuelcells/hydrogen-shot).

<sup>2</sup> Public Law 109-58, Title VIII, sec. 816(b), as added Public Law 117-58, Div. D, Title III, sec. 40314(2), Nov. 15, 2021.

**SUMMARY:** The U.S. Department of Energy (DOE) invites public comment on its request for information (RFI) number DE-FOA-0002664 regarding the implementation strategy of a DOE Funding Opportunity Announcement (FOA) to fund regional clean hydrogen hubs, as required by the Infrastructure Investment and Jobs Act also known as the Bipartisan Infrastructure Law (BIL). The information being sought is intended to assist DOE in developing the Regional Clean Hydrogen Hubs FOA. Specifically, this RFI seeks input on the regional clean hydrogen hub provisions and requirements in the BIL and how DOE should develop the overall FOA solicitation process, structure, and implementation strategy; include equity, environmental, and energy justice priorities; and evaluate market adoption and sustainability of the hubs.

**DATES:** Responses to the RFI must be received by March 8, 2022, by 5:00 p.m. ET.

**ADDRESSES:** Comments to the RFI must be provided in writing. Interested parties are to submit their written comments electronically to [H2Hubs@hq.doe.gov](mailto:H2Hubs@hq.doe.gov) and include "H2Hubs RFI response" in the subject line of the email. Email attachments can be provided as a Microsoft Word (.docx) file or an Adobe PDF (.pdf) file, prepared in accordance with the detailed instructions in the RFI. Documents submitted electronically should clearly indicate which topic areas and specific questions are being addressed and should be limited to no more than 25 MB in size. The complete RFI [DE-FOA-0002664] document is located at <https://eere-exchange.energy.gov/>.

**FOR FURTHER INFORMATION CONTACT:** Questions may be addressed to [H2Hubs@hq.doe.gov](mailto:H2Hubs@hq.doe.gov) or to Karen Dandridge at (202) 586-1042. Further instructions can be found in the RFI document [DE-FOA-0002664] posted on EERE Exchange at <https://eere-exchange.energy.gov/>.

**SUPPLEMENTARY INFORMATION:** One key pathway to achieving large-scale, commercially viable deployment of hydrogen is through matching the scaleup of clean hydrogen supplies with a concomitant and growing regional demand. Co-locating large scale clean hydrogen production with multiple end-uses can foster the development of low-cost hydrogen and the necessary supporting infrastructure to jumpstart the hydrogen economy in various market segments, create jobs, and realize emissions reduction benefits. Section 40314 of the BIL amends section 813 of

the Energy Policy Act of 2005 to authorize appropriations of \$8 billion for the five (5) year period encompassing fiscal years (FYs) 2022 through 2026 for the development of Regional Clean Hydrogen Hubs that aid the achievement of the clean hydrogen production standard developed under section 822(a), demonstrate the production, processing, delivery, storage, and end-use of clean hydrogen, and can be developed into a national clean hydrogen network to facilitate a clean hydrogen economy. The purpose of this RFI is to solicit feedback from industry, government agencies, state and local coalitions, academia, research laboratories, community-based organizations, and other stakeholders regarding the Regional Clean Hydrogen Hub solicitation process and implementation strategy as DOE currently envisions it. Specifically, DOE is requesting input in the following categories:

- Regional Clean Hydrogen Hub Provisions and Requirements
- Solicitation Process, FOA Structure, and Implementation Strategy
- Equity, Environmental, and Energy Justice Priorities
- Market Adoption and Sustainability of Hubs

Specific questions can be found in the RFI. The RFI [DE-FOA-0002664] is available at: <https://eere-exchange.energy.gov/>.

**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. Submit these documents via email. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

**Signing Authority:** This document of the Department of Energy was signed on February 11, 2022, by Dr. Sunita Satyapal, Director, Hydrogen and Fuel Cell Technologies Office, and DOE Hydrogen Program Coordinator, 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 February 11, 2022.

**Treena V. Garrett,**  
Federal Register Liaison Officer, U.S.  
Department of Energy.

[FR Doc. 2022-03324 Filed 2-15-22; 8:45 am]

**BILLING CODE 6450-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER10-2193-003.  
*Applicants:* H.Q. Energy Services (U.S.) Inc.

*Description:* Supplement to May 19, 2021 Notice of Non-Material Change in Status of H.Q. Energy Services (U.S.) Inc.

*Filed Date:* 2/10/22.  
*Accession Number:* 20220210-5072.  
*Comment Date:* 5 p.m. ET 3/3/22.

*Docket Numbers:* ER21-1259-000; ER20-2888-002; ER20-2888-003; ER13-1430-013; ER13-1561-012; ER15-1218-011; ER16-38-009; ER16-39-008; ER16-1157-002; ER16-2501-005; ER16-2502-005; ER17-2341-006; ER17-2453-005; ER18-713-004; ER18-1076-004; ER18-1077-004; ER21-965-002; ER21-1259-002.

*Applicants:* Ventura Energy Storage, LLC, GASNA 36P, LLC, GASNA 6P, LLC, CA Flats Solar 150, LLC, Imperial Valley Solar 3, LLC, CA Flats Solar 130, LLC, Tropico, LLC, Nicolis, LLC, Kingbird Solar B, LLC, Kingbird Solar B, LLC, Kingbird Solar A, LLC, Solar Star California XIII, LLC, Centinela Solar Energy, LLC, Arlington Valley Solar Energy II, LLC, Townsite Solar, LLC, Coso Battery Storage, LLC.

*Description:* Notice of Non-Material Change in Status of Townsite Solar, LLC, et al.

*Filed Date:* 2/9/22.  
*Accession Number:* 20220209-5199.  
*Comment Date:* 5 p.m. ET 3/2/22.

*Docket Numbers:* ER21-666-003.  
*Applicants:* WPPI Energy.

*Description:* Compliance filing; Compliance filing to letter order approving settlement to be effective 3/1/2021.

*Filed Date:* 2/10/22.



*Accession Number:* 20220210–5108.  
*Comment Date:* 5 p.m. ET 3/3/22.  
*Docket Numbers:* ER22–600–001.  
*Applicants:* American Electric Power Service Corporation, Appalachian Power Company, Indiana Michigan Power Company, Kentucky Power Company, Kingsport Power Company, Ohio Power Company, Wheeling Power Company, PJM Interconnection, L.L.C.  
*Description:* Compliance filing: American Electric Power Service Corporation submits tariff filing per 35: AEP submits amendment to OATT Att. H–14B Pt II, Worksheet O re PBOP to be effective N/A.  
*Filed Date:* 2/10/22.  
*Accession Number:* 20220210–5143.  
*Comment Date:* 5 p.m. ET 3/3/22.  
*Docket Numbers:* ER22–874–001.  
*Applicants:* Graphite Solar 1, LLC.  
*Description:* Tariff Amendment: Amendment to base line filing to be effective 2/10/2022.  
*Filed Date:* 2/10/22.  
*Accession Number:* 20220210–5107.  
*Comment Date:* 5 p.m. ET 3/3/22.  
*Docket Numbers:* ER22–1011–000.  
*Applicants:* Midcontinent Independent System Operator, Inc.  
*Description:* § 205(d) Rate Filing: 2022–02–10\_SA 3493 METC-River Fork Solar 1st Rev GIA (J806) to be effective 1/28/2022.  
*Filed Date:* 2/10/22.  
*Accession Number:* 20220210–5030.  
*Comment Date:* 5 p.m. ET 3/3/22.  
*Docket Numbers:* ER22–1012–000.  
*Applicants:* Southwest Power Pool, Inc.  
*Description:* § 205(d) Rate Filing: Attachment AQ Revisions to Modify the Delivery Point Assessment Process to be effective 6/1/2022.  
*Filed Date:* 2/10/22.  
*Accession Number:* 20220210–5059.  
*Comment Date:* 5 p.m. ET 3/3/22.  
*Docket Numbers:* ER22–1013–000.  
*Applicants:* NSTAR Electric Company.  
*Description:* Tariff Amendment: Cancellation of Servistar LLC—Interconnection Study Agreement to be effective 2/10/2022.  
*Filed Date:* 2/10/22.  
*Accession Number:* 20220210–5099.  
*Comment Date:* 5 p.m. ET 3/3/22.  
*Docket Numbers:* ER22–1014–000.  
*Applicants:* Power Authority of the State of New York, New York Independent System Operator, Inc.  
*Description:* § 205(d) Rate Filing: Power Authority of the State of New York submits tariff filing per 35.13(a)(2)(iii): NYPA 205: Revisions to NYPA formula rate to be effective 4/11/2022.

*Filed Date:* 2/10/22.  
*Accession Number:* 20220210–5155.  
*Comment Date:* 5 p.m. ET 3/3/22.  
*Docket Numbers:* ER22–1015–000.  
*Applicants:* Prairie Breeze Wind Energy II LLC.  
*Description:* § 205(d) Rate Filing: Market-Based Rate Tariff Revisions to be effective 2/11/2022.  
*Filed Date:* 2/10/22.  
*Accession Number:* 20220210–5157.  
*Comment Date:* 5 p.m. ET 3/3/22.  
*Docket Numbers:* ER22–1016–000.  
*Applicants:* Prairie Breeze Wind Energy III LLC.  
*Description:* § 205(d) Rate Filing: Market-Based Rate Tariff Revisions to be effective 2/11/2022.  
*Filed Date:* 2/10/22.  
*Accession Number:* 20220210–5159.  
*Comment Date:* 5 p.m. ET 3/3/22.  
*Docket Numbers:* ER22–1017–000.  
*Applicants:* The Potomac Edison Company, PJM Interconnection, L.L.C.  
*Description:* § 205(d) Rate Filing: The Potomac Edison Company submits tariff filing per 35.13(a)(2)(iii): Potomac submits a Borderline Service Agreement, SA No. 6135 with Monongahela to be effective 4/12/2022.  
*Filed Date:* 2/10/22.  
*Accession Number:* 20220210–5160.  
*Comment Date:* 5 p.m. ET 3/3/22.  
*Docket Numbers:* ER22–1018–000.  
*Applicants:* New Market Solar ProjectCo 2, LLC.  
*Description:* Baseline eTariff Filing: Assignment, Co-Tenancy, and Shared Facilities Agreement, and Request for Waivers to be effective 2/15/2022.  
*Filed Date:* 2/10/22.  
*Accession Number:* 20220210–5175.  
*Comment Date:* 5 p.m. ET 3/3/22.  
 The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.  
 Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.  
 eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 10, 2022.  
**Debbie-Anne A. Reese,**  
*Deputy Secretary.*  
 [FR Doc. 2022–03322 Filed 2–15–22; 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:* RP22–541–000.  
*Applicants:* Greylock Production, LLC, EOG Resources, Inc.  
*Description:* Joint Petition for Temporary Waiver of Capacity Release Regulations, et al. of EOG Resources, Inc., et al.

*Filed Date:* 2/9/22.

*Accession Number:* 20220209–5083.

*Comment Date:* 5 p.m. ET 2/18/22.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

#### Filings in Existing Proceedings

*Docket Numbers:* RP22–417–002.  
*Applicants:* Tennessee Gas Pipeline Company, L.L.C.  
*Description:* Tariff Amendment: TGP PCG Pooling Amendment Feb 9/22 to be effective 5/1/2022.

*Filed Date:* 2/9/22.

*Accession Number:* 20220209–5129.

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

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 10, 2022.

**Debbie-Anne A. Reese,**

*Deputy Secretary.*

[FR Doc. 2022-03321 Filed 2-15-22; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 2322-000]

#### Brookfield White Pine Hydro LLC; Notice of Authorization for Continued Project Operation

On January 31, 2020, Brookfield White Pine Hydro LLC, licensee for the Shawmut Hydroelectric Project No.2322, filed an Application for a New Major License for Shawmut Hydroelectric Project pursuant to the Federal Power Act (FPA) and the Commission's regulations thereunder. The Shawmut Hydroelectric Project is located on the Kennebec River in Kennebec and Somerset Counties, Maine.

The license for Project No. 2322 was issued for a period ending January 31, 2022.<sup>1</sup> Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year-to-year an annual license to the then licensee(s) under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a

<sup>1</sup> The Commission issued the current license for the Shawmut Project on January 5, 1981, with an effective date of February 1, 1981, and a term of 40 years, expiring on January 31, 2021. *Central Maine Power Company*, 14 FERC ¶ 62,004 (1981). On December 11, 2018, the license term was extended by one year to January 31, 2022. *Brookfield White Pine Hydro, LLC*, 165 FERC ¶ 62,152 (2018).

license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No. 2322 is issued to Brookfield White Pine Hydro LLC, for a period effective February 1, 2022 through January 30, 2023 or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. If issuance of a new license (or other disposition) does not take place on or before January 30, 2023, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to section 15 of the FPA, notice is hereby given that Brookfield White Pine Hydro LLC, is authorized to continue operation of the Shawmut Hydroelectric Project, until such time as the Commission acts on its application for a new major license.

Dated: February 10, 2022.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2022-03333 Filed 2-15-22; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP21-113-000]

#### Alliance Pipeline, L.P.; Notice of Intent To Prepare an Environmental Impact Statement for the Proposed Three Rivers Interconnection Project, Request for Comments on Environmental Issues, and Schedule for Environmental Review

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental impact statement (EIS) that will discuss the environmental impacts of the Three Rivers Interconnection Project (Project) involving construction and operation of facilities by Alliance Pipeline, L.P. (Alliance) in Grundy County, Illinois. The Commission will use this EIS in its decision-making process to determine whether the Project is in the public convenience and necessity. The schedule for preparation of the EIS is discussed in the *Schedule for Environmental Review* section of this notice.

As part of the National Environmental Policy Act (NEPA) review process, the Commission takes into account concerns the public may have about proposals and the environmental impacts that could result whenever it considers the issuance of a Certificate of Public Convenience and Necessity. This gathering of public input is referred to as "scoping." By notice issued on September 20, 2021 in Docket No. CP21-113-000, the Commission opened a scoping period to solicit comments. Commission staff intends to prepare an EIS that will address the concerns raised during the scoping process and comments received in response to this notice.

By this notice, the Commission requests public comments on the scope of issues to address in the environmental document, including comments on potential alternatives and impacts, and any relevant information, studies, or analyses of any kind concerning impacts affecting the quality of the human environment. To ensure that your comments are timely and properly recorded, please submit your comments so that the Commission receives them in Washington, DC on or before 5:00 p.m. Eastern Time on March 14, 2022. Comments may be submitted in written or oral form. Further details on how to submit comments are provided in the *Public Participation* section of this notice.

As mentioned above, the Commission opened a scoping period which expired on October 19, 2021; however, Commission staff continued to accept comments after the comment period closed. All substantive comments provided will be addressed in the EIS. Therefore, if you submitted comments on this Project to the Commission during the previous scoping period, you do not need to file those comments again.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The company would seek to negotiate a mutually acceptable easement agreement. You are not required to enter into an agreement. However, if the Commission approves the Project, the Natural Gas Act conveys the right of eminent domain to the company. Therefore, if you and the company do not reach an easement agreement, the pipeline company could initiate condemnation proceedings in court. In such instances, compensation would be determined by a judge in accordance with state law. The Commission does not grant, exercise, or

oversee the exercise of eminent domain authority. The courts have exclusive authority to handle eminent domain cases; the Commission has no jurisdiction over these matters.

Alliance provided landowners with a fact sheet prepared by the FERC entitled “An Interstate Natural Gas Facility On My Land? What Do I Need To Know?” which addresses typically asked questions, including the use of eminent domain and how to participate in the Commission’s proceedings. This fact sheet along with other landowner topics of interest are available for viewing on the FERC website ([www.ferc.gov](http://www.ferc.gov)) under the Natural Gas Questions or Landowner Topics link.

### Public Participation

There are three methods you can use to submit your comments to the Commission. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or [FercOnlineSupport@ferc.gov](mailto:FercOnlineSupport@ferc.gov). Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the eComment feature, which is located on the Commission’s website ([www.ferc.gov](http://www.ferc.gov)) under the link to FERC Online. Using eComment is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the eFiling feature, which is located on the Commission’s website ([www.ferc.gov](http://www.ferc.gov)) under the link to FERC Online. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on “eRegister.” You will be asked to select the type of filing you are making; a comment on a particular project is considered a “Comment on a Filing”; or

(3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the project docket number (CP21–113–000) on your letter. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Additionally, the Commission offers a free service called eSubscription. This

service provides automatic notification of filings made to subscribed dockets, document summaries, and direct links to the documents. Go to <https://www.ferc.gov/ferc-online/overview> to register for eSubscription.

### Summary of the Proposed Project, the Project Purpose and Need, and Expected Impacts

Alliance proposes to construct and operate about 2.9 miles of 20-inch-diameter natural gas transmission pipeline and associated facilities. This pipeline would connect Alliance’s existing interstate natural gas transmission system with the CPV Three Rivers Energy Center; and as proposed, would transport up to 210 million standard cubic feet per day of natural gas. According to Alliance, the project is necessary to provide the CPV Three Rivers Energy Center with access to a natural gas supply source. The general location of the Project facilities is shown in appendix 1.<sup>1</sup>

Based on the environmental information provided by Alliance, construction of the proposed facilities would disturb about 42.8 acres of land. Following construction, Alliance would maintain about 17.7 acres of land to operate the Project facilities; the remaining acreage would be restored.

Based on a review of Alliance’s proposal and public comments received during scoping, Commission staff has identified several expected impacts that deserve attention in the EIS. The proposed pipeline would cross the Illinois River via a horizontal directional drill and would impact wetlands and agricultural lands. The Project would result in impacts on noise and air quality; and would ultimately result in the emission of greenhouse gases. The proposed pipeline would also be located in an area considered to be an environmental justice community. Lastly, the proposed pipeline would be located in the vicinity of a facility regulated by the Nuclear Regulatory Commission, which could require the completion of a safety analysis.

<sup>1</sup> The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the appendices were sent to all those receiving this notice in the mail and are available at [www.ferc.gov](http://www.ferc.gov) using the link called “eLibrary”. For instructions on connecting to eLibrary, refer to the last page of this notice. At this time, the Commission has suspended access to the Commission’s Public Reference Room due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact FERC at [FercOnlineSupport@ferc.gov](mailto:FercOnlineSupport@ferc.gov) or call toll free, (886) 208–3676 or TTY (202) 502–8659.

### The NEPA Process and the EIS

The EIS issued by the Commission will discuss impacts that could occur as a result of the construction and operation of the proposed Project under the relevant general resource areas:

- Geology and soils;
- water resources and wetlands;
- vegetation and wildlife;
- threatened and endangered species;
- cultural resources;
- land use;
- environmental justice;
- air quality and noise; and
- reliability and safety.

Commission staff will also make recommendations on how to lessen or avoid impacts on the various resource areas. Your comments will help Commission staff focus its analysis on the issues that may have a significant effect on the human environment.

The EIS will present Commission staff’s independent analysis of the issues. Staff will prepare a draft EIS which will be issued for public comment. Commission staff will consider all timely comments received during the comment period on the draft EIS and revise the document, as necessary, before issuing a final EIS. Any draft and final EIS will be available in electronic format in the public record through eLibrary<sup>2</sup> and the Commission’s natural gas environmental documents web page (<https://www.ferc.gov/industries-data/natural-gas/environmental-environmental-documents>). If eSubscribed, you will receive instant email notification when the environmental document is issued.

### Alternatives Under Consideration

The EIS will evaluate reasonable alternatives that are technically and economically feasible and meet the purpose and need for the proposed action.<sup>3</sup> Alternatives currently under consideration include the no-action alternative, meaning the Project is not implemented; system alternatives, and pipeline route alternatives.

With this notice, the Commission requests specific comments regarding any additional potential alternatives to the proposed action or segments of the proposed action. Please focus your comments on reasonable alternatives (including alternative facility sites and pipeline routes) that meet the Project objectives, are technically and economically feasible, and avoid or lessen environmental impact.

<sup>2</sup> For instructions on connecting to eLibrary, refer to the last page of this notice.

<sup>3</sup> 40 CFR 1508.1(z).

**Consultation Under Section 106 of the National Historic Preservation Act**

In accordance with the Advisory Council on Historic Preservation’s implementing regulations for section 106 of the National Historic Preservation Act, the Commission initiated section 106 consultation for the Project in the notice issued on September 20, 2021 with the applicable State Historic Preservation Office(s), and other government agencies, interested Indian tribes, and the public to solicit their views and concerns regarding the Project’s potential effects on historic properties.<sup>4</sup> This notice is a continuation of section 106 consultation for the Project. The Project EIS will document findings on the impacts on historic properties and summarize the status of consultations under section 106.

**Schedule for Environmental Review**

On April 12, 2021, the Commission issued its Notice of Application for the Project. Among other things, that notice alerted other agencies issuing federal authorizations of the requirement to complete all necessary reviews and to reach a final decision on the request for a federal authorization within 90 days of the date of issuance of the Commission staff’s final EIS for the Project. This notice identifies the Commission staff’s planned schedule for completion of the final EIS for the Project, which is based on an issuance of the draft EIS in June 2022.

Issuance of Notice of Availability of the final EIS—September 16, 2022  
 90-day Federal Authorization Decision Deadline<sup>5</sup>—December 15, 2022

In the event that a safety analysis is required, additional time may be necessary to consider the results of that

analysis. If a schedule change becomes necessary for the final EIS, an additional notice will be provided so that the relevant agencies are kept informed of the Project’s progress.

**Permits and Authorizations**

The table below lists the anticipated permits and authorizations for the Project required under federal law. This list may not be all-inclusive and does not preclude any permit or authorization if it is not listed here. Agencies with jurisdiction by law and/or special expertise may formally cooperate in the preparation of the Commission’s EIS and may adopt the EIS to satisfy its NEPA responsibilities related to this Project. Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the *Public Participation* section of this notice.

TABLE OF FEDERAL AND FEDERALLY DELEGATED PERMITS

Permit	Agency
Certificate of Public Convenience and Necessity .....	FERC.
Clean Water Act Section 404 .....	U.S. Army Corps of Engineers.
Rivers and Harbors Act Section 10 .....	U.S. Army Corps of Engineers.
Clean Water Act Section 408 .....	U.S. Army Corps of Engineers.
Endangered Species Act Consultation .....	U.S. Fish and Wildlife Service.
Clean Water Act Section 401 .....	Illinois Environmental Protection Agency.
National Historic Preservation Act Section 106 .....	Illinois Preservation Services.

**Environmental Mailing List**

This notice is being sent to the Commission’s current environmental mailing list for the Project which includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission’s regulations) who are potential right-of-way grantors, whose property may be used temporarily for Project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the Project and includes a mailing address with their comments. Commission staff will update the environmental mailing list as the analysis proceeds to ensure that Commission notices related to this environmental review are sent to all

individuals, organizations, and government entities interested in and/or potentially affected by the proposed Project. State and local government representatives should notify their constituents of this proposed project and encourage them to comment on their areas of concern.

If you need to make changes to your name/address, or if you would like to remove your name from the mailing list, please complete one of the following steps:

(1) Send an email to [GasProjectAddressChange@ferc.gov](mailto:GasProjectAddressChange@ferc.gov) stating your request. You must include the docket number CP21–113–000 in your request. If you are requesting a change to your address, please be sure to include your name and the correct address. If you are requesting to delete your address from the mailing list, please include your name and address as it appeared on this notice. This email address is unable to accept comments.

OR

(2) Return the attached “Mailing List Update Form” (Appendix 2).

**Additional Information**

Additional information about the Project is available from the Commission’s Office of External Affairs, at (866) 208–FERC, or on the FERC website at [www.ferc.gov](http://www.ferc.gov) using the eLibrary link. Click on the eLibrary link, click on “General Search” and enter the docket number in the “Docket Number” field, excluding the last three digits (*i.e.*, CP21–113–000). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at [FercOnlineSupport@ferc.gov](mailto:FercOnlineSupport@ferc.gov) or (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

<sup>4</sup> The Advisory Council on Historic Preservation’s regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included

in or eligible for inclusion in the National Register of Historic Places.

<sup>5</sup> The Commission’s deadline applies to the decisions of other federal agencies, and state agencies acting under federally delegated authority.

that are responsible for federal authorizations, permits, and other approvals necessary for proposed projects under the Natural Gas Act. Per 18 CFR 157.22(a), the Commission’s deadline for other agency’s decisions applies unless a schedule is otherwise established by federal law.

Public sessions or site visits will be posted on the Commission's calendar located at <https://www.ferc.gov/news-events/events> along with other related information.

Dated: February 10, 2022.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2022-03331 Filed 2-15-22; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER22-1010-000]

#### TerraForm IWG Acquisition Holdings II, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of TerraForm IWG Acquisition Holdings II, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is March 2, 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](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (886) 208-3676 or TTY, (202) 502-8659.

Dated: February 10, 2022.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2022-03330 Filed 2-15-22; 8:45 am]

BILLING CODE 6717-01-P

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-SFUND-2006-0361; FRL-9583-01-OMS]

#### Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Trade Secrets Claims for Community Right-to-Know and Emergency Planning (Renewal)

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

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), "Trade Secrets Claims for Community Right-to-Know and Emergency Planning (EPA ICR Number 1428.12, OMB Control Number 2050-0078) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through April 30, 2022. Public comments were previously requested via the **Federal Register** on September 1, 2021 during a 60-day comment period. This notice allows for an

additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

**DATES:** Comments must be submitted on or before March 18, 2022.

**ADDRESSES:** Submit your comments to EPA, referencing Docket ID No. EPA-HQ-SFUND-2006-0361, online using [www.regulations.gov](http://www.regulations.gov) (our preferred method) or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

#### FOR FURTHER INFORMATION CONTACT:

Wendy Hoffman, Office of Emergency Management, Mail Code 5104A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564-8794; email address: [hoffman.wendy@epa.gov](mailto:hoffman.wendy@epa.gov).

#### SUPPLEMENTARY INFORMATION:

Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at [www.regulations.gov](http://www.regulations.gov) or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>. Out of an abundance of caution for members of the public and our staff, the EPA Docket Center and Reading Room is closed to the public, with limited exceptions, to reduce the risk of transmitting COVID-19. Our Docket Center staff will continue to provide remote customer service via email,

phone, and webform. For further information about the EPA's public docket, Docket Center services and the current status, please visit us online at <https://www.epa.gov/dockets>. The telephone number for the Docket Center is 202-566-1744.

**Abstract:** This information collection request pertains to trade secrecy claims submitted under section 322 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA). EPCRA contains provisions requiring facilities to report to state and local authorities, and EPA, the presence of extremely hazardous substances (section 302), inventory of hazardous chemicals (sections 311 and 312) and manufacture, process and use of toxic chemicals (section 313). Section 322 of EPCRA allows a facility to withhold the specific chemical identity from these EPCRA reports if the facility asserts a trade secret claim for that chemical identity. The provisions in section 322 establish the requirements and procedures that facilities must follow to request trade secret treatment of chemical identities, as well as the procedures for submitting public petitions to the Agency for review of the "sufficiency" of trade secret claims.

Trade secret protection is provided for specific chemical identities contained in reports submitted under each of the following sections of EPCRA: (1) Section 303(d)(2)—Facility notification of changes that have or are about to occur; (2) section 303(d)(3)—Local Emergency Planning Committee (LEPC) requests for facility information to develop or implement emergency plans; (3) section 311—Material Safety Data Sheets (MSDSs) submitted by facilities, or lists of those chemicals submitted in place of the MSDSs; (4) section 312—Emergency and Hazardous Chemical Inventory forms (Tier I and Tier II); and (5) section 313—Toxic Chemical Release Inventory form.

**Form Numbers:** EPA Form 9510-1.

**Respondents/affected entities:** Entities potentially affected by this action are manufacturer and non-manufacturer facilities subject to reporting under sections 303, 311, 312 or 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA).

**Respondent's obligation to respond:** Mandatory if a respondent decides to make a trade secret claim for the chemical identity for any of the chemicals in any of the reports the respondent is required to submit under EPCRA sections 303, 311, 312 or 313.

**Estimated number of respondents:** 283 trade secret claims.

**Frequency of response:** Annual, with reports submitted under sections 312 and 313.

**Total estimated burden:** 2,689 hours (per year). Burden is defined at 5 CFR 1320.03(b).

**Total estimated cost:** \$164,989 (per year). There are no capital or operation and maintenance costs associated with this ICR.

**Changes in estimates:** The small increase in estimated burden from the previous ICR is because the actual number of claims submitted was slightly higher than what EPA estimated it would receive in the previous ICR. Therefore, the number of trade secret claims EPA expects to receive in the upcoming three-year renewal period is also higher.

**Courtney Kerwin,**

*Director, Regulatory Support Division.*

[FR Doc. 2022-03375 Filed 2-15-22; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OA-2022-0050; FRL-9568-01-OA]

### White House Environmental Justice Advisory Council; Notification of Virtual Public Meeting

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

**ACTION:** Notification for a public meeting.

**SUMMARY:** Pursuant to the Federal Advisory Committee Act (FACA), the U.S. Environmental Protection Agency (EPA) hereby provides notice that the White House Environmental Justice Advisory Council (WHEJAC) will meet on the dates and times described below. Due to unforeseen administrative circumstances, EPA is announcing this meeting with less than 15 calendar days public notice. EPA is announcing a meeting on February 24, 2022. The meeting is open to the public. Members of the public are encouraged to provide comments relevant to the scorecard that is being developed by the White House Environmental Justice Interagency Council (IAC) to assess the progress of federal agencies' in addressing current and historic environmental injustice. For additional information about registering to attend the meetings or to provide public comment, please see "REGISTRATION" under **SUPPLEMENTARY INFORMATION**. Pre-registration is required.

**DATES:** The WHEJAC will hold a virtual public meeting on Thursday, February

24, 2022, from approximately 3 p.m.–7 p.m., Eastern Time. A public comment period relevant to the scorecard will be considered by the WHEJAC during the meeting. (see **SUPPLEMENTARY INFORMATION**). Members of the public who wish to participate during the public comment period must pre-register by 11:59 p.m., Eastern Time, February 21, 2022.

**FOR FURTHER INFORMATION CONTACT:** Karen L. Martin, WHEJAC Designated Federal Officer, U.S. EPA; email: [whejac@epa.gov](mailto:whejac@epa.gov); telephone: (202) 564-0203. Additional information about the WHEJAC is available at <https://www.epa.gov/environmentaljustice/white-house-environmental-justice-advisory-council>.

**SUPPLEMENTARY INFORMATION:** The meeting discussion will focus on the performance scorecard that is being developed by the White House Environmental Justice Interagency Council to assess the progress of federal agencies' in addressing current and historic environmental injustice. Executive Order 14008, Section 220 (d) tasks the IAC to develop clear performance metrics to ensure accountability, in consultation with the White House Environmental Justice Advisory Council.

The Charter of the WHEJAC states that the advisory committee will provide independent advice and recommendations to the Chair of the Council on Environmental Quality and to the White House Environmental Justice Interagency Council. The WHEJAC will provide advice and recommendations about broad cross-cutting issues, related but not limited to, issues of environmental justice and pollution reduction, energy, climate change mitigation and resiliency, environmental health, and racial inequity. The WHEJAC's efforts will include a broad range of strategic, scientific, technological, regulatory, community engagement, and economic issues related to environmental justice.

**Registration:** Individual registration is required for the virtual public meeting. Information on how to register is located at <https://www.epa.gov/environmentaljustice/white-house-environmental-justice-advisory-council>. Registration for the meeting is available through the scheduled end time of the meeting. Registration to speak during the public comment period will close 11:59 p.m., Eastern Time, on February 21, 2022. When registering, please provide your name, organization, city and state, and email address for follow up. Please also indicate whether you would like to provide public comment

during the meeting, and whether you are submitting written comments at the time of registration.

#### A. Public Comment

The WHEJAC is interested in receiving public comments specific to the development of an annual public performance scorecard and the types of indicators or data that would be useful in a scorecard. This scorecard will provide a method for evaluation and accountability to assess progress on agencies' progress in addressing historic environmental justice. Every effort will be made to hear from as many registered public commenters during the time specified on the agenda. Individuals or groups making remarks during the public comment period will be limited to three (3) minutes. Please be prepared to briefly describe your issue and what you want the WHEJAC to advise CEQ and IAC to do. Submitting written comments for the record are strongly encouraged. You can submit your written comments in three different ways, (1.) by creating comments in the Docket ID No. EPA-HQ-OA-2022-0050 at <http://www.regulations.gov>, (2.) by using the webform at <https://www.epa.gov/environmentaljustice/white-house-environmental-justice-advisory-council#whejacmeeting>, and (3.) by sending comments via email to [wheja@epa.gov](mailto:wheja@epa.gov). Written comments can be submitted through March 10, 2022.

#### B. Information About Services for Individuals With Disabilities or Requiring English Language Translation Assistance

For information about access or services for individuals requiring assistance, please contact Karen L. Martin, via email at [whejac@epa.gov](mailto:whejac@epa.gov) or contact by phone at (202) 564-0203. To request special accommodations for a disability or other assistance, please submit your request at least seven (7) working days prior to the meeting, to give EPA sufficient time to process your request. All requests should be sent to the email listed in the **FOR FURTHER INFORMATION CONTACT** section.

#### Matthew Tejada,

*Director for the Office of Environmental Justice.*

[FR Doc. 2022-03262 Filed 2-15-22; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9564-01-R6]

### Clean Air Act Operating Permit Program; Petitions for Objection to State Operating Permit for ETC Texas Pipeline, Ltd, Waha Gas Plant, Pecos County, Texas

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

**ACTION:** Notice of final Order on Petition for objection to Clean Air Act title V operating permit.

**SUMMARY:** The Environmental Protection Agency (EPA) Administrator signed an Order dated January 28, 2022, granting a Petition dated March 10, 2020 from the Environmental Integrity Project, Sierra Club, Environment Texas, and Texas Campaign for the Environment (the Petitioners). The Petition requested that the EPA object to a Clean Air Act (CAA) title V operating permit issued by the Texas Commission on Environmental Quality (TCEQ) to ETC Texas Pipeline, Ltd (ETC) for its Waha Gas Plant located in Pecos County, Texas.

**ADDRESSES:** The EPA requests that you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view copies of the final Order, the Petition, and other supporting information. Out of an abundance of caution for members of the public and our staff, the EPA Region 6 office is currently closed to the public to reduce the risk of transmitting COVID-19. Please call or email the contact listed below if you need alternative access to the final Order and Petition, which are available electronically at: <https://www.epa.gov/title-v-operating-permits/title-v-petition-database>.

**FOR FURTHER INFORMATION CONTACT:** Aimee Wilson, EPA Region 6 Office, Air Permits Section, (214) 665-7596, [wilson.aimee@epa.gov](mailto:wilson.aimee@epa.gov).

**SUPPLEMENTARY INFORMATION:** The CAA affords EPA a 45-day period to review and object to, as appropriate, operating permits proposed by state permitting authorities under title V of the CAA. Section 505(b)(2) of the CAA authorizes any person to petition the EPA Administrator to object to a title V operating permit within 60 days after the expiration of the EPA's 45-day review period if the EPA has not objected on its own initiative. Petitions must be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided by the state, unless the petitioner demonstrates that it was

impracticable to raise these issues during the comment period or unless the grounds for the issue arose after this period.

The EPA received the Petition from the Petitioners dated March 10, 2020, requesting that the EPA object to the issuance of operating permit no. O2546, issued by TCEQ to the Waha Gas Plant in Pecos County, Texas. The Petition claims the proposed permit must include a schedule addressing noncompliance at the Waha Gas Plant, fails to identify any emission unit(s) authorized by one Permit by Rule (PBR) and three Standard Exemptions incorporated as applicable requirements, fails to establish monitoring, testing, and recordkeeping provisions that assure compliance with PBR and Standard Exemption requirements, fails to include specific enforceable terms and conditions for applicable NSPS requirements, and the proposed permit's incorporation of ETC's PBR registrations is deficient.

On January 28, 2022, the EPA Administrator issued an Order granting the Petition. The Order explains the basis for EPA's decision.

Dated: February 9, 2022.

**David Garcia,**

*Director, Air and Radiation Division, Region 6.*

[FR Doc. 2022-03265 Filed 2-15-22; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-SFUND-2005-0008; FRL-9582-01-OMS]

### Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Emergency Planning and Release Notification Requirements (EPCRA Sections 302, 303, and 304) (Renewal)

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

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Emergency Planning and Release Notification Requirements (EPA ICR Number 1395.11, OMB Control Number 2050-0092) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through April 30, 2022. Public comments were previously requested via the **Federal Register** on

August 18, 2021 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

**DATES:** Additional comments may be submitted on or before March 18, 2022.

**ADDRESSES:** Submit your comments, referencing Docket ID No. EPA-HQ-SFUND-2005-0008, online using [www.regulations.gov](http://www.regulations.gov) (our preferred method) or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

**FOR FURTHER INFORMATION CONTACT:**

Wendy Hoffman, Regulations Implementation Division, Office of Emergency Management, (5104A), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564-8794; email address: [hoffman.wendy@epa.gov](mailto:hoffman.wendy@epa.gov).

**SUPPLEMENTARY INFORMATION:**

Supporting documents, which explain in detail the information that EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at <http://www.regulations.gov>. For further information about the EPA's public docket, Docket Center services and the current status, please visit us online at <https://www.epa.gov/dockets>. The telephone number for the Docket Center is 202-566-1744.

*Abstract:* The authority for the emergency planning and emergency release notification requirements is sections 302, 303, and 304 of the

Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986 (42 U.S.C. 11002, 11003, and 11004). EPCRA established broad emergency planning and facility reporting requirements. Section 302 requires facilities to notify their State Emergency Response Commission (SERC) or Tribal Emergency Response Commission (TERC), Local Emergency Planning Committee (LEPC) or Tribal Emergency Planning Committee (TEPC) with jurisdiction over their facility, of the presence of a threshold planning quantity of a listed extremely hazardous substance (EHS) at the facility. This activity was completed by existing facilities soon after the law was passed. Only new facilities that may become subject to these requirements must notify the SERC (or TERC) and the LEPC (or TEPC). Currently covered facilities are required to notify the LEPC (or TEPC) of any changes that occur at the facility that would be relevant to emergency planning. Section 303 requires the LEPC (or TEPC) to prepare local emergency response plans for their planning district using the information provided by facilities under Section 302. An LEPC (or TEPC) may request any information from facilities necessary to develop emergency response plans. Initial emergency response plans were developed within a few months after the law was passed. LEPCs (or TEPCs) are required to review and update the plan at least annually or more frequently as changes occur in the community. Section 304 requires facilities to report to SERCs (or TERCs) and LEPCs (or TEPCs) releases in excess of the reportable quantities listed for each EHS. This ICR also covers the notification and the written follow-up required under Section 304. The implementing regulations are codified in 40 CFR part 355.

*Form Numbers:* None.

*Respondents/affected entities:* Entities potentially affected by this action are those that have a threshold planning quantity of an EHS listed in 40 CFR part 355, appendix A and those that have a release of any EHS above a reportable quantity. Entities more likely to be affected by this action may include chemical manufacturers, retailers, petroleum refineries, utilities, etc.

*Respondent's obligation to respond:* Mandatory (Sections 302, 303 and 304 of EPCRA).

*Estimated number of respondents:* 98,052. This figure includes 3,052 LEPCs (or TEPCs) and SERCs (or TERCs).

*Frequency of response:* EPCRA section 302 reporting is a one-time notification unless there are changes to

the reported information; EPCRA section 304 notification happens only when a release occurs from a facility.

*Total estimated burden:* 226,261 hours (per year) (includes LEPCs (or TEPCs) and SERCs (or TERCs)). Burden is defined at 5 CFR 1320.03(b).

*Total estimated cost:* 10,851,328 (per year), including \$8,470 in annual operations and maintenance (O&M) costs. There are no capital costs associated with this ICR.

*Changes in estimates:* The reduction in burden of approximately 22 percent for activities related to section 304 reporting requirements for facilities is attributable to a decrease in the number of release notifications reported to the National Response Center for the previous three years (reduced from 10,000 to 7,420), which EPA assumes will apply to the upcoming three years of this ICR renewal. The reduction in state and local government burden estimate of approximately 15,607 hours annually, is attributable to the reduction in the numbers of SERCs (or TERCs) and LEPCs (or TEPCs) in this ICR compared to the previous ICR (new total of 3,052 reduced from 3,556). In addition, EPA corrected a few minor calculation errors.

**Courtney Kerwin,**

*Director, Regulatory Support Division.*

[FR Doc. 2022-03376 Filed 2-15-22; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

[EPA-HQ-OAR-2020-0670; FRL-9584-01-OMS]

**Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NSPS for Oil and Natural Gas Production and Natural Gas Transmission and Distribution (Renewal)**

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

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency has submitted an information collection request (ICR), NSPS for Oil and Natural Gas Production and Natural Gas Transmission and Distribution (EPA ICR Number 2437.05, OMB Control Number 2060-0673), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through April 30, 2022. Public comments were previously requested, via the **Federal Register**, on February 8, 2021 during a 60-day



comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may neither conduct nor sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

**DATES:** Additional comments may be submitted on or before March 18, 2022.

**ADDRESSES:** Submit your comments, referencing Docket ID Number EPA–HQ–OAR–2020–0670, online using [www.regulations.gov](http://www.regulations.gov) (our preferred method) or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

**FOR FURTHER INFORMATION CONTACT:** Muntasir Ali, Sector Policies and Program Division (D243–05), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina, 27711; telephone number: (919) 541–0833; email address: [ali.muntasir@epa.gov](mailto:ali.muntasir@epa.gov).

**SUPPLEMENTARY INFORMATION:**

Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at <https://www.regulations.gov>, or in person, at the EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

*Abstract:* The New Source Performance Standards (NSPS) for Oil and Natural Gas Production and Natural Gas Transmission and Distribution (40

CFR part 60, subpart OOOO) apply to oil and natural gas facilities that commence construction, modification or reconstruction after August 23, 2011 and on or before September 19, 2015, that are involved in the extraction and production of oil and natural gas, as well as for the processing, transmission, and distribution of natural gas. Affected facilities in the crude oil and natural gas source category that commence construction, modification, or reconstruction after September 18, 2015 are instead subject to subpart OOOOa (40 CFR 60, subpart OOOOa). In general, all NSPS standards require initial notifications, performance tests, and periodic reports by the owners/operators of the affected facilities. They are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance, and are required of all affected facilities subject to NSPS.

*Form Numbers:* None.

*Respondents/affected entities:* Oil and natural gas production and natural gas transmission and distribution facilities.

*Respondent's obligation to respond:* Mandatory (40 CFR part 60, subpart OOOO).

*Estimated number of respondents:* 532 (total).

*Frequency of response:* Semiannually and annually.

*Total estimated burden:* 69,300 hours (per year). Burden is defined at 5 CFR 1320.3(b).

*Total estimated cost:* \$9,430,000 (per year), which includes \$1,220,000 for annualized capital/startup and/or operation & maintenance costs.

*Changes in the estimates:* There is no change in burden from the most-recently approved ICR as currently identified in the OMB Inventory of Approved Burdens. This is due to two considerations: (1) The regulations have not changed over the past three years and are not anticipated to change over the next three years; and (2) no new facilities will become subject to this regulation, so there is no significant change in the overall burden. Since there are no changes in the regulatory requirements and there is no significant industry growth, there are also no changes in the capital/startup or

operation and maintenance (O&M) costs.

**Courtney Kerwin,**

*Director, Regulatory Support Division.*

[FR Doc. 2022–03374 Filed 2–15–22; 8:45 am]

**BILLING CODE 6560–50–P**

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL–9368–01–OMS]

**Privacy Act of 1974; System of Records**

**AGENCY:** Office of Mission Support (OMS), Environmental Protection Agency (EPA).

**ACTION:** Notice of a modified system of records.

**SUMMARY:** The U.S. Environmental Protection Agency's (EPA) Office of Acquisition Solutions is giving notice that it proposes to modify a system of records pursuant to the provisions of the Privacy Act of 1974. EPA's Acquisition System (EAS) is an automated contract writing and management system with configurable workflow used to initiate, award, modify, and track acquisition actions for the procurement of goods and services. The system of records notice for EPA Acquisition System (EAS) is being modified to reflect that the system is now hosted and data stored in Unison's Amazon Web Services (AWS) cloud hosting environment, which is Federal Risk and Authorization Management Program (FedRAMP) authorized.

**DATES:** Persons wishing to comment on this system of records notice must do so by March 18, 2022.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–HQ–OMS–2020–0210, by one of the following methods:

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

*Email:* [docket\\_oms@epa.gov](mailto:docket_oms@epa.gov). Include the Docket ID number in the subject line of the message.

*Fax:* 202–566–1752.

*Mail:* OMS Docket, Environmental Protection Agency, Mail Code: 2822T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

*Hand Delivery:* OMS Docket, EPA/DC, WJC West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC 20460. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

**Instructions:** Direct your comments to Docket ID No. EPA-HQ-OMS-2020-0210. The EPA policy is that all comments received will be included in the public docket without change and may be made available online at <https://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Controlled Unclassified Information (CUI) or other information for which disclosure is restricted by statute. Do not submit information that you consider to be CUI or otherwise protected through <https://www.regulations.gov>. The <https://www.regulations.gov> website is an "anonymous access" system for EPA, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. Each agency determines submission requirements within their own internal processes and standards. EPA has no requirement to include personal information. If you send an email comment directly to the EPA without going through <https://www.regulations.gov> your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about the EPA public docket, visit the EPA Docket Center homepage at <https://www.epa.gov/dockets>.

**Docket:** All documents in the docket are listed in the <https://www.regulations.gov> index. Although listed in the index, some information is not publicly available, e.g., CUI or other information for which disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in <https://www.regulations.gov> or in hard copy at the OMS Docket, EPA/DC, WJC West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC 20460.

#### Temporary Hours During COVID-19

Out of an abundance of caution for members of the public and our staff, the EPA Docket Center and Reading Room

are closed to the public, with limited exceptions, to reduce the risk of transmitting COVID-19. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform. We encourage the public to submit comments via <https://www.regulations.gov> or email, as there may be a delay in processing mail and faxes. Hand deliveries and couriers may be received by scheduled appointment only. For further information on EPA Docket Center services and the current status, please visit us online at <https://www.epa.gov/dockets>. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OMS Docket is (202) 566-1752.

#### FOR FURTHER INFORMATION CONTACT:

Please submit questions to Victor Rodriguez, [rodriguez.victor@epa.gov](mailto:rodriguez.victor@epa.gov), 202-564-2212 or Richard Belles, [belles.richard@epa.gov](mailto:belles.richard@epa.gov), 202-564-4339.

**SUPPLEMENTARY INFORMATION:** EAS is built using a commercial off-the-shelf product called PRISM from Unison that includes a purchase request form and workflow. EAS is hosted, and its data stored, in Unison's AWS cloud hosting environment, which is FedRAMP authorized. EPA is moving applications like EAS to the cloud for scalability and improved security. EAS collects and stores personally identifiable information (PII) of EPA employees who initiate acquisition actions or are assigned to work on these actions. This information may include: Employee first name, last name, work email, work telephone number, and Local Area Network User Identification. This information is collected and used for internal EPA communication purposes and approval routing of the acquisition action. Privacy information is protected by limiting EAS access to authenticated users. Authentication is controlled using the agency's central authentication security controls.

#### SYSTEM NAME AND NUMBER:

EPA Acquisition System (EAS), EPA-86.

#### SECURITY CLASSIFICATION:

Unclassified.

#### SYSTEM LOCATION:

Office of Acquisition Solutions, Environmental Protection Agency, Ronald Reagan Building, 1200 Pennsylvania Avenue NW, Washington, DC 20460. EAS is hosted as a Software as a Service (SaaS) by Unison's Amazon Web Services (AWS) Cloud hosting environment which is FedRAMP authorized.

#### SYSTEM MANAGER(S):

Kimberly Patrick, Director, Office of Acquisition Solutions, Environmental Protection Agency, Ronald Reagan Building, 1200 Pennsylvania Avenue NW, Washington, DC 20460, [patrick.kimberly@epa.gov](mailto:patrick.kimberly@epa.gov), 202-566-2605.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 12072 (August 16, 1978); Federal Property and Administrative Services Act of 1949, 40 U.S.C. 121; Office of Federal Procurement Policy Act of 1974, 41 U.S.C. 1702.

#### PURPOSE(S) OF THE SYSTEM:

EPA uses EAS to initiate, award, modify and track acquisition actions. EAS identifies employees who initiate acquisition actions or are assigned to work on these actions. Specifically, the system tracks the requisitioner, contract official, contract specialist, and approving officials for each acquisition action.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of individuals covered are EPA employees including the: (a) EPA Project Officer, *i.e.*, the individual who is responsible for the review and evaluation of the application or proposal and the monitoring of a resulting contract acquisition; (b) EPA Program Official, *i.e.*, the individual who is responsible for review and approval of applications or proposals for funding; (c) EPA Budget Official, *i.e.*, the individual who is responsible for certifying availability of funds for approved applications or proposals; (d) EPA Contracting Officer or Contract Specialist, *i.e.*, individuals who are responsible for awarding and administering contracts, and (e) EPA Merit/Peer Reviewers, *i.e.*, individuals who provide a written review or evaluation of the application or proposal to the EPA Project Officer.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

EAS collects EPA employee first name, last name, work email, work telephone, EPA employee ID and LAN User ID information. The system also collects other information required for the tracking or approval of a contract action including contract proposals, technical reviews by a peer reviewer, records of contract awards, financial data, and other information. EAS also collects Vendor Contact information including: Vendor Code, Legal Name, Data Universal Numbering System (DUNS) ID (a 9 character identifier used for identifying the Vendor), Cage Code

(used to provide a standardized method of identifying a given facility at a specific location.), address, phone number, fax number, and email address.

**RECORD SOURCE CATEGORIES:**

EAS collects EPA employee information from EPA's directory service. Contract proposals and vendor information are collected directly from the user via the Federal Government's System for Award Management (SAM).

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:**

The routine uses below are both related to and compatible with the original purpose for which the information was collected. The following general routine uses apply to this system (86 FR 62527): A, B, C, D, E, F, G, H, I, J, K, L, and M.

**POLICIES AND PRACTICES FOR STORAGE OF RECORDS:**

These records are maintained electronically on computer storage devices located at Unison's Amazon Web Services (AWS) Cloud hosting environments (production and disaster recovery) which are Federal Risk and Authorization Management Program (FedRAMP) authorized. Backups will be maintained at production and disaster recovery sites, located at Unison's Amazon Web Services (AWS) Cloud hosting environments (production and disaster recovery). Computer records are maintained in a secure, password protected environment. Access to computer records is limited to those who have a need to know. All EAS user accounts are assigned permissions as needed based on their job functions. Permission level assignments will allow users access only to those functions for which they are authorized. All records are maintained in secure, access-controlled areas or buildings.

**POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:**

Records are retrieved by the first name, last name and/or User ID of EPA employees or Vendor ID (DUNS codes) associated with contracts.

**POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:**

EPA will retain and dispose of EAS records in accordance with the National Archives and Records Administration General Records Schedule and EPA Records Schedule 055—Contracts Management Systems. EAS records are retained for at least 6 years after contract closeout for non-Superfund actions, and 30 years after contract closeout for Superfund site actions.

**ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:**

Security controls used to protect personally identifiable information in EAS are commensurate with those required for an information system rated moderate for confidentiality, integrity, and availability, as prescribed in NIST Special Publication, 800–53, "Security and Privacy Controls for Information Systems and Organizations," Revision 5.

1. *Administrative Safeguards:* EPA personnel are required to complete annual agency Information Security and Privacy training. EPA personnel are instructed to lock their computers when they leave their desks.

2. *Technical Safeguards:* Electronic records are maintained in a secure, password protected electronic system. EAS access is limited to authorized, authenticated users. All of the system's electronic communication utilizes Transport Layer Security (TLS) secure communication protocol for all transactions.

3. *Physical Safeguards:* All records are maintained in secure, access-controlled areas or buildings.

**RECORD ACCESS PROCEDURES:**

All requests for access to personal records should cite the Privacy Act of 1974 and reference the type of request being made (*i.e.*, access). Requests must include: (1) The name and signature of the individual making the request; (2) the name of the Privacy Act system of records to which the request relates; (3) a statement whether a personal inspection of the records or a copy of them by mail is desired; and (4) proof of identity. A full description of EPA's Privacy Act procedures for requesting access to records is available at 40 CFR part 16.

**CONTESTING RECORD PROCEDURES:**

Requests for correction or amendment must include: (1) The name and signature of the individual making the request; (2) the name of the Privacy Act system of records to which the request relates; (3) a description of the information sought to be corrected or amended and the specific reasons for the correction or amendment; and (4) proof of identity. A full description of EPA's Privacy Act procedures for the correction or amendment of a record are described in EPA's Privacy Act regulations at 40 CFR part 16.

**NOTIFICATION PROCEDURES:**

Individuals who wish to be informed whether a Privacy Act system of records maintained by EPA contains any record pertaining to them, should make a written request to EPA, Attn: Agency

Privacy Officer, MC 2831T, 1200 Pennsylvania Ave. NW, Washington, DC 20460, [privacy@epa.gov](mailto:privacy@epa.gov). A full description of EPA's Privacy Act procedures is included in EPA's Privacy Act regulations at 40 CFR part 16.

**EXEMPTIONS PROMULGATED FOR THE SYSTEM:**

None.

**HISTORY:**

86 FR 10949 (February 23, 2021).

Vaughn Noga,

Senior Agency Official for Privacy.

[FR Doc. 2022–03347 Filed 2–15–22; 8:45 am]

**BILLING CODE 6560–50–P**

**FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL**

[Docket No. AS22–02]

**Appraisal Subcommittee; Notice of Meeting**

**AGENCY:** Appraisal Subcommittee, Federal Financial Institutions Examination Council.

**ACTION:** Notice of meeting.

In accordance with Section 1104(b) of Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, as amended, notice is hereby given that the Appraisal Subcommittee (ASC) will meet in open session for a special meeting:

*Location:* This will be a virtual meeting via Zoom. Please visit the agency's homepage ([www.asc.gov](http://www.asc.gov)) and access the provided registration link in the What's New box. You MUST register in advance to attend this Meeting.

*Date:* February 23, 2022.

*Time:* 10:00 a.m. ET.

*Status:* Open.

**Action and Discussion Items**

Amendment to FY22 ASC Budget  
7-Hour National USPAP Update Course

*How to Attend and Observe an ASC Meeting:* Due to the COVID–19 Pandemic, the meeting will be open to the public via live webcast only. Visit the agency's homepage ([www.asc.gov](http://www.asc.gov)) and access the provided registration link in the What's New box. The meeting space is intended to accommodate public attendees. However, if the space will not accommodate all requests, the ASC may refuse attendance on that reasonable basis. The use of any video or audio tape recording device, photographing device, or any other electronic or mechanical device

designed for similar purposes is prohibited at ASC Meetings.

**James R. Park,**

*Executive Director.*

[FR Doc. 2022-03372 Filed 2-15-22; 8:45 am]

BILLING CODE 6700-01-P

## UNITED STATES AGENCY FOR GLOBAL MEDIA

### USAGM Performance Review Board Members

**AGENCY:** United States Agency for Global Media.

**ACTION:** Notice.

**SUMMARY:** The United States Agency for Global Media (USAGM) announces the members of its SES Performance Review Board (PRB).

**ADDRESSES:** USAGM Office of Human Resources, 330 Independence Ave. SW, Washington, DC 20237.

**FOR FURTHER INFORMATION CONTACT:** Ellona Fritschie, Business Review Coordinator, at [efritschie@usagm.gov](mailto:efritschie@usagm.gov) or (202) 382-7500.

**SUPPLEMENTARY INFORMATION:** In accordance with 5 U.S.C. 4314, USAGM publishes this notice announcing the individuals who will serve as members of the PRB for a term of one year. The PRB is responsible for: (1) Reviewing performance appraisals and ratings of Senior Executive Service and Senior Level members; and (2) making recommendations on other performance management issues, such as pay adjustments, bonuses, and Presidential Rank Awards. The names, position titles, and appointment types of each member of the PRB are set forth below:

1. Yolanda Lopez, Voice of America Director, Limited Term SES
2. Shawn Powers, Chief Strategy Officer, Career SES
3. James Reeves, Chief Information Officer, Career SES

Dated: February 10, 2022.

**Armanda Matthews,**

*Program Support Specialist, U.S. Agency for Global Media.*

[FR Doc. 2022-03326 Filed 2-15-22; 8:45 am]

BILLING CODE 8610-01-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

#### 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, and the Determination of the Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, CDC, pursuant to Public Law 92-463. 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:* Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP)—RFA-OH-22-001, Occupational Safety and Health Education and Research Centers (ERC).

*Dates:* March 22–23, 2022.

*Times:* 11:00 a.m.–6:00 p.m., EDT.

*Place:* Video-Assisted Meeting.

*Agenda:* To review and evaluate grant applications.

*For Further Information Contact:* Michael Goldcamp, Ph.D., Scientific Review Officer, Office of Extramural Programs, National Institute for Occupational Safety and Health, CDC, 1095 Willowdale Road, Morgantown, West Virginia 26505, Telephone: (304) 285-5951; Email: [MGGoldcamp@cdc.gov](mailto:MGGoldcamp@cdc.gov).

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

**Kalwant Smagh,**

*Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.*

[FR Doc. 2022-03273 Filed 2-15-22; 8:45 am]

BILLING CODE 4163-18-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

#### Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP)—CE22-004: Research Grants To Prevent Firearm-Related Violence and Injuries; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP)—CE22-004: Research Grants to Prevent Firearm-Related Violence and Injuries; April 4–8, 2022, 8:30 a.m.–5:00 p.m., EDT, Videoconference.

The meeting was published in the **Federal Register** on December 8, 2021, Volume 86, Number 233, page 69651.

The meeting is being amended to correct the meeting titles and dates and should read as follows:

CE22-004, Panel A: Research Grants to Prevent Firearm-Related Violence and Injuries; April 4–5, 2022; CE22-004, Panel B1: Research Grants to Prevent Firearm-Related Violence and Injuries; April 6–8, 2022; and CE22-004, Panel B2: Research Grants to Prevent Firearm-Related Violence and Injuries; April 6–8, 2022. The meeting is closed to the public.

**FOR FURTHER INFORMATION CONTACT:** Mikel Walters, Ph.D., Scientific Review Officer, National Center for Injury Prevention and Control, CDC, 4770 Buford Highway NE, Mailstop F-63, Atlanta, Georgia 30341, Telephone (404)639-0913, [MWalters@cdc.gov](mailto:MWalters@cdc.gov).

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

**Kalwant Smagh,**

*Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.*

[FR Doc. 2022-03272 Filed 2-15-22; 8:45 am]

BILLING CODE 4163-18-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–10779 and CMS–3427]

#### 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 April 18, 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 <https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing>.

**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–10779—Complaints Submission Process under the No Surprises Act**  
**CMS–3427—End Stage Renal Disease Application and Survey and Certification Report**

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:* Extension of a currently approved collection; *Title of Information Collection:* Complaints Submission Process under the No Surprises Act; *Use:* The No Surprises Act directs the Departments to establish a process to receive complaints regarding violations of the application of qualifying payment amount (QPA) requirements by group health plans and health insurance issuers offering group or individual health coverage. The No Surprises Act also directs HHS to establish a process to receive consumer complaints regarding violations by health care providers, facilities, and

providers of air ambulance services regarding balance billing requirements and to respond to such complaints within 60 days. CMS will request information from non-federal governmental plans and issuers, health care providers, facilities, providers of air ambulance services, and individuals to review and process a complaint for potential violations of balance billing requirements. *Form Number:* CMS–10779 (OMB control number: 0938–1406); *Frequency:* Occasionally; *Affected Public:* Private Sector (Business or other for-profit and Not-for-profit institutions); *Number of Respondents:* 39,000; *Total Annual Responses:* 39,000; *Total Annual Hours:* 19,500. (For policy questions regarding this collection contact Patrick Edwards at 301–492–4371.)

2. *Type of Information Collection Request:* Reinstatement with change of a previously approved collection; *Title of Information Collection:* End Stage Renal Disease Application and Survey and Certification Report; *Use:* The Form CMS–3427 is required for each new ESRD facility seeking initial certification and for each existing facility seeking recertification, relocation, expansion/change of service(s), or change of ownership. The form is also used for information collection purposes related to a complaint survey of an ESRD facility. The Form CMS–3427 information is currently collected on paper as a manual option or may be completed in an online fillable format based on facility preference. This online form is a step in the direction towards electronic submission. *Form Number:* CMS–3427 (OMB control number: 0938–0360); *Frequency:* Every three years; *Affected Public:* Private sector (Business or other for-profit and Not-for-profit institutions); *Number of Respondents:* 7,883; *Total Annual Responses:* 2,601; *Total Annual Hours:* 866. (For policy questions regarding this collection contact Jennifer Milby at 410–786–8828.)

Dated: February 10, 2022.

**William N. Parham, III,**  
*Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.*

[FR Doc. 2022–03286 Filed 2–15–22; 8:45 am]

**BILLING CODE P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Administration for Children and Families**

**Expedited OMB Review and Public Comment: Office of Community Services Data Collection for the Low Income Home Energy Assistance Program Quarterly Performance and Management Reports (New Collection)**

**AGENCY:** Office of Community Services, Administration for Children and Families, HHS.

**ACTION:** Request for public comment.

**SUMMARY:** The Office of Community Services (OCS), Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS), requested expedited review of an information collection request from the Office of Management and Budget (OMB) and is inviting public comments on the proposed collection. The forms are necessary to provide data to the Administration, Congress, and other stakeholders in its oversight of recipients' performance in

administering the Low Income Home Energy Assistance Program (LIHEAP), particularly the supplemental LIHEAP funds available through the American Rescue Plan. The information collection is essential to the mission of the agency and the use of normal clearance procedures is reasonably likely to disrupt and prevent the collection of information.

**DATES:** *Comments due within 60 days of publication.* In compliance with the requirements of the Paperwork Reduction Act of 1995, ACF is soliciting public comment on the specific aspects of the information collection described in this notice.

**ADDRESSES:** Copies of the proposed collection of information can be obtained and comments may be submitted by emailing *infocollection@acf.hhs.gov*. All requests should identify the title of the information collection.

**SUPPLEMENTARY INFORMATION:**

Description: The LIHEAP Quarterly Performance and Management Report will provide OCS information necessary to oversee recipients' performance in administering historic levels of LIHEAP

funding and reaching the most vulnerable households this winter. The report solicits data on total households assisted (and the total households assisted during the same quarter of the previous FY for comparison); the number of occurrences that LIHEAP prevented the loss of home energy/the number of occurrences that LIHEAP restored home energy; estimated use of LIHEAP funds by LIHEAP funding source; LIHEAP information (e.g., training and technical assistance needs, changes to program policies, collaboration with other federal utility assistance programs, etc.); and any explanation needed regarding the reliability and/or validity of the responses in prior sections. The quarterly report is not an abbreviated version of the LIHEAP Annual Report or Performance Data Form, it is a different form that was designed to focus on how states are leveraging LIHEAP to mitigate rising energy costs this winter and to track the spend down of LIHEAP supplemental funding.

*Respondents:* LIHEAP grant recipients.

**ANNUAL BURDEN ESTIMATES**

Instrument	Total number of respondents	Total number of responses per respondent	Average burden hours per response	Total annual burden hours
Quarterly Performance and Management Report .....	206	3	12	7,416

*Estimated Total Annual Burden Hours:* 7,416.

*Comments:* The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) 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. Consideration will be given to comments and suggestions submitted within 60 days of this publication. Comments will be considered and any necessary updates to materials made prior to, and responses provided in, the submission to OMB that will follow this public comment period.

*Authority:* 42 U.S.C. 8621.

**Mary B. Jones,**

*ACF/OPRE Certifying Officer.*

[FR Doc. 2022-03302 Filed 2-15-22; 8:45 am]

**BILLING CODE 4184-80-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

[Docket No. FDA-2017-N-6644]

**Fiscal Year 2022 Generic Drug Science and Research Initiatives Workshop; Public Workshop; Request for Comments**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice of public workshop; request for comments.

**SUMMARY:** The Food and Drug Administration (FDA, the Agency, or we) is announcing the following public workshop entitled "FY 2022 Generic Drug Science and Research Initiatives

Workshop." The purpose of the public workshop is to provide an overview of the status of science and research initiatives for generic drugs and an opportunity for public input on these initiatives. FDA is seeking this input from a variety of stakeholders—industry, academia, patient advocates, professional societies, and other interested parties—as it fulfills its commitment under the Generic Drug User Fee Amendments of 2017 (GDUFA II) to develop an annual list of science and research initiatives specific to generic drugs. FDA will take the information it obtains from the public workshop into account in developing its Fiscal Year (FY) 2023 Generic Drug User Fee Amendments (GDUFA) science and research initiatives.

**DATES:** The public workshop will be held on May 9, 2022, and May 10, 2022, from 8:30 a.m. to 4:30 p.m. Eastern Time. Submit either electronic or written comments on this public workshop by June 10, 2022. See the **SUPPLEMENTARY INFORMATION** section for registration date and information.

**ADDRESSES:** The public workshop will be held virtually. Registrants will have an opportunity to indicate their interest in attending the public workshop in person. If applicable health guidelines for in-person gatherings are permissive, interested registrants will be contacted no later than March 9, 2022 with details for attending the public workshop in person at the FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rm. 1503, sections B, and C), Silver Spring, MD 20993–0002. If in-person attendance is determined to be feasible, the registration form will also be updated so that people registering for the public workshop from that point forward will be able to indicate their interest in attending the workshop in person, even if they are registering after March 9, 2022. Entrance for the public workshop participants (non-FDA employees) is through Bldg. 1, where routine security check procedures will be performed. For parking and security information, please refer to <https://www.fda.gov/AboutFDA/WorkingatFDA/BuildingsandFacilities/WhiteOakCampusInformation/ucm241740.htm>.

You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before June 10, 2022. The <https://www.regulations.gov> electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of June 10, 2022. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

#### Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see “Written/Paper Submissions” and “Instructions”).

#### Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand Delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in “Instructions.”

**Instructions:** All submissions received must include the Docket No. FDA–2017–N–6644 for “FY 2022 Generic Drug Science and Research Initiatives Workshop; Public Workshop; Request for Comments.” Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states “THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.” The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as “confidential.” Any information marked as “confidential” will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA’s posting of comments to public dockets, see 80

FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

**Docket:** For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the “Search” box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

**FOR FURTHER INFORMATION CONTACT:** Sam Raney, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 75, Rm. 4706, Silver Spring, MD 20993, 240–402–7967, [Sameersingh.Raney@fda.hhs.gov](mailto:Sameersingh.Raney@fda.hhs.gov); or Robert Lionberger, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 75, Rm. 4722, Silver Spring, MD 20993, 240–402–7957, [Robert.Lionberger@fda.hhs.gov](mailto:Robert.Lionberger@fda.hhs.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

In July 2012, Congress passed the Generic Drug User Fee Amendments of 2012 (GDUFA I) (Pub. L. 112–144). GDUFA I was designed to enhance public access to safe, high-quality generic drugs and to modernize the generic drug program. To support this goal, FDA agreed in the Generic Drug User Fee Act Program Performance Goals and Procedures (GDUFA I commitment letter) to work with industry and interested stakeholders on identifying science and research initiatives specific to generic drugs for each fiscal year covered by GDUFA I.

In August 2017, GDUFA I was reauthorized until September 2022 through the Generic Drug User Fee Amendments of 2017 (GDUFA II) (Pub. L. 115–52). In the GDUFA Reauthorization Performance Goals and Program Enhancements Fiscal Years 2018–2022 (GDUFA II commitment letter),<sup>1</sup> FDA agreed to conduct annual public workshops “to solicit input from industry and stakeholders for inclusion in an annual list of GDUFA II [r]egulatory [s]cience initiatives.” The public workshop scheduled for May 9, 2022, and May 10, 2022, seeks to fulfill this agreement.

<sup>1</sup> The GDUFA II commitment letter is available at <https://www.fda.gov/downloads/ForIndustry/UserFees/GenericDrugUserFees/UCM525234.pdf>.

## II. Topics for Discussion at the Public Workshop

The purpose of the public workshop is to obtain input from industry and other interested stakeholders on identifying generic drug science and research initiatives for FY 2023. FDA is particularly interested in receiving input about the next 5 years of the GDUFA science and research program.

Specific presentations and discussions at this workshop will be announced at a later date and may differ from the topic above. However, input about the topic above will help the Agency identify and expand its scientific focus for the next fiscal year.

FDA will consider all comments made at this workshop or received through the docket (see **ADDRESSES**) as it develops its FY 2023 science and research initiatives. Information concerning the science and research initiatives for generic drugs can be found on the Science & Research website at <https://www.fda.gov/drugs/generic-drugs/science-research>.

## III. Participating in the Public Workshop

**Registration:** Registration is free. Persons interested in attending this public workshop must register online at [https://fda.zoomgov.com/webinar/register/WN\\_kY1uqyD1RLqyRL2XU1KDTA](https://fda.zoomgov.com/webinar/register/WN_kY1uqyD1RLqyRL2XU1KDTA).

Registration may be performed at any time before or during the workshop.

### **Requests for Oral Presentations:**

During online registration you may indicate if you wish to present your public comments. Public comment presentation requests must be submitted by 11:59 p.m. Eastern Time at the end of March 11, 2022. We will do our best to accommodate requests to make public comments. Individuals and organizations with common interests are urged to consolidate or coordinate their presentations, and request time for a joint presentation, or submit requests for designated representatives to participate in the workshop. Based upon the public comment presentation requests received by March 11, 2022, at 11:59 p.m. Eastern Time, we will determine the amount of time allotted to each presenter and the approximate time each oral presentation is to begin; we will select and notify participants by March 28, 2022. All public comment presentation requests must be received by March 11, 2022, at 11:59 p.m. Eastern Time. If selected for presentation, any presentation materials must be emailed to

[GDUFARegulatoryScience@fda.hhs.gov](mailto:GDUFARegulatoryScience@fda.hhs.gov) no later than April 29, 2022, 11:59 p.m. Eastern Time. No commercial or

promotional material will be permitted to be presented or distributed at the public workshop.

**Streaming Webcast of the Public Workshop:** This public workshop will be webcast. Please register online (as described above) to attend the workshop remotely. Registrants will receive a hyperlink that provides access to the webcast on both days.

FDA has verified the website addresses in this document, as of the date this document publishes in the **Federal Register**, but websites are subject to change over time.

**Transcripts:** Please be advised that as soon as a transcript of the public workshop is available, it will be accessible at <https://www.regulations.gov> or <https://www.fda.gov/gdufaregscience>. It may be viewed at the Dockets Management Staff (see **ADDRESSES**).

Dated: February 10, 2022.

**Lauren K. Roth,**

*Associate Commissioner for Policy.*

[FR Doc. 2022-03368 Filed 2-15-22; 8:45 am]

**BILLING CODE 4164-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**Docket No. FDA-2018-N-3233]**

### Request for Nominations on the Technical Electronic Product Radiation Safety Standards Committee

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA or Agency) is requesting that any industry organizations interested in participating in the selection of voting industry representatives to serve on the Technical Electronic Product Radiation Safety Standards Committee in the Center for Devices and Radiological Health notify FDA in writing. FDA is also requesting nominations for voting industry representatives to serve on the Technical Electronic Product Radiation Safety Standards Committee. A nominee may either be self-nominated or nominated by an organization to serve as a voting industry representative. Nominations will be accepted for current vacancies effective with this notice.

**DATES:** Any industry organization interested in participating in the selection of an appropriate voting member to represent industry interests

must send a letter stating that interest to FDA by March 18, 2022 (see sections I and II of this document for further details). Concurrently, nomination materials for prospective candidates should be sent to FDA by March 18, 2022.

**ADDRESSES:** All statements of interest from industry organizations interested in participating in the selection process of voting industry representative nominations should be sent to Margaret Ames (see **FOR FURTHER INFORMATION CONTACT**). All nominations for voting industry representatives should be submitted electronically by accessing the FDA Advisory Committee Membership Nomination Portal: <https://www.accessdata.fda.gov/scripts/FACTRSPortal/FACTRS/index.cfm> or by mail to Advisory Committee Oversight and Management Staff, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 5103, Silver Spring, MD 20993-0002. Information about becoming a member of an FDA advisory committee can also be obtained by visiting FDA's website at <https://www.fda.gov/AdvisoryCommittees/default.htm>.

### **FOR FURTHER INFORMATION CONTACT:**

Margaret Ames, Division of Management Services, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5213, Silver Spring, MD 20993, 301-796-5960, email: [Margaret.Ames@fda.hhs.gov](mailto:Margaret.Ames@fda.hhs.gov).

**SUPPLEMENTARY INFORMATION:** The Agency is requesting nominations for voting industry representatives on the Technical Electronic Product Radiation Safety Standards Committee:

### **I. General Description of the Committee Duties**

This Committee provides advice and consultation to the Commissioner of Food and Drugs (the Commissioner) on the technical feasibility, reasonableness, and practicability of performance standards for electronic products to control the emission of radiation from such products and may recommend electronic product radiation safety standards to the Commissioner for consideration.

### **II. Selection Procedure**

Any industry organization interested in participating in the selection of an appropriate voting member to represent industry interests should send a letter stating that interest to the FDA contact (see **FOR FURTHER INFORMATION CONTACT**) within 30 days of publication of this document (see **DATES**). Within the



subsequent 30 days, FDA will send a letter to each organization that has expressed an interest, attaching a complete list of all such organizations, and a list of all nominees along with their current résumés. The letter will also state that it is the responsibility of the interested organizations to confer with one another and to select a candidate, within 60 days after the receipt of the FDA letter, to serve as the voting member to represent industry interests for the committee. The interested organizations are not bound by the list of nominees in selecting a candidate. However, if no individual is selected within 60 days, the Commissioner will select the voting member to represent industry interests.

### III. Nomination Procedure

Individuals may self-nominate and/or an organization may nominate one or more individuals to serve as a voting industry representative. Nominations must include a current, complete résumé or curriculum vitae for each nominee including current business address and telephone number, email address if available, and a signed copy of the Acknowledgement and Consent form available at the FDA Advisory Nomination Portal (see **ADDRESSES**). Nominations must also specify the advisory committee for which the nominee is recommended. Nominations must also acknowledge that the nominee is aware of the nomination unless self-nominated. FDA will forward all nominations to the organizations expressing interest in participating in the selection process for the committee. (Persons who nominate themselves as voting industry representatives will not participate in the selection process.)

FDA seeks to include the views of women and men, members of all racial and ethnic groups, and individuals with and without disabilities on its advisory committees and therefore encourages nominations of appropriately qualified candidates from these groups.

This notice is issued under the Federal Advisory Committee Act (5 U.S.C. app. 2) and 21 CFR part 14, relating to advisory committees.

Dated: February 10, 2022.

**Lauren K. Roth,**

*Associate Commissioner for Policy.*

[FR Doc. 2022-03257 Filed 2-15-22; 8:45 am]

**BILLING CODE 4164-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. FDA-2019-N-0721]

#### Agency Information Collection Activities; Proposed Collection; Comment Request; Accreditation of Third-Party Certification Bodies To Conduct Food Safety Audits and Issue Certifications

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on information collection requirements for the accreditation of third-party certification bodies to conduct food safety audits and issue certifications.

**DATES:** Submit either electronic or written comments on the collection of information by April 18, 2022.

**ADDRESSES:** You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before April 18, 2022. The <https://www.regulations.gov> electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of April 18, 2022. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

#### Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a

third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

#### Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand Delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

**Instructions:** All submissions received must include the Docket No. FDA-2019-N-0721 for "Agency Information Collection Activities; Proposed Collection; Comment Request; Accreditation of Third-Party Certification Bodies to Conduct Food Safety Audits and Issue Certifications." Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240-402-7500.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit

both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as “confidential.” Any information marked as “confidential” will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA’s posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

*Docket:* For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the “Search” box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240-402-7500.

**FOR FURTHER INFORMATION CONTACT:** Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A-12M, 11601 Landsdown St., North Bethesda, MD 20852, 301-796-5733, [PRASStaff@fda.hhs.gov](mailto:PRASStaff@fda.hhs.gov).

**SUPPLEMENTARY INFORMATION:** Under the PRA (44 U.S.C. 3501-3521), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. “Collection of information” is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to 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, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites

comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA’s functions, including whether the information will have practical utility; (2) the accuracy of FDA’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 respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

**Accreditation of Third-Party Certification Bodies To Conduct Food Safety Audits and Issue Certifications—21 CFR Part 1, Subpart M**

*OMB Control Number 0910-0750—Extension*

This information collection helps to implement FDA’s Accredited Third-Party Certification Program (also referred to as the third-party food program), established and administered under section 808 of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 384d), and codified in 21 CFR part 1, subpart M (21 CFR parts 1.600 through 1.725) of Agency regulations. The regulations communicate eligibility criteria, assessment standards, and establish procedures and requirements for participation. For more information visit our website at <https://www.fda.gov/food/importing-food-products-united-states/accredited-third-party-certification-program>.

Under the third-party food program, accreditation bodies (ABs) apply to FDA for recognition. Recognized ABs accredit third-party certification bodies (CBs) under the program, except in limited circumstances. The accredited CBs conduct food safety audits and issue food or facility certifications to eligible foreign entities. FDA uses certifications issued by accredited third-party auditors/CBs in deciding whether to admit certain imported food (both food for human and other animals) into the United States. Under the third-party program, FDA may grant recognition of an AB for up to 5 years from the date of recognition. Current third-party program AB participants are recognized for the duration from 2018 to 2023 and

will need to submit renewal of recognition applications to continue their participation.

There are approximately 200,000 foreign food (both food for human and other animals) exporters who offer their food products for import into the United States. These foreign food exporters include approximately 130,000 food production facilities and approximately 71,000 farms. A proportion of these foreign food exporters may offer food subject to mandatory certification requirements under section 801(q)(3) of the FD&C Act (21 U.S.C. 381(q)(3)). In that case, to continue exporting food products into the United States, eligible entities must either obtain certification from a CB accredited under the third-party program, or obtain certification from a foreign government designated by FDA. We assume in any given year, 75 foreign food exporters will be subject to requirements in section 801(q) of the FD&C Act.

Participating in the third-party accreditation program helps reduce the number of redundant audits necessary to assess compliance with food safety requirements of the FD&C Act and applicable regulations. Required data elements are submitted using FDA’s Unified Registration Listing System (FURLS), an electronic portal (Forms FDA 3997 for ABs and 3997a for CBs) that enables respondents to complete data fields and provide information to FDA electronically. The AB and CB portals provide a standardized format for entering information, prompting respondents for input and facilitating FDA’s review of the submittal. Instructions may be accessed at <https://www.fda.gov/food/importing-food-products-united-states/accredited-third-party-certification-program>.

Respondents to the collection of information are eligible entities seeking audits, certification, and/or recertification by accredited CBs participating in the third-party program, and ABs and CBs seeking to comply with the recognition requirements. An eligible entity is a foreign entity in the import supply chain of food for consumption in the United States that chooses to be subject to a food safety audit conducted by an accredited third-party CB.

We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN <sup>1</sup>

21 CFR part 1, subpart M	Number of respondents	Number of responses per respondent <sup>2</sup>	Total annual responses	Average burden per response <sup>2</sup>	Total hours
AB applications, renewals, notifications, revocations.	25	11.36	284	3.18 .....	903
CB certifications, regulatory audits and assessments, notifications.	208	147.29	30,638	0.25 (15 minutes) .....	7,661
CB applications for direct accreditation & renewal.	1	1	1	90 .....	90
<b>Total</b> .....			30,923		8,654

<sup>1</sup> We estimate no capital costs or operating and maintenance costs for the information collection.  
<sup>2</sup> Figures rounded to the nearest one, one-hundred as calculated based on total number of records and hours.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN <sup>1</sup>

21 CFR part 1, subpart M	Number of recordkeepers	Number of records per recordkeeper <sup>2</sup>	Total annual records	Average burden per recordkeeping <sup>2</sup>	Total hours
AB documenting certification procedures; maintaining applicable records.	25	426.56	10,664	0.25 (~15 minutes) .....	2,677
AB establishing and updating public list of CBs	25	1	25	52.8 .....	1,320
CB documenting procedures for accreditation; maintaining applicable records (audits, certifications, serious risks).	208	112.72	23,446	0.35 (~20 minutes) .....	8,228
CB establishing & updating public list of eligible entities.	208	1.31	273	44.19 .....	12,064
Contract modification <sup>2</sup> .....	7	9	63	2 .....	126
<b>Total</b> .....			34,471		24,415

<sup>1</sup> We estimate no capital costs, or operating and maintenance costs for the information collection.  
<sup>2</sup> Figures rounded to the nearest one, one-hundred as calculated based on total number of records and hours.

We include in our estimate reporting burden attributable to required submissions, including notifications, to FDA; and recordkeeping burden attributable to the time we assume necessary for searching data sources, and preparing and maintaining records described in the applicable regulations. We estimate that 25 ABs will accredit CBs who conduct food safety audits of foreign eligible entities that offer food for import to the United States. We also estimate the 208 accredited CBs will participate in the third-party program. In addition, we expect that one CB will apply and participate in the third-party program via direct accreditation by FDA. Finally, we attribute nominal burden to recordkeeping attendant to contractual modifications that may be part of accreditation.

Based on a review of the information collection since last OMB approval, we have made only nominal adjustments to our burden estimate.

Dated: February 10, 2022.

**Lauren K. Roth,**

Associate Commissioner for Policy.

[FR Doc. 2022-03306 Filed 2-15-22; 8:45 am]

BILLING CODE 4164-01-P

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

[Docket No. FDA-2021-N-1305]

**Antimicrobial Drug Use in Companion Animals; Request for Comments**

**AGENCY:** Food and Drug Administration, HHS.

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

**SUMMARY:** The Food and Drug Administration (FDA, Agency, or we) is soliciting comments from the public on antimicrobial drug use practices in companion animals and the potential impacts of such uses on antimicrobial resistance in both humans and animals. We are issuing this notice as part of our objective to engage with our stakeholders to develop and implement a strategy for promoting antimicrobial stewardship in companion animals. Specific questions and information requests are included in this notice to help guide input from stakeholders and other members of the public. FDA’s Center for Veterinary Medicine (CVM) intends to use the information provided to assist in the development of strategies

to promote antimicrobial stewardship in companion animals.

**DATES:** Submit either electronic or written comments on the notice by June 16, 2022.

**ADDRESSES:** You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before June 16, 2022. The <https://www.regulations.gov> electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of June 16, 2022. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

*Electronic Submissions*

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are

solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

#### Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

*Instructions:* All submissions received must include the Docket No. FDA-2021-N-1305 for "Antimicrobial Drug Use in Companion Animals, Request for Comments." Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240-402-7500.

- **Confidential Submissions**—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management

Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

*Docket:* For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240-402-7500.

**FOR FURTHER INFORMATION CONTACT:** Barbara Leotta, Center for Veterinary Medicine (HFV-110), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 240-402-0605, [Barbara.Leotta@fda.hhs.gov](mailto:Barbara.Leotta@fda.hhs.gov).

#### SUPPLEMENTARY INFORMATION:

#### I. Background

Antimicrobial drugs<sup>1</sup> have been widely used in human and veterinary medicine for more than 80 years, with tremendous benefits to both human and animal health. The development of resistance<sup>2</sup> to this important class of drugs, and the resulting loss of the drugs' effectiveness, poses a serious threat to human and animal health. Because antimicrobial drug use can contribute to the emergence of drug-resistant organisms, these drugs should be used judiciously in both human and veterinary medicine to slow the development of resistance and preserve their utility. While judicious use efforts often focus on antimicrobial drug use in food-producing animal species (*e.g.*,

cattle, swine, chickens, and turkeys), there is also a need to better understand how the use of antimicrobial drugs to treat companion animals (*e.g.*, dogs, cats, and horses) might contribute to populations of resistant bacteria in these species and the humans exposed to them.

As part of its regulatory mission, CVM is responsible for ensuring the safety and effectiveness of animal drugs, including antimicrobial drugs, and has taken important steps to update the approved use conditions of medically important antimicrobial drugs (*i.e.*, antimicrobial drugs important for treating human disease) to support their judicious use in animals. CVM believes that the concept of antimicrobial stewardship encompasses several important principles of judicious use that are critical to slowing the rate at which bacteria develop resistance to antimicrobial drugs. In simple terms, we believe medically important antimicrobial drugs should only be used in animals when necessary to treat, control, or prevent disease. In addition, when such use is necessary, these antimicrobial drugs should be used in an optimal manner under the oversight of a licensed veterinarian. We acknowledge and support the many efforts that multiple stakeholders and animal health organizations have already taken to promote antimicrobial stewardship practices. For example, the American Veterinary Medical Association defined antimicrobial stewardship as "the actions veterinarians take individually and as a profession to preserve the effectiveness and availability of antimicrobial drugs through conscientious oversight and responsible medical decision making while safeguarding animal, public, and environmental health."<sup>3</sup>

In September of 2018, CVM published a five-year action plan entitled "Supporting Antimicrobial Stewardship in Veterinary Settings, Goals for Fiscal Years 2019–2023,"<sup>4</sup> which outlines goals and objectives for promoting the judicious use of antimicrobial drugs in animals and includes specific actions CVM intends to undertake in order to carry out those goals and objectives. The purpose of this notice is to address Goal 1 of the five-year action plan, "Align Antimicrobial Drug Product Use with the Principles of Antimicrobial Stewardship," which includes an

<sup>1</sup> The term "antimicrobial" refers broadly to drugs with activity against a variety of microorganisms including bacteria, viruses, fungi, and parasites. Antimicrobial drugs that have specific activity against bacteria are referred to as antibacterial or antibiotic drugs. The broader term "antimicrobial," however, commonly used in reference to drugs with activity against bacteria, is used in this document interchangeably with the terms antibacterial or antibiotic.

<sup>2</sup> Antimicrobial resistance is the ability of bacteria or other microbes to resist the effects of a drug. Antimicrobial resistance, as it relates to bacterial organisms, occurs when bacteria change in some way that reduces or eliminates the effectiveness of drugs, chemicals, or other agents designed to treat bacterial infections.

<sup>3</sup> American Veterinary Medical Association, "Antimicrobial Stewardship Definition and Core Principles," 2018, <https://www.avma.org/KB/Policies/Pages/Antimicrobial-Stewardship-Definition-and-Core-Principles.aspx>, accessed November 4, 2021.

<sup>4</sup> <https://www.fda.gov/media/115776/download>.

objective to engage with our stakeholders to develop and implement a strategy for promoting antimicrobial stewardship in companion animals.<sup>5</sup> One of the actions related to this objective (Action 1.2.1 under Phase 1 Actions<sup>6</sup>) is to obtain public input regarding antimicrobial use practices in companion animals and the impact of such use practices on the development of resistance.

## II. Questions for Consideration

CVM seeks input on the following questions and information requests:

1. Please describe if antimicrobial use practices in companion animals have impacted the development of antimicrobial resistance in bacterial pathogens of companion animals. Please provide information, data, and/or references to support your response.

2. Please describe if antimicrobial use practices in companion animals, including extralabel use, have impacted the development of antimicrobial resistance in human bacterial pathogens. If possible, please describe whether the impact was the result of direct or indirect contact between humans and the treated companion animals. Are there specific concerns about the development of antimicrobial resistance in human bacterial pathogens when particular antimicrobial drugs or drug classes are used in companion animals? Please provide information, data, and/or references to support your response.

3. How should the human medical importance of particular antimicrobial drugs or drug classes be considered when deciding whether, or under what conditions, to use such drugs in companion animals?

4. How can CVM best engage with our stakeholders on promoting antimicrobial stewardship for companion animals? Examples of stakeholders include other government agencies, the pharmaceutical industry, public health organizations (both public and private entities), veterinary professional organizations, veterinary schools, veterinarians, pet owners, and veterinary diagnostic laboratories.

<sup>5</sup> As a part of the plan, CVM established three goals, which include: (1) Align antimicrobial drug product use with the principles of antimicrobial stewardship; (2) foster stewardship of antimicrobials in veterinary settings; and (3) enhance monitoring of antimicrobial resistance and antimicrobial drug use in animals. See the five-year action plan at p. 5.

<sup>6</sup> CVM intends to initiate the actions outlined in the plan in two phases, with Phase 1 activities being initiated between FY 2019 and FY 2021 and Phase 2 activities being initiated between FY 2022 and FY 2023. See the five-year action plan at pp. 5–6.

5. How can CVM encourage the development of antimicrobial drugs consistent with the principles of antimicrobial stewardship for the treatment of infectious diseases in companion animals for which there are no FDA-approved animal drugs?

a. What bacterial diseases affecting companion animals are most in need of an FDA-approved animal antimicrobial drug?

b. What safety and effectiveness study design considerations present challenges for developing antimicrobial drugs to address specific infectious diseases in companion animals (e.g., Lyme disease, sepsis, or osteomyelitis)? Are there alternative study designs that would address these challenges? If not, what role(s) could the stakeholder groups identified in question 4 play in developing such alternative study designs?

c. Are there specific infectious diseases in companion animals for which topical formulations of antimicrobial drugs (e.g., medicated shampoos, rinses, or ointments) may be a better alternative than using systemic antimicrobial drugs from the perspective of antimicrobial stewardship? If so, what role(s) could the stakeholder groups identified in question 4 play toward fostering the use of such topical antimicrobial formulations?

6. Labeling:

a. What information on currently approved animal drug labeling helps the veterinarian prescribe or use an antimicrobial drug in a manner consistent with the principles of antimicrobial stewardship?

b. What additional information could be added to the approved animal drug labeling to improve the veterinarian's ability to prescribe or use an antimicrobial drug in a manner consistent with the principles of antimicrobial stewardship?

c. Is there a need for materials containing labeling information and/or information about antimicrobial stewardship that veterinarians could provide to the client when they prescribe an antimicrobial drug (e.g., client information sheets or other educational handouts)?

7. With respect to the use of antimicrobial drugs in companion animals, what other actions should CVM consider taking to foster greater antimicrobial stewardship?

Dated: February 9, 2022.

**Lauren K. Roth,**

*Associate Commissioner for Policy.*

[FR Doc. 2022–03245 Filed 2–15–22; 8:45 am]

**BILLING CODE 4164–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. FDA–2022–N–0008]

### Cellular, Tissue and Gene Therapies Advisory Committee; Notice of Meeting

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Cellular, Tissue, and Gene Therapies Advisory Committee. The general function of the committee is to provide advice and recommendations to the Agency on FDA's regulatory issues. At least one portion of the meeting will be closed to the public.

**DATES:** The meeting will be held virtually on March 10, 2022, from 10 a.m. to 1:30 p.m. Eastern Time.

**ADDRESSES:** Please note that due to the impact of the COVID–19 pandemic, all meeting participants will be joining this advisory committee meeting via an online teleconferencing platform. Answers to commonly asked questions about FDA advisory committee meetings may be accessed at: <https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm>. The online web conference meeting will be available at the following link on the day of the meeting: [https://youtu.be/silb2C\\_Ro8I](https://youtu.be/silb2C_Ro8I).

#### FOR FURTHER INFORMATION CONTACT:

Christina Vert or Tonica Burke, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 1244, Silver Spring, MD 20993–0002, 240–402–8054, [ctgtac@fda.hhs.gov](mailto:ctgtac@fda.hhs.gov), or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check FDA's website at <https://www.fda.gov/AdvisoryCommittees/default.htm> and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before joining the meeting.

#### SUPPLEMENTARY INFORMATION:

*Agenda:* The meeting presentations will be heard, viewed, captioned, and recorded through an online teleconferencing platform. On March 10,

2022, for Topic I, the committee will meet in open session to hear an overview of the research programs in the Gene Transfer and Immunogenicity Branch, Division of Cellular and Gene Therapies, Office of Tissues and Advanced Therapies, Center for Biologics Research. After the Topic I open session, the meeting will be closed to the public for committee deliberations.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, the background material will be made publicly available on FDA's website at the time of the advisory committee meeting. Background material and the link to the online teleconference meeting room will be available at <https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm>. Scroll down to the appropriate advisory committee meeting link. The meeting will include slide presentations with audio components to allow the presentation of materials in a manner that most closely resembles an in-person advisory committee meeting.

**Procedure:** On March 10, 2022, from 10 a.m. to 12:40 p.m. Eastern Time, the meeting is open to the public for Topic I. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before March 3, 2022. Oral presentations from the public will be scheduled between approximately 11:40 a.m. and 12:40 p.m. Eastern Time. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before February 23, 2022. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by February 24, 2022.

**Closed Committee Deliberations:** On March 10, 2022, from 12:40 p.m. to 1:30 p.m. Eastern Time for Topic I, the meeting will be closed to permit discussion where disclosure would constitute a clearly unwarranted

invasion of personal privacy (5 U.S.C. 552b(c)(6)). The recommendations of the advisory committee regarding the progress of the individual investigators' research programs, along with other information, will be discussed during this session. We believe that public discussion of these recommendations on individual scientists would constitute an unwarranted invasion of personal privacy.

For press inquiries, please contact the Office of Media Affairs at [fdaoma@fda.hhs.gov](mailto:fdaoma@fda.hhs.gov) or 301-796-4540.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Christina Vert at [ctgtac@fda.hhs.gov](mailto:ctgtac@fda.hhs.gov) (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at <https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm> for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: February 10, 2022.

**Lauren K. Roth,**

*Associate Commissioner for Policy.*

[FR Doc. 2022-03366 Filed 2-15-22; 8:45 am]

**BILLING CODE 4164-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Meeting of the Presidential Advisory Council on HIV/AIDS

**AGENCY:** Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

**ACTION:** Notice of a virtual meeting.

**SUMMARY:** As stipulated by the Federal Advisory Committee Act, the U.S. Department of Health and Human Services is hereby giving notice that the Presidential Advisory Council on HIV/AIDS (PACHA or the Council) will be holding the 73rd full Council meeting utilizing virtual technology on Monday, March 14 and Tuesday, March 15, 2022 from approximately 10:00-4:30 p.m. (ET) on both days. The meeting will be open to the public and there will be an interactive community engagement session during the first day of the meeting. Additionally, there will be a

public comment session during the meeting; pre-registration is required to provide public comment. To pre-register to provide public comment, please send an email to [PACHA@hhs.gov](mailto:PACHA@hhs.gov) and include your name, organization, and title by close of business Monday, March 7, 2022. If you decide you would like to provide public comment but do not pre-register, you may submit your written statement by emailing [PACHA@hhs.gov](mailto:PACHA@hhs.gov) by close of business Tuesday, March 22, 2022. The meeting agenda will be posted on the PACHA page on [HIV.gov](https://www.hiv.gov/federal-response/pacha/about-pacha) at <https://www.hiv.gov/federal-response/pacha/about-pacha> prior to the meeting.

**DATES:** The meeting will be held on Monday, March 14 and Tuesday March 15, 2022 from approximately 10:00-4:30 p.m. (ET) on both days. This meeting will be conducted utilizing virtual technology.

**ADDRESSES:** Instructions on attending this meeting virtually will be posted prior to the meeting at: <https://www.hiv.gov/federal-response/pacha/about-pacha>.

**FOR FURTHER INFORMATION CONTACT:** Ms. Caroline Talev, MPA, Management Analyst, Presidential Advisory Council on HIV/AIDS, 330 C Street SW, Room L609A, Washington, DC 20024; (202) 795-7622 or [PACHA@hhs.gov](mailto:PACHA@hhs.gov). Additional information can be obtained by accessing the Council's page on the [HIV.gov](https://www.hiv.gov/pacha) site at [www.hiv.gov/pacha](https://www.hiv.gov/pacha).

**SUPPLEMENTARY INFORMATION:** PACHA was established by Executive Order 12963, dated June 14, 1995, as amended by Executive Order 13009, dated June 14, 1996 and is currently operating under the authority given in Executive Order 14048, dated September 30, 2021. The Council was established to provide advice, information, and recommendations to the Secretary regarding programs and policies intended to promote effective HIV diagnosis, treatment, prevention, and quality care services. The functions of the Council are solely advisory in nature.

The Council consists of not more than 35 members. Council members are selected from prominent community leaders with particular expertise in, or knowledge of, matters concerning HIV and AIDS, public health, global health, population health, philanthropy, marketing or business, as well as other national leaders held in high esteem from other sectors of society. PACHA selections also include persons with lived HIV experience and racial/ethnic and sexual and gender minority persons disproportionately affected by HIV.

Council members are appointed by the Secretary.

Dated: January 31, 2022.

**B. Kaye Hayes,**

*Acting Director, Office of Infectious Disease and HIV/AIDS Policy, Executive Director, Presidential Advisory Council on HIV/AIDS, Office of the Assistant Secretary for Health, Department of Health and Human Services.*

[FR Doc. 2022-03353 Filed 2-15-22; 8:45 am]

**BILLING CODE 4150-43-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**60-Day Report to Congress on Domestic Content Procurement Preferences Applicable to Federal Financial Assistance**

**AGENCY:** Assistant Secretary for Financial Resources (ASFR), Health and Human Services (HHS or the Department).

**ACTION:** Notice.

**SUMMARY:** The Infrastructure Investment and Jobs Act (IIJA) requires Federal awarding agencies to identify and report to Congress each Federal financial assistance program for infrastructure administered by the Federal awarding agency.

**FOR FURTHER INFORMATION CONTACT:** Johanna Nestor at *Johanna.Nestor@hhs.gov* or (202) 631-0420.

**SUPPLEMENTARY INFORMATION:** Section 70913(b) of the IIJA requires that the report:

- Identify all domestic content procurement preferences applicable to the Federal financial assistance;
- Assess the applicability of the 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. 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);
- Provide details on any applicable domestic content procurement preference requirement, including the purpose, scope, applicability, and any

exceptions and waivers issued under the requirement; and,

- Include a description of the type of infrastructure projects that receive funding under the program, including information relating to—
  - the number of entities that are participating in the program;
  - the amount of Federal funds that are made available for the program for each fiscal year; and,
  - any other information the head of the Federal agency determines to be relevant.

In accordance with the Office of Management and Budget (OMB) Memorandum M-22-08—“Identification of Federal Financial Assistance Infrastructure Programs Subject to the Build America, Buy America Provisions of the Infrastructure Investment and Jobs Act,” Federal awarding agencies must also include a separate notice to each appropriate congressional committee, including the Committee on Homeland Security and Governmental Affairs, the Committee on Commerce, Science, and Transportation, the Committee on Environment and Public Works, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Armed Services of the Senate; and the Committee on Oversight and Reform, the Committee on Armed Services, and the Committee on Transportation and Infrastructure of the House of Representatives.

The following report provides the Department of Health and Human Services (HHS) initial analysis of its programs and the Build America, Buy America requirements.

**Background:** Title IX of the IIJA, entitled “Build America, Buy America” (BABA), requires that no later than May 14, 2022, each Federal awarding agency must ensure that none of the funds made available for a Federal financial assistance program for infrastructure may be obligated for a project, unless all of the iron, steel, manufactured products, and construction materials used in the project, are produced in the United States (absent a waiver authorized by statute). Section 70912(5) of the IIJA, defines “infrastructure” to include at a minimum, the structures, facilities, and equipment for, in the United States—roads, highways, and bridges; public transportation; dams, ports, harbors, and other maritime facilities; intercity passenger and freight railroads; freight and intermodal facilities; airports; water systems, including drinking water and wastewater systems; electrical transmission facilities and systems; utilities; broadband infrastructure; and buildings and real property.

**Analysis:** The financial assistance programs funded by HHS focus on medical research, health services, and essential human services. As part of this focus, HHS occasionally provides construction support for health centers, medical centers, and research facilities. The IIJA, through the BABA imposes requirements on Federal financial assistance for infrastructure projects, and focuses on sectors of domestic infrastructure beyond the scope of HHS’s programs. HHS has determined that such construction support is not subject to BABA requirements. If it is determined on a case-by-case basis that the BABA requirements apply to any particular Federal financial assistance provided by HHS, HHS will evaluate whether pursuing a waiver authorized by statute is appropriate.

Historically, most recently in May 2019, OMB has concurred with HHS’s characterization of HHS financial assistance programs. On December 20, 2021, OMB issued to Federal awarding agencies, Memorandum M-22-08—“Identification of Federal Financial Assistance Infrastructure Programs Subject to the Build America, Buy America Provisions of the Infrastructure Investment and Jobs Act.” The Memorandum provides additional implementation instructions, however, the Memorandum did not alter HHS’s current assessment. Should OMB issue additional guidance, HHS will re-evaluate the applicability of the BABA requirements to our financial assistance programs.

**Alice Bettencourt,**

*Deputy Assistant Secretary for Grants.*

[FR Doc. 2022-03363 Filed 2-15-22; 8:45 am]

**BILLING CODE 4150-24-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Meeting of the Secretary’s Advisory Committee on Human Research Protections**

**AGENCY:** Department of Health and Human Services, Office of the Secretary, Office of the Assistant Secretary for Health.

**ACTION:** Notice.

**SUMMARY:** Pursuant to Section 10(a) of the Federal Advisory Committee Act notice is hereby given that the Secretary’s Advisory Committee on Human Research Protections (SACHRP) will hold a meeting that will be open to the public. Information about SACHRP, the full meeting agenda, and instructions for linking to public access will be posted on the SACHRP website

at <http://www.dhhs.gov/ohrp/sachrp-committee/meetings/index.html>.

**DATES:** The meeting will be held on Thursday, March 10, 2022 from 11:00 a.m. until 4:30 p.m., and Friday, March 11, 2022, from 11:00 a.m. until 4:30 p.m. (times are tentative and subject to change). The confirmed times and agenda will be posted on the SACHRP website when this information becomes available.

**ADDRESSES:** This meeting will be held via webcast. Members of the public may also attend the meeting via webcast. Instructions for attending via webcast will be posted one week prior to the meeting at <https://www.hhs.gov/ohrp/sachrp-committee/meetings/index.html>.

**FOR FURTHER INFORMATION CONTACT:** Julia Gorey, J.D., Executive Director, SACHRP; U.S. Department of Health and Human Services, 1101 Wootton Parkway, Suite 200, Rockville, Maryland 20852; telephone: 240-453-8141; fax: 240-453-6909; email address: [SACHRP@hhs.gov](mailto:SACHRP@hhs.gov).

**SUPPLEMENTARY INFORMATION:** Under the authority of 42 U.S.C. 217a, Section 222 of the Public Health Service Act, as amended, SACHRP was established to provide expert advice and recommendations to the Secretary of Health and Human Services, through the Assistant Secretary for Health, on issues and topics pertaining to or associated with the protection of human research subjects.

The Subpart A Subcommittee (SAS) was established by SACHRP in October 2006 and is charged with developing recommendations for consideration by SACHRP regarding the application of subpart A of 45 CFR part 46 in the current research environment.

The Subcommittee on Harmonization (SOH) was established by SACHRP at its July 2009 meeting and charged with identifying and prioritizing areas in which regulations and/or guidelines for human subjects research adopted by various agencies or offices within HHS would benefit from harmonization, consistency, clarity, simplification and/or coordination.

The SACHRP meeting will open to the public at 11:00 a.m., on Thursday, March 10, 2022, followed by opening remarks from Dr. Jerry Menikoff, Director of OHRP and Dr. Douglas Diekema, SACHRP Chair. The meeting will begin with discussion of new draft recommendations on ethical and regulatory considerations for the use of artificial intelligence in human subjects

research, followed by a presentation of draft recommendations on the risks for third parties involved in research, and finally draft recommendations for the Request for Information currently open for the National Institutes of Health's Genomic Data Sharing Policy. The second day, March 11, will include consideration of the current HHS policy of engagement and the interpretation of HHS support in 45 CFR 46, and continue discussion of topics from the first day's agenda. Other topics may be added; for the full and updated meeting agenda, see <http://www.dhhs.gov/ohrp/sachrp-committee/meetings/index.html>. The meeting will adjourn by 4:30 p.m. March 11th, 2022.

The public will have an opportunity to send comment to the SACHRP during the meeting's public comment session or to submit written public comment in advance. Individuals submitting written statements as public comment should submit their comments to SACHRP at [SACHRP@hhs.gov](mailto:SACHRP@hhs.gov) by midnight March 4th, 2022, ET. Comments are limited to three minutes each.

Time will be allotted for public comment on both days. Note that public comment must be relevant to topics currently being addressed by the SACHRP.

Dated: January 31, 2022.

**Julia G. Gorey,**

*Executive Director, SACHRP, Office for Human Research Protections.*

[FR Doc. 2022-03370 Filed 2-15-22; 8:45 am]

**BILLING CODE 4150-36-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

**Document Identifier: OS-0990-0279J**

### Agency Information Collection Request; 60-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 April 18, 2022.

**ADDRESSES:** Submit your comments to [Sherrette.Funn@hhs.gov](mailto:Sherrette.Funn@hhs.gov) or by calling (202) 795-7714.

### FOR FURTHER INFORMATION CONTACT:

When submitting comments or requesting information, please include the document identifier 0990-0279-60D and project title for reference, to Sherrette A. Funn, email: [Sherrette.Funn@hhs.gov](mailto:Sherrette.Funn@hhs.gov), or call (202) 795-7714 the Reports Clearance Officer.

**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:* Department of Health and Human Services (HHS) Registration of an Institutional Review Board (IRB) Form.

*Type of Collection:* Extension.

*OMB No.:* 0990-0279.

*Abstract:* The Office of the Assistant Secretary for Health, Office for Human Research Protections is requesting a three-year extension of the Department of Health and Human Services (HHS) Registration of an Institutional Review Board (IRB) Form, OMB No. 0990-0279. The purpose of the IRB Registration Form is to provide a simplified procedure for institutions engaged in research conducted or supported by HHS to satisfy the (1) HHS regulations for the protection of human subjects at 45 CFR 46.103(b), 45 CFR 46.107, and 45 CFR 46, subpart E, Registration of Institutional Review Boards; and, the Food and Drug Administration (FDA) regulations for institutional review boards at 21 CFR 56.106.

*Likely Respondents:* Institutions or organizations operating IRBs that review human subjects research conducted or supported by HHS, or, in the case of FDA's requirements, each IRB in the United States that reviews clinical investigations regulated by FDA under sections 505(i) or 520(g) of the Federal Food, Drug and Cosmetic Act; and each IRB in the United States that reviews clinical investigations that are intended to support applications for research or marketing permits for FDA-regulated products.



ANNUALIZED BURDEN HOUR TABLE

IRB registration form	Number of respondents	Number of responses per respondents	Average burden per response	Total burden hours
Update and Renew Registration .....	5,800	2	0.5	5,800
Initial and Update Registration .....	400	2	1/0.5	600
Total .....				6,400

**Sherrette A. Funn,**  
*Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.*  
 [FR Doc. 2022-03239 Filed 2-15-22; 8:45 am]  
**BILLING CODE 4150-36-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Office of the Secretary**

[CAN 1990470]

**Notice of Interest Rate on Overdue Debts**

Section 30.18 of the Department of Health and Human Services' claims collection regulations (45 CFR part 30) provides that the Secretary shall charge an annual rate of interest, which is determined and fixed by the Secretary of the Treasury after considering private consumer rates of interest on the date that the Department of Health and Human Services becomes entitled to recovery. The rate cannot be lower than the Department of Treasury's current value of funds rate or the applicable rate determined from the "Schedule of Certified Interest Rates with Range of Maturities" unless the Secretary waives interest in whole or part, or a different rate is prescribed by statute, contract, or repayment agreement. The Secretary of the Treasury may revise this rate quarterly. The Department of Health and Human Services publishes this rate in the **Federal Register**.

The current rate of 9 1/8%, as fixed by the Secretary of the Treasury, is certified for the quarter ended December 31, 2021. This rate is based on the Interest Rates for Specific Legislation, "National Health Services Corps Scholarship Program (42 U.S.C. 254o(b)(1)(A))" and "National Research Service Award Program (42 U.S.C. 288(c)(4)(B))." This interest rate will be applied to overdue debt until the Department of Health and Human Services publishes a revision.

**David C. Horn,**  
*Director, Office of Financial Policy and Reporting.*  
 [FR Doc. 2022-03342 Filed 2-15-22; 8:45 am]  
**BILLING CODE 4150-28-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**National Institutes of Health**

**National Institute on Aging; Notice of Closed Meeting**

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute on Aging Special Emphasis Panel; Program Project.

*Date:* March 8, 2022.

*Time:* 11:00 a.m. to 3:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Dario Dieguez, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institutes of Health, National Institute on Aging, Bethesda, MD 20814, (301) 827-3101, [dario.dieguez@nih.gov](mailto:dario.dieguez@nih.gov).

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: February 11, 2022.

**David W. Freeman,**  
*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2022-03384 Filed 2-15-22; 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 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 of Child Health and Human Development Special Emphasis Panel; Human-Animal Interactions.

*Date:* April 8, 2022.

*Time:* 10:00 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 2137D, Bethesda, MD 20892.

*Contact Person:* Helen Huang, 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 2137D, Bethesda, MD 20892, (301) 435-8207, [helen.huang@nih.gov](mailto:helen.huang@nih.gov).

*Name of Committee:* National Institute of Child Health and Human Development Special Emphasis Panel; Impact of Technology and Digital Media (TDM) Exposure/Usage on Child and Adolescent Development (P01 Clinical Trial Optional).

*Date:* April 28, 2022.

*Time:* 9:00 a.m. to 5:00 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 2125D, Bethesda, MD 20892.

*Contact Person:* Jagpreet Singh Nanda, 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 2125D, Bethesda, MD 20892, (301) 451-4454, [jagpreet.nanda@nih.gov](mailto:jagpreet.nanda@nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: February 10, 2022.

**Melanie J. Pantoja,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2022-03240 Filed 2-15-22; 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; U01 Review of NIDCD Cooperative Agreements for Clinical Trials.

*Date:* March 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:* Andrea B. Kelly, Ph.D., Scientific Review Officer, National Institute on Deafness and Other Communication Disorders, National Institutes of Health, 6001 Executive Boulevard, Room 8351, Bethesda, MD 20892, (301) 451-6339, [kellya2@nih.gov](mailto:kellya2@nih.gov).

*Name of Committee:* National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; Clinical Research Center Grant Review.

*Date:* March 21, 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:* Andrea B. Kelly, Ph.D., Scientific Review Officer, National Institute on Deafness and Other Communication Disorders, National Institutes of Health, 6001 Executive Boulevard, Room 8351, Bethesda, MD 20892, (301) 451-6339, [kellya2@nih.gov](mailto:kellya2@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: February 10, 2022.

**Tyeshia M. Roberson-Curtis,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2022-03314 Filed 2-15-22; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute on Deafness and Other Communication Disorders; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Board of Scientific Counselors, NIDCD.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual grant applications conducted by the National Institute on Deafness and Other Communication Disorders, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Board of Scientific Counselors, NIDCD.

*Date:* March 30, 2022.

*Time:* 4:00 p.m. to 5:00 p.m.

*Agenda:* To review and evaluate staff reports on divisional, programmatic, and special activities.

*Place:* Porter Neuroscience Research Center, Building 35A, 35 Convent Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Lisa L. Cunningham, Ph.D., Scientific Director, National Institute on Deafness and Other Communication Disorders, National Institutes of Health, 35A Convent Drive, Rockville, MD 20850, 301-443-2766, [lisa.cunningham@nih.gov](mailto:lisa.cunningham@nih.gov).

Information is also available on the Institute's/Center's home page: <https://www.nidcd.nih.gov/about/advisory-committees>, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: February 10, 2022.

**Tyeshia M. Roberson-Curtis,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2022-03311 Filed 2-15-22; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Biology of Development and Aging Integrated Review Group; Developmental Therapeutics Study Section, February 24-25, 2022, 9:30 a.m. to 7:00 p.m., which was published in the **Federal Register** on January 19, 2022, 87 FR 2877, FR DOC 2022-00962.

This meeting is being amended to change the Contact Person from Nicholas J. Donato to Lambratu Rahman Sesay, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 804-H, MSC 7849, Bethesda, MD 20892, (301) 905-8294, [bree.rahmansesay@nih.gov](mailto:bree.rahmansesay@nih.gov). The meeting dates, times, and meeting location remain the same. The meeting is closed to the public.

Dated: February 10, 2022.

**Tyeshia M. Roberson-Curtis,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2022-03310 Filed 2-15-22; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel, Radiation Therapeutics and Biology Member Conflict, March 3, 2022, 12:00 p.m. to 3:30 p.m., which was published

in the **Federal Register** on January 27, 2022, 87 FR 4260, FR 2022–01548.

Meeting is being amended to change the Contact Person from Nicholas J. Donato to Careen Tang-Toth, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4040, MSC 7849, Bethesda, MD 20892, (301) 435–3504, [careen.toth@nih.gov](mailto:careen.toth@nih.gov). The meeting dates, times, and meeting location remain the same. The meeting is closed to the public.

Dated: February 10, 2022.

**David W. Freeman,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2022–03251 Filed 2–15–22; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute on Aging Special Emphasis Panel; Dementia Care.

*Date:* March 17, 2022.

*Time:* 12:00 p.m. to 2:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institute on Aging, Gateway Building 7201, Wisconsin Avenue, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Dario Dieguez, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institutes of Health, National Institute on Aging, Bethesda, MD 20814, (301) 827–3101, [dario.dieguez@nih.gov](mailto:dario.dieguez@nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: February 10, 2022.

**David W. Freeman,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2022–03249 Filed 2–15–22; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute on Drug Abuse; 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 Drug Abuse Special Emphasis Panel; Developing Digital Therapeutics for Substance Use Disorders (UG3/UH3 Clinical Trial optional).

*Date:* March 9, 2022.

*Time:* 11:00 a.m. to 4:00 p.m.

*Agenda:* To review and evaluate cooperative agreement applications.

*Place:* National Institutes of Health, National Institute on Drug Abuse, 301 North Stonestreet Avenue, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Jenny Raye Browning, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research, National Institute on Drug Abuse, 301 North Stonestreet Avenue, Bethesda, MD 20892, (301) 443–4577, [jenny.browning@nih.gov](mailto:jenny.browning@nih.gov).

*Name of Committee:* National Institute on Drug Abuse Initial Review Group; Medication Development Research Study Section.

*Date:* March 16, 2022.

*Time:* 10:00 a.m. to 3:00 p.m.

*Agenda:* To review and evaluate cooperative agreement applications.

*Place:* National Institutes of Health, National Institute on Drug Abuse, 301 North Stonestreet Avenue, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Preethy Nayar, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute on Drug Abuse, NIH, 301 North Stonestreet Avenue, Bethesda, MD 20892, 301–443–4577, [nayarp2@csr.nih.gov](mailto:nayarp2@csr.nih.gov).

*Name of Committee:* National Institute on Drug Abuse Special Emphasis Panel;

Mechanism for Time-Sensitive Drug Abuse Research.

*Date:* March 22, 2022.

*Time:* 2:00 p.m. to 4:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, National Institute on Drug Abuse, 301 North Stonestreet Avenue, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Soyoun Cho, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research, National Institute on Drug Abuse, NIH, 301 North Stonestreet Avenue, Bethesda, MD 20892, (301) 594–9460, [Soyoun.cho@nih.gov](mailto:Soyoun.cho@nih.gov). (Catalogue of Federal Domestic Assistance Program Nos. 93.277, Drug Abuse Scientist Development Award for Clinicians, Scientist Development Awards, and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: February 10, 2022.

**Tyeshia M. Roberson-Curtis,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2022–03246 Filed 2–15–22; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Center for Complementary & Integrative Health; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Advisory Council for Complementary and Integrative Health.

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.

The meeting will be held as a virtual meeting and is open to the public as indicated below. Individuals who plan to view the virtual meeting and need special assistance or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting. The Open Session will be open to the public via NIH Videocast. The URL link to access this meeting is <https://videocast.nih.gov>.

*Name of Committee:* National Advisory Council for Complementary and Integrative Health.

*Date:* May 13, 2022.

*Closed:* 10:00 a.m. to 11:30 a.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Democracy 2, 6707 Democracy Boulevard, Bethesda, MD 20817 (Virtual Meeting).

*Open:* 11:40 a.m. to 5:00 p.m.

*Agenda:* NCCIH Director Remark and Other Staff Presentations.

*Place:* National Institutes of Health, Democracy 2, 6707 Democracy Boulevard, Bethesda, MD 20817 (Virtual Meeting).

*Contact Person:* Partap Singh Khalsa, Ph.D., DC, Director, Division of Extramural Activities, National Center for Complementary and Integrative Health, National Institutes of Health, 6707 Democracy Blvd., Suite 401, Bethesda, MD 20892-5475, 301-594-3462 [khalsap@mail.nih.gov](mailto:khalsap@mail.nih.gov).

Any interested person may file written comments with the committee 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. Any member of the public may submit written comments no later than 15 days after the meeting.

Information is also available on the Institute's/Center's home page: <https://www.nccih.nih.gov/news/events/advisory-council-80th-meeting>, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.213, Research and Training in Complementary and Alternative Medicine, National Institutes of Health, HHS)

Dated: February 10, 2022.

**Tyeshia M. Roberson-Curtis,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2022-03308 Filed 2-15-22; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Center for Complementary & Integrative Health; Notice of Closed 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 Center for Complementary and Integrative Health Special Emphasis Panel; NIH Health Care Systems Research Collaboratory—Coordinating Center.

*Date:* March 4, 2022.

*Time:* 12:30 p.m. to 1:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Center for Complementary and Integrative, Democracy II, 6707 Democracy Blvd., Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Sonia Elena Nanesco, Ph.D., Scientific Review Officer, Office of Scientific Review, Division of Extramural Activities, NCCIH/NIH, 6707 Democracy Boulevard, Suite 401, Bethesda, MD 20892-5475, [sonia.nanesco@nih.gov](mailto:sonia.nanesco@nih.gov).

*Name of Committee:* National Center for Complementary and Integrative Health Special Emphasis Panel; NIH Health Care Systems Research Collaboratory—Pragmatic and Implementation Trials of Embedded Interventions (UG3/UH3).

*Date:* March 4, 2022.

*Time:* 9:30 a.m. to 12:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Center for Complementary and Integrative, Democracy II, 6707 Democracy Blvd., Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Sonia Elena Nanesco, Ph.D., Scientific Review Officer, Office of Scientific Review, Division of Extramural Activities, NCCIH/NIH, 6707 Democracy Boulevard, Suite 401, Bethesda, MD 20892-5475, [sonia.nanesco@nih.gov](mailto:sonia.nanesco@nih.gov).

*Name of Committee:* National Center for Complementary and Integrative Health Special Emphasis Panel; HEAL Initiative: Pragmatic and Implementation Studies for the Management of Sickle Cell Disease Pain.

*Date:* March 4, 2022.

*Time:* 1:30 p.m. to 2:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Center for Complementary and Integrative, Democracy II, 6707 Democracy Blvd., Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Sonia Elena Nanesco, Ph.D., Scientific Review Officer, Office of Scientific Review, Division of Extramural Activities, NCCIH/NIH, 6707 Democracy Boulevard, Suite 401, Bethesda, MD 20892-5475, [sonia.nanesco@nih.gov](mailto:sonia.nanesco@nih.gov).

*Name of Committee:* National Center for Complementary and Integrative Health Special Emphasis Panel; HEAL Initiative: Sickle Cell Disease Pain Management Trials Utilizing the Pain Management Effectiveness Research Network Cooperative Agreement.

*Date:* March 4, 2022.

*Time:* 2:30 p.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Center for Complementary and Integrative, Democracy II, 6707

Democracy Blvd., Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Sonia Elena Nanesco, Ph.D., Scientific Review Officer, Office of Scientific Review, Division of Extramural Activities, NCCIH/NIH, 6707 Democracy Boulevard, Suite 401, Bethesda, MD 20892-5475, [sonia.nanesco@nih.gov](mailto:sonia.nanesco@nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.213, Research and Training in Complementary and Alternative Medicine, National Institutes of Health, HHS)

Dated: February 10, 2022.

**Tyeshia M. Roberson-Curtis,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2022-03309 Filed 2-15-22; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Diabetes and Digestive and Kidney 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 Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Collaborative Microbial Metabolite Center.

*Date:* March 16, 2022.

*Time:* 3:00 p.m. to 4:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892.

*Contact Person:* Paul A. Rushing, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7345, 6707 Democracy Boulevard, Bethesda, MD 20892-5452, (301) 594-8895, [rushingp@extra.niddk.nih.gov](mailto:rushingp@extra.niddk.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: February 10, 2022.

**David W. Freeman,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2022-03250 Filed 2-15-22; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflict: Cognitive and Neuropathological Signatures of Alzheimer's Disease, Brain Injury and Aging.

*Date:* March 9, 2022.

*Time:* 10:00 a.m. to 2:00 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:* Samuel C. Edwards, Ph.D., Chief, BDCN IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5210, MSC 7846, Bethesda, MD 20892, (301) 435-1246, [edwardss@csr.nih.gov](mailto:edwardss@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; RFA DK-20-022 and -023: HIV Reservoirs and Pathogenesis in NIDDK-Relevant Tissues.

*Date:* March 14, 2022.

*Time:* 10:00 a.m. to 7:00 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:* Shiv A. Prasad, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5220, MSC 7852, Bethesda, MD 20892, 301-443-5779, [prasads@csr.nih.gov](mailto:prasads@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Small Business: Musculoskeletal, Orthopedic, Oral, Rehabilitation, Dermatology and Rheumatology.

*Date:* March 15-17, 2022.

*Time:* 8:30 a.m. to 7:30 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:* Aftab A. Ansari, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4108, MSC 7814, Bethesda, MD 20892, (301) 237-9931, [ansaria@csr.nih.gov](mailto:ansaria@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Small Business: Biological Chemistry, Biophysics, and Assay Development.

*Date:* March 17-18, 2022.

*Time:* 9:00 a.m. to 3:00 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:* John Harold Laity, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 402-8254, [john.laity@nih.gov](mailto:john.laity@nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflict: Cardiovascular Sciences.

*Date:* March 17, 2022.

*Time:* 9:00 a.m. to 3:00 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:* Margaret Chandler, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4126, MSC 7814, Bethesda, MD 20892, (301) 435-1743, [margaret.chandler@nih.gov](mailto:margaret.chandler@nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflict: Vascular and Hematology.

*Date:* March 18, 2022.

*Time:* 1:30 p.m. to 3:30 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:* Ashlee Lane, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20817, 301-451-3849, [ashlee.tipton@nih.gov](mailto:ashlee.tipton@nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Small Business: Cell and Molecular Biology.

*Date:* March 23-24, 2022.

*Time:* 9:30 a.m. to 8:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Ronit I. Yarden, Ph.D., MHSA, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 904B, Bethesda, MD 20892, (202) 552-9939, [yardenri@csr.nih.gov](mailto:yardenri@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; PAR Panel: Biomedical Data Repositories and Knowledgebases.

*Date:* March 23, 2022.

*Time:* 10:00 a.m. to 7:30 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:* Noffisat Oki, Ph.D., Scientific Review Officer, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892, 240-627-3648, [noffisat.oki@nih.gov](mailto:noffisat.oki@nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflict: Immunological Mechanisms in Host Defense Against Pathogens.

*Date:* March 23, 2022.

*Time:* 1:00 p.m. to 7:00 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:* Deborah Hodge, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4207, MSC 7812, Bethesda, MD 20892, (301) 435-1238, [hodged@mail.nih.gov](mailto:hodged@mail.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 10, 2022.

**David W. Freeman,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2022-03252 Filed 2-15-22; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Proposed Collection; 60-Day Comment Request; Center for Cancer Training (CCT) Application Form for Electronic Individual Development Plan (eIDP) (National Cancer Institute)

**AGENCY:** National Institutes of Health, HHS.

**ACTION:** Notice.

**SUMMARY:** In compliance with the requirement of the Paperwork Reduction Act of 1995 to provide opportunity for public comment on proposed data collection projects, the National Institutes of Health, National Cancer Institute (NCI) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

**DATES:** Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

**FOR FURTHER INFORMATION CONTACT:** To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact: Erika Ginsburg, Scientific Program Analyst, Center for Cancer Training, National Cancer Institute, 9609 Medical Center Drive, Room 2W-110, Bethesda, Maryland, 20892 or call non-toll-free number (240) 276-5627 or email your request, including your address to: [ginsbure@mail.nih.gov](mailto:ginsbure@mail.nih.gov). Formal requests for additional plans and instruments must be requested in writing.

**SUPPLEMENTARY INFORMATION:** Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 requires: written comments and/or suggestions from the public and affected agencies are invited to address one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the

function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological information technology.

*Proposed Collection Title:* Center for Cancer Training (CCT) Application Form for electronic Individual Development Plan (eIDP), 0925-0762, Expiration Date 07/31/2022, REVISION, National Cancer Institute (NCI), National Institutes of Health (NIH).

*Need and Use of Information Collection:* This information collection request is for a revision of the electronic Individual Development Plan (eIDP) for three years. The National Cancer Institute's (NCI) Center for Cancer Training (CCT) supports NCI's goal of

training cancer researchers with various educational levels (postbaccalaureate, graduate students, postdoctoral fellows) and for varying periods of time (3 months to 5 years). The eIDP is an online, detailed questionnaire focused on responses to career and professional goals and expectations while the trainee works at the NIH. The eIDP ensures the trainees are receiving proper career and professional guidance, making appropriate progress, and determining activities to achieve their goals. The eIDP is also used to track trainees' career and professional goals and to ensure trainees receive the tools needed to achieve those goals. It is expected the trainees will complete the eIDP annually and that the eIDP process could be improved by their responses. The effectiveness of training could also be enhanced by the reports received by the trainees completing the eIDP. Individual Development Plans have been collected by paper and pencil from trainees since 2001.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden are 2,009 hours.

**ESTIMATED ANNUALIZED BURDEN HOURS**

Category of respondents	Number of respondents	Number of responses per respondent	Average time per response (in hours)	Total annual burden hours
Individuals—eIDP .....	1,800	1	1	1,800
Individuals—Alumni .....	500	1	5/60	42
Individuals—Feedback .....	500	1	20/60	167
<b>Totals .....</b>		<b>2,800</b>		<b>2,009</b>

Dated: February 10, 2022.

**Diane Kreinbrink,**

*Project Clearance Liaison, National Cancer Institute, National Institutes of Health.*

[FR Doc. 2022-03258 Filed 2-15-22; 8:45 am]

**BILLING CODE 4140-01-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**National Institutes of Health**

**National Eye Institute; Notice of Closed Meeting**

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and

the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Eye Institute Special Emphasis Panel; NEI Independent Career Training grants (K08, K23, K99).

*Date:* March 7, 2022.

*Time:* 9:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Eye Institute, National Institute of Health, 6700B Rockledge Drive, Suite 3400, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Jeanette M. Hosseini, Ph.D., Scientific Review Officer, National Eye Institute, National Institute of Health, 6700B Rockledge Drive, Suite 3400, Bethesda, MD 20892, (301) 451-2020, [jeanetteh@mail.nih.gov](mailto:jeanetteh@mail.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

**Tyeshia M. Roberson-Curtis,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2022-03316 Filed 2-15-22; 8:45 am]

**BILLING CODE 4140-01-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**National Institutes of Health**

**National Institute of Mental Health; 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 of Mental Health Special Emphasis Panel; BRAIN Initiative Cell Atlas Network (BICAN) (U01, UM1, U24).

*Date:* March 17–18, 2022.

*Time:* 10:00 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:* Jasenka Borzan, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, National Institutes of Health, 6001 Executive Blvd., Neuroscience Center, Room 6150, Bethesda, MD 20892, 301-435-1260, [jasenka.borzan@nih.gov](mailto:jasenka.borzan@nih.gov).

*Name of Committee:* National Institute of Mental Health Special Emphasis Panel; BRAIN Initiative: Data Standards, Integration, and Analysis (R01).

*Date:* March 18, 2022.

*Time:* 10:00 a.m. to 5:30 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:* Rebecca Steiner Garcia, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, National Institutes of Health, Neuroscience Center, 6001 Executive Blvd., Room 6149, MSC 9608, Bethesda, MD 20892-9608, 301-443-4525, [steinerr@mail.nih.gov](mailto:steinerr@mail.nih.gov). (Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants, National Institutes of Health, HHS)

Dated: February 10, 2022.

**Melanie J. Pantoja,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2022-03243 Filed 2-15-22; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the

provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute on Drug Abuse Special Emphasis Panel; Exploratory Studies to Investigate the Mechanisms of Interrelationship Between Sleep and Substance Use Disorders.

*Date:* February 28, 2022.

*Time:* 12:00 p.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, National Institute on Drug Abuse, 301 North Stonestreet Avenue, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Jenny Raye Browning, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research, National Institute on Drug Abuse, 301 North Stonestreet Avenue, Bethesda, MD 20892 (301) 443-4577, [jenny.browning@nih.gov](mailto:jenny.browning@nih.gov).

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.277, Drug Abuse Scientist Development Award for Clinicians, Scientist Development Awards, and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: February 10, 2022.

**Tyeshia M. Roberson-Curtis,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2022-03247 Filed 2-15-22; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material,

and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Small Business: Disease Prevention and Management, Risk Reduction and Health Behavior Change.

*Date:* March 15–16, 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:* Michael J. McQuestion, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3114, MSC 7808, Bethesda, MD 20892, (301) 480-1276, [mike.mcquestion@nih.gov](mailto:mike.mcquestion@nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Societal and Ethical Issues in Research.

*Date:* March 15, 2022.

*Time:* 12:00 p.m. to 4:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Sara Louise Hargrave, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3170, Bethesda, MD 20892, (301) 443-7193, [hargravesl@mail.nih.gov](mailto:hargravesl@mail.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Small Business: Neuro/Psychopathology, Lifespan Development, and STEM Education.

*Date:* March 16–17, 2022.

*Time:* 9:30 a.m. to 8:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Elia K. Ortenberg, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3108, MSC 7816, Bethesda, MD 20892, (301) 827-7189, [femiaee@csr.nih.gov](mailto:femiaee@csr.nih.gov).

*Name of Committee:* Healthcare Delivery and Methodologies Integrated Review Group; Population and Public Health Approaches to HIV/AIDS Study Section.

*Date:* March 17–18, 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:* Jose H. Guerrier, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5222, MSC 7852, Bethesda, MD 20892, 301-435-1137, [guerriej@csr.nih.gov](mailto:guerriej@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Small

Business: The Cancer Biotherapeutics Development (CBD).

*Date:* March 24–25, 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:* Shahana Majid, Ph.D., Scientific Review Officer, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 867–5309, [shahana.majid@nih.gov](mailto:shahana.majid@nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; PAR Panel: Fogarty Global Brain Disorders.

*Date:* March 24–25, 2022.

*Time:* 9:30 a.m. to 7:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Suzan Nadi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5217B, MSC 7846, Bethesda, MD 20892, 301–435–1259, [nadis@csr.nih.gov](mailto:nadis@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; AREA/ REAP: Musculoskeletal, Oral and Skin Sciences.

*Date:* March 24, 2022.

*Time:* 10:00 a.m. to 7:00 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:* Richard Michael Lovering, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1000J, Bethesda, MD 20892, (301) 867–5309, [lovingrm@mail.nih.gov](mailto:lovingrm@mail.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; PAR Panel: Counter Measures Against Chemical Threats Agents Cooperative Agreements.

*Date:* March 24–25, 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:* Jonathan K. Ivins, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2190, MSC 7850, Bethesda, MD 20892, (301) 594–1245, [ivinsj@csr.nih.gov](mailto:ivinsj@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Neuroscience AREA Grant Applications.

*Date:* March 24–25, 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](mailto: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: February 11, 2022.

**Melanie J. Pantoja,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2022–03352 Filed 2–15–22; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

[Docket ID: FEMA–2021–0033; OMB No. 1660–0145]

#### Agency Information Collection Activities: Proposed Collection; Comment Request; Federal Emergency Management Agency Programs Customer Satisfaction Surveys

**AGENCY:** Federal Emergency Management Agency, Department of Homeland Security.

**ACTION:** 60 Day notice of revision and request for comments.

**SUMMARY:** The Federal Emergency Management Agency (FEMA), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public to take this opportunity to comment on an extension, with change, of a currently approved information collection. In accordance with the Paperwork Reduction Act of 1995, this notice seeks comments concerning the collection of Individual Assistance customer satisfaction survey responses for FEMA programs and information for assessment to improve the delivery of disaster assistance to individuals and households.

**DATES:** Comments must be submitted on or before April 18, 2022.

**ADDRESSES:** Please submit comments at [www.regulations.gov](http://www.regulations.gov) under Docket ID FEMA–2021–0033. Follow the instructions for submitting comments.

All submissions received must include the agency name and Docket ID. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at <http://www.regulations.gov>,

and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read the Privacy and Security Notice that is available via a link on the homepage of [www.regulations.gov](http://www.regulations.gov).

**FOR FURTHER INFORMATION CONTACT:** Brandi Virona, Statistician, Customer Survey & Analysis Section, Recovery Directorate, FEMA at [Brandi.Virona@fema.dhs.gov](mailto:Brandi.Virona@fema.dhs.gov) or 940–891–8572. You may contact the Information Management Division for copies of the proposed collection of information at email address: [FEMA-Information-Collections-Management@fema.dhs.gov](mailto:FEMA-Information-Collections-Management@fema.dhs.gov).

**SUPPLEMENTARY INFORMATION:** This collection is in accordance with Executive Orders 12862 and 13571 requiring all Federal Agencies to survey customers to determine the kind and quality of services they want and their level of satisfaction with existing services. The Government Performance and Results Act (GPRA) (Pub. L. 103–62, 107 Stat. 285) requires agencies to set missions and goals and measure performance against them. In addition, the GPRA Modernization Act of 2010 (Pub. L. 111–352, 124 Stat. 3866) requires quarterly performance assessments of government programs for the purposes of assessing agency performance and improvement. FEMA will fulfill these requirements by collecting customer satisfaction program information through surveys of the Recovery Directorate's external customers.

Two forms are being removed from this filing—Shelter and Temporary Essential Power Survey (519–0–50) and Shelter and Temporary Essential Power Survey (519–0–51).

#### Collection of Information

*Title:* Federal Emergency Management Agency Programs Customer Satisfaction Surveys.

*Type of Information Collection:* Revision of a currently approved information collection.

*OMB Number:* 1660–0145.

*FEMA Forms:* FEMA Form FF–104–FY–21–181 (formerly 519–0–45), Preparedness Survey—Electronic; FEMA Form FF–104–FY–21–180 (519–0–44), Preparedness Survey—Phone; FEMA Form FF–104–FY–21–183 (519–0–47), Transitional Sheltering Assistance (TSA) Survey—Electronic; FEMA Form FF–104–FY–21–182 (519–0–46), Transitional Sheltering Assistance (TSA) Survey—Phone; FEMA FF–104–FY–21–184 (Form 519–0–49), Temporary Housing Units (THU) Survey—Electronic; FEMA Form FF–



104-FY-21-183 (519-0-48), Temporary Housing Units (THU) Survey—Phone; FEMA Form FF-104-FY-21-196, Sample Focus Group Moderator Guide; FEMA Form FF-104-FY-21-197, Sample One-on-One Interview Guide; FEMA Form FF-104-FY-21-198, Sample On-line Moderator Guide.

*Abstract:* Federal agencies are required to survey their customers to determine the kind and quality of services customers want and their level of satisfaction with those services. Analysis from the survey is used to measure FEMA's Strategic Plan's objective 3.1 to streamline the disaster survivor experience.

*Affected Public:* Individuals and households; Partners In Service Staff.

*Estimated Number of Respondents:* 7,296.

*Estimated Number of Responses:* 7,296.

*Estimated Total Annual Burden Hours:* 5,227.

*Estimated Total Annual Respondent Cost:* \$205,160.

*Estimated Respondents' Operation and Maintenance Costs:* \$0.

*Estimated Respondents' Capital and Start-Up Costs:* \$32,256.

*Estimated Total Annual Cost to the Federal Government:* \$709,098.

#### Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

#### Millicent L. Brown,

*Team Lead, Records Management Branch, Office of the Chief Administrative Officer, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.*

[FR Doc. 2022-03254 Filed 2-15-22; 8:45 am]

**BILLING CODE 9111-24-P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**FR-6304-N-01]**

### Section 8 Housing Assistance Payments Program—Annual Adjustment Factors, Fiscal Year 2022

**AGENCY:** Office of the Assistant Secretary for Policy Development and Research, HUD.

**ACTION:** Notice of Fiscal Year (FY) 2022 Annual Adjustment Factors (AAFs).

**SUMMARY:** The United States Housing Act of 1937 requires that certain assistance contracts signed by owners participating in the Department's Section 8 housing assistance payment programs provide annual adjustments to monthly rentals for units covered by the contracts. The AAFs are applied at the anniversary of Housing Assistance Payment (HAP) contracts for which rents are to be adjusted using the AAF for those calendar months commencing after the effective date of this notice. This notice announces the FY2022 AAFs for adjustment of covered contract rents.

**DATES:** February 16, 2022.

#### FOR FURTHER INFORMATION CONTACT:

Contact Ryan Jones, Director, Management and Operations Division, Office of Housing Voucher Programs, Office of Public and Indian Housing, 202-708-1380, for questions relating to the Project-Based Certificate and Moderate Rehabilitation programs (not the Single Room Occupancy program); Norman A. Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, 202-402-5015, for questions regarding the Single Room Occupancy (SRO) Moderate Rehabilitation program; Katherine Nzive, Director, OAMPO Program Administration Office, Office of Multifamily Housing, 202-402-3440, for questions relating to all other Section 8 programs; and Adam Bibler, Director, Program Parameters and Research Division, Office of Policy Development and Research, 202-402-6057, for technical information regarding the development of the schedules for specific areas or the methods used for calculating the AAFs. The mailing address for these individuals is: Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410. Hearing- or speech-impaired persons may contact the Federal Relay Service at 800-877-8339 (TTY). (Other than the "800" TTY number, the above-listed telephone numbers are not toll free.)

**SUPPLEMENTARY INFORMATION:** Tables showing AAFs will be available electronically from the HUD data information page at <https://www.huduser.gov/portal/datasets/aaf.html>.

*Background:* This notice announces FY 2022 AAFs for adjustment of contract rents based on a formula using residential rent and utility cost changes from the most recent annual Bureau of Labor Statistics (BLS) Consumer Price Index (CPI) survey. AAFs are distinct from, and do not apply to the same properties as, Operating Cost Adjustment Factors (OCAFs). OCAFs are annual factors used to adjust rents for project-based rental assistance contracts issued under Section 8 of the United States Housing Act of 1937 and renewed under section 515 or section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (MAHRA). HUD published OCAFs for 2022 in the **Federal Register** on October 4, 2021 (86 FR 54707). The AAFs are also distinct from Renewal Funding Inflation Factors which help determine renewal funding for public housing agencies operating the Housing Choice Voucher program. A separate **Federal Register** notice, to be published following the passage of FY 2022 HUD appropriations, will contain the 2022 Renewal Funding Inflation Factors.

#### I. Applying AAFs to Various Section 8 Programs

AAFs established by this notice are used to adjust contract rents for units assisted in certain Section 8 housing assistance payment programs during the initial (*i.e.*, pre-renewal) term of the HAP contract. There are two categories of Section 8 programs that use the AAFs:

*Category 1:* The Section 8 New Construction, Substantial Rehabilitation, and Moderate Rehabilitation programs; and

*Category 2:* The Section 8 Loan Management (LM) and Property Disposition (PD) programs.

Each Section 8 program category uses the AAFs differently. The specific application of the AAFs is determined by the law, the HAP contract, and appropriate program regulations or requirements.

AAFs are not used in the following cases:

*Renewal Rents.* AAFs are not used to determine renewal rents after expiration of the original Section 8 HAP contract (either for projects where the Section 8 HAP contract is renewed under a restructuring plan adopted under 24 CFR part 401; or renewed without restructuring under 24 CFR part 402). In

general, renewal rents are established in accordance with the statutory provision in MAHRA, as amended, under which the HAP is renewed. After renewal, annual rent adjustments will be provided in accordance with MAHRA.

**Budget-based Rents.** AAFs are not used for budget-based rent adjustments. For projects receiving Section 8 subsidies under the LM program (24 CFR part 886, subpart A) and for projects receiving Section 8 subsidies under the PD program (24 CFR part 886, subpart C), contract rents are adjusted, at HUD's option, either by applying the AAFs or by budget-based adjustments in accordance with 24 CFR 886.112(b) and 24 CFR 886.312(b). Budget-based adjustments are used for most Section 8/202 projects.

**Housing Choice Voucher Program.** AAFs are not used to adjust rents in the Tenant-Based or the Project-Based Voucher programs.

## II. Adjustment Procedures

This section of the notice provides a broad description of procedures for adjusting the contract rent. Technical details and requirements are described in HUD notices H 2002–10 (Section 8 New Construction and Substantial Rehabilitation, Loan Management, and Property Disposition) and PIH 97–57 (Moderate Rehabilitation and Project-Based Certificates). HUD publishes two separate AAF Tables, Table 1 and Table 2. The difference between Table 1 and Table 2 is that each AAF in Table 2 is 0.01 less than the corresponding AAF in Table 1. Where an AAF in Table 1 would otherwise be less than 1.0, it is set at 1.0, as required by statute; the corresponding AAF in Table 2 will also be set at 1.0, as required by statute. Because of statutory and structural distinctions among the various Section 8 programs, there are separate rent adjustment procedures for the two program categories:

### Category 1: Section 8 New Construction, Substantial Rehabilitation, and Moderate Rehabilitation Programs

In the Section 8 New Construction and Substantial Rehabilitation programs, the published AAF factor is applied to the pre-adjustment contract rent. In the Section 8 Moderate Rehabilitation program (both the regular program and the single room occupancy program) the published AAF is applied to the pre-adjustment base rent.

For Category 1 programs, the Table 1 AAF factor is applied before determining comparability (rent reasonableness). Comparability applies if the pre-adjustment gross rent (pre-

adjustment contract rent plus any allowance for tenant-paid utilities) is above the published Fair Market Rent (FMR).

If the comparable rent level (plus any initial difference) is lower than the contract rent as adjusted by application of the Table 1 AAF, the comparable rent level (plus any initial difference) will be the new contract rent. However, the pre-adjustment contract rent will not be decreased by application of comparability.

In all other cases (*i.e.*, unless the contract rent is reduced by comparability):

- Table 1 AAF is used for a unit occupied by a new family since the last annual contract anniversary.
- Table 2 AAF is used for a unit occupied by the same family as at the time of the last annual contract anniversary.

### Category 2: Section 8 Loan Management Program (24 CFR Part 886, Subpart A) and Property Disposition Program (24 CFR Part 886, Subpart C)

Category 2 programs are not currently subject to comparability. Comparability will again apply if HUD establishes regulations for conducting comparability studies under 42 U.S.C. 1437f(c)(2)(C).

The applicable AAF is determined as follows:

- Table 1 AAF is used for a unit occupied by a new family since the last annual contract anniversary.
- Table 2 AAF is used for a unit occupied by the same family as at the time of the last annual contract anniversary.

### III. When To Use Reduced AAFs (From AAF Table 2)

In accordance with Section 8(c)(2)(A) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)(2)(A)), the AAF is reduced by 0.01:

In Section 8 programs, for a unit occupied by the same family at the time of the last annual rent adjustment (and where the rent is not reduced by application of comparability (rent reasonableness)).

The law provides that:

Except for assistance under the certificate program, for any unit occupied by the same family at the time of the last annual rental adjustment, where the assistance contract provides for the adjustment of the maximum monthly rent by applying an annual adjustment factor and where the rent for a unit is otherwise eligible for an adjustment based on the full amount of the factor, 0.01 shall be subtracted from the amount of the factor, except that the factor shall not be reduced to less than 1.0. In the case of assistance under the certificate program, 0.01

shall be subtracted from the amount of the annual adjustment factor (except that the factor shall not be reduced to less than 1.0), and the adjusted rent shall not exceed the rent for a comparable unassisted unit of similar quality, type and age in the market area. 42 U.S.C. 1437f(c)(2)(A).

Legislative history for this statutory provision states that “the rationale [for lower AAFs for non-turnover units is] that operating costs are less if tenant turnover is less . . .” (see Department of Veteran Affairs and Housing and Urban Development, and Independent Agencies Appropriations for 1995, Hearings Before a Subcommittee of the Committee on Appropriations 103d Cong., 2d Sess. 591 (1994)). The Congressional Record also states the following:

Because the cost to owners of turnover-related vacancies, maintenance, and marketing are lower for long-term stable tenants, these tenants are typically charged less than recent movers in the unassisted market. Since HUD pays the full amount of any rent increases for assisted tenants in section 8 projects and under the Certificate program, HUD should expect to benefit from this ‘tenure discount.’ Turnover is lower in assisted properties than in the unassisted market, so the effect of the current inconsistency with market-based rent increases is exacerbated. (140 Cong. Rec. 8659, 8693 (1994)).

## IV. How To Find the AAF

AAF Table 1 and Table 2 are posted on the HUD User website at <http://www.huduser.gov/portal/datasets/aaf.html>. There are two numeric columns in each AAF table. The first column is used to adjust contract rent for rental units where the highest cost utility is included in the contract rent, *i.e.*, where the owner pays for the highest cost utility. The second column is used where the highest cost utility is not included in the contract rent, *i.e.*, where the tenant pays for the highest cost utility.

The applicable AAF is selected as follows:

- Determine whether Table 1 or Table 2 is applicable. In Table 1 or Table 2, locate the AAF for the geographic area where the contract unit is located.
- Determine whether the highest cost utility is or is not included in contract rent for the contract unit.
- If highest cost utility is included, select the AAF from the column for “Highest Cost Utility Included.” If highest cost utility is not included, select the AAF from the column for “Highest Cost Utility Excluded.”

## V. Methodology

AAF's are rent inflation factors. Two types of rent inflation factors are

calculated for AAFs: Gross rent factors and shelter rent factors. The gross rent factor accounts for inflation in the cost of both the rent of the residence and the utilities used by the unit; the shelter rent factor accounts for the inflation in the rent of the residence but does not reflect any change in the cost of utilities. The gross rent inflation factor is designated as “Highest Cost Utility Included” and the shelter rent inflation factor is designated as “Highest Cost Utility Excluded.”

AAFs are calculated using CPI data on “rent of primary residence” and “fuels and utilities.”<sup>1</sup> The CPI inflation index for rent of primary residence measures the inflation of all surveyed units regardless of whether utilities are included in the rent of the unit or not. In other words, it measures the inflation of the “contract rent” which includes units with all utilities included in the rent, units with some utilities included in the rent, and units with no utilities included in the rent. In producing a gross rent inflation factor and a shelter rent inflation factor, HUD decomposes the contract rent CPI inflation factor into parts to represent the gross rent change and the shelter rent change. This is done by applying data from the Consumer Expenditure Survey (CEX) on the percentage of renters who pay for heat (a proxy for the percentage of renters who pay shelter rent) and, also, American Community Survey (ACS) data on the ratio of utilities to rents.<sup>2</sup> The BLS does not produce local inflation estimates for Puerto Rico. Therefore, HUD uses analogous estimates from the Puerto Rico Department of Labor and Human Resources (DTRH), Bureau of Statistics.

#### Survey Data Used To Produce AAFs

The rent inflation factor and fuel and utilities inflation factor for each large metropolitan area and Census region are based, respectively, on changes in the CPI index for rent of primary residence and the CPI index for fuels and utilities from 2019 to 2020. The CEX data used to decompose the contract rent inflation factor into gross rent and shelter rent inflation factors come from a special tabulation of 2020 CEX survey data produced for HUD. The utility-to-rent ratio used to produce AAFs comes from 2019 ACS median rent and utility costs.

#### Geographic Areas

Beginning with the data collection for 2018, BLS revised the sample for the

CPI to be based on Core Based Statistical Areas (CBSAs). Previously the sample was based on Metropolitan Statistical Areas (MSAs) as defined in 1998. In addition, the population required to be designated a Class A CPI city was increased from 1.5 million to 2.5 million. The following major metropolitan areas were eliminated under the new sample design: Pittsburgh PA, Cincinnati-Hamilton OH-KY-IN, Cleveland-Akron OH, Milwaukee-Racine WI, Kansas City MO-KS, and Portland-Salem OR-WA. With the change in metropolitan area definitions and the designation of Class A cities, the number of CPI cities declined from 28 metropolitan areas to 23 metropolitan areas (Riverside-San Bernardino has been split off from the Los Angeles survey area). This decline has resulted in fewer metropolitan component areas receiving local CPI adjustments. The 2018 CPI data with new metropolitan area definitions was first used with the FY 2020 AAFs. This change did not impact Puerto Rico which applies an island-wide CPI to all metropolitan and nonmetropolitan areas.

Each metropolitan area that uses a local CPI update factor is listed alphabetically in the tables and each HUD Metro FMR Area (HMFA) is listed alphabetically within its respective CBSA. Each AAF applies to a specific geographic area and to units of all bedroom sizes. AAFs are provided:

- For metropolitan areas at the MSA or HMFA level, and counties that are currently designated as nonmetropolitan, but are part of the metropolitan area defined in the local CPI survey.
- For the four Census Regions (to be used for those metropolitan areas that are not covered by a CPI metropolitan survey, and non-metropolitan areas).

AAFs use the same Office of Management and Budget (OMB) metropolitan area definitions, as revised by HUD, that are used for the FY 2022 FMRs.

#### Area Definitions

To make certain that they are using the correct AAFs, users should refer to the Area Definitions Table section at <http://www.huduser.gov/portal/datasets/aaf.html>. The Area Definitions Table lists CPI areas in alphabetical order by state, and the associated Census region is shown next to each state name. Areas whose AAFs are determined by local CPI surveys are listed first. All metropolitan areas with local CPI survey areas have separate AAF schedules and are shown with their corresponding county definitions

or as metropolitan counties. In the six New England states, the listings are for counties or parts of counties as defined by towns or cities. The remaining counties use the CPI for the Census Region and are not separately listed in the Area Definitions Table at <http://www.huduser.gov/portal/datasets/aaf.html>.

As a result of the implementation of the OMB metropolitan area definitions contained in OMB Bulletin—18–04 with FY 2022 FMRs, Madison County, VA now uses the AAF for the Washington-Arlington-Alexandria, DC-VA-MD-WV MSA.

Puerto Rico uses its own AAFs calculated from the inflation estimates from the Puerto Rico Department of Labor and Human Resources (DTRH), Bureau of Statistics, and adjusted by the ACS. The Virgin Islands uses the South Region AAFs, and the Pacific Islands use the West Region AAFs.

**Todd M. Richardson,**

*General Deputy Assistant Secretary for Policy Development and Research.*

[FR Doc. 2022–03237 Filed 2–15–22; 8:45 am]

**BILLING CODE 4210–67–P**

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS–HQ–NWRS–2021–N210;  
FXRS12630900000–212–FF09R81000; OMB  
Control Number 1018–0102]

#### Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; National Wildlife Refuge Special Use Permit Applications and Reports

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, we, the U.S. Fish and Wildlife Service (Service), are proposing to revise an existing collection of information.

**DATES:** Interested persons are invited to submit comments on or before March 18, 2022.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting “Currently under Review—Open for Public Comments” or by using the search function. Please provide a copy

<sup>1</sup> CPI indexes SEHA and SAH2 respectively.

<sup>2</sup> The formulas used to produce these factors can be found in the Annual Adjustment Factors overview and in the FMR documentation at [www.HUDUSER.gov](http://www.HUDUSER.gov).

of your comments to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS: PRB (JAO/3W), 5275 Leesburg Pike, Falls Church, VA 22041-3803 (mail); or by email to [Info\\_Coll@fws.gov](mailto:Info_Coll@fws.gov). Please reference OMB Control 1018-0102 in the subject line of your comments.

**FOR FURTHER INFORMATION CONTACT:**

Madonna L. Baucum, Service Information Collection Clearance Officer, by email at [Info\\_Coll@fws.gov](mailto:Info_Coll@fws.gov), or by telephone at (703) 358-2503. Individuals who are hearing or speech impaired may call the Federal Relay Service at 1-800-877-8339 for TTY assistance. You may also view the Information Collection Request (ICR) at <http://www.reginfo.gov/public/do/PRAMain>.

**SUPPLEMENTARY INFORMATION:** In accordance with the PRA and 5 CFR 1320.8(d)(1), we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

On July 13, 2021, we published a notice in the **Federal Register** (86 FR 36762) announcing our intent to revise this information collection. We solicited public comment for 60 days, ending on September 13, 2021. We received one comment in response to the notice; however, the commenter did not address the information collection requirements. No response is required.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again soliciting comments from the public and other Federal agencies on the proposed ICR that is described below. We are especially interested in public comment addressing the following:

- (1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;
- (2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;
- (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and
- (4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of

appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of response.

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

*Abstract:* The National Wildlife Refuge System Administration Act of 1966 (Administration Act; 16 U.S.C. 668dd-668ee), as amended by the National Wildlife Refuge System Improvement Act of 1997, consolidated all refuge units into a single National Wildlife Refuge System (system). It also authorized us to offer visitor and public programs, including those facilitated by commercial visitor and management support services, on lands of the system when we find that the activities are appropriate and compatible with the purpose(s) for which the refuge was established and the system's mission. The Refuge Recreation Act of 1962 (Recreation Act; 16 U.S.C. 460k-460k-4) allows the use of refuges for public recreation when it is not inconsistent or does not interfere with the primary purpose(s) of the refuge. The Alaska National Interest Lands Conservation Act (ANILCA; 16 U.S.C. 3101 *et seq.*) provides specific authorization and guidance for the administration and management of national wildlife refuges within the State of Alaska. Its provisions provide for the issuance of permits under certain circumstances.

We issue special use permits for a specific period as determined by the type and location of the management activity or visitor service provided. These permits authorize activities such as:

- Agricultural activities (haying and grazing, 50 CFR 29.1 and 50 CFR 29.2).
- Beneficial management tools that we use to provide the best habitat possible on some refuges (50 CFR 30.11, 50 CFR 31.14, 50 CFR 31.16, and 50 CFR 36.41).
- Special events, group visits, and other one-time events (50 CFR 25.41, 50 CFR 25.61, 50 CFR 26.36, and 50 CFR 36.41).

- Recreational visitor service operations (50 CFR 25.41, 50 CFR 25.61, and 50 CFR 36.41).

- Guiding for fishing, hunting, wildlife education, and interpretation (50 CFR 25.41 and 50 CFR 36.41).

- Commercial filming (43 CFR 5, 50 CFR 27.71) and other commercial activities (50 CFR 29.1 and 50 CFR 36.41).

- Building and using cabins to support subsistence or commercial activities (in Alaska) (50 CFR 26.35 and 50 CFR 36.41).

- Research, inventory and monitoring, and other noncommercial activities (50 CFR 26.36 and 50 CFR 36.41).

We use three forms to collect applicant information:

- FWS Form 3-1383-G (General Activities Special Use Permit Application).
- FWS Form 3-1383-C (Commercial Activities Special Use Permit Application).
- FWS Form 3-1383-R (Research and Monitoring Special Use Permit Application).

The information we collect helps ensure that: (1) Applicants are aware of the types of information that may be needed for permit issuance; (2) requested activities are appropriate and compatible with the purpose(s) for which the refuge was established and the system's mission; and (3) the applicant is eligible or is the most qualified applicant to receive the special use permit.

We may collect the necessary information in a non-form format (through discussions in person or over the phone, over the internet, by email, or by letter). In some instances, respondents will be able to provide information verbally. Often, a simple email or letter describing the activity will suffice. For activities that might have a large impact on refuge resources (*e.g.*, commercial visitor services, research, etc.), we may require applicants to provide more detail on operations, techniques, and locations. Because of the span of activities covered by special use permits and the different management needs and resources at each refuge, respondents may not be required to answer all questions. Depending on the requested activity, refuge managers have the discretion to ask for less information than appears on the forms. However, refuge managers must not ask for more or different information.

We issue permits for a specific period as determined by the type and location of the use or service provided. We use these permits to ensure that the

applicant is aware of the requirements of the permit and his/her legal rights. Refuge-specific special conditions may be required for the permit. We identify conditions as an addendum to the permit. Most of the special conditions pertain to how a permitted activity may be conducted and do not require the collection of information. However, some special conditions, such as activity reports, before and after site photographs, or data sharing, would qualify as an information collection, and we have included the associated burden below.

We also use FWS Form 3-1384, "Bid Sheet—National Wildlife Refuge System," to streamline collection of the necessary pre-award information from applicants during bidding processes to conduct economic uses on Service lands, such as livestock, harvesting hay and stock feed, or removing timber (50 CFR 29.21). This form simplifies the pre-award selection/bidding process for bidders and for refuge staff by enabling them to understand what information the refuge needs in order to select bids for economic use, and, therefore, reduces the time and burden for the public and Service staff in the pre-award selection bidding process. This form is customizable to the individual economic use being awarded. We will use the Commercial Special Use Permit (FWS Form 3-1383-C) as the actual award document that will outline the terms and conditions of the economic use on Service lands.

#### Proposed Revisions to This Information Collection

With this submission, we are proposing the following revisions to the existing information collection:

##### *Activity Reports/Associated Document Requirements*

In addition to the previously approved activity report criteria, the Service will also collect data associated with client use days and their fees. The Service has also updated the reporting rate for permits issued for both Commercial Use and Research to reflect current requirements.

##### *ePermits Initiative*

The Service's new "ePermits" initiative is an automated permit application system that will allow the agency to move towards a streamlined permitting process to reduce public burden. Public burden reduction is a priority for the Service; the Assistant Secretary for Fish, Wildlife, and Parks; and senior leadership at the Department of the Interior. The intent of the ePermits initiative is to fully automate

the permitting process to improve the customer experience and to reduce time burden on respondents. This new system will enhance the user experience by allowing users to enter data from any device that has internet access, including PCs, tablets, and smartphones. It will also link the permit applicant to the *Pay.gov* system for payment of the associated permit application fee. We anticipate including the following Service forms in the ePermits system: 3-1383-G, 3-1383-C, 3-1383-R, and 3-1384.

Once these forms are automated in the new ePermits system, we anticipate a reduction in the amount of time necessary for an applicant to apply for a permit and perform regular actions related to that permit (e.g., amend, renew, report). Through the ePermits account registration, we will track and be able to more accurately report the number of small business applicants, along with the type of business (for-profit, farm, not-for profit). This information will allow the Service to be more responsive in identifying the possibility of additional burden reduction on small businesses.

We also plan to eliminate the necessity for physical mail-in applications (though this will remain an option for those who either don't have access to the internet or prefer to use mail-in applications), thus further reducing public burden. With ePermits, an applicant will be able to establish an account and apply for multiple permits through a single interface. The system allows the applicant to track all their applications, permits and permit-related actions, as well as all communications between Service staff and the permittee/applicant within the same interface, significantly reducing the burden on the government to process these applications and manage permit-related actions. The decrease in submissions of paper-based forms is expected to reduce the government cost of administering and processing permit applications.

##### *Amendments and Renewals*

Through our review of the special use permitting process in preparation for automation in the ePermits system, we discovered that we need to account for amendments to and renewals of special use permits separately from the initial applications, because amendments/renewals have time burdens that are different from those of the initial submissions. The revised burden table below includes our initial estimates for amendments and renewals.

*Title of Collection:* National Wildlife Refuge Special Use Permit Applications

and Reports, 50 CFR 25, 26, 27, 29, 30, 31, 32, & 36.

*OMB Control Number:* 1018-0102.

*Form Number:* FWS Forms 3-1383-G, 3-1383-C, 3-1383-R, and 3-1384.

*Type of Review:* Revision of a currently approved collection.

*Respondents/Affected Public:*

Individuals and households; businesses and other for-profit organizations; nonprofit organizations; farms; and State, local, or tribal governments.

*Total Estimated Number of Annual Respondents:* 13,903.

*Total Estimated Number of Annual Responses:* 13,903.

*Estimated Completion Time per Response:* Varies from 25 minutes to 5 hours, depending on activity.

*Total Estimated Number of Annual Burden Hours:* 21,446.

*Respondent's Obligation:* Required to obtain or retain a benefit.

*Frequency of Collection:* On occasion for applications; annually or on occasion for reports.

*Total Estimated Annual Nonhour Burden Cost:* \$337,500 for fees associated with applications for commercial use activities (\$100.00 × an estimated 3,375 applications (individuals and private sector respondents only)).

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

**Madonna Baucum,**

*Information Collection Clearance Officer, U.S. Fish and Wildlife Service.*

[FR Doc. 2022-03305 Filed 2-15-22; 8:45 am]

**BILLING CODE 4333-15-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS-HQ-LE-2021-N214; FF09L00000/FX/LE1811090000/212; OMB Control Number 1018-0092]

#### Agency Information Collection Activities; Submission to the Office of Management and Budget; Federal Fish and Wildlife Applications and Reports—Law Enforcement

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, we, the U.S. Fish and Wildlife Service

(Service), are proposing to renew an information collection with revisions.

**DATES:** Interested persons are invited to submit comments on or before March 18, 2022.

**ADDRESSES:** Send your comments on the information collection request (ICR) within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting “Currently under Review—Open for Public Comments” or by using the search function. Please provide a copy of your comments to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS: PRB (JAO/3W), 5275 Leesburg Pike, Falls Church, VA 22041–3803 (mail); or by email to [Info\\_Coll@fws.gov](mailto:Info_Coll@fws.gov). Please reference Office of Management and Budget (OMB) Control Number 1018–0092 in the subject line of your comments.

**FOR FURTHER INFORMATION CONTACT:**

Madonna L. Baucum, Service Information Collection Clearance Officer, by email at [Info\\_Coll@fws.gov](mailto:Info_Coll@fws.gov), or by telephone at (703) 358–2503. Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance. You may also view the information collection request (ICR) at <http://www.reginfo.gov/public/do/PRAMain>.

**SUPPLEMENTARY INFORMATION:** In accordance with the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public’s reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

On September 27, 2021, we published in the **Federal Register** (86 FR 53337) a notice of our intent to request that OMB approve this information collection. In that notice, we solicited comments for 60 days, ending on November 26, 2021. In an effort to increase public awareness of, and participation in, our public commenting processes associated with information collection requests, the Service also published the **Federal Register** notice on [Regulations.gov](https://www.regulations.gov) (Docket FWS–HQ–LE–2021–0109) to provide the public with an additional method to submit comments (in addition to the typical [\[fws.gov\]\(mailto:fws.gov\) email and U.S. mail submission methods\). We received the following comments in response to that notice:](mailto:Info_Coll@</a></p>
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*Comment 1:* Comment received electronically via [Regulations.gov](https://www.regulations.gov) (Comment ID: FWS–HQ–LE–2021–0109–0002) from Jean Publieee on September 26, 2021: The commenter suggested public scrutiny as part of the process to allow a person to trade in wildlife, and alleged that criminals were taking advantage of the wildlife and profiting from the process. The commenter referenced a 2017 case of illegal export.

*Agency Response to Comment 1:* The commenter did not address the information collections, but rather addresses important aspects of the enforcement process. The public scrutiny of applications recommendation is not a feasible element of the permitting regulations process. This request is specific to the application process for permits to allow a person to trade in wildlife, while there is a separate process by the Office of Law Enforcement to document violations.

*Comment 2:* Comment received electronically via [Regulations.gov](https://www.regulations.gov) (Comment ID: FWS–HQ–LE–2021–0109–0003) from Jean Publieee on September 26, 2021: Commenter did not support moving to a complete computer (automated) process, given the vulnerabilities of automated systems and the fact that not everyone has (access to) a computer.

*Agency Response to Comment 2:* We note the comment and would like to advise the public that paper applications will still be available for manual, mail-in submissions. However, our efforts respond to the Service’s need to move to a more efficient electronic process and reduce the burden on the public.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again soliciting comments from the public and other Federal agencies on the proposed ICR that is described below. We are especially interested in public comment addressing the following:

- (1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;
- (2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;
- (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of response.

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

*Abstract:* The Endangered Species Act (ESA; 16 U.S.C. 1531 *et seq.*) makes it unlawful to import or export wildlife or wildlife products for commercial purposes without first obtaining an import/export license (see 16 U.S.C. 1538(d)). The ESA also requires that fish or wildlife be imported into or exported from the United States only at a designated port, or at a nondesignated port under certain limited circumstances (see 16 U.S.C. 1538(f)). This information collection includes the following permit/license application forms:

**FWS Form 3–200–2, “Designated Port Exception Permit”**

Under 50 CFR 14.11, it is unlawful to import or export wildlife or wildlife products at ports other than those designated in 50 CFR 14.12, unless you qualify for an exception. The following exceptions allow qualified individuals, businesses, or scientific organizations to import or export wildlife or wildlife products at a nondesignated port:

- (a) To export the wildlife or wildlife products for scientific purposes;
- (b) To minimize deterioration or loss; or
- (c) To relieve economic hardship.

To request authorization to import or export wildlife or wildlife products at nondesignated ports, applicants must complete FWS Form 3–200–2. Designated port exception permits can be valid for up to 2 years. We may require a permittee to file a report on activities conducted under authority of the permit.

**FWS Form 3–200–3a, “Federal Fish and Wildlife Permit Application Form: Import/Export License—U.S. Entities,” and 3–200–3b, “Federal Fish and Wildlife Permit Application Form: Import/Export License—Foreign Entities”**

It is unlawful to import or export wildlife or wildlife products for commercial purposes without first obtaining an import/export license (50 CFR 14.91). Applicants located in the United States must complete FWS Form 3–200–3a to request this license. Foreign applicants that reside or are located outside the United States must complete FWS Form 3–200–3b to request this license.

We use the information collected on FWS Forms 3–200–3a and 3–200–3b as an enforcement tool and management aid to (a) monitor the international wildlife market and (b) detect trends and changes in the commercial trade of wildlife and wildlife products. Import/export licenses are valid for up to 1 year. We may require a licensee to file a report on activities conducted under authority of the import/export license.

**Proposed Revisions**

*Automation in eLicense System*

With this submission, we also seek OMB approval to automate FWS Forms 3–200–2, “Designated Port Exception Permit” (50 CFR parts 13 and 14); Form 3–200–3a, “Federal Fish and Wildlife Permit Application Form: Import/Export License-U.S. Entities” (50 CFR parts 13 and 14); and Form 3–200–3b, “Federal Fish and Wildlife Permit Application Form: Import/Export License-Foreign

Entities” (50 CFR parts 13 and 14) in a new eLicense system. This automation is expected to reduce the burden on the public. The eLicense system will also simplify the application process and give the applicant the ability to pay online through *Pay.gov* via credit card or direct bank payment. This will reduce the number of applicants requesting multiple licenses for the same business and will reduce the number of incorrect addresses and bounced checks that we receive. In addition, we removed the requirement to provide the dates of birth for U.S. agents on Forms 3–200–2 and 3–200–3b.

*Automation in ePermits System*

With this submission, we propose a revision to the collection to obtain OMB approval to automate Form 3–200–44, “Permit Application Form: Registration of an Agent/Tannery under the Marine Mammal Protection Act (MMPA),” and Form 3–200–44a, “Registered Agent/Tannery Bi-Annual Inventory Report,” in the Service’s “ePermits” system. The ePermits system is an automated permit application system that streamlines the permitting process to reduce public burden. Public burden reduction is a priority for the Service; the Assistant Secretary for Fish, Wildlife, and Parks; and senior leadership at the Department of the Interior. The ePermits system fully automates the permitting process to improve the customer experience and to reduce time burden on respondents. This system also enhances the user experience by allowing users to enter data from any device that has internet access, including PCs, tablets, and smartphones. Furthermore, the system

links the permit applicant to the *Pay.gov* system for payment of any associated permit application fees.

Until we have actual usage data from the eLicense and ePermits systems, we are splitting the previously approved public burden equally between hard copy and electronic submissions (see burden table below). After the forms are operational in the two systems for at least 12–18 months, the Service will have more reliable burden data to submit to OMB in conjunction with the next renewal of this collection.

*Title of Collection:* Federal Fish and Wildlife Applications and Reports-Law Enforcement; 50 CFR parts 13 and 14.

*OMB Control Number:* 1018–0092.

*Form Number:* FWS Forms 3–200–2, 3–200–3a, 3–200–3b, 3–200–44, and 3–200–44a.

*Type of Review:* Revision of a currently approved collection.

*Respondents/Affected Public:* Individuals, private sector, and State/local/Tribal entities.

*Respondent’s Obligation:* Required to obtain or retain a benefit.

*Frequency of Collection:* On occasion for Forms 3–200–2, 3–200–3a, 3–200–3b, 3–200–44, and reporting requirements and biannually for Form 3–200–44a.

*Total Estimated Annual Nonhour Burden Cost:* \$1,188,700. There is a \$100 fee associated with applications (Forms 3–200–2, 3–200–3a and 3–200–3b) and a \$150 fee associated with application (Form 3–200–44) received from individuals and the private sector. There is no fee for applications from government agencies or for processing reports.

Activity/requirement	Estimated number of annual respondents	Estimated number of annual responses	Total estimated annual responses	Completion time per response (hours)	Estimated total annual burden hours*
<b>FWS Form 3–200–2, “Designated Port Exception Permit” (50 CFR parts 13 and 14) (Hardcopy)</b>					
Individuals .....	289	1	289	1.25	361
Private Sector .....	361	1	361	1.25	451
Government .....	7	1	7	1.25	9
<b>FWS Form 3–200–2, “Designated Port Exception Permit” (50 CFR parts 13 and 14) (eLicense)</b>					
Individuals .....	289	1	289	1	289
Private Sector .....	361	1	361	1	361
Government .....	7	1	7	1	7
<b>FWS Form 3–200–3a, “Federal Fish and Wildlife Permit Application Form: Import/Export License-U.S. Entities” (50 CFR parts 13 and 14) (Hardcopy)</b>					
Private Sector .....	5,099	1	5,099	1.25	6,374
<b>FWS Form 3–200–3a, “Federal Fish and Wildlife Permit Application Form: Import/Export License-U.S. Entities” (50 CFR parts 13 and 14) (eLicense)</b>					
Private Sector .....	5,099	1	5,099	1	5,099

Activity/requirement	Estimated number of annual respondents	Estimated number of annual responses	Total estimated annual responses	Completion time per response (hours)	Estimated total annual burden hours *
<b>FWS Form 3–200–3b, “Federal Fish and Wildlife Permit Application Form: Import/Export License-Foreign Entities” (50 CFR parts 13 and 14) (Hardcopy)</b>					
Private Sector .....	190	1	190	1.25	238
<b>FWS Form 3–200–3b, “Federal Fish and Wildlife Permit Application Form: Import/Export License-Foreign Entities” (50 CFR parts 13 and 14) (eLicense)</b>					
Private Sector .....	190	1	190	1	190
<b>Designated Port Exception Permit Report (50 CFR parts 13 and 14)</b>					
Private Sector .....	5	1	5	1	5
<b>Import/Export License Report (50 CFR parts 13 and 14)</b>					
Private Sector .....	10	1	10	1	10
<b>FWS Forms 3–200–44, “Permit Application Form: Registration of an Agent/Tannery under the Marine Mammal Protection Act (MMPA)” (Hardcopy)</b>					
Private Sector .....	3	1	3	.3	1
<b>FWS Forms 3–200–44, “Permit Application Form: Registration of an Agent/Tannery under the Marine Mammal Protection Act (MMPA)” (ePermits)</b>					
Private Sector .....	3	1	3	.25	1
<b>FWS Form 3–200–44a, “Registered Agent/Tannery Bi-Annual Inventory Report” (Hardcopy)</b>					
Private Sector .....	10	2	20	1	20
<b>FWS Form 3–200–44a, “Registered Agent/Tannery Bi-Annual Inventory Report” (ePermits)</b>					
Private Sector .....	10	2	20	.75	15
Total: .....	11,933	.....	11,953	.....	13,431

\* Rounded to Match ROCIS.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

**Madonna Baucum,**

*Information Collection Clearance Officer, U.S. Fish and Wildlife Service.*

[FR Doc. 2022–03313 Filed 2–15–22; 8:45 am]

BILLING CODE 4333–15–P

**DEPARTMENT OF THE INTERIOR**

**Geological Survey**

[GX21ZS00COM0000; OMB Control Number 1028–NEW]

**Agency Information Collection Activities; Assessing Community Needs for Terrestrial Analog Studies**

**AGENCY:** Geological Survey, Interior.

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, we, the U.S. Geological Survey (USGS) are proposing a new information collection.

**DATES:** Interested persons are invited to submit comments on or before April 18, 2022.

**ADDRESSES:** Send your comments on this information collection request (ICR) by mail to U.S. Geological Survey, Information Collections Officer, 12201 Sunrise Valley Drive MS 159, Reston, VA 20192; and by email to: *gs-info\_collections@usgs.gov*. Please reference OMB Control Number 1028–NEW in the subject line of your comments.

**FOR FURTHER INFORMATION CONTACT:** To request additional information about this ICR, contact Lauren Edgar by email at *ledgar@usgs.gov*, or by telephone at 928–556–7213. Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance. You may also

view the ICR at <http://www.reginfo.gov/public/do/PRAMain>.

**SUPPLEMENTARY INFORMATION:** In accordance with the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), all information collections require approval under the PRA. We may not conduct, or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public’s reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comment addressing the following:



(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of response.

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

**Abstract:** The survey is designed to gather feedback from planetary science community members that have a self-described interest in the use of terrestrial analogs or places on earth with past or present geological environmental or biological conditions. The survey is intended to assess the obstacles that exist related to training, research, sample collections, and data archiving within analog projects, the need for coordination across the community, and what products and services might be needed to further terrestrial analog use and support exploration. Results from the survey will not be targeted at a particular audience but will instead be used to encourage responses and actions by various parts of the community.

**Title of Collection:** Assessing Community Needs for Terrestrial Analog Studies.

**OMB Control Number:** 1028–NEW.

**Form Number:** None.

**Type of Review:** In use without approval.

**Respondents/Affected Public:** Individuals.

**Total Estimated Number of Annual Respondents:** 300.

**Total Estimated Number of Annual Responses:** 300.

**Estimated Completion Time per Response:** 10 minutes on average.

**Total Estimated Number of Annual Burden Hours:** 50.

**Respondent's Obligation:** Voluntary.

**Frequency of Collection:** One time.

**Total Estimated Annual Nonhour Burden Cost:** 0.

An agency may not conduct, or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

**Justin Hagerty,**

*Science Center Director, Southwest Region.*

[FR Doc. 2022–03383 Filed 2–15–22; 8:45 am]

**BILLING CODE 4338–11–P**

## DEPARTMENT OF THE INTERIOR

### Geological Survey

[GX21EE000101100]

#### Public Meeting Notice of Scientific Earthquake Studies Advisory Committee

**AGENCY:** U.S. Geological Survey, Interior.

**ACTION:** Notice of public meeting (via teleconference).

**SUMMARY:** In accordance with the Federal Advisory Committee Act of 1972, the U.S. Geological Survey (USGS) is publishing this notice to announce that a Federal Advisory Committee meeting of the Scientific Earthquake Studies Advisory Committee (SESAC) will take place.

**DATES:** The virtual meeting will be held on Tuesday, March 29, 2022, from 1–3 p.m. Eastern Time and Thursday, March 31, 2022, from 1–3 p.m. Eastern Time.

**FOR FURTHER INFORMATION CONTACT:** Dr. Gavin Hayes, U.S. Geological Survey (USGS), by email at [ghayes@usgs.gov](mailto:ghayes@usgs.gov) or by telephone at 303–374–4449.

**SUPPLEMENTARY INFORMATION:** This meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552B, as amended), and 41 CFR 102–3.140 and 102–3.150.

**Purpose of the Meeting:** The Committee will review the current activities of the USGS Earthquake Hazards Program (EHP), discuss future priorities, and consider its draft report to the USGS Director.

**Agenda Topics:** Earthquake Hazards Program strategic planning; Administration priorities and interactions; budget opportunities; balance of activities supported by the EHP; External Grants; NEHRP; National Seismic Hazard Model; ShakeAlert; reports from SESAC sub-committees.

**Meeting Accessibility/Special Accommodations:** Members of the public wishing to participate in the virtual meeting should contact Dr. Gavin Hayes by email at [ghayes@usgs.gov](mailto:ghayes@usgs.gov) to register no later than five (5) business days prior to the meeting. Virtual meeting (conference) call-in information and any updates to the agenda will be provided via email to registered participants.

**Public Disclosure of Comments:** Time will be allowed at the virtual meeting for any individual or organization wishing to make formal oral comments. To allow for full consideration of information by the committee members, written notice must be provided to Dr. Gavin Hayes by email at [ghayes@usgs.gov](mailto:ghayes@usgs.gov) at least five (5) business days prior to the meeting. Any written comments received will be provided to the committee members.

Before including your address, phone number, email address, or other personally identifiable information (PII) in your comment, you should be aware that your entire comment—including your PII—may be made publicly available at any time. While you may ask us in your comment to withhold your PII from public review, we cannot guarantee that we will be able to do so.

**Linda R. Huey,**

*Program Specialist, National Hazards Mission Area.*

[FR Doc. 2022–03292 Filed 2–15–22; 8:45 am]

**BILLING CODE 4338–11–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[LLNVS01000 L58530000 EU0000 241A; 14–08807; MO#4500157884]

#### Notice of Realty Action: Modified Competitive Sale of 35 Parcels of Public Land in Clark County, Nevada

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of realty action.

**SUMMARY:** The Bureau of Land Management (BLM) proposes to offer 35 parcels of public land totaling 400.815 acres in the Las Vegas Valley (Valley) by modified competitive sale at no less than each parcel's Fair Market Value (FMV) pursuant to the Southern Nevada

Public Land Management Act of 1998 (SNPLMA), as amended. The sale will be processed in conformance with applicable provisions of the Federal Land Policy and Management Act of 1976 (FLPMA) and BLM regulations. An online sale is the selected modified competitive bidding procedure that will allow for maximum participation. The sale will take place on May 3, 2022, at 8:00 a.m., Pacific Time, on EnergyNet's website at: [https://www.EnergyNet.com/govt\\_listing.pl](https://www.EnergyNet.com/govt_listing.pl).

**DATES:** Submit written comments regarding the sale until April 4, 2022. The BLM will publish this Notice of Reality Action (NORA) once a week for three consecutive weeks in the *Las Vegas Review-Journal* newspaper. Prior to the sale, a sales matrix will be published on the following website: [https://www.EnergyNet.com/govt\\_listing.pl](https://www.EnergyNet.com/govt_listing.pl). The sales matrix provides information specific to each sale parcel such as legal description, physical location, encumbrances, acreage, and FMV. The FMV for each parcel will be available in the sales matrix no later than 30 days prior to the sale.

**ADDRESSES:** Mail written comments to the BLM Las Vegas Field Office (LVFO), Assistant Field Manager, Division of Lands, 4701 North Torrey Pines Drive, Las Vegas, NV 89130.

**FOR FURTHER INFORMATION CONTACT:** Stephen (Brad) Gallimore by email: [sgallimore@blm.gov](mailto:sgallimore@blm.gov), or by telephone: (702) 515-5069. For general information on previous BLM public land sales, go to <https://www.blm.gov/snplma>.

Information concerning the sale parcels, including encumbrances of record, appraisals, reservations, procedures and conditions, Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9620(h) (CERCLA) documents, and other environmental documents that may appear in the BLM public files for the sale parcels are available for review by appointment only during business hours from 8:00 a.m. to 4:30 p.m. Pacific Time, Monday through Friday, at the BLM LVFO, except during Federal holidays.

Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at (800) 877-8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** It is the buyer's responsibility to be aware of all applicable Federal, state, and local government laws, regulations, and

policies that may affect the subject lands, including any required dedication of lands for public uses. It is the buyer's responsibility to be aware of existing or prospective uses of nearby properties. When conveyed out of Federal ownership, the lands will be subject to any applicable laws, regulations, and policies of the applicable local government for proposed future uses. It is the responsibility of the purchaser to be aware through due diligence of those laws, regulations, and policies, and to seek any required local approvals for future uses. Buyers should make themselves aware of any Federal or state law or regulation that may impact the future use of the property. Any land lacking access from a public road or highway will be conveyed as such and acquiring future access will be the responsibility of the buyer.

Out of the 35 parcels of public lands that the BLM proposes to offer, twenty-one (21) are located within Clark County jurisdiction, seven (7) within the City of Las Vegas jurisdiction, and seven (7) within the City of Henderson jurisdiction. More specifically, of the 35 parcels, twenty-six (26) are in the northwest part of the Valley near Interstate 215, U.S. 95, and State Route 157; two (2) are in the southwest part of the Valley near Blue Diamond Road; one (1) is located in the southeast part of the Valley near South Las Vegas Boulevard and West Roban Avenue; and six (6) are located in the southeast part of the Valley near Burkholder Boulevard and South Racetrack Road.

The subject public lands are legally described as:

**Mount Diablo Meridian, Nevada**

*N-97339, 12.5 Acres*

T. 19 S., R. 59 E.,  
Sec. 1, lot 11, E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$  and  
NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ .

*N-80680, 5.625 Acres*

T. 19 S., R. 59 E.,  
Sec. 2, E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$  and  
NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ .

*N-80681, 5.00 Acres*

T. 19 S., R. 59 E.,  
Sec. 3, W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ .

*N-80684, 5.00 Acres*

T. 19 S., R. 59 E.,  
Sec. 3, E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ .

*N-84178, 5.00 Acres*

T. 19 S., R. 59 E.,  
Sec. 3, W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ .

*N-84183, 2.50 Acres*

T. 19 S., R. 59 E.,  
Sec. 10, NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ .

*N-96821, 20.00 Acres*

T. 19 S., R. 59 E.,  
Sec. 25, W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ .

*N-95264, 5.00 Acres*

T. 19 S., R. 59 E.,  
Sec. 25, W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ .

*N-95265, 5.00 Acres*

T. 19 S., R. 59 E.,  
Sec. 25, W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ .

*N-97341, 10.00 Acres*

T. 19 S., R. 59 E.,  
Sec. 36, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ .

*N-99783, 2.03 Acres*

T. 20 S., R. 59 E.,  
Sec. 12, lot 1.

*N-80693, 10.47 Acres*

T. 19 S., R. 60 E.,  
Sec. 30, lots 25 and 26.

*N-93582, 50.84 Acres*

T. 19 S., R. 60 E.,  
Sec. 31, lots 9 thru 12, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
and S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ .

*N-95251, 10.00 Acres*

T. 19 S., R. 60 E.,  
Sec. 31, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ .

*N-95252, 10.00 Acres*

T. 19 S., R. 60 E.,  
Sec. 31, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ .

*N-95253, 10.00 Acres*

T. 19 S., R. 60 E.,  
Sec. 31, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ .

*N-95254, 10.00 Acres*

T. 19 S., R. 60 E.,  
Sec. 31, SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

*N-95255, 10.00 Acres*

T. 19 S., R. 60 E.,  
Sec. 31, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

*N-95256, 10.00 Acres*

T. 19 S., R. 60 E.,  
Sec. 31, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

*N-95257, 5.00 Acres*

T. 19 S., R. 60 E.,  
Sec. 31, W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

*N-93587, 10.00 Acres*

T. 19 S., R. 60 E.,  
Sec. 31, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ .

*N-95281, 40.00 Acres*

T. 19 S., R. 60 E.,  
Sec. 31, N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , and  
NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ .

*N-93589, 10.00 Acres*

T. 19 S., R. 60 E.,  
Sec. 31, NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ .

*N-93590, 10.00 Acres*

T. 19 S., R. 60 E.,  
Sec. 32, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ .

*N-95260, 10.00 Acres*

T. 19 S., R. 60 E.,

Sec. 32, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ .

N-95261, 10.00 Acres

T. 19 S., R. 60 E.,

Sec. 32, SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ .

N-99784, 6.85 Acres

T. 22 S., R. 60 E.,

Sec. 19, lots 69 and 71 and  
S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ .

N-99785, 5.00 Acres

T. 22 S., R. 60 E.,

Sec. 23, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$  and  
NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

N-97343, 30.00 Acres

T. 23 S., R. 61 E.,

Sec. 17, S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , and  
NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ .

N-99786, 25.00 Acres

T. 22 S., R. 63 E.,

Sec. 16, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
and E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ .

N-99787, 10.00 Acres

T. 22 S., R. 63 E.,

Sec. 16, S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$  and  
E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ .

N-93067, 15.00 Acres

T. 22 S., R. 63 E.,

Sec. 16, E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , and  
W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ .

N-93068, 5.00 Acres

T. 22 S., R. 63 E.,

Sec. 16, E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ .

N-93069, 5.00 Acres

T. 22 S., R. 63 E.,

Sec. 16, E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ .

N-99788, 5.00 Acres

T. 22 S., R. 63 E.,

Sec. 16, W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ .

The areas described aggregate 400.815 acres, according to the official plats of the surveys of the said lands on file with the BLM.

The Las Vegas Valley Disposal Boundary Environmental Impact Statement and Record of Decision issued on December 23, 2004, and the Las Vegas In-Valley Area Multi-Action Analysis Environmental Assessment (EA), DOI-BLM-NV-S010-2016-0054-EA (<https://eplanning.blm.gov/eplanning-ui/project/60096/510>), analyzed the sale parcels. Parcel-specific determinations of NEPA adequacy, document number DOI-BLM-NV-S010-2019-0040-DNA and document number DOI-BLM-NV-S010-2021-0004-DNA, were prepared in connection with this NORA.

Submit comments to the address in the **ADDRESSES** section. Before including your address, phone number, email address, or other personally identifiable information in your comment, you

should be aware that your entire comment—including any personally identifiable information—may be made publicly available at any time. While you can ask us in your comment to withhold your personally identifiable information from public review, we cannot guarantee that we will be able to do so.

Any comments regarding the proposed sale will be reviewed by the BLM Nevada State Director or other authorized official of the Department of the Interior, who may sustain, vacate, or modify this realty action in response to such comments. In the absence of any comments, this realty action will become the final determination of the Department of the Interior.

The use of the modified competitive sale method is consistent with 43 CFR 2711.3-2. Public lands may be offered for sale by modified competitive bidding procedures when the authorized officer determines it is necessary based on public policies. To reduce the spread of COVID-19, this sale will be modified to conduct a competitive online sale through a website portal. Consistent with Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad*, utilizing an online auction format would maximize the opportunity for public involvement while reducing greenhouse gas emissions that would result from bidders traveling to Las Vegas. In addition, utilizing an online auction would encourage greater participation by qualified bidders.

Federal law requires that bidders must be:

- (1) A citizen of the United States, 18 years of age or older;
- (2) a corporation subject to the laws of any state or of the United States;
- (3) a state, instrumentality, or political subdivision authorized to hold property; or
- (4) an entity legally capable of conveying and holding lands or interests therein under the laws of the State of Nevada.

The successful bidder must submit proof of citizenship or articles of incorporation within 30 days from receipt of acceptance of bid letter. Evidence of United States citizenship is a birth certificate, passport, or naturalization papers. Citizenship documents or Articles of Incorporation (as applicable) must be provided to the BLM LVFO for each sale.

To participate in the BLM bidding process, you must register and obtain a bidder number. Registration for online bidding will be available prior to the sale date at EnergyNet's website ([https://www.EnergyNet.com/govt\\_listing.pl](https://www.EnergyNet.com/govt_listing.pl)). Click on the orange "Register for Sale"

button on the blue "BLM Nevada SNPLMA Spring 2022 Land Sale" banner to register, and click on the light blue "View Listings" button on the "BLM Nevada SNPLMA Spring 2022 Land Sale" banner to obtain maps and get information on how to submit competitive online bids via the internet for the sale. A submitted online internet bid is a binding offer to purchase.

To participate in this sale, prospective buyers must create an EnergyNet account, complete the EnergyNet Bidding Terms Agreement, request a bidding allowance, and register for the BLM Nevada SNPLMA Spring 2022 Land Sale. EnergyNet may require approximately five (5) business days to determine bidder's financial qualifications. Additional information on how to register at EnergyNet may be found at [https://www.energynet.com/page/Government\\_Listings\\_Participation](https://www.energynet.com/page/Government_Listings_Participation).

Assistance creating an EnergyNet account and registering for the sale is available by telephoning the EnergyNet Government Resources department at 877-351-4488 and by using the following link to create a Buyer's Account: [https://www.EnergyNet.com/bidder\\_reg.pl?registration\\_choice=government](https://www.EnergyNet.com/bidder_reg.pl?registration_choice=government). After the account is created, follow the link "Submit Bank Information Online" and fill in the form with the following information:

- Bank Name
- Banker's Name
- Telephone Number of Banker
- Address of Bank
- Requested Bid Allowance amount.

EnergyNet will verify the Bank Name is a recognized financial institution and contact the banker to ask if the prospective buyer has the financial means to cover the requested Bid Allowance, which is the limit or ceiling for bids and is NOT recorded as a bid or offer per property at auction. Upon receiving an affirmative answer, the allowance will be granted.

Important notes regarding your Bid Allowance: For security reasons, a bidder must contact its banker and grant permission to speak to EnergyNet about its Bid Allowance request. EnergyNet will not request the account balance or ask any questions about assets or lines of credit. EnergyNet will not request the bank account number, nor can it withdraw funds.

The auction website is open to the public. The internet-based land sale can be observed in real-time. However, you must register as a bidder on the website in advance in order to submit bids for a parcel. The auction website will be active and available for use

approximately ten days after the date of this notice and will remain available for viewing until the completion of the auction. The available parcels listed in this notice will be detailed on EnergyNet's website. Interested parties may visit the website at any time. Potential bidders may register for the online auction as soon as the auction website is active.

Potential bidders are encouraged to visit the website prior to the start of the open bidding period to become familiar with the site and review the bidding instructions available at [https://www.energynet.com/page/Government\\_Listings\\_Participation](https://www.energynet.com/page/Government_Listings_Participation). Supporting documentation is available on the website to familiarize new users to the process and answer frequently asked questions.

Payments to the BLM will not be made through the auction website. At the conclusion of the final parcel's bidding period, the successful bidder for each parcel will be provided instructions by the online auction system via email on how to make the required payment to the BLM. In addition, you will be required to pay a commission fee to EnergyNet of 1.5 percent (a percentage) of the highest qualifying bid for each parcel purchased by successful bidders. EnergyNet will submit a separate invoice via email to each successful bidder for the total amount due to the BLM and a separate invoice for the amount due to EnergyNet.

Parcels will begin online bidding at the established FMV. Each parcel will have its own unique open bidding period, with start and stop times clearly identified on the auction website. The open bidding period for each parcel will run for 24 hours from start to finish, and only bids placed during this 24-hour period will be accepted. Each parcel will close bidding sequentially so that each bidder will know if it is the highest winning bid before subsequent parcels close. The website will display each current high bid, and the high bid bidder's number.

The online system allows participants to submit maximum bids, which is the highest amount a bidder is willing to pay for each parcel, to enable a bidder to participate in the online auction without having to be logged into the website at the time the auction period closes. The auction website provides a full explanation of placing maximum bids, as well as an explanation of how it works to place bids on your behalf to maintain your high bidder status up to the chosen maximum bid amount. The BLM strongly encourages potential bidders to review the bidding tutorial in

the Frequently Asked Questions area on the auction website in advance of the sale. EnergyNet will declare the highest qualifying bid as the high bid. The successful bidder must submit a deposit of not less than 20 percent of the successful bid amount by 4:00 p.m., Pacific Time, immediately following the close of the sale in the form of a certified check, postal money order, electronic fund transfer, bank draft, or cashier's check made payable in U.S. dollars to the "Department of the Interior, Bureau of Land Management."

The BLM will send the successful bidder(s) an acceptance of bid letter with detailed information for full payment. In accordance with 43 CFR 2711.3-1(d), the successful bidder will forfeit the bid deposit if it fails to pay the full purchase price within 180 days of the sale. The BLM will make no exceptions. The BLM cannot accept the remainder of the bid price at any time following the 180th day after the sale.

If a bidder is the apparent successful bidder with respect to multiple parcels and that bidder fails to submit the minimum 20 percent bid deposit resulting in default on any single parcel following the sale, the BLM may cancel the sale of all parcels to that bidder. If a successful bidder cannot consummate the transaction for any reason, the BLM may consider the second highest bidder to purchase the parcel. If there are no acceptable bids, a parcel may remain available for sale on a future date without further legal notice.

The BLM LVFO must receive the request for escrow instructions prior to 30 days before the prospective patentee's scheduled closing date. There are no exceptions.

All name changes and supporting documentation must be received at the BLM LVFO by 4:30 p.m. Pacific Time, 30 days from the date on the high-bidder letter. There are no exceptions. To submit a name change, the apparent successful bidder must submit the name change in writing on the Certificate of Eligibility form to the BLM LVFO.

The BLM must receive the remainder of the full bid price for the parcel no later than 4:30 p.m. Pacific Time, within 180 days following the day of the sale. The successful bidder must submit payment in the form of a certified check, postal money order, bank draft, cashier's check, or make available by electronic fund transfer payable in U.S. dollars to the "Department of the Interior—Bureau of Land Management" to the BLM LVFO. The BLM will not accept personal or company checks.

Arrangements for electronic fund transfer to the BLM for payment of the balance due must be made a minimum

of two weeks prior to the payment date. The BLM will not sign any documents related to 1031 Exchange transactions. The bidder is responsible for timing for completion of such an exchange. The BLM cannot be a party to any 1031 Exchange.

In accordance with 43 CFR 2711.3-1(f), the BLM may accept or reject any or all offers to purchase or withdraw any parcel of land or interest therein from sale within 30 days, if the BLM authorized officer determines consummation of the sale would be inconsistent with any law, or for other reasons as may be provided by applicable law or regulations. No contractual or other rights against the United States may accrue until the BLM officially accepts the offer to purchase and the full bid price is paid.

According to the SNPLMA, as amended, Public Law 105-263 section 4(c), lands identified within the Las Vegas Valley Disposal Boundary are withdrawn from location and entry under the mining laws and from operation under the mineral leasing and geothermal leasing laws until such time as the Secretary of the Interior (Secretary) terminates the withdrawal or the lands are patented.

Upon publication of this notice in the **Federal Register**, the described land will also be segregated from all forms of appropriation under the public land laws, including the mining laws, except for the sale provisions of the FLPMA. Upon publication of this notice and until completion of this sale, the BLM will no longer accept land use applications affecting the parcels identified for sale. The parcels may be subject to land use applications received prior to publication of this notice if processing the application would have no adverse effect on the marketability of title, or the FMV of the parcel. The segregative effect of this notice terminates upon issuance of a patent or other document of conveyance to such lands, or publication in the **Federal Register** of a termination of the segregation. The total segregation period may not exceed two years unless it is extended by the BLM Nevada State Director prior to the termination date in accordance with 43 CFR 2711.1-2(d).

*Terms and Conditions:* FLPMA Section 209, 43 U.S.C. 1719(a), states that "all conveyances of title issued by the Secretary . . . shall reserve to the United States all minerals in the lands." Accordingly, all minerals for the sale parcels will be reserved to the United States. The patents, when issued, will contain a mineral reservation to the United States for all minerals.

In response to requests to clarify this mineral reservation as it relates to mineral materials, such as sand and gravel, we refer interested parties to the regulations at 43 CFR 3601.71(b), which provides that the owner of the surface estate of lands with reserved Federal minerals may “use a minimal amount of mineral materials” for “personal use” within the boundaries of the surface estate without a sales contract or permit. The regulation provides that all other use, absent statutory or other express authority, requires a sales contract or permit. The BLM refers interested parties to the explanation of this regulatory language in the preamble to the final rule published in the **Federal Register** in 2001, available at <https://www.federalregister.gov/d/01-29001>, which states that minimal use “would not include large-scale use of mineral materials, even within the boundaries of the surface estate” (66 FR 58894). Further explanation is contained in the BLM Instruction Memorandum No. 2014–085 (April 23, 2014), available on the BLM’s website at <https://www.blm.gov/policy/im-2014-085>.

The following numbered terms and conditions will appear on the conveyance documents for the sale parcels:

1. All mineral deposits in the lands so patented, and to it, or persons authorized by it, the right to prospect for, mine, and remove such deposits from the same under applicable law and regulations to be established by the Secretary are reserved to the United States, together with all necessary access and exit rights.

2. A right-of-way is reserved for ditches and canals constructed by authority of the United States under the Act of August 30, 1890 (43 U.S.C. 945).

3. The parcels are subject to valid existing rights.

4. The parcels are subject to reservations for roads, public utilities, and flood control purposes, both existing and proposed, in accordance with the local governing entities’ transportation plans.

5. An appropriate indemnification clause protecting the United States from claims arising out of the patentee’s use, occupancy, or occupations on the patented lands.

To the extent required by law, the parcel is subject to the requirements of Section 120(h) of the CERCLA, as amended. Accordingly, notice is hereby given that the lands have been examined and no evidence was found to indicate that any hazardous substances have been stored for one year or more, nor that any hazardous substances have

been disposed of or released on the subject properties.

No warranty of any kind, express or implied, is given by the United States as to the title, whether or to what extent the land may be developed, its physical condition, future uses, or any other circumstance or condition. The conveyance of a parcel will not be on a contingency basis.

**Shonna Dooman,**

*Field Manager, Las Vegas Field Office.*

[FR Doc. 2022–03362 Filed 2–15–22; 8:45 am]

**BILLING CODE 4310–HC–P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

**[NPS–WASO–NER–NPS0033151; PPNEHATUCO, PPMRSCR1Y.CU0000 (222); OMB Control Number 1024–0232]**

#### Agency Information Collection Activities; National Underground Railroad Network to Freedom Program

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, we, the National Park Service (NPS) are proposing to renew an information collection.

**DATES:** Interested persons are invited to submit comments on or before April 18, 2022.

**ADDRESSES:** Please provide a copy of your comments to the NPS Information Collection Clearance Officer (ADIR–ICCO), 12201 Sunrise Valley Drive, (MS–242) Reston, VA 20191 (mail); or [phadrea\\_ponds@nps.gov](mailto:phadrea_ponds@nps.gov) (email). Please include “1024–0232” in the subject line of your comments.

**FOR FURTHER INFORMATION CONTACT:** To request additional information about this ICR contact Diane Miller, National Program Manager, National Underground Railroad Network to Freedom Program, National Park Service, Harriet Tubman Underground Railroad Visitor Center, 4068 Golden Hill Road, Church Creek, Maryland 21622; or by email at [diane\\_miller@nps.gov](mailto:diane_miller@nps.gov). Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance.

**SUPPLEMENTARY INFORMATION:** In accordance with the Paperwork Reduction Act of 1995, (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), all information collections require approval under the PRA.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public’s reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comment addressing the following:

- (1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility.

- (2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used.

- (3) Ways to enhance the quality, utility, and clarity of the information to be collected.

- (4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of response.

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

*Abstract:* The National Underground Railroad Network to Freedom Act of 1998 (54 U.S.C. 308301, *et seq.*) authorizes the NPS to collect information from applicants requesting to join the Network to Freedom Program (the Network). The NPS uses Form 10–946, *National Underground Railroad Network to Freedom Application*, to evaluate potential participants and determine eligibility to become part of the Network. Through the Network, we coordinate preservation and education efforts nationwide, and are working to integrate local historical sites, museums, and interpretive programs associated

with the Underground Railroad movement.

All entities that apply to join the Network must have a verifiable association with the historic Underground Railroad movement and must complete and submit Form 10–946 available on our website at <http://www.nps.gov/subjects/ugrr/index.htm>. Respondents must (1) verify associations and characteristics through descriptive texts that are the result of historical research and (2) submit supporting documentation (*e.g.*, copies of rare documents, photographs, and maps).

Network to Freedom Program Partners work with the NPS to help validate the efforts of local and regional organizations, making it easier for them to share their expertise and communicate with us and each other. Prospective partners must submit a letter with the following information:

- Name and address of the agency, company or organization.
- Name, address, and phone, fax, and email information of principal contact.
- Abstract not to exceed 200 words describing the partner's activity or mission statement.
- Brief description of the entity's association to the Underground Railroad.

*Title of Collection:* National Underground Railroad Network to Freedom Program.

*OMB Control Number:* 1024–0232.

*Form Number:* NPS Form 10–946, *National Underground Railroad Network to Freedom Application*.

*Type of Review:* Extension of a currently approved collection.

*Description of Respondents:* Individuals; businesses; nonprofit organizations; and Federal, State, Local, and Tribal governments.

*Total Estimated Number of Annual Respondents:* 27.

*Total Estimated Number of Annual Responses:* 27.

*Estimated Completion Time per Response:* Average 1001 hours.

*Total Estimated Number of Annual Burden Hours:* 40 hours.

*Respondent's Obligation:* Required to obtain or retain a benefit.

*Frequency of Collection:* On occasion.

*Total Estimated Annual Nonhour Burden Cost:* None.

An agency may not conduct, or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

**Phadrea Ponds,**

*Information Collection Clearance Officer,  
National Park Service.*

[FR Doc. 2022–03334 Filed 2–15–22; 8:45 am]

**BILLING CODE 4312–52–P**

**DEPARTMENT OF THE INTERIOR**

**National Park Service**

**[NPS–WASO–IMR–YELL–NPS0033063;  
PPIMYELL60 POPCF8099.XZ0000  
PX.P0241364E.00.1 (222); OMB Control  
Number 1024–0266]**

**Agency Information Collection  
Activities; Reporting and  
Recordkeeping for Snowcoaches and  
Snowmobiles, Yellowstone National  
Park**

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, we, the National Park Service (NPS) are proposing to renew an information collection.

**DATES:** Interested persons are invited to submit comments on or before April 18, 2022.

**ADDRESSES:** Please provide a copy of your comments to the NPS Information Collection Clearance Officer (ADIR–ICCO), 12201 Sunrise Valley Drive, (MS–242) Reston, VA 20191 (mail); or [phadrea\\_ponds@nps.gov](mailto:phadrea_ponds@nps.gov) (email). Please include “1024–0232” in the subject line of your comments.

**FOR FURTHER INFORMATION CONTACT:** To request additional information about this ICR, contact Becky Wyman, Concessions Management Specialist, P.O. Box 168 Mammoth Hot Springs Yellowstone National Park, WY 82190–0168; or by email at [becky\\_wyman@nps.gov](mailto:becky_wyman@nps.gov); or by telephone at 307–344–2278. Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance.

**SUPPLEMENTARY INFORMATION:** In accordance with the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), all information collections require approval under the PRA. We may not conduct, or sponsor, and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

As part of our continuing effort to reduce paperwork and respondent

burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comment addressing the following:

- (1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility.
- (2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used.
- (3) Ways to enhance the quality, utility, and clarity of the information to be collected.

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of response.

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

*Abstract:* The National Park Service (NPS) is authorized by regulations codified in 36 CFR 7.13(l), Special Regulations; Areas of the National Park System; Yellowstone National Park; Winter Use, to establish a management framework that allows the public to experience the unique winter resources and recreational opportunities at Yellowstone National Park (YELL). Access to most of the park in the winter is limited by distance and the harsh winter environment which presents challenges to safety and park operations. In response, the NPS provides opportunities for park visitors to experience Yellowstone in the winter via over-snow vehicles (snowmobiles

and snowcoaches, collectively OSVs). The final rule includes provisions that allow greater flexibility for commercial tour operators, provide mechanisms to make the park cleaner and quieter during the winter seasons, reward OSV innovations and technologies, and allow increases in visitation. All OSVs operating in the park are required to meet air and sound emission standards and be accompanied by a guide. As directed by the regulation, commercial OSV operators must complete the Form 10–650, “OSV Monthly Use Report” to:

- Transportation Events (§ 7.13(l)(11)(i)–(iii))
- Emission and Sound Standards (§ 7.13(l)(4)(vii) and (5)) and
- Enhanced Emission Standards. (§ 7.13(l)(11)(iv)).

Form 10–605, “OSV Monthly Use Report” collects information to: (1) Ensure that OSVs meet NPS emission standards to operate in the park; (2) evaluate commercial tour operators’ compliance with allocated transportation events and daily and seasonal OSV group size limits; (3) ensure that established daily transportation event limits for the park are not exceeded; (4) confirm that commercial tour operators do not run out of authorizations before the end of the season and create a gap when prospective visitors cannot be accommodated; and (5) guarantee compliance with applicable laws and regulations.

*Title of Collection:* Reporting and Recordkeeping for Snowcoaches and Snowmobiles, Yellowstone National Park.

*OMB Control Number:* 1024–0266.

*Form Number:* NPS Form 10–650.

*Type of Review:* Extension of a currently approved collection.

*Description of Respondents:* Businesses desiring to operate snowcoaches and snowmobiles in Yellowstone National Park.

*Total Estimated Number of Annual Respondents:* 64.

*Total Estimated Number of Annual Responses:* 100.

*Estimated Completion Time per Response:* Average 1 hour.

*Total Estimated Number of Annual Burden Hours:* 156 hours.

*Respondent’s Obligation:* Required to obtain or retain a benefit.

*Frequency of Collection:* On occasion.

*Total Estimated Annual Non hour Burden Cost:* None.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

**Phadrea Ponds,**

*Information Collection Clearance Officer,  
National Park Service.*

[FR Doc. 2022–03335 Filed 2–15–22; 8:45 am]

**BILLING CODE 4312–52–P**

**DEPARTMENT OF THE INTERIOR**

**National Park Service**

**[NPS–AKR–GLBA–NPS0033098;  
PX.XGLBARP18.00.1 (222); OMB Control  
Number 1024–0281]**

**Agency Information Collection  
Activities: Glacier Bay National Park  
and Preserve Bear Sighting and  
Encounter Reports**

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, we, the National Park Service (NPS) are proposing to renew an information collection.

**DATES:** Interested persons are invited to submit comments on or before April 18, 2022.

**ADDRESSES:** Please provide a copy of your comments to the NPS Information Collection Clearance Officer (ADIR–ICCO), 12201 Sunrise Valley Drive, (MS–242) Reston, VA 20191 (mail); or [phadrea\\_ponds@nps.gov](mailto:phadrea_ponds@nps.gov) (email). Please include “1024–0281” in the subject line of your comments.

**FOR FURTHER INFORMATION CONTACT:** To request additional information about this ICR, contact Margaret Hazen, Glacier Bay National Park and Preserve, Supervisory Park Ranger, P.O. Box 140, Gustavus, AK 99826; or by email at [Margaret\\_Hazen@nps.gov](mailto:Margaret_Hazen@nps.gov); or by telephone at 907–697–2608. Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance.

**SUPPLEMENTARY INFORMATION:** In accordance with the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), all information collections require approval under the PRA. We may not conduct, or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing

collections of information. This helps us assess the impact of our information collection requirements and minimize the public’s reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility.

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used.

(3) Ways to enhance the quality, utility, and clarity of the information to be collected.

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of response.

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

*Abstract:* The National Park Service Organic Act, 54 U.S.C. 100101(a) *et seq.*, requires that the NPS preserve national parks for the enjoyment, education, and inspiration of this and future generations. In order to monitor resources and wildlife in the Glacier Bay National Park and Preserve (GLBA) and to enhance the safety of future visitors, the park records all bear sightings and interactions by visitors.

Authorized by 36 CFR 1–7, 12 and 13, Glacier Bay National Park and Preserve (GLBA) collects bear sighting data submitted by park visitors. The information collected is used to determine bear movements, habitat use, and species distribution to minimize conflict between bears and visitors within the park. NPS Forms 10–405, “Tatshenshini—Alsek River Bear

Report” and 10–406, “Bear Information Management Report” exercises our statutory authority and responsibility to protect the park areas we administer and to manage public use.

Bear sighting data provides the park with important information used to determine bear movements, habitat use, and species distribution. This information is important for backcountry management and planning, field research planning, and educational outreach for visitors. Bear-human interaction data is vital to understanding bear responses to people, detecting changes in bear behavior, and identifying areas of high bear-human conflict. Obtaining immediate information on bear-human conflicts allows managers to respond promptly to mitigate further conflicts. Proactive mitigation includes notifying other backcountry users, issuing advisories or recommendations, or issuing closures to prevent further conflicts and maintain public safety. Observations and interactions by visitors are recorded using two forms: (1) NPS Form 10–405 “Tatshenshini—Alek River Bear Report” collects information regarding bear sightings within GLBA and (2) NPS Form 10–406 “Bear Information Management Report” collects information when a bear enters a camp, approaches the group, damages gear, obtains food, and/or acts in an aggressive or threatening manner towards the group.

*Title of Collection:* Glacier Bay National Park and Preserve Bear Sighting and Encounter Reports.

*OMB Control Number:* 1024–0281.

*Form Number:* 10–405,

“Tatshenshini—Alek River Bear Report” and 10–406, “Bear Information Management Report”.

*Type of Review:* Extension of a currently approved collection.

*Description of Respondents:*

Backcountry and frontcountry visitors to Glacier Bay National Park and Preserve.

*Total Estimated Number of Annual Respondents:* 50.

*Total Estimated Number of Annual Responses:* 50.

*Estimated Completion Time per*

*Response:* Average 5 minutes.

*Total Estimated Number of Annual Burden Hours:* 4.

*Respondent’s Obligation:* Voluntary.

*Frequency of Collection:* On occasion.

*Total Estimated Annual Nonhour Burden Cost:* None.

An agency may not conduct, or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

**Phadrea Ponds,**

*Information Collection Clearance Officer,  
National Park Service.*

[FR Doc. 2022–03337 Filed 2–15–22; 8:45 am]

**BILLING CODE 4312–52–P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

**[NPS–WASO–COMP–NPS0033152;  
PPWOCOPPO, PPMPSD1YM0000 (222);  
OMB Control Number 1024–0279]**

#### Agency Information Collection Activities; National Park Service Lost and Found Report

**AGENCY:** National Park Service, Interior.  
**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, we, the National Park Service (NPS) are proposing to renew an information collection.

**DATES:** Interested persons are invited to submit comments on or before April 18, 2022.

**ADDRESSES:** Please provide a copy of your comments to the NPS Information Collection Clearance Officer (ADIR–ICCO), 12201 Sunrise Valley Drive, (MS–242) Reston, VA 20191 (mail); or [phadrea\\_ponds@nps.gov](mailto:phadrea_ponds@nps.gov) (email). Please include “1024–0279” in the subject line of your comments.

**FOR FURTHER INFORMATION CONTACT:** To request additional information about this ICR, contact Marlene Haynes, Bureau Office of Property and Fleet Management, National Park Service, 13461 Sunrise Valley Drive, Herndon, VA 20171–3272; or by email at [marlene\\_haynes@nps.gov](mailto:marlene_haynes@nps.gov); or by telephone at 703–487–9311. Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance.

**SUPPLEMENTARY INFORMATION:** In accordance with the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), all information collections require approval under the PRA. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing

collections of information. This helps us assess the impact of our information collection requirements and minimize the public’s reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility.

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used.

(3) Ways to enhance the quality, utility, and clarity of the information to be collected.

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of response.

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

**Abstract:** Each year, more than 7,000 visitors to the various units of the National Park System file reports of lost or found items. Reporting of lost or found personal property in national parks is governed by 36 CFR 2.22, “Disposition of Property” which requires unattended property be impounded and deemed to be abandoned unless claimed by the owner or an authorized representative within 60 days. The 60-day period starts upon notification to the rightful owner of the property, if the owner can be identified; or from the time the property was placed in the superintendent’s custody if the owner cannot be identified.

Unclaimed property must be stored for a minimum period of 60 days. If the item is not claimed by the owner or an authorized representative within the 60-



day period, the property may be claimed by the finder, provided the finder is not an employee of the NPS. Found property not claimed by the owner, an authorized representative of the owner, or the finder, shall be deemed abandoned and disposed of in accordance with Title 41 Code of Federal Regulations.

In order to comply with the requirements of 36 CFR 2.22, the Form 10-166, "Lost and Found Report," is used by the park to identify personal property reported as lost or found and to return found items to the legitimate owner, or to the finder if the item is not claimed by the owner or their authorized representative. NPS Form 10-166 collects the following information from the visitor filing the report:

- Park name, receiving station (if appropriate), and date item was lost or found.
- Name, address, city, state, zip code, email address, and contact phone numbers (cell and home).
- Type of item, detailed description of item, and location where the item was last seen or found.
- Photograph of item (if available).

*Title of Collection:* National Park Service Lost and Found Report, 36 CFR 2.22.

*OMB Control Number:* 1024-0279.

*Form Number:* NPS Form 10-166 "Lost and Found Report."

*Type of Review:* Extension of a currently approved collection.

*Description of Respondents:* Visitors of NPS units who file reports of lost or found items.

*Total Estimated Number of Annual Respondents:* 7,200.

*Total Estimated Number of Annual Responses:* 7,200.

*Estimated Completion Time per Response:* 5 minutes.

*Total Estimated Number of Annual Burden Hours:* 600.

*Respondent's Obligation:* Voluntary.

*Frequency of Collection:* On occasion.

*Total Estimated Annual Nonhour Burden Cost:* None.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

#### Phadrea Ponds,

*Information Collection Clearance Officer,  
National Park Service.*

[FR Doc. 2022-03336 Filed 2-15-22; 8:45 am]

**BILLING CODE 4312-52-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731-TA-771-772 and 775 (Fourth Review)]

### Stainless Steel Wire Rod From Japan, South Korea, and Taiwan

#### Determinations

On the basis of the record<sup>1</sup> developed in the subject five-year reviews, the United States International Trade Commission ("Commission") determines, pursuant to the Tariff Act of 1930 ("the Act"), that revocation of the antidumping duty orders on stainless steel wire rod from Japan, South Korea, and Taiwan would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

#### Background

The Commission instituted these reviews on July 1, 2021 (86 FR 35124) and determined on October 4, 2021, that it would conduct expedited reviews (86 FR 72994, December 23, 2021).

The Commission made these determinations pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)). It completed and filed its determinations in these reviews on February 10, 2022. The views of the Commission are contained in USITC Publication 5279 (February 2022), entitled *Stainless Steel Wire Rod from Japan, South Korea, and Taiwan: Investigation Nos. 731-TA-771-772, and 775 (Fourth Review)*.

By order of the Commission.

Issued: February 10, 2022.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2022-03289 Filed 2-15-22; 8:45 am]

**BILLING CODE 7020-02-P**

## MILLENNIUM CHALLENGE CORPORATION

[MCC FR 22-02]

### Notice of First Amendment To Compact With the Republic of Côte d'Ivoire

**AGENCY:** Millennium Challenge Corporation.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Millennium Challenge Act of 2003, as amended, the Millennium Challenge Corporation is publishing a summary,

<sup>1</sup> The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

justification, and full text of the proposed First Amendment to the Millennium Challenge Compact between the United States of America, acting through the Millennium Challenge Corporation, and the Republic of Côte d'Ivoire, acting through the Ministry of Economy and Finances. Representatives of the United States Government and the Government of Côte d'Ivoire plan to conclude the Amendment in the first quarter of 2022. (Authority: 22 U.S.C. 7708(i)(2))

Dated: February 10, 2022.

**Thomas G. Hohenthauer,**

*Acting VP/General Counsel and Corporate Secretary.*

### Summary of First Amendment to Millennium Challenge Compact With the Republic of Côte d'Ivoire

The Board of Directors of the Millennium Challenge Corporation ("MCC") has approved an amendment (the "Amendment") to the existing US\$524,740,000, five-year Millennium Challenge Compact between the United States of America, acting through MCC, and the Republic of Côte d'Ivoire (the "Compact").

#### Background

The Compact was signed on November 7, 2017 and entered into force on August 5, 2019. The Compact aims to contribute to economic growth and investment in Côte d'Ivoire through two projects supporting the Ivorian government's drive to diversify its economy through investments focused on education and transportation: (i) The Skills for Employability and Productivity Project; and (ii) the Abidjan Transport Project.

#### Scope of the Amendment

MCC proposes to extend the term of the Compact for an additional twelve months until August 5, 2025, and to provide additional funding of up to \$12,000,000. The term extension is necessary to mitigate implementation delays due to the COVID-19 pandemic and to complete Compact projects as originally contemplated. The proposed additional funding will be used to cover additional program administration and related oversight costs associated with extending the Compact's term.

#### Justification for the Amendment

The first case of COVID-19 in Côte d'Ivoire was confirmed on March 11, 2020. The Government declared a state of emergency on March 23, 2020, imposing curfews and major restrictions on the movement of people. The timing of the pandemic delayed the effective

operational start-up of Millennium Challenge Account-Côte d'Ivoire ("MCA-CI") by several months. The new team of recently hired key staff was forced to telework for over three months (March-June 2020), and installation of the servers for the MCA-CI's financial platform, SAP, was delayed until July 2020. The SAP system finally went live in January-March 2021, a cumulative delay of eight months.

COVID-19 has delayed trainings and made it impossible to have in-person exchanges with other MCAs. Procurements had to be delayed as companies and bidders temporarily closed and were subject to quarantines, and supply chain and other work disruptions. With regard to the Abidjan Transport Project, detailed design studies needed to prepare bidding packages for road construction works have been delayed by 15 months due to a variety of COVID-19-related factors and are scheduled to be completed by the spring of 2022. In addition, several key procurements, such as laboratory equipment for road maintenance (georadar and deflectometer), were extended to accommodate border re-openings so that non-resident companies could participate in the procurements. Trainings on the use of the laboratory equipment were delayed by 10 months and 12 months, respectively. With regard to the Skills for Employability and Productivity Project, community mobilization activities for secondary school construction, which are required prior to construction, came to a halt for nearly four months due to travel restrictions that prevented project staff from conducting site visits.

At the time of approval of this Compact, it was recognized that complex construction projects of this nature would be challenging in a post-conflict and limited-capacity country, but achievable in the absence of unknown risks emerging. COVID-19 impacts have upset that calculus. Extending the Compact term will better position MCC and MCA-CI to complete and hand over all ongoing projects to the beneficiary institutions without compromising health, safety, or environmental standards, and will reduce sustainability risks by allowing for necessary attention to post-construction activities, including testing and commissioning of infrastructure, and training and capacity building of implementing entities. As COVID-19 has disrupted program activities and timelines, an extended Compact term will improve the potential to obtain the intended long-term benefits for the

citizens of Côte d'Ivoire and return on MCC's investment.

First Amendment to Millennium Challenge Compact Between the United States of America, Acting Through the Millennium Challenge Corporation and the Republic of Cote D'Ivoire

### First Amendment to Millennium Challenge Compact

This First Amendment to Millennium Challenge Compact (this "Amendment"), is made by and between the United States of America, acting through the Millennium Challenge Corporation, a United States government corporation ("MCC"), and the Republic of Côte d'Ivoire ("Côte d'Ivoire"), acting through the Ministry of Economy and Finances (the "Government") (each referred to herein individually as a "Party" and collectively, as the "Parties"). All capitalized terms used in this Amendment that are not otherwise defined herein have the meanings given to such terms in the Compact (as defined below).

### Recitals

Whereas, the Parties signed that certain Millennium Challenge Compact by and between the United States of America, acting through MCC, and Côte d'Ivoire, acting through the Ministry of Economy and Finances, on November 7, 2017 (the "Compact");

Whereas, Section 7.4 of the Compact provides for a Compact Term of five years from its entry into force on August 5, 2019;

Whereas, implementation of the Compact has been adversely affected and delayed by the coronavirus pandemic;

Whereas, the Parties now desire to extend the Compact Term by one additional year (the "Extension"), and to increase MCC's assistance under the Compact for related administrative and oversight costs, to allow the Government more time to implement and complete the Projects in order to fully achieve the Compact Goal, Program Objective, and Project Objectives; and

Whereas, pursuant to Section 6.2(a) of the Compact, the Parties desire to amend the Compact as more fully described herein to memorialize the Extension.

Now, Therefore, the Parties hereby agree as follows:

### Amendments

#### 1. Amendment to Section 2.1

Section 2.1 (Program Funding) of the Compact is amended and restated to read as follows:

"Section 2.1 *Program Funding*. Upon entry into force of this Compact in accordance with Section 7.3, MCC will grant to the Government, under the terms of this Compact, an amount not to exceed Five Hundred and Five Million, Fifty-Five Thousand, Eighty-Seven United States Dollars and Eleven Cents (US\$505,055,087.11) ("Program Funding") for use by the Government to implement the Program. The allocation of Program Funding is generally described in *Annex II*."

#### 2. Amendment to Section 7.4

Section 7.4 (Compact Term) of the Compact is amended and restated to read as follows:

"Section 7.4 *Compact Term*. This Compact will remain in force for six years after its entry into force, unless terminated earlier under Section 5.1 (the "Compact Term")."

#### 3. Amendment to Annex II (Multi-Year Financial Plan Summary)

Exhibit A to Annex II (Multi-Year Financial Plan Summary) to the Compact is deleted in its entirety and replaced by revised Exhibit A set forth in *Annex I* to this Amendment, which revised Exhibit A includes the Compact Development Funding amount granted by implementation of Section 2.2(d) of the Compact.

### General Provisions

#### 1. Further Assurances

Each Party hereby covenants and agrees, without necessity of any further consideration, to execute and deliver any and all such further documents and take any and all such other action as may be reasonably necessary or appropriate to carry out the intent and purpose of this Amendment.

#### 2. Effect of This Amendment

From and after the date this Amendment enters into force, the Compact and this Amendment will be read together and construed as one document, and each reference in the Compact to the "Compact," "hereunder," "hereof" or words of like import referring to the Compact, and each reference to the "Compact," "thereunder," "thereof" or words of like import in any Supplemental Agreement or in any other document or instrument delivered pursuant to the Compact or any Supplemental Agreement, will mean and be construed as a reference to the Compact, as amended by this Amendment.

#### 3. Limitations

Except as expressly amended by this Amendment, all of the provisions of the

Compact remain unchanged and in full force and effect.

#### 4. Governing Law

The Parties acknowledge and agree that this Amendment is an international agreement entered into for the purpose

of amending the Compact and as such will be interpreted in a manner consistent with the Compact and is governed by international law.

## ANNEX I

### REVISED EXHIBIT A TO ANNEX II TO THE COMPACT MULTI-YEAR FINANCIAL PLAN

#### SUMMARY

(US\$)					
	CDF	Existing Program Funding	Additional Program Funding	Total Program Funding	Total MCC Funds
<b>1. Skills for Employability &amp; Productivity Project</b>	<b>3,831,756.05</b>	<b>151,387,223.74</b>	<b>3,700,000.00</b>	<b>155,087,223.74</b>	<b>158,918,979.79</b>
1.1 Secondary Education	1,650,650.44	106,918,329.35	1,151,000.00	108,069,329.35	109,719,979.79
1.2 Technical and Vocational Education and Training	122,970.91	34,877,029.09	420,000.00	35,297,029.09	35,420,000.00
1.3 Project Management	2,058,134.70	9,591,865.30	2,129,000.00	11,720,865.30	13,779,000.00
<b>2. Abidjan Transport Project</b>	<b>17,112,335.18</b>	<b>275,227,664.82</b>	<b>2,450,000.00</b>	<b>277,677,664.82</b>	<b>294,790,000.00</b>
2.1 Transportation Infrastructure	9,880,000.00	228,840,000.00	-	228,840,000.00	238,720,000.00
2.2 Transportation Management and Planning	7,232,335.18	46,387,664.82	2,450,000.00	48,837,664.82	56,070,000.00
<b>3. Monitoring and Evaluation</b>	<b>27,401.00</b>	<b>12,672,599.00</b>	<b>-</b>	<b>12,672,599.00</b>	<b>12,700,000.00</b>
3.1 Monitoring and Evaluation	27,401.00	12,672,599.00		12,672,599.00	12,700,000.00
<b>4. Program Management and Administration</b>	<b>10,713,420.66</b>	<b>53,767,599.55</b>	<b>5,850,000.00</b>	<b>59,617,599.55</b>	<b>70,331,020.21</b>
4.1 MCA Program Administration	8,188,548.60	41,630,919.61	5,850,000.00	47,480,919.61	55,669,468.21
4.2 Fiscal Agent	727,500.00	5,707,500.00		5,707,500.00	6,435,000.00
4.3 Procurement Agent	1,758,359.25	5,618,192.75		5,618,192.75	7,376,552.00
4.4 Audit	39,012.81	810,987.19		810,987.19	850,000.00
<b>Total</b>	<b>31,684,912.89</b>	<b>493,055,087.11</b>	<b>12,000,000.00</b>	<b>505,055,087.11</b>	<b>536,740,000.00</b>

[FR Doc. 2022-03275 Filed 2-15-22; 8:45 am]

BILLING CODE 9211-03-P

#### NATIONAL FOUNDATION OF THE ARTS AND THE HUMANITIES

##### Institute of Museum and Library Services

##### Special Meeting of the National Museum and Library Services Board

**AGENCY:** Institute of Museum and Library Services (IMLS), National Foundation of the Arts and the Humanities (NFAH).

**ACTION:** Notice of meeting.

**SUMMARY:** The National Museum and Library Services Board, which advises the Director of the Institute of Museum and Library Services in awarding national awards and medals, will meet by teleconference on March 3, 2022, to review nominations for the 2022 National Medal for Museum and Library Service.

**DATES:** The meeting will be held on Thursday, March 3, 2022, from 3 p.m. Eastern Time until adjourned.

**ADDRESSES:** The meeting will convene virtually.

**FOR FURTHER INFORMATION CONTACT:** Katherine Maas, Chief of Staff and Alternate Designated Federal Officer, Institute of Museum and Library Services, Suite 4000, 955 L'Enfant Plaza North SW, Washington, DC 20024; (202) 653-4798; [kmaas@imls.gov](mailto:kmaas@imls.gov).

**SUPPLEMENTARY INFORMATION:** The National Museum and Library Services Board is meeting pursuant to the National Museum and Library Service Act, 20 U.S.C., 9105a, and the Federal Advisory Committee Act (FACA) as amended, 5 U.S.C. App. to review nominations for the 2022 National Medal for Museum and Library Service.

The meeting will be closed to the public pursuant to subsections (c)(4), (c)(6) and (c)(9) of section 552b of Title 5, United States Code, as amended. The closed meeting will consider information that may disclose: Trade

secrets and commercial or financial information obtained from a person and privileged or confidential; and information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action.

Dated: February 10, 2022.

**Brianna Ingram,**  
*Paralegal Specialist.*

[FR Doc. 2022-03283 Filed 2-15-22; 8:45 am]

BILLING CODE 7036-01-P

#### NUCLEAR REGULATORY COMMISSION

[NRC-2021-0114]

##### Information Collection: NRC Form 531, Request for Taxpayer Identification Number

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of submission to the Office of Management and Budget; request for comment.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) has recently submitted a request for renewal of an existing collection of information to the Office of Management and Budget (OMB) for review. The information collection is entitled, NRC Form 531, "Request for Taxpayer Identification Number."

**DATES:** Submit comments by March 18, 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:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to <https://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection by selecting "Currently under Review—Open for Public Comments" or by using the search function.

**FOR FURTHER INFORMATION CONTACT:** David C. Cullison, NRC Clearance Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2084; email: [Infocollects.Resource@nrc.gov](mailto:Infocollects.Resource@nrc.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Obtaining Information and Submitting Comments**

*A. Obtaining Information*

Please refer to Docket ID NRC-2021-0114 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov/> and search for Docket ID NRC-2021-0114.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov). The supporting statement and NRC Form 531 are available in ADAMS under Accession Nos. ML22007A274 and ML21266A296.

- *NRC's PDR:* You may examine and purchase copies of public documents, by appointment, at the NRC's PDR, Room P1 B35, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. To make an

appointment to visit the PDR, please send an email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov) or call 1-800-397-4209 or 301-415-4737, between 8:00 a.m. and 4:00 p.m. (ET), Monday through Friday, except Federal holidays.

- *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Clearance Officer, David C. Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2084; email: [Infocollects.Resource@nrc.gov](mailto:Infocollects.Resource@nrc.gov).

*B. Submitting Comments*

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

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**

Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the NRC recently submitted a request for renewal of an existing collection of information to OMB for review entitled, NRC Form 531, "Request for Taxpayer Identification Number." The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The NRC published a **Federal Register** notice with a 60-day comment

period on this information collection on October 8, 2021, (86 FR 56298).

1. *The title of the information collection:* NRC Form 531, "Request for Taxpayer Identification Number."

2. *OMB approval number:* 3150-0188.

3. *Type of submission:* Extension.

4. *The form number, if applicable:* NRC Form 531.

5. *How often the collection is required or requested:* Licensees are only required to submit once.

6. *Who will be required or asked to respond:* NRC Form 531 is used to collect taxpayer identification numbers (TINs) and information sufficient to identify the licensee or applicant for licenses, certificates, approvals, and registrations.

7. *The estimated number of annual responses:* 300.

8. *The estimated number of annual respondents:* 300.

9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 75.

10. *Abstract:* The Debt Collection Improvement Act of 1996 requires that agencies collect TINs from individuals who do business with the Government, including contractors and recipients of credit, licenses, permits, and benefits. The TIN will be used to process all electronic payments (refunds) made to licensees by electronic funds transfer by the Department of the Treasury. The Department of the Treasury will use the TIN to determine whether the refund can be used to administratively offset any delinquent debts reported to the Treasury by other Government agencies. In addition, the TIN will be used to collect and report to the Department of the Treasury any delinquent indebtedness arising out of the licensee's or applicant's relationship with the NRC.

Dated: February 10, 2022.

For the Nuclear Regulatory Commission.

**David C. Cullison,**

*NRC Clearance Officer, Office of the Chief Information Officer.*

[FR Doc. 2022-03233 Filed 2-15-22; 8:45 am]

**BILLING CODE 7590-01-P**

**OFFICE OF PERSONNEL  
MANAGEMENT**

**Submission for Review of Reinstatement Request: Claim for Unpaid Compensation for Deceased Civilian Employee, SF 1153, 3206-0234**

**AGENCY:** Office of Personnel Management.

**ACTION:** 60-Day notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 as amended by the Clinger-Cohen Act, this notice announces that the U.S. Office of Personnel Management (OPM) intends to submit to the Office of Management and Budget (OMB) a request to reinstate a previous approved information collection. Standard Form 1153, Claim for Unpaid Compensation of Deceased Civilian Employee, is used to collect information from individuals who have been designated as beneficiaries of the unpaid compensation of a deceased Federal employee who believe that their relationship to the deceased entitles them to receive the unpaid compensation of the deceased Federal employee. OPM needs this information in order to adjudicate the claim and properly assign a deceased Federal employee's unpaid compensation to the appropriate individual(s).

**DATES:** Comments are encouraged and will be accepted until April 18, 2022.

**ADDRESSES:** You may submit comments, identified by docket number and/or Regulatory Information Number (RIN) and title, by the following method:

- *Federal Rulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information; or

- *Email:* Damon Ford, Merit System Accountability and Compliance, Office of Personnel Management, at [damon.ford@opm.gov](mailto:damon.ford@opm.gov).

**FOR FURTHER INFORMATION CONTACT:** A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Compensation and Leave Claims Program, Office of Personnel Management, 1900 E. Street NW, Washington, DC 20415, Attention: Damon Ford, 202-606-2980, or via electronic mail to [damon.ford@opm.gov](mailto:damon.ford@opm.gov).

**SUPPLEMENTARY INFORMATION:** The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

MSAC adjudicates classification appeals, job-grading appeals, FLSA claims, compensation and leave claims, and declination of reasonable offer appeals, as well as the settling of disputed claims for unpaid compensation due deceased Federal employees. This adjudicative function provides Federal employees administrative due process rights to challenge compensation and related agency decisions without having to seek redress in Federal courts. These decisions are also a critical resource for agency HR offices in making their own classification, pay, and FLSA determinations.

#### Analysis

*Agency:* Merit System Accountability and Compliance, Office of Personnel Management.

*Title:* Standard Form 1153, Claim for Unpaid Compensation of Deceased Civilian Employee.

*OMB Number:* 3260-0234.

*Frequency:* Annually.

*Affected Public:* Federal Employees and Retirees.

*Number of Respondents:* 3,000.

*Estimated Time per Respondent:* 15 minutes.

*Total Burden Hours:* 750 hours.

Office of Personnel Management.

**Kellie Cosgrove Riley,**

*Director, Privacy and Information Management.*

[FR Doc. 2022-03220 Filed 2-15-22; 8:45 am]

**BILLING CODE 6325-58-P**

## POSTAL REGULATORY COMMISSION

[Docket No. PI2022-2; Order No. 6104]

### Public Inquiry on Service Performance Dashboard

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission is initiating a proceeding to propose public input

with respect to the service performance dashboard and other questions of data accessibility and usability. This document informs the public of this proceeding, invites public comment, and takes other administrative steps.

**DATES:** *Comments are due:* March 18, 2022. *Reply comments are due:* April 7, 2022.

**ADDRESSES:** Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

**FOR FURTHER INFORMATION CONTACT:** David A. Trissell, General Counsel, at 202-789-6820.

#### SUPPLEMENTARY INFORMATION:

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- I. Introduction
- II. Background
- III. Invitation for Comments
- IV. Ordering Paragraphs

### I. Introduction

The Commission's mission is to ensure transparency and accountability of the United States Postal Service and to foster a vital and efficient universal mail system.<sup>1</sup> As part of the Commission's ongoing efforts to promote transparency by making its public data more accessible and usable, the Commission is in the process of developing a new online service performance dashboard. In this docket, the Commission seeks public input with respect to the service performance dashboard, as well as other questions pertaining to data accessibility and usability.

### II. Background

As a result of its statutory oversight responsibilities, the Commission has an extensive catalog of public data pertaining to the Postal Service, including information concerning the Postal Service's service performance, finances, operations, and rates.<sup>2</sup> While

<sup>1</sup> See Postal Regulatory Commission, Strategic Plan: 2017-2022, available at <https://www.prc.gov/sites/default/files/Strategic%20Plan%202017-2022%2009222016%20OSA.pdf>.

<sup>2</sup> See, e.g., 39 U.S.C. 3652-3653, establishing the annual compliance review process. Other statutory areas of Commission oversight include 39 U.S.C. 3622-3633 (the Market Dominant and Competitive product ratemaking systems); 39 U.S.C. 3641 (market tests); 39 U.S.C. 3642 (mail classification changes); 39 U.S.C. 3654 (required financial reporting from the Postal Service); 39 U.S.C. 3661 (conducting hearings and issuing advisory opinions with respect to nature-of-service changes); and 39 U.S.C. 3662 (hearing rate and service complaints).

this information has always been available to the public in the form in which the Commission receives it, it is spread across a myriad of reports and filings in the Commission's docketing system and knowing where to look for relevant information is not necessarily intuitive for the general public. Much of the data exists in the form of "library references," which consist of electronic spreadsheets, workpapers, and other supporting material relevant to Commission proceedings, where it is frequently included within multiple layers of compressed files. See 39 CFR 3010.125.

As directed by statute, the Commission prepares reports on an annual basis, and these reports highlight and discuss important findings, trends, results, etc. with respect to the Postal Service's operations, finances, and performance. However, for generalists and members of the public who are not postal experts, but who seek to obtain specific relevant information relatively quickly, this process may seem somewhat opaque. Moreover, there is a necessary lag time between the receipt of relevant information by the Commission and the issuance of formal reports based on that information. Furthermore, statutorily prescribed reporting periods typically cover previous periods, such as prior fiscal years, such that the information contained in Commission reports can lag what is happening "on the ground" by many months. While the Commission complies with all relevant statutes and strives to make its reports accessible to the general public, the Commission is exploring how the information contained therein might be made even more accessible.

Congress has encouraged federal agencies to improve the quality and accessibility of their data.<sup>3</sup> The Commission is required to comply with the OPEN Government Data Act,<sup>4</sup> and the Commission looks to open data policies for guidance on transparency initiatives. As part of these efforts, the Commission is in the process of developing an online dashboard that provides visual data and interactive tools to allow the public to view service performance results for many of the Postal Service's Market Dominant mail products (and product components) at the national level. The data on which

these results are based are filed each year in Annual Compliance Review (ACR) dockets; but, for the reasons explained above, accessing it may not necessarily be intuitive for members of the public.<sup>5</sup>

Consistent with the data that the Commission receives, the service performance dashboard focuses on national-level service performance results for specific Market Dominant postal products and/or product components.<sup>6</sup> The dashboard does not have the capability to visualize geographic data, such as regional or ZIP Code level service performance results.<sup>7</sup> The dashboard reflects information that is already available to the public and does not present any personally identifiable information. The initial service performance dashboard can be found at <https://www.prc.gov/dash-deploy>.

### III. Invitation for Comments

The Commission invites interested persons to comment on the initial service performance dashboard, as well as on the Commission's more general efforts to make Postal Service data more accessible and usable for the public. Regarding the service performance dashboard, the Commission seeks comment specifically on the following discussion areas:

- The overall usefulness and desirability of dashboard-style visualization with respect to the Postal Service's national-level service performance.
- The current dashboard's presentation, usability, functionality, and any other features.

<sup>5</sup> Specifically, service performance data are generally filed in a library reference, typically "Postal Service Library Reference 29," in ACR dockets. See, e.g., Docket No. ACR2020, Library Reference USPS-FY20-29, December 29, 2020 (service performance data pertaining to Fiscal Year 2020); Docket No. ACR2019, Library Reference USPS-FY19-29, December 27, 2019 (service performance data pertaining to Fiscal Year 2019), etc.

<sup>6</sup> See 39 CFR part 3055, subpart A, which establishes the required level of service performance reporting by the Postal Service.

<sup>7</sup> The United States Postal Service Office of Inspector General publishes national, division, and district data based on the composite results provided by the Postal Service at the following web page: <https://www.uspsaig.gov/service-performance>. These data are not the product-level results (as required by 39 CFR part 3055) used to evaluate compliance in the ACR dockets. The national composite results serve as public performance indicators used to evaluate the Postal Service's progress toward its High-Quality Service performance goal. See, e.g., Docket No. ACR2020, Analysis of the Postal Service's FY 2020 Annual Performance Report and FY 2021 Performance Plan, June 2, 2021, at 34-35.

- The scope of products and/or product components covered by the current dashboard.
- The frequency of desired updates (e.g., quarterly, annually, etc.).
- The desirability of being able to download source data, and if so, in what format.

Regarding data accessibility and usability more generally, the Commission seeks comment specifically on the following discussion areas:

- What, if any, other dashboards should the Commission develop that are consistent with the Commission's statutory authorities (e.g., postal finances, etc.)?
- What other forms of data visualization should the Commission explore?
- Who would be the likely users of Commission dashboards and what information they would be most interested in?
- Whether bulk access and Application Programming Interface (API)<sup>8</sup> functionality with respect to Commission data would be useful to mailers, postal customers, or other postal stakeholders?
- What machine readable formats are most useful to external users?

The dashboard linked above is limited to public information currently provided by the Postal Service to the Commission for its regulatory purposes pursuant to Title 39 and consistent with the Commission's regulations. Comments suggesting presentation of data not currently provided to the Commission or not currently available to the public are beyond the scope of the initial service performance dashboard but may be considered for future efforts to the extent consistent with the law and the Commission's mission and resources.<sup>9</sup>

Comments are due March 18, 2022 and reply comments are due April 7, 2022. Material filed in this docket will be available for review on the Commission's website, <http://www.prc.gov>.

Pursuant to 39 U.S.C. 505, Manon A. Boudreault is appointed to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this docket.

<sup>8</sup> "An Application Programming Interface, or API, is a set of software instructions and standards that allows machine to machine communication," available at <https://digital.gov/2013/04/30/apis-in-government/>.

<sup>9</sup> The treatment of information and data provided to the Commission as non-public material is governed by 39 U.S.C. 504(g), 3652(f), 3654(f), and 39 CFR parts 3006 and 3011.

<sup>3</sup> See, e.g., the E-Government Act, Public Law 107-347, 116 Stat. 2899 (2002); the Digital Accountability and Transparency Act (DATA Act), Public Law 113-101, 128 Stat. 1146 (2014); and the OPEN Government Data Act, Public Law 115-435, 132 Stat. 5534 (2019).

<sup>4</sup> OPEN Government Data Act, Public Law 115-435, 132 Stat. 5534 (2019), Title II.

#### IV. Ordering Paragraphs

*It is ordered:*

1. The Commission establishes Docket No. PI2022–2 for the purpose of receiving public input with respect to the Commission's new service performance dashboard and other questions of data accessibility and usability.

2. Interested persons may submit written comments no later than March 18, 2022 and reply comments are due April 7, 2022.

3. Pursuant to 39 U.S.C. 505, Manon A. Boudreault is appointed to serve as Public Representative in this proceeding.

4. The Secretary shall arrange for publication of this Notice in the **Federal Register**.

By the Commission.

**Erica A. Barker**,  
Secretary.

[FR Doc. 2022–03327 Filed 2–15–22; 8:45 am]

**BILLING CODE 7710–FW–P**

#### POSTAL SERVICE

##### Privacy Act of 1974; System of Records

**AGENCY:** Postal Service™.

**ACTION:** Notice of a modified system of records.

**SUMMARY:** The United States Postal Service™ (USPS™) is proposing to modify a General Privacy Act System of Records to facilitate effective preparedness and response to potential emerging public health crises and other emergency events that may impact Postal Service employees and operations in the working environment. **DATES:** These revisions will become effective without further notice on March 18, 2022 unless comments received on or before that date result in a contrary determination.

**ADDRESSES:** Comments may be submitted via email to the Privacy and Records Management Office, United States Postal Service Headquarters ([privacy@usps.gov](mailto:privacy@usps.gov)). Arrangements to view copies of any written comments received, to facilitate public inspection, will be made upon request.

**FOR FURTHER INFORMATION CONTACT:** Janine Castorina, Chief Privacy and Records Management Officer, Privacy and Records Management Office, 202–268–3069 or [privacy@usps.gov](mailto:privacy@usps.gov).

**SUPPLEMENTARY INFORMATION:** This notice is in accordance with the Privacy Act requirement that agencies publish their systems of records in the **Federal**

**Register** when there is a revision, change, or addition, or when the agency establishes a new system of records.

#### I. Background

The Postal Service has determined that General Privacy Act Systems of Records (SOR), USPS 500.300, Emergency Management Records, should be revised to facilitate effective preparedness and response to potential emerging public health crises and other emergency events that may impact Postal Service employees and operations in the working environment.

#### II. Rationale for Changes to USPS Privacy Act Systems of Records

The emergence of SARS–CoV–2 (COVID–19) in early 2020 identified the need for robust set of policies and practices to ensure operational continuity and employee safety amidst an emergency event, while also protecting individual privacy. To enhance the Postal Service's capability to respond to emergency events, the Postal Service will revise this SOR to broaden the scope of emergency events contemplated therein.

Further, this SOR will be revised to support the collection of information related to ongoing pathogenic public health crises, including an individual's inoculation status related to an ongoing pathogenic public health crisis, as well as to collect information on positive or negative diagnostic test results related to an ongoing pathogenic public health crisis.

These changes will provide greater flexibility to the Postal Service in its ability to prepare for and respond to a wide array of emergencies, and therefore provide greater support in its emergency management procedures.

#### III. Description of the Modified System of Records

The Postal Service will expand the types of Emergency events contemplated by this SOR, including:

- Natural disasters or other acts of God, such as coastal flooding, hurricanes, wildfires, etc.
- Manmade hazards, such as coastal oil spills and terrestrial chemical contamination.
- Manmade incidents, such as significant automobile accidents and active shooter events.
- Acts of international or domestic terrorism and impacts from terrorism, such as the September 11th, 2001 attacks on New York City; Arlington, Virginia; and Pennsylvania and the 1995 Oklahoma City Federal Building attack.

- Cybersecurity incidents, such as ransomware attacks and computer vulnerability exploits.

- Pathogenic public health crises, such as the Novel Coronavirus Disease-19 (COVID–19) pandemic and the 2014 Ebola outbreaks.

These events listed are intended as illustration and are not exhaustive of the types of events covered by the revisions to this SOR.

Additionally, this SOR has been revised as follows:

- Revisions to purposes 1, 2, 4, and 6.
- Creation of purposes 7 through 13.
- Revisions to Categories of Individuals 1 through 4.
- Addition of Category of Individuals 5.
- Revisions to Categories of Records 1, 2, and 4.
- Additions of Categories of Records 5 and 6.
- Addition of Routine Uses b through e.
- Revisions to Record Source Categories.

Pursuant to 5 U.S.C. 552a(e)(11), interested persons are invited to submit written data, views, or arguments on this proposal. A report of the proposed revisions has been sent to Congress and to the Office of Management and Budget for their evaluations. The Postal Service does not expect this amended system of records to have any adverse effect on individual privacy rights. The notice for USPS 500.300, Emergency Management Records, provided below in its entirety, is as follows:

**SYSTEM NAME AND NUMBER:**

USPS 500.300, Emergency Management Records.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Headquarters and all field postal facilities.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief Postal Inspector, United States Postal Inspection Service, United States Postal Service, 475 L'Enfant Plaza SW, Washington, DC 20260.

Vice President, Organization Development, United States Postal Service, 475 L'Enfant Plaza SW, Washington, DC 20260.

Vice President, Facilities, United States Postal Service, 475 L'Enfant Plaza SW, Washington, DC 20260.

Chief Information Security Officer Vice President, 475 L'Enfant Plaza SW, Washington, DC 20260.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

39 U.S.C. 401 and 410.

**PURPOSE(S) OF THE SYSTEM:**

1. To permit collaboration among officially designated individuals and agencies who are responsible for mitigation of, preparation for, response to, and recovery from any naturally occurring disaster, manmade hazard or incident, act of terrorism, cybersecurity incident, or pathogenic public health crisis, involving the Postal Service.
2. To satisfy federal requirements for the training, fitness testing, and medical surveillance of individuals in response to a naturally occurring disaster, manmade hazard or incident, act of terrorism, or pathogenic public health crisis, involving the Postal Service.
3. To test for the exposure of individuals to hazards.
4. To account for the whereabouts of individuals in response to a naturally occurring disaster, manmade hazard or incident, act of terrorism, or pathogenic public health crisis involving the Postal Service.
5. To assess the likelihood of an individual's exposure to a hazard and to contact the individual with important health-related information.
6. To provide information about disaster recovery programs and services to individuals affected by naturally occurring disaster, manmade hazard or incident, act of terrorism, or pathogenic public health crisis involving the Postal Service.
7. To track health evaluations, including temperature checks, self-reporting checklists, and laboratory tests related to an ongoing pathogenic public health crisis.
8. To utilize pathogenic public health crisis medical test results to provide contact tracing services to affected Postal Service employees, contractors, and customers.
9. To track and record vaccination status or employee attestation in lieu of acceptable proof of vaccination status as applicable, related to an ongoing pathogenic public health crisis, including the COVID-19 pandemic, to track and record pathogenic public health crisis medical test results, and maintain rosters with details relating to employees' vaccination status.
10. To provide limited personal information to relevant government health agencies for assistance tracking and controlling infections that are the subject of an ongoing pathogenic public health crisis.
11. To prepare for, identify, and respond to cybersecurity incidents aimed at or affecting the United States Federal Government or the Postal Service.
12. To allow an employee to record their COVID-19 vaccination status and

COVID-19 testing status through mobile and web-based applications.

13. To allow an individual to upload their COVID-19 vaccination status and COVID-19 testing status to mobile and web-based applications by capturing an image of such status.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

1. Postal Service employees, contractors, and other individuals having emergency management responsibilities officially designated by the Postal Service to mitigate, prepare for, respond to, or recover from any naturally occurring disaster, manmade hazard or incident, act of terrorism, pathogenic public health crisis, or cybersecurity incident.
2. Household members of Postal Service employees, contractors, and other individuals having emergency management responsibilities officially designated by the Postal Service to mitigate, prepare for, respond to, or recover from any naturally occurring disaster, manmade hazard or incident, act of terrorism, pathogenic public health crisis, or cybersecurity incident.
3. Individuals who are evacuees from postal facilities or who are unaccounted for in the event of a naturally occurring disaster, manmade hazard or incident, act of terrorism, or pathogenic public health crisis.
4. Individuals whose names have been provided to the Postal Service by government agencies or disaster relief organizations as a result of a naturally occurring disaster, manmade hazard or incident, act of terrorism, pathogenic public health crisis, or cybersecurity incident.
5. Postal Service employees who provide the Postal Service with acceptable proof of COVID-19 vaccination status or, in the alternative, weekly COVID-19 testing results (or test results prior to return to physical postal facilities or workplaces).

**CATEGORIES OF RECORDS IN THE SYSTEM:**

1. *Emergency management information:* Records related to Postal Service employees and contractors having officially designated emergency management responsibilities, including: Name; Social Security Number or Employee Identification Number; date of birth; postal or contract assignment information; home, work, and emergency contact information; duty location, work schedule; and assigned emergency management devices.
2. *Medical fitness and surveillance information:* Records related to medical documentation such as: Receipt of prophylaxis, a roster of COVID-19

vaccinations, other vaccinations, related to an ongoing pathogenic public health crisis, diagnostic tests, antibody tests, other medical tests as necessary and related to an ongoing pathogenic public health crisis, determinations of fitness to wear protective equipment, and surveillance for exposure to hazards.

3. *Emergency management training information:* Records related to specialized training in emergency management of natural disasters and manmade hazards completed by emergency management personnel.

4. *Evacuee information:* Records of individuals who are impacted by natural disasters or manmade hazards, such as name; postal or contract assignment information; home, work, and emergency contact information; home and work address; location in facility and activities prior to evacuation; route of exit from facility; rallying point; and emergency medical treatment administered to evacuees.

5. *Public Health Crisis Records:* Records of individual medical test results for infections relating to a state of emergency or public health crisis; records of individual vaccination against pathogens, a roster of employee vaccination status, identified as either fully vaccinated, partially (not fully) vaccinated, not fully vaccinated due to a medical or religious accommodation, non-disclosed, or vaccine attestation statements provided in lieu of proof of vaccination; and reports of work-related COVID-19 fatalities and work-related COVID-19 in-patient hospitalizations.

6. *COVID-19 Software Application Records:* Employee Identification Number, Vaccination Status, Vaccine Manufacturer, Vaccine Date, Postal Email Address, Personal Email Address, Vaccine Proof Image, Vaccine Exemption Status, Vaccine Exemption Reason, Test Result Status, Last Testing Date, Testing Kit Result Image, Date of Test, and Attachment Uploads.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Standard routine uses 1 through 9 apply. In addition:

(a) Medical records may be disclosed to an individual's private treating physician, to medical personnel retained by the Postal Service, and to public health agencies to provide medical examinations, medications, or treatment to individuals covered by this system of records.

(b) Personal information, not to exceed name, positive or negative pathogenic public health crisis diagnostic test results, testing facility name, testing facility contact



information, positive or negative pathogenic public health crisis antibody test results, address, and preferred contact information, may be disclosed to the Centers for Disease Control and Prevention, National Institutes of Health, and any relevant state or local public health authorities covering an area affected by an ongoing pathogenic public health crisis.

(c) Disclosure of records to appropriate agencies, entities, and persons when (1) the Postal Service suspects or has confirmed that there has been a breach of the system of records; (2) the Postal Service has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Postal Service (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 the Postal Service's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

(d) Disclosure of employee COVID-19 vaccine documentation and any COVID-19 test results to the Assistant Secretary of Labor for Occupational Safety and Health, their designees, employees, individuals authorized by that employee, or employee representatives upon request.

(e) Disclosure of work-related COVID-19 fatalities and hospitalizations to the Occupational Safety and Health Administration (OSHA).

#### RECORD SOURCE CATEGORIES:

Employees; contractors; medical staff of the Postal Service; designated contractors; public health agencies; emergency response providers, first responders; individuals who are evacuated in the event of a naturally occurring disaster, manmade hazard or incident, act of terrorism, pathogenic public health crisis, or cybersecurity incident; and household members of USPS employees and other individuals having emergency management responsibilities officially designated by the Postal Service.

#### POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Automated database, computer storage media, and paper.

#### POLICIES OF PRACTICES FOR RETRIEVAL OF RECORDS:

By name, Social Security Number, Employee Identification Number, and postal facility name.

#### POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

- Emergency management information and emergency management training information is retained 5 years beyond the end of the period for which the individual is assigned emergency management responsibilities.
- Medical documentation including fitness and medical surveillance information is retained 30 years from the date of collection.
- Evacuee information is retained 5 years from the date of collection.
- Records related to employee vaccination and employee medical test related to a pathogenic public health crisis are retained for 5 years from date of collection.
- Records related to COVID-19 Software Application Records are retained for 24 months.

Records existing on paper are destroyed by burning, pulping, or shredding. Records existing on computer storage media are destroyed according to the applicable Postal Service media sanitization practice.

#### ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Paper records, computers, and computer storage media are located in controlled-access areas under supervision of program personnel. Access to these areas is limited to authorized personnel, who must be identified with a badge. Access to records is limited to individuals whose official duties require such access. Contractors and licensees are subject to contract controls and unannounced on-site audits and inspections. Computers are protected by mechanical locks, card key systems, or other physical access control methods. The use of computer systems is regulated with installed security software, computer logon identifications, and operating system controls including access controls, terminal and transaction logging, and file management software.

#### RECORD ACCESS PROCEDURES:

Requests for access must be made in accordance with the Notification Procedure above and USPS Privacy Act regulations regarding access to records and verification of identity under 39 CFR 266.5.

#### CONTESTING RECORD PROCEDURES:

See *Notification Procedure* (below) and *Record Access Procedures* (above).

#### NOTIFICATION PROCEDURE:

Current and former employees and contractors wanting to know if information about them is maintained in

this system of records must address inquiries to the facility head where currently or last employed. Headquarters employees or contractors must submit inquiries to the Chief Postal Inspector. Requests must include full name, Social Security Number or Employee Identification Number, and employment or contract dates. Individuals from whom evacuee information may have been collected must address inquiries to the head of the facility from which they were evacuated. Household members of current or former field employees and other individuals having emergency management responsibilities officially designated by the Postal Service must address inquiries to the facility head where the postal employee in their household is currently or was last employed. Household members of current or former Headquarters employees and other individuals having emergency management responsibilities officially designated by the Postal Service must submit inquiries to the Chief Postal Inspector.

#### SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(j) and (k), USPS has established regulations at 39 CFR 266.9 that exempt records in this system depending on their purpose.

#### HISTORY:

June 27, 2012, 77 FR 3834; July 17, 2008, 73 FR 41134; April 29, 2005, 70 FR 22516.

**Sarah E. Sullivan,**

*Attorney, Ethics & Legal Compliance.*

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-94222; File No. SR-NYSE-2021-68]

**Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of Proposed Rule Change, as Modified by Amendment No. 1, To Revise the Suite of Complimentary Products and Services Offered To Listed Companies**

February 10, 2022.

### I. Introduction

On December 13, 2021, New York Stock Exchange LLC (“NYSE” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section

19(b)(1) of the Securities Exchange Act of 1934 (“Act”) <sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> a proposed rule change to revise the suite of complimentary products and services offered to listed companies pursuant to Section 907.00 of the NYSE Listed Company Manual (“Manual” or “LCM”). The proposed rule change was published for comment in the **Federal Register** on December 29, 2021.<sup>3</sup> The Commission received no comments on the proposal. On February 4, 2022, the Exchange filed partial Amendment No. 1 to the proposed rule change.<sup>4</sup> The Commission is publishing this notice to solicit comments on the proposed rule change, as modified by Amendment No. 1, from interested persons and is approving the proposed rule change, as modified by Amendment No. 1, on an accelerated basis.

## II. Description of the Proposal, as Modified by Amendment No. 1

### Description of the Current Rule

Section 907.00 of the NYSE Manual sets forth complimentary products and services that issuers are entitled to receive in connection with their NYSE listing.<sup>5</sup> The Exchange currently offers certain complimentary products and services and access to discounted third-party products and services through the NYSE Market Access Center to currently and newly listed issuers.<sup>6</sup> The Exchange also provides complimentary market surveillance products and services (with a commercial value of approximately \$55,000 annually), Web-hosting products and services (with a

commercial value of approximately \$16,000 annually), Web-casting services (with a commercial value of approximately \$6,500 annually), market analytics products and services (with a commercial value of approximately \$30,000 annually), and news distribution products and services (with a commercial value of approximately \$20,000 annually).<sup>7</sup>

Currently, the products and services are offered to Eligible New Listings<sup>8</sup> and Eligible Transfer Companies<sup>9</sup> based on the following tiers:<sup>10</sup>

*Tier A:* For Eligible New Listings and Eligible Transfer Companies with a global market value of \$400 million or more, in each case calculated as of the date of listing on the Exchange, the Exchange offers market surveillance, market analytics, Web-hosting, Web-casting, and news distribution products and services for a period of 48 calendar months.

*Tier B:* For Eligible New Listings and Eligible Transfer Companies with a global market value of less than \$400 million, in each case calculated as of the date of listing on the Exchange, the Exchange offers Web-hosting, market analytics, Web-casting, and news distribution products and services for a period of 48 calendar months.<sup>11</sup>

The products and services are offered to currently listed companies that meet the eligibility requirements (“Eligible Current Listings”) based on the following tiers:

*Tier One:* The Exchange offers (i) a choice of market surveillance or market analytics products and services, and (ii)

Web-hosting and Web-casting products and services to U.S. issuers that have 270 million or more total shares of common stock issued and outstanding in all share classes, including and in addition to Treasury shares, and non-U.S. companies that have 270 million or more shares of an equity security issued and outstanding in the U.S., each calculated annually as of September 30<sup>12</sup> of the preceding year.

*Tier Two:* At each such issuer’s election, the Exchange offers a choice of either (i) market analytics or (ii) Web-hosting and Web-casting products to: (1) U.S. issuers that have 160 million to 269,999,999 total shares of common stock issued and outstanding in all share classes, including and in addition to Treasury shares, calculated annually as of September 30 of the preceding year; and (2) non-U.S. companies that have 160 million to 269,999,999 shares of an equity security issued and outstanding in the U.S., calculated annually as of September 30 of the preceding year.<sup>13</sup>

In addition to the foregoing, the Exchange provides all listed issuers with complimentary access to whistleblower hotline services (with a commercial value of approximately \$4,000 annually) for a period of 24 calendar months.<sup>14</sup>

### Proposed Amendments to Section 907.00 of the NYSE LCM

The Exchange proposes to amend Section 907.00 of the Manual. According to the Exchange, Eligible Current Listings would be entitled on a prorated annual basis to a new suite of products and services starting on the first day of the first calendar month after the approval date for the proposed amendments.<sup>15</sup> Eligible New Listings and Eligible Transfer Companies would receive the proposed new suite of products and services if they list on or after the date this proposal is approved by the Commission.<sup>16</sup> Moreover, the

<sup>12</sup> Under current Section 907.00 of the NYSE LCM, a U.S. issuer or non-U.S. company that has the requisite number of shares outstanding on September 30 will begin (or continue, as the case may be) to receive the suite of complimentary products and services for which it is eligible as of the following January 1. In the event that a U.S. issuer or non-U.S. company completes a corporate action between October 1 and December 31 that increases the number of shares it has outstanding, the Exchange will calculate its outstanding shares as of December 31 and determine whether it has become eligible to receive Tier One or Tier Two services. If eligible, the Exchange will offer such services as of the immediately succeeding January 1. *See id.*

<sup>13</sup> *See id.*

<sup>14</sup> *See id.*

<sup>15</sup> *See id.*

<sup>16</sup> *See id.*

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> *See* Securities Exchange Act Release No. 93865 (December 23, 2021), 86 FR 74115 (“Notice”).

<sup>4</sup> In Amendment No. 1, the Exchange revised the proposal to clarify that: (i) The products and services available to issuers under Tier One and Tier A are limited to those stated in the rule, (ii) an issuer’s eligibility for services under Tier One and Tier Two is based on its shares outstanding as of the preceding September 30 unless recalculated due to an additional issuance between October 1 and December 31 during the preceding calendar year, and (iii) there is no significant change in the overall value of the services with the exception that all issuers would receive 48 months of whistleblower services with an approximate annual value of \$4,000 rather than 24 months of such services in the Statutory Basis. In addition, in Amendment No. 1, the Exchange provided a description of the three new categories of products and services available to issuers under the proposal, which include the Board of Directors Platform, Virtual Event Platform, and Environmental, Social and Governance Tools (“ESG”), as well as an example of how a listed company would be eligible to receive Tier One or Tier Two services under the proposal. Amendment No. 1 is available on the Commission’s website at: <https://www.sec.gov/comments/sr-nyse-2021-68/srnyse202168-20114608-266849.pdf> (“Amendment No. 1”).

<sup>5</sup> *See* Notice, *supra* note 3, at 74116.

<sup>6</sup> *See id.*

<sup>7</sup> *See id.*

<sup>8</sup> For purposes of Section 907.00 of the NYSE LCM, the term “Eligible New Listing” means (i) any U.S. company that lists common stock on the Exchange for the first time and any non-U.S. company that lists an equity security on the Exchange under Section 102.01 or 103.00 of the NYSE LCM for the first time, regardless of whether such U.S. or non-U.S. company conducts an offering and (ii) any U.S. or non-U.S. company emerging from a bankruptcy, spinoff (where a company lists new shares in the absence of a public offering), and carve-out (where a company carves out a business line or division, which then conducts a separate initial public offering). For purposes of Section 907.00 of the NYSE LCM, an “equity security” means common stock or common share equivalents such as ordinary shares, New York shares, global shares, American Depository Receipts, or Global Depository Receipts. *See id.*

<sup>9</sup> For purposes of Section 907.00 of the NYSE LCM, the term “Eligible Transfer Company” means any U.S. or non-U.S. company that transfers its listing of common stock or equity securities, respectively, to the Exchange from another national securities exchange. *See id.*

<sup>10</sup> Section 907.00 of the NYSE LCM provides for separate service entitlements for Acquisition Companies listed under Section 102.06 of the NYSE LCM and the issuers of Equity Investment Tracking Stocks listed under Section 102.07 of the NYSE LCM. *See id.*

<sup>11</sup> *See id.*

Exchange states that issuers would not be required as a condition of listing to utilize the complimentary products and services available to them pursuant to Section 907.00 of the Manual, and issuers may decide to contract themselves for other products and services.<sup>17</sup> The Exchange further states that companies receiving products and services as Eligible New Listings or Eligible Transfer Companies that list before the operative date will continue to be eligible to receive the products and services for which they are eligible under the rule as in effect before that date.<sup>18</sup>

#### *Modified List of Products and Services*

The Exchange proposes to amend the suite of products and services provided under Section 907.00 of the Manual. As amended, the suite of available products and services would be as follows: Market intelligence (with a maximum commercial value of approximately \$50,000 annually),<sup>19</sup> market analytics (with a maximum commercial value of approximately \$30,000 annually), board of directors platform (with a maximum commercial value of approximately \$40,000 annually),<sup>20</sup> virtual event platform (with a maximum commercial value of approximately \$30,000 annually),<sup>21</sup> ESG (with a maximum commercial value of approximately \$30,000 annually),<sup>22</sup> Web-hosting and Web-casting products and services (with a maximum commercial value of approximately \$25,000 annually),<sup>23</sup> and

news distribution products and services (with a maximum commercial value of approximately \$20,000 annually).<sup>24</sup>

The Exchange states that it proposes, in certain cases, to provide companies with the flexibility in choosing the types and levels of services that best meet their needs, while providing that all qualified companies within a tier are entitled to receive the same dollar value of services.<sup>25</sup> Under the current rule, a listed company may choose among the various service categories, where choosing a particular service requires the company to forego another service category entirely.<sup>26</sup> The proposed rule adopts a more flexible approach for (i) Eligible New Listings and Eligible Transfers that qualify for Tier A and (ii) currently listed companies that qualify for Tier One, in which cases, companies will be eligible to choose different levels of services from the different categories, subject to a maximum overall value of services used.<sup>27</sup>

#### *Amended Offering for Eligible New Listings and Eligible Transfers*

The proposed amended offering of products and services for Eligible New Listings and Eligible Transfers would be as follows:

*Tier A:* For a period of 48 calendar months, with respect to Eligible New Listings and Eligible Transfer Companies that list on the Exchange after approval of these amendments with a global market value of \$400 million or more, in each case calculated as of the date of listing on the Exchange, the Exchange offers products and services with a maximum combined commercial value of approximately \$125,000 annually, consisting of (i) Web-hosting and Web-casting products and services, (ii) news distribution products and services, and (iii) a selection from among a suite of products and services, consisting of market

since service providers now market these two services together rather than separately. The Exchange states that the aggregate value of Web-hosting and Web-casting services would increase slightly due to increased prices charged by service providers. See Notice, *supra* note 3, at 74117.

<sup>24</sup> See *id.* at 74116–17. The Exchange further proposes to remove the reference to the Market Access Center from Section 907.00 of the NYSE LCM. The Exchange states that this does not reflect any change in the nature of the services to be provided or how issuers will access those services, and that the Market Access Center concept was simply a way of identifying the entire suite of available products and services and promoting their availability to issuers. See *id.* at 74117.

<sup>25</sup> See *id.*

<sup>26</sup> See *id.* The Exchange states, for example, that a company with Tier One eligibility can choose either market surveillance or market analytics products and services but cannot receive both. See *id.*

<sup>27</sup> See *id.*

intelligence, market analytics, board of directors platform, virtual event platform, or ESG products and services.<sup>28</sup>

*Tier B:* For a period of 48 calendar months, with respect to Eligible New Listings and Eligible Transfer Companies that list on the Exchange after approval of these amendments with a global market value of less than \$400 million, in each case calculated as of the date of listing on the Exchange, the Exchange offers (i) Web-hosting and Web-casting products and services, (ii) market analytics, and (iii) news distribution products and services.<sup>29</sup>

The Exchange states that the methodology used for determining global market value under the proposed amended rule for an Eligible New Listing or Eligible Transfer Company would be the same as is used under the current rule.<sup>30</sup>

#### *Amended Offering for Currently Listed Companies*

The proposed amended offering of products and services for Eligible Current Listings would be as follows:

*Tier One:* For U.S. issuers that have 270 million or more total shares of common stock issued and outstanding in all share classes, including and in addition to Treasury shares, and non-U.S. companies that have 270 million or more shares of an equity security issued and outstanding in the U.S., each calculated annually as of September 30 of the preceding year (unless recalculated due to an additional issuance between October 1 and December 31 during the preceding calendar year), the Exchange offers products and services with a maximum combined commercial value of approximately \$75,000 annually, to be effective as of the following January 1, consisting of (i) Web-hosting and Web-casting products and services and (ii) a selection from among a suite of products and services, consisting of market intelligence, market analytics, board of directors platform, virtual event platform, or ESG products and services.<sup>31</sup>

*Tier Two:* Effective January 1, at each issuer's election, the Exchange offers a choice of: (i) Market analytics; (ii) Web-hosting and Web-casting products; or (iii) virtual event platform to:

(1) U.S. issuers that have 160 million to 269,999,999 total shares of common stock issued and outstanding in all

<sup>28</sup> See *id.* and Amendment No. 1, *supra* note 4, at 3.

<sup>29</sup> See Notice, *supra* note 3, at 74117.

<sup>30</sup> See *id.*

<sup>31</sup> See Amendment No. 1, *supra* note 4, at 3–4.

<sup>17</sup> See *id.*

<sup>18</sup> See *id.*

<sup>19</sup> The proposed services offering includes market intelligence, rather than market surveillance as in the current rule. According to the Exchange, this change reflects a change in the types of service packages offered by the service providers from whom the Exchange purchases these services. These service providers now also provide additional information that is intended to track investors' views about an issuer and how those views change over time. The Exchange states that the small decrease in the value attributed to this service is a result of pricing competition in a highly competitive market for these services. See *id.* at 74117.

<sup>20</sup> The Board of Directors Platform is a software program that enables secure document sharing, agenda sharing, and voting for public company boards of directors. See Amendment No. 1, *supra* note 4, at 4.

<sup>21</sup> The Virtual Event Platform is a technology platform that enables companies to communicate with their investors by holding investor days, capital markets days, and other investment community events virtually. See *id.* at 5.

<sup>22</sup> ESG are products and services that assist companies in aggregating and organizing ESG on a cross-organization basis, generally to facilitate public disclosure. See *id.*

<sup>23</sup> The current rule treats Web-hosting and Web-casting services as two separate items in the suite of available services, while the proposed rule amendments aggregate them as a single option. According to the Exchange, it is making this change

share classes, including and in addition to Treasury shares, calculated annually as of September 30 of the preceding year (unless recalculated due to an additional issuance between October 1 and December 31 during the preceding calendar year); and

(2) non-U.S. companies that have 160 million to 269,999,999 shares of an equity security issued and outstanding in the U.S., calculated annually as of September 30 of the preceding year (unless recalculated due to an additional issuance between October 1 and December 31 during the preceding calendar year).<sup>32</sup>

The Exchange states that the methodology used in determining the number of shares issued and outstanding for purposes of eligibility for Tier One or Tier Two would be the same as under the current rule.<sup>33</sup>

#### *Proposal To Adjust Entitlements of Currently Listed Companies After January 1*

Pursuant to the proposed rule change, if a U.S. issuer or non-U.S. company completes a corporate action during the course of a calendar year for which its eligibility for services is being determined and that corporate action increases the number of shares it has outstanding, the Exchange would calculate its outstanding shares immediately after such corporate action and determine whether it has become eligible to receive Tier One or Tier Two services.<sup>34</sup> If eligible, the Exchange would offer such services for the remainder of that calendar year, with such eligibility commencing as of the beginning of the following calendar month.<sup>35</sup> The following is a summary of how a listed company would be able to become eligible to receive Tier One or Tier Two services upon approval of this proposal:

○ A company can become eligible for Tier One or Tier Two services for a full calendar year starting on January 1 if it meets the applicable shares outstanding requirement as of September 30 of the preceding calendar year.

○ A company that does not meet the applicable shares outstanding requirement as of September 30 of the preceding calendar year will still be eligible for services for a full calendar year if it completes a corporate action between October 1 and December 31 that increases the number of shares it has outstanding and the Exchange, upon calculating the company's outstanding

shares as of December 31, determines that it has become eligible to receive Tier One or Tier Two services. If eligible, the Exchange will offer such services as of January 1 of the succeeding year.

○ If a company qualifies to be eligible for Tier One or Tier Two services during the course of a calendar year as set forth in the paragraph immediately above, it will receive the services for which it has become eligible for the remainder of that calendar year starting on the first day of the first calendar month after its eligibility has been determined.<sup>36</sup>

#### *Period of Eligibility for Whistleblower Services*

The Exchange currently provides all listed issuers with complimentary access to whistleblower hotline services (with a commercial value of approximately \$4,000 annually) for a period of 24 calendar months.<sup>37</sup> The Exchange proposes to extend this period of eligibility to 48 months.<sup>38</sup>

### **III. Discussion and Commission's Findings**

The Commission has carefully reviewed the proposed rule change and finds that it is consistent with the requirements of Section 6 of the Act.<sup>39</sup> Specifically, the Commission believes it is consistent with the provisions of Sections 6(b)(4) and 6(b)(5) of the Act,<sup>40</sup> in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among Exchange members, issuers, and other persons using the Exchange's facilities, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. Moreover, the Commission believes that the proposed rule change is consistent with Section 6(b)(8) of the Act<sup>41</sup> in that it does not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

The Commission believes that the proposed changes to (i) amend the complimentary products and services it offers to companies, (ii) allow a currently listed U.S. issuer or non-U.S. company to receive Tier One or Tier Two services if it becomes eligible following a corporate action during the calendar year at the beginning of the

following month, and (iii) increase the period that all issuers receive access to whistleblower hotline services from 24 months to 48 months are appropriate and consistent with the Act. The Commission believes that the Exchange is responding to competitive pressures in the market for listings in making this proposal.<sup>42</sup> The Exchange represents that the market for new listings and for the retention and transfer of listed companies is competitive and the Commission understands that the Exchange competes, in part, by offering complimentary services to companies.<sup>43</sup> In addition, the Commission believes that the proposal reflects the current competitive environment for exchange listings among national securities exchanges and does not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act, consistent with Section 6(b)(8) of the Act.<sup>44</sup>

The Commission has previously found that the package of complimentary services offered to issuers is equitably allocated among issuers consistent with Section 6(b)(4) of the Act.<sup>45</sup> The Commission notes that all listed companies will continue to receive some level of free services and that, within each tier, all issuers will continue to be offered the exact same package of services, for the same period of time.<sup>46</sup> Given that under the proposal, Eligible Current Listings, Eligible New Listings, and Eligible Transfer Companies within each tier will continue to be offered the same complimentary products and services<sup>47</sup> for the same period of time, the Commission continues to believe that the package of complimentary services

<sup>42</sup> See Securities Exchange Act Release No. 65127 (Aug. 12, 2011), 76 FR 51449 (Aug. 18, 2011) (SR-NYSE-2011-20) ("2011 Approval Order"). The Exchange states that products and services discussed herein are provided by third-party vendors. In its proposal, the Exchange states that issuers are not forced or required to use the complimentary products and services and some issuers have selected competing products and services. See Notice, *supra* note 3, at 74118.

<sup>43</sup> See Notice, *supra* note 3, at 74118-19.

<sup>44</sup> 15 U.S.C. 78f(b)(8).

<sup>45</sup> See 2011 Approval Order, *supra* note 42, 76 FR at 51452. See also Exchange Act Release No. 76127 (Oct. 9, 2015), 80 FR 62584, 62587 (Oct. 15, 2015) (SR-NYSE-2015-36) ("2015 Approval Order").

<sup>46</sup> See *infra* note 51 and accompanying text.

<sup>47</sup> The Commission notes that Eligible New Listings and Eligible Transfers that qualify for Tier A and Eligible Current Listings that qualify for Tier One will be eligible to choose different levels of services from the different categories, subject to a maximum overall value of services used. See *supra* notes 25 and 27 and accompanying text. The Commission believes that this approach will provide companies with greater flexibility while providing that all qualified companies within a tier are entitled to receive the same dollar value of services.

<sup>36</sup> See Amendment No. 1, *supra* note 4, at 5.

<sup>37</sup> See Notice, *supra* note 3, at 74118.

<sup>38</sup> See *id.*

<sup>39</sup> 15 U.S.C. 78f. In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

<sup>40</sup> 15 U.S.C. 78f(b)(4) and (5).

<sup>41</sup> 15 U.S.C. 78f(b)(8).

<sup>32</sup> See *id.*

<sup>33</sup> See Notice, *supra* note 3, at 74117.

<sup>34</sup> See *id.* at 74117-18.

<sup>35</sup> See *id.* at 74118.

is equitably allocated among issuers consistent with Section 6(b)(4) of the Act<sup>48</sup> and the rule does not unfairly discriminate between issuers consistent with Section 6(b)(5) of the Act.<sup>49</sup>

The Commission also believes that the ability of companies to qualify for Tier One or Tier Two services during the course of a calendar year if the company has a corporate action that increases its number of shares and receive those services on a prorated basis for the balance of that calendar year is consistent with the Act. The Commission notes that those companies would need to satisfy the same eligibility requirements as companies that are already receiving the services of the applicable tier. Additionally, the Commission believes that it is appropriate for the Exchange to offer varying services to different categories of issuers.<sup>50</sup> The Commission has previously found that the tiers originally established under the corporate products and services rule was consistent with the Act,<sup>51</sup> and the Exchange has represented that there is not “any significant change in the overall value of the services to which any company would be entitled (with the exception that it is proposed that all issuers would going forward be entitled to 48 months of whistleblower services with an approximate annual value of \$4,000, rather than 24 months of services as is currently the case)” under the proposed rule.<sup>52</sup>

Further, the Commission believes that describing in the Exchange’s rules the products and services available to listed companies, their associated values, and the length of time for which issuers are entitled to receive such services adds greater transparency to the Exchange’s

rules and to the fees applicable to listed companies and will ensure that individual listed companies are not given specially negotiated packages of products or services to list, or remain listed, which would raise unfair discrimination issues under the Act.<sup>53</sup> In addition, the Commission believes that it is reasonable, and in fact required by Section 19(b) of the Act, that the Exchange amend its rules to update the products and services it offers to Eligible Current Listings, Eligible Transfer Companies, and Eligible New Listings, including the time periods for which such products and services are offered and the commercial value of such products and services. This provides greater transparency to the Exchange’s rules and the fees, and the value of free products and services, applicable to listed companies.

Based on the foregoing, the Commission believes that the Exchange has provided a sufficient basis for amending the products and services offered to Eligible New Listings, Eligible Transfer Companies, and Eligible Current Listings, allowing a currently listed U.S. issuer or non-U.S. company to receive Tier One or Tier Two services if it becomes eligible following a corporate action during the calendar year at the beginning of the following month, and increasing the period of time that all issuers receive complimentary access to whistleblower hotline services from 24 months to 48 months, and that these changes are consistent with Section 6(b)(4) of the Act.<sup>54</sup> The Commission also continues to believe that the rule does not unfairly discriminate between issuers, consistent with Section 6(b)(5) of the Act.<sup>55</sup> Finally, the Commission believes that the proposal does not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act, consistent with Section 6(b)(8) of the Act.<sup>56</sup>

#### IV. Solicitation of Comments on Amendment No. 1

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as modified by Amendment No. 1, 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](mailto:rule-comments@sec.gov). Please include File No. SR–NYSE–2021–68 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 No. SR–NYSE–2021–68. These file numbers 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 changes that are filed with the Commission, and all written communications relating to the proposed rule changes 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 filings also will be available for inspection and copying at the principal office of the Exchanges. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–NYSE–2021–68 and should be submitted on or before [insert date 21 days from publication in the **Federal Register**].

#### V. Accelerated Approval of Proposed Rule Change, as Modified by Amendment No. 1

The Commission finds good cause, pursuant to Section 19(b)(2) of the Act, to approve the proposed rule change, as modified by Amendment No. 1, prior to the 30th day after the date of publication of Amendment No. 1 in the **Federal Register**. As discussed above, in

<sup>48</sup> 15 U.S.C. 78f(b)(4).

<sup>49</sup> 15 U.S.C. 78f(b)(5).

<sup>50</sup> For example, under the proposal, companies receiving services under Tier One and Tier A will be eligible for three new products and services as described above. See *supra* notes 20–22.

<sup>51</sup> See 2011 Approval Order, *supra* note 42. In particular, the 2011 Approval Order states that while not all issuers receive the same level of services, NYSE has stated that trading volume and market activity are related to the level of services that the listed companies would use in the absence of complimentary arrangements. The Commission found, among other things, that “. . . the products and services and their commercial value are equitably allocated among issuers consistent with Section 6(b)(4) of the Act, and the rule does not unfairly discriminate between issuers consistent with Section 6(b)(5) of the Act.” See *id.* at 51452. The Commission also previously found that expanding the complimentary products and services offered to some tiers but not others was justified, in part, based on the different-sized companies within each tier and the amount of services they needed. See Securities Exchange Act Release No. 70971 (Dec. 3, 2013), 78 FR 73905 (Dec. 9, 2013).

<sup>52</sup> See Amendment No. 1, *supra* note 4, at 4.

<sup>53</sup> See 2015 Approval Order, *supra* note 45, 80 FR at 62587. The Commission notes that the Exchange also stated that no other company will be required to pay higher fees as a result of the proposal and that providing the proposed services will have no impact on the resources available for its regulatory programs. See Notice, *supra* note 3, at 74118.

<sup>54</sup> 15 U.S.C. 78f(b)(4).

<sup>55</sup> 15 U.S.C. 78f(b)(5).

<sup>56</sup> 15 U.S.C. 78f(b)(8).

Amendment No. 1, the Exchange generally clarifies, among other things, (i) the ability of companies to qualify for Tier One or Tier Two services during the course of a calendar year and (ii) the products and services the Exchange offers to Eligible New Listings, Eligible Transfer Companies, and Eligible Current Listings, including a description of new products and services and updated value of the products and services.<sup>57</sup> The Commission believes that these revisions merely provide clarity to the proposed rule change and do not raise any new or novel issues. Accordingly, the Commission finds good cause for approving the proposed rule change, as modified by Amendment No. 1, on an accelerated basis, pursuant to Section 19(b)(2) of the Act.<sup>58</sup>

## VI. Conclusion

*It is therefore ordered*, pursuant to Section 19(b)(2) of the Act,<sup>59</sup> that the proposed rule change (SR-NYSE-2021-68), as modified by Amendment No. 1, be, and it hereby is, approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>60</sup>

**J. Matthew DeLesDernier**,  
Assistant Secretary.

[FR Doc. 2022-03280 Filed 2-15-22; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 34501; 812-15293]

### Brinker Capital Destinations Trust

February 10, 2021.

**AGENCY:** Securities and Exchange Commission (“Commission”).

**ACTION:** Notice.

Notice of an application under Section 6(c) of the Investment Company Act of 1940 (“Act”) for an exemption from Section 15(c) of the Act.

**SUMMARY OF APPLICATION:** The requested exemption would permit a Trust’s board of trustees (the “Board”) to approve new sub-advisory agreements and material amendments to existing sub-advisory agreements without complying with the in-person meeting requirement of Section 15(c) of the Act.

**APPLICANT:** Brinker Capital Destinations Trust (the “Trust”).

**FILING DATES:** The application was filed on December 28, 2021.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing on any application by emailing the SEC’s Secretary at [Secretarys-Office@sec.gov](mailto:Secretarys-Office@sec.gov) and serving the relevant applicant with a copy of the request by email, if an email address is listed for the relevant applicant below, or personally or by mail, if a physical address is listed for the relevant applicant below.

Hearing requests should be received by the Commission by 5:30 p.m. on March 7, 2022, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0-5 under the Act, hearing requests should state the nature of the writer’s interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission’s Secretary.

**ADDRESSES:** The Commission: [Secretarys-Office@sec.gov](mailto:Secretarys-Office@sec.gov). Applicants: John J. O’Brien, Esq., [johnobrien@morganlewis.com](mailto:johnobrien@morganlewis.com).

**FOR FURTHER INFORMATION CONTACT:** Terri Jordan, Branch Chief, at (202) 551-3239 (Division of Investment Management, Chief Counsel’s Office).

**SUPPLEMENTARY INFORMATION:** For Applicants’ representations, legal analysis, and condition, please refer to Applicants’ application, dated December 28, 2021, which may be obtained via the Commission’s website by searching for the file number, using the Company name box, at <http://www.sec.gov/search/search.htm>, or by calling (202) 551-8090.

For the Commission, by the Division of Investment Management, under delegated authority.

**J. Matthew DeLesDernier**,  
Assistant Secretary.

[FR Doc. 2022-03269 Filed 2-15-22; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-94223; File No. SR-NYSE-2022-07]

### Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Its Price List

February 10, 2022.

Pursuant to Section 19(b)(1)<sup>1</sup> of the Securities Exchange Act of 1934 (the “Act”)<sup>2</sup> and Rule 19b-4 thereunder,<sup>3</sup> notice is hereby given that, on February 9, 2022, New York Stock Exchange LLC (“NYSE” 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 self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Price List to (1) align the charges for market at-the-close (“MOC”) and limit at-the close (“LOC”) orders on MOC/LOC Tiers 1, 2 and 3, revise the requirements for MOC/LOC Tier 3, introduce incremental per share discounts on MOC orders under MOC/LOC Tier 1, 2 and 3, and revise the rate for all other orders swept into the close; (2) introduce new credits for removing liquidity from the Exchange in Tape C securities; and (3) introduce new Tier 1 Adding Credits in Tape C securities, revise the requirements for Adding Tier 2 in Tape B and C securities, and introduce a new Adding Tier in Tape C securities. The Exchange proposes to implement the rule change on February 9, 2022.<sup>4</sup> The proposed rule change is available on the Exchange’s website at [www.nyse.com](http://www.nyse.com), 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 self-regulatory organization included

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 15 U.S.C. 78a.

<sup>3</sup> 17 CFR 240.19b-4.

<sup>4</sup> The Exchange originally filed to amend the Price List on January 27, 2022 (SR-NYSE-2022-06). SR-NYSE-2022-06 was subsequently withdrawn and replaced by this filing.

<sup>57</sup> See Amendment No. 1, *supra* note 4.

<sup>58</sup> 15 U.S.C. 78s(b)(2).

<sup>59</sup> 15 U.S.C. 78s(b)(2).

<sup>60</sup> 17 CFR 200.30-3(a)(12).

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 those 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 parts of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change*

1. Purpose

The Exchange proposes to amend its Price List to (1) align the charges for MOC and LOC orders on MOC/LOC Tier 1, 2 and 3, revise the requirements for MOC/LOC Tier 3, introduce incremental per share discounts on MOC orders under MOC/LOC Tier 1, 2 and 3, and revise the rate for all other orders swept into the close; (2) introduce new credits for removing liquidity from the Exchange in Tape C securities; and (3) introduce new Tier 1 Adding Credits in Tape C securities, revise the requirements for Adding Tier 2 in Tape B and C securities, and introduce a new Adding Tier in Tape C securities.

The proposed changes responds to the current competitive environment where order flow providers have a choice of where to direct not only liquidity-providing and liquidity-removing orders but also MOC orders in NYSE-listed securities by aligning incentives for member organizations to send additional adding and removing liquidity to the Exchange.

The Exchange proposes to implement the rule change on February 9, 2022.

Current Market and Competitive Environment

The Exchange operates in a highly competitive market. 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."<sup>5</sup>

As the Commission itself has recognized, the market for trading

services in NMS stocks has become "more fragmented and competitive."<sup>6</sup> Indeed, equity trading is currently dispersed across 16 exchanges,<sup>7</sup> 31 alternative trading systems,<sup>8</sup> and numerous broker-dealer internalizers and wholesalers. Based on publicly-available information, no single exchange has more than 20% of the market.<sup>9</sup> Therefore, no exchange possesses significant pricing power in the execution of equity order flow. More specifically, the Exchange's share of executed volume of equity trades in Tapes A, B and C securities is less than 12%.<sup>10</sup>

In addition, with the growth of broker-dealer internalization of MOC orders and the availability of the Cboe Market Close, there has been increased competition for MOC Orders in NYSE-listed securities. In the currently highly competitive national market system, numerous exchanges and other order execution venues compete for order flow intraday as well as at the close, and competition for closing orders is robust. For example, in 2021, 25.2% of volume at the NYSE closing price in NYSE-listed securities was executed off-exchange.

The Exchange believes that the ever-shifting market share among trading venues from month to month demonstrates that market participants can move order flow, or discontinue or reduce use of certain categories of products, in response to fee changes. While it is not possible to know a firm's reason for shifting order flow, the Exchange believes that one such reason is because of fee changes at any of the registered exchanges or non-exchange venues to which the firm routes order flow. These fees vary month to month, and not all are publicly available. With respect to non-marketable order flow that would provide liquidity on an exchange, member organizations can choose from any one of the 16 currently operating registered exchanges to route such order flow. With respect to MOC Order flow, member organizations can

choose among multiple options of where to execute such orders. Accordingly, competitive forces constrain the Exchange's transaction fees, and market participants can readily trade on competing venues if they deem pricing levels at those other venues to be more favorable.

In response to this competitive environment, the Exchange has established incentives for member organizations who submit orders that provide liquidity on the Exchange. The Exchange has also established incentives for member organizations to remove liquidity from the Exchange. As detailed below, the proposed higher fees and credits are intended to align incentives for trading both on the close and intraday, which the Exchange believes will increase the quality of order execution on the Exchange's market, which benefits all market participants.

Proposed Rule Change

The Exchange proposes changes to credits and fees for certain executions at the close as well as for adding and removing liquidity in Tape C securities in order to attract liquidity to the Exchange. The Exchange believes that the proposed changes, taken together, will incentivize submission of additional liquidity in Tape A, B and Tape C securities to a public exchange, thereby promoting price discovery and transparency and enhancing order execution opportunities for member organizations.

Align MOC and LOC Orders in MOC/LOC Tiers 1, 2 and 3

The Exchange currently charges different fees for MOC and LOC orders in MOC/LOC Tiers 1, 2 and 3. The Exchange proposes to align the fees for MOC and LOC orders by raising the rates for MOC orders to parity with the rates for LOC orders, as follows.

Currently, for MOC/LOC Tier 1, the Exchange charges \$0.0004 per share for MOC orders and \$0.0007 per share for LOC orders from any member organization in the prior three billing months executing (1) an average daily trading volume ("ADV") of MOC activity on the NYSE of at least 0.45% of NYSE consolidated ADV ("CADV"),<sup>11</sup> (2) an ADV of total close activity (MOC/LOC and executions at the close) on the NYSE of at least 0.7% of NYSE CADV, and (3) whose MOC activity comprised at least 35% of the member organization's total close activity (MOC/LOC and other executions at the close).

<sup>11</sup> ADV and CADV are defined in footnote \* of the Price List.

<sup>5</sup> See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (S7-10-04) (Final Rule) ("Regulation NMS").

<sup>6</sup> See Securities Exchange Act Release No. 51808, 84FR 5202, 5253 (February 20, 2019) (File No. S7-05-18) (Transaction Fee Pilot for NMS Stocks Final Rule) ("Transaction Fee Pilot").

<sup>7</sup> See Cboe Global Markets, U.S. Equities Market Volume Summary, available at [http://markets.cboe.com/us/equities/market\\_share/](http://markets.cboe.com/us/equities/market_share/). See generally <https://www.sec.gov/fast-answers/divisionsmarketregmrexchangesshtml.html>.

<sup>8</sup> See FINRA ATS Transparency Data, available at <https://otctransparency.finra.org/otctransparency/AtsIssueData>. A list of alternative trading systems registered with the Commission is available at <https://www.sec.gov/foia/docs/atlist.htm>.

<sup>9</sup> See Cboe Global Markets U.S. Equities Market Volume Summary, available at [http://markets.cboe.com/us/equities/market\\_share/](http://markets.cboe.com/us/equities/market_share/).

<sup>10</sup> See id.

The Exchange proposed to charge \$0.0007 per share for MOC orders meeting the requirements of MOC/LOC Tier 1. The requirements of MOC/LOC Tier 1 would remain the same.

For MOC/LOC Tier 2, the Exchange currently charges \$0.0005 per share for MOC orders and \$0.0008 per share for LOC orders from any member organization in the prior three billing months executing (1) an ADV of MOC activity on the NYSE of at least 0.35% of NYSE CADV, (2) an ADV of total close activity (MOC/LOC and other executions at the close) on the NYSE of at least 0.525% of NYSE CADV, and (3) whose MOC activity comprised at least 35% of the member organization's total close activity (MOC/LOC and other executions at the close). The Exchange proposes to charge \$0.0008 per share for MOC orders meeting the requirements of MOC/LOC Tier 2. The tier requirements would remain unchanged.

For MOC/LOC Tier 3, the Exchange currently charges \$0.0008 per share for MOC orders and \$0.0009 per share for LOC orders from any member organization executing in the current billing month (1) an ADV of MOC activity on the NYSE of at least 0.25% of NYSE (Tape A) CADV, (2) an ADV of the member organization's total close activity (MOC/LOC and other executions at the close) on the NYSE of at least 0.35% of NYSE (Tape A) CADV, and (3) whose MOC activity comprised at least 35% of the member organization's total close activity (MOC/LOC and other executions at the close). The Exchange proposes to charge \$0.0009 per share for MOC orders meeting the revised requirements for MOC/LOC Tier 3. Specifically, member organization executing in the current billing month would need (1) an ADV of MOC activity on the NYSE of at least 0.20% of NYSE (Tape A) CADV and (2) an ADV of the member organization's total close activity (MOC/LOC and other executions at the close) on the NYSE of at least 0.30% of NYSE (Tape A) CADV. The third requirement for MOC/LOC Tier 3, that member organizations MOC activity comprise at least 35% of the member organization's total close activity (MOC/LOC and other executions at the close), would remain unchanged.

MOC/LOC Tier 1 and 2 pricing on the Exchange has remained unchanged since 2018.<sup>12</sup> The MOC/LOC Tier 3 rate has also remained unchanged since its

<sup>12</sup> See Securities Exchange Act Release No. 82563 (January 22, 2018), 83 FR 3799 (January 26, 2018) (SR-NYSE-2018-03).

adoption in 2018.<sup>13</sup> The proposed change to the rate for Tier 1 and 2 MOC orders would revert to the rates to those in effect prior to the 2018 MOC/LOC Tier fee changes.<sup>14</sup> However, as described below, the Exchange will provide member organizations an opportunity to qualify for incremental per share discounts that would allow a member organization to qualify for MOC/LOC Tier pricing that would be in line with the current tier pricing for MOC Orders. But even without the discounts described below, the proposed rates for MOC orders under Tier 1 and Tier 2, would be lower than or equal to the best applicable rate on other primary listing exchanges.<sup>15</sup>

#### Incremental Per Share Discounts on MOC Orders

As a way of offsetting the proposed higher fees for tiered MOC orders, the Exchange proposes incremental discounts per share on MOC orders for member organizations that meet the requirements of the MOC/LOC Tiers 1–3 in the billing month. These proposed discounts are designed to align incentives among both trading on the close and intraday trading on the Exchange.

As proposed, member organizations that have an Adding ADV<sup>16</sup> in Tapes A, B and C Securities as a percentage of Tapes A, B and C CADV, excluding any liquidity added by a Designated Market Maker (“DMM”), that is at least 0.50%, would be eligible for an incremental discount per share of \$0.0001. Alternatively, a member organization has an Adding ADV in Tapes A, B and

<sup>13</sup> See Securities Exchange Act Release No. 82706 (February 13, 2018), 83 FR 7282 (February 20, 2018) (SR-NYSE-2018-08).

<sup>14</sup> See Securities Exchange Act Release No. 78233 (July 6, 2016), 81 FR 45190 (July 12, 2016) (SR-NYSE-2016-47) (setting the MOC/LOC Tier 1 fee to \$0.0007 per share and the MOC/LOC Tier 2 fee to \$0.0008).

<sup>15</sup> For example, the best applicable fee on the NASDAQ Stock Market, LLC (“NASDAQ”) is \$0.0016 per executed share, with the lowest possible rate available on Nasdaq of \$0.0008 per executed share, which is available only if a firm adds liquidity in all Tapes above 1.75% of Consolidated Volume or MOC/LOC volume above 0.50% of Consolidated Volume. See NASDAQ Price List, available at <https://www.nasdaqtrader.com/Trader.aspx?id=PriceListTrading2>. The highest rate for LOC orders in Tier 3 would also be lower than the NASDAQ fee. The closing auction fee on Cboe BZX for listed securities is \$0.00100. See Cboe BZX Fee Schedule, available at [https://www.cboe.com/us/equities/membership/fee\\_schedule/bzx/](https://www.cboe.com/us/equities/membership/fee_schedule/bzx/). The Exchange notes that the NASDAQ requirements for MOC/LOC volume is a percentage of all Tapes CADV, whereas the NYSE requirement is all close (MOC/LOC and other orders at the close) as a percentage of just Tape A CADV.

<sup>16</sup> Footnote 2 to the Price List defines ADV as “average daily volume” and “Adding ADV” as ADV that adds liquidity to the Exchange during the billing month.

C Securities as a percentage of Tapes A, B and C CADV, excluding any liquidity added by a DMM, that is at least 1.00% would instead be eligible for a \$0.0002 incremental discount per share. Finally, member organizations with an ADV of at least 250,000 shares entered and executed by its affiliated Floor broker would also be eligible for an incremental per share discount of \$0.0001. This last discount would be in addition to either of the first two discounts. For purposes of the proposed discount, an affiliated Floor broker eligible for the discount would be a Floor broker under 75% common ownership or control of the member organization.<sup>17</sup>

For example, assume Member Organization A in the billing month has an ADV of at least:

- 0.45% of Adding as a percentage of Tape A, B and C CADV;
- 0.20% of MOC as a percentage of Tape A CADV;
- 0.30% of total close as a percentage of Tape A CADV; and
- 35% of MOC as a percentage of that member organization's total close ADV.

Based on the foregoing, under the proposed change, Member Organization A would qualify for per share fees for MOC and LOC orders of \$0.0009 under MOC/LOC Tier 3. Without the proposed change, Member Organization A would not qualify under the current higher requirements of 0.25% of MOC and 0.35% of total close as a percentage of Tape A CADV, and would be charged the non-tier rate of \$0.0010 per share. Accordingly, the proposed change could result in a fee reduction for member organizations that would currently only be eligible for the higher non-tier rate.

Assume instead that Member Organization A had an Adding ADV of 0.55% of Tape A, B, and C CADV. In that case, Member Organization A would qualify for a MOC per share discount of \$0.0001 and a combined MOC order fee of \$0.0008. If Member Organization A had a trading Floor ADV of at least 250,000 shares, including adding, removing, open and close ADV, executed by that member organization's affiliated Floor broker, Member Organization A would then qualify for an additional \$0.0001 per share discount, for a combined MOC order fee of \$0.0007.

Assume Member Organization A had an Adding ADV of at least 1.00% rather than 0.55%. In that case, Member Organization A would qualify for a

<sup>17</sup> The Price List defines “affiliate” as any member organization under 75% common ownership or control of that member organization. See Price List, General, Section I (Billing Disputes).



\$0.0002 per share discount, instead of \$0.0001 as in the previous example, for a combined discount of \$0.0003 and a combined MOC order fee of \$0.0006 (including the additional \$0.0001 per share Floor broker discount), which would be *lower* than the current MOC/LOC Tier 3 rate of \$0.0008 per share. Member Organization A's fee for LOC orders would remain at the MOC/LOC Tier 3 fee of \$0.0009.

As the example shows, the discounts provide for several ways for member organizations to lower their effective MOC fee to levels that are comparable and even below the current rates for MOC orders on MOC/LOC Tier 3 and equal to the current MOC/LOC Tier 1 and 2 today. In addition, because the discounts are structured such that they are available based on higher adding volumes or sending orders to affiliated Floor brokers, the discounts also enhance liquidity provision on the Exchange and/or support the maintenance and potential expansion of a trading Floor presence by member organizations. The Exchange believes that expanding the trading Floor presence by member organizations would benefit investors by increasing the amount of order flow to and execution opportunities on a public exchange, thereby encouraging greater participation and liquidity. Moreover, it should be noted that member organizations have alternative ways to participate in lower MOC rates at the closing auction. MOC orders executed by a Floor broker are eligible for a \$0.0005 standard rate unless a lower tiered fee applies. Member organizations also have the option of utilizing D Orders last modified (as defined in the Price List) earlier than 25 minutes before the scheduled close of trading, which would give the member organization a \$0.0003 rate, which is lower than the lowest proposed MOC/LOC Tier 1 rate. D Orders entered between 3:35 up to 3 minutes before the close are also charged a \$0.0007 fee, which is lower than the proposed MOC/LOC Tier 2 rate for MOC orders. The Exchange notes that these discounts also provide member organizations with flexibility to qualify for discounts, either through Adding ADV or through their affiliated Floor broker.

Since the proposed incremental discounts are new, the Exchange does not know how many member organizations could qualify for the new discounts based on their current trading profile and if they choose to direct order flow to the Exchange. Based on the profile of liquidity-adding firms generally, the Exchange believes that additional member organizations could

qualify for the discounts if they choose to direct order flow to the Exchange. However, without having a view of member organization's activity on other exchanges and off-exchange venues, the Exchange has no way of knowing whether this proposed rule change would result in any member organization directing orders to the Exchange in order to qualify for the discounts.

#### Orders at the Close

Currently, the Exchange does not charge member organizations for the first 750,000 ADV of the aggregate of executions at the close for d-Quote, Floor broker executions swept into the close, excluding verbal interest, and executions at the close, excluding MOC orders, LOC orders and CO orders. As set forth in the Price List, the Exchange charges certain fees differentiated by time of entry (or last modification) for D Orders at the close after the first 750,000 ADV of the aggregate of executions at the close by a member organization. All other orders from continuous trading swept into the close are charged \$0.0007. The Exchange proposes to charge all other orders from continuous trading swept into the close \$0.0008, which is in line with the applicable fee on other marketplaces.<sup>18</sup>

#### Credits for Removing Liquidity in Tape C Securities

For Tape B and C securities, the Exchange currently offers a Remove Tier for securities at or above \$1.00 for member organizations that have a minimum amount of Adding ADV. The Exchange also charges a lower remove fee of \$0.00285 in Tapes B and C for member organization with an Adding ADV, excluding liquidity added by a DMM, that is at least 250,000 ADV on the NYSE in Tape A.

The Exchange proposes two new credits for member organizations removing liquidity in Tape C securities. First, the Exchange proposes a \$0.0026 per share fee for removing in Tape C securities if the member organizations achieves a 0.25% Adding Tape C percentage of Tape C CADV. Second, the Exchange proposes a \$0.0027 per share fee for removing in Tape C securities if the member organization achieves a 0.10% Adding Tape C percentage of Tape C CADV.

Since the proposed credits are new, the Exchange does not know how many member organizations could qualify for the new credits based on their current

trading profile and if they choose to direct order flow to the Exchange. Based on the profile of liquidity-adding firms generally, the Exchange believes that additional member organizations could qualify for the tier if they choose to direct order flow to the Exchange. However, without having a view of member organization's activity on other exchanges and off-exchange venues, the Exchange has no way of knowing whether this proposed rule change would result in any member organization directing orders to the Exchange in order to qualify for either of the new credits.

#### Tiered Adding Credits in Tape B and C Securities

The current Tier 1 Adding Credit in Tape B and C Securities offers a credit of \$0.0026 per share on a per tape basis for transactions in stocks with a per share price of \$1.00 or more when adding liquidity to the Exchange if the member organization has at least 0.10% of Adding CADV in Tape B or C on a per tape basis. For purposes of qualifying for this tier, the 0.10% of Adding CADV could include shares of both an SLP-Prop and an SLMM of the same or an affiliated member organization.<sup>19</sup> The Exchange proposes that member organizations meeting the adding liquidity requirements for Tier 1, which would remain unchanged, would be eligible for a \$0.0029 per share credit instead for Tape C securities. Member organizations meeting the adding liquidity requirements for Tier 1 would continue to be eligible for the existing \$0.0026 per share credit for Tape B securities.

Similarly, the current Tier 2 Adding Credit offers a per tape credit of \$0.0023 per share for transactions in stocks with a per share price of \$1.00 or more when adding liquidity to the Exchange if the member organization has at least 0.03% of Adding CADV in Tape B or C on a per tape basis. For purposes of qualifying for this tier, the 0.03% of Adding CADV could include shares of both an SLP-Prop and an SLMM of the same or an affiliated member organization. The Exchange proposes to require at least 0.05% of Adding CADV in Tape B or C in order to qualify for

<sup>19</sup> Under Rule 107B, a SLP can be either a proprietary trading unit of a member organization ("SLP-Prop") or a registered market maker at the Exchange ("SLMM"). For purposes of the 10% average or more quoting requirement in assigned securities pursuant to Rule 107B, quotes of an SLP-Prop and an SLMM of the same member organization are not aggregated. However, for purposes of adding liquidity for assigned SLP securities in the aggregate, shares of both an SLP-Prop and an SLMM of the same member organization are included.

<sup>18</sup> For example, the NASDAQ's Continuous Book fee is \$0.00085. See NASDAQ Price List, available at <https://www.nasdaqtrader.com/Trader.aspx?id=PriceListTrading2>.

this credit. The current credit would remain unchanged.

Finally, the Exchange proposes a new Tape C Adding Tier credit that would offer a per tape credit of \$0.0031 per share for transactions in stocks with a per share price of \$1.00 or more when adding liquidity to the Exchange if the member organization has at least 0.25% of Adding CADV in Tape C securities. The Exchange believes that the proposed Tape C Adding Tier would further contribute to incenting member organizations to provide additional amounts of liquidity on the Exchange. As noted above, the Exchange operates in a competitive environment, particularly as it relates to attracting non-marketable orders, which add liquidity to the Exchange. The Exchange does not know how much order flow in Tape C securities that member organizations choose to route to other exchanges or to off-exchange venues. Because the proposed Tape C Adding Tier would be new, the Exchange does not know how many member organizations could qualify for the new credit based on their current trading profile and if they choose to direct order flow to the Exchange. Based on the profile of liquidity-adding firms generally, the Exchange believes that additional member organizations could qualify for the tier if they choose to direct order flow to the Exchange. However, without having a view of member organization's activity on other exchanges and off-exchange venues, the Exchange has no way of knowing whether this proposed rule change would result in any member organization directing orders to the Exchange.<sup>20</sup>

## 2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,<sup>21</sup> in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,<sup>22</sup> in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons

<sup>20</sup> The Exchange proposes the non-substantive change of relocating the phrase "(including shares of both an SLP-Prop and an SLMM of the same or an affiliated member organization)" without change from Tier 1 and Tier 2 to the first column of the chart following "Per-Tape Requirement (Non-SLP and Floor broker Adding % Tape CADV)" in order to avoid duplication. Further, the Exchange proposes the non-substantive change of deleting "per share on a per Tape basis" in Tier 1 and "per share" in Tier 2 and adding "per share" following "Display Adding Rate" in the first column to similarly avoid duplication.

<sup>21</sup> 15 U.S.C. 78f(b).

<sup>22</sup> 15 U.S.C. 78f(b)(4) & (5).

using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

## The Proposed Change Is Reasonable

In light of the competitive environment in which the Exchange currently operates, the proposed rule change is a reasonable attempt to increase liquidity on the Exchange and improve the Exchange's market share relative to its competitors. The Exchange believes the proposed change is also reasonable because it is designed to attract higher volumes of orders transacted on the Exchange by member organizations by aligning incentives for trading both on the close and intraday, which would benefit all market participants by offering greater price discovery and an increased opportunity to trade on the Exchange, both intraday and during the closing auction.

## Orders at the Close

The Exchange believes that the proposed fee change for certain executions at the close are reasonable. The Exchange's closing auction is a recognized industry benchmark,<sup>23</sup> and member organizations receive a substantial benefit from the Exchange in obtaining high levels of executions at the Exchange's closing price on a daily basis.

The Exchange believes that the proposed increased fees and incentives for fee discounts for MOC orders are a reasonable way to encourage greater liquidity and achieving the proposed discounts. MOC orders are always marketable and therefore have a higher likelihood of execution at the close which have value. MOC orders also contribute meaningfully to the price and size discovery, which is the hallmark of the closing auction process. Higher volumes of MOC orders contribute to the quality of the Exchange's closing auction and provide market participants whose orders are swept into the close with a greater opportunity for execution. Further, as noted above, in the currently highly competitive national market system, competition for closing orders among exchanges, ATSS and other market execution venues is robust.

In addition, the Exchange believes that lowering the required ADV of MOC activity on the NYSE as a percentage of Tape A CADV and total close activity (MOC/LOC and other executions at the close) on the NYSE as a percentage of Tape A CADV in order to qualify for MOC/LOC Tier 3 is reasonable because,

<sup>23</sup> For example, the pricing and valuation of certain indices, funds, and derivative products require primary market prints.

coupled with the increased fee, the Exchange believes the change would encourage greater participation which leads to greater marketable and other liquidity at the closing auction. As noted, higher volumes of MOC orders contribute to the quality of the Exchange's closing auction and provide market participants whose orders are executed at the close with a greater opportunity for execution, which benefits all participants. As noted above, the rate for MOC orders has remained unchanged since 2018, and the proposed change to the rate for Tier 1 and 2 MOC orders would revert to the rates to those in effect prior to the changes made in 2018 to lower the MOC/LOC Tier 1 and 2 rates. Moreover, even without the proposed incremental discounts, the proposed rates for MOC orders, including the highest proposed rate, would be lower than or in line with the applicable rate on other marketplaces.<sup>24</sup> The Exchange offers other ways for member organizations to achieve lower fees in the close, including MOC orders through their Floor broker or D Orders last modified earlier than 25 minutes before the scheduled close of trading.

Further, the Exchange believes that offering proposed incremental per share discounts on MOC orders is a reasonable way to lower a member organization's effective fee for MOC orders. The proposed discounts based on increased Adding ADV in Tapes A, B and C Securities as a percentage of Tapes A, B and C CADV and/or through entry by an affiliated Floor broker is also a reasonable way to encourage submission of additional liquidity to a public exchange and the submission of additional marketable liquidity to the Exchange's closing auction. Member organizations can also achieve discounts by using their affiliated Floor broker to achieve the ADV requirement, which combined with the above discount gives member organizations flexibility in achieve lower fees for MOC orders. As noted, members and member organizations benefit from the substantial amounts of liquidity that are present on the Exchange during such time. The Exchange notes that other marketplaces provide discounts based on intraday adding volume, and that aligning incentives for lower pricing at the close with additional intraday volume is not novel. For example, NASDAQ offers six MOC/LOC tiers with fees ranging from \$0.0008 to \$0.00145 and a non-tier rate of \$0.0016 based on adding volume or MOC/LOC volume per MPID as a percentage of Tapes A, B

<sup>24</sup> See note 15, *supra*.

and C. The proposed requirements to achieve the proposed discounts are lower than NASDAQ's current requirements and, as noted, even without the discounts, the proposed rates are lower than or in line with NASDAQ's discounted rates.<sup>25</sup> Finally, the Exchange believes that increasing the fee for all other orders from continuous trading swept into the close is also reasonable because it remains in line or better when compared with other exchanges.<sup>26</sup>

#### Tape C Incentives

The Exchange believes that the proposed incentives relating to adding and removing liquidity in Tape C securities are a reasonable way to incentivize member organizations to add and remove liquidity on a public exchange.

Specifically, the proposal to introduce new credits for member organizations removing liquidity in Tape C securities of \$0.0026 and \$0.0027 would incentivize member organizations to remove additional liquidity from the Exchange, thereby increasing the number of orders adding liquidity that are executed on the Exchange to achieve the tier requirements which improves overall liquidity on a public exchange and resulting in lower costs for member organizations that qualify for the rate. Without having a view of a member organization's activity on other markets and off-exchange venues, the Exchange believes the proposed credits would provide an incentive for member organizations to remove additional liquidity from the Exchange in Tape C securities. The Exchange notes that the proposed fees are in line with or better than the applicable rate on other marketplaces.<sup>27</sup>

The proposed changes to the Tier 1 and Tier 2 Adding Credits in Tape B and C Securities and the introduction of a Tier 3 Adding Credit in Tape C securities are also reasonable. The proposed \$0.0029 per share credit for Tape C securities for member organizations meeting the adding liquidity requirements of Tier 1 and requiring a higher Adding CADV in Tape B or C in order to qualify for the Tape 2 Adding Credit are reasonable because the changes would further contribute to incenting member organizations to provide additional amounts of liquidity on the Exchange in Tape C securities, and all member

organizations would benefit from such increased levels of liquidity.

Finally, the proposed new Tape C Tier Adding credit of \$0.0031 per share when adding liquidity to the Exchange if the member organization has at least 0.25% of Adding CADV in Tape C securities is reasonable because it would also further contribute to incenting member organizations to provide additional amounts of liquidity on the Exchange. As noted above, the Exchange operates in a competitive environment, particularly as it relates to attracting non-marketable orders, which add liquidity to the Exchange. The Exchange does not know how much order flow member organizations choose to route to other exchanges or to off-exchange venues. The Exchange believes that the higher adding requirement to qualify for adding credits in Tape C securities would provide greater incentives for member organizations to add more liquidity to the Exchange. The Exchange does not know how much order flow member organizations choose to route to other exchanges or to off-exchange venues. Based on the profile of liquidity-adding firms generally, the Exchange believes that additional member organizations could qualify for the proposed tiered credit if they choose to direct order flow to the Exchange. However, without having a view of member organizations' activity on other exchanges and off-exchange venues, the Exchange has no way of knowing whether this proposed rule change would result in any additional member organizations directing orders to the Exchange in order to qualify for the proposed Tape C Tier.

#### The Proposal Is an Equitable Allocation of Fees

The Exchange believes the proposal equitably allocates fees and credits among market participants because all member organizations that participate on the Exchange may qualify for the proposed credits and fees on an equal basis. The Exchange believes its proposal equitably allocates its fees and credits among its market participants by fostering liquidity provision and stability in the marketplace.

#### Orders at the Close

The Exchange believes that the proposed fees for MOC orders and associated discounts are an equitable allocation of fees because the proposed changes, taken together, will incentivize member organizations to send additional adding liquidity to achieve lower fees and encourage greater marketable and other liquidity at the closing auction. Higher volumes of MOC

orders contribute to the quality of the Exchange's closing auction and provide market participants whose orders are swept into the close with a greater opportunity for execution of orders on the Exchange, thereby promoting price discovery and transparency and enhancing order execution opportunities and improving overall liquidity on a public exchange. The Exchange also believes that the proposed change is equitable because it would apply to all similarly situated member organizations that utilize MOC orders on the Exchange. The proposed change also is equitable because the proposed fees, including the highest proposed fee, would be lower than or in line with the applicable rate on other marketplaces.<sup>28</sup>

The Exchange believes that the proposed incremental per share discounts on MOC orders are equitable because the discounts would be available on an equal basis to all similarly situated member organizations that utilize MOC orders on the Exchange. In this regard, the proposed discounts are equitable because any member organization can choose to increase their adding ADV volume in order to qualify for the proposed discounts and any member organization can choose to have an affiliated Floor broker in order to qualify for the additional proposed discount. Moreover, as noted above, alternative ways to achieve lower MOC fees are also available to all similarly situated member organizations that utilize MOC orders on the Exchange on an equal basis.

#### Tape C Incentives

The Tape C incentives for removing and adding liquidity equitably allocate fees and credits among the Exchange's market participants because all member organizations that participate on the Exchange may receive the proposed credits for removing liquidity in Tape C securities and the proposed credits for adding liquidity in if they elect to send their orders to the Exchange and meet the corresponding requirements, including the enhanced requirement for the Tier 2 Adding Credit, in order to qualify for the credits. Without having a view of member organization's activity on other markets and off-exchange venues, the Exchange has no way of knowing whether this proposed rule change would result in any member organizations sending more of their orders to the Exchange. The Exchange cannot predict with certainty how many member organizations would avail

<sup>28</sup> See note 15, *supra*.

<sup>25</sup> See note 15, *supra*.

<sup>26</sup> For example, the NASDAQ's Continuous Book fee is \$0.00085. See NASDAQ Price List, available at <https://www.nasdaqtrader.com/Trader.aspx?id=PriceListTrading2>.

<sup>27</sup> See note 15, *supra*.

themselves of this opportunity, but additional orders would benefit all market participants because it would provide greater execution opportunities on the Exchange.

The Exchange also believes that the proposed change is equitable because it would apply to all similarly situated member organizations that remove and add liquidity in Tape C securities. The proposal neither targets nor will it have a disparate impact on any particular category of market participant. Specifically, the Exchange believes that the proposal constitutes an equitable allocation of fees because all similarly situated member organizations would be eligible for the same credits if they meet the corresponding requirements for the fee or credit. As to those member organizations that do not presently qualify for the adding liquidity credit, the proposal will not adversely impact their existing pricing or their ability to qualify for other credits provided by the Exchange. The proposed change also is equitable because it would be consistent with the applicable rate on other marketplaces. For example, the Cboe BZX fee for removing is \$0.0030 and the requirement to achieve a credit for removing of \$0.0031 is an adding ADV of 1.00% of CADV or 100 million shares ADV.<sup>29</sup>

As previously noted, the Exchange operates in a competitive environment, particularly as it relates to attracting non-marketable orders, which add liquidity to the Exchange. The Exchange does not know how much order flow member organizations choose to route to other exchanges or to off-exchange venues. Because the proposed Tape C incentive involves the introduction of new credits and/or new requirements, the Exchange does not know how many member organizations could qualify for the new remove and add fees based on their current trading profile and if they choose to direct order flow to the Exchange. However, without having a view of member organization's activity on other exchanges and off-exchange venues, the Exchange has no way of knowing whether this proposed rule change would result in any member organization directing orders to the Exchange.

#### The Proposal Is Not Unfairly Discriminatory

The Exchange believes that the proposal is not unfairly discriminatory. In the prevailing competitive environment, member organizations are

free to disfavor the Exchange's pricing if they believe that alternatives offer them better value.

#### Orders at the Close

The proposed increased fees for MOC orders and associated discounts are not unfairly discriminatory because the proposed fees would be applied to all similarly situated member organizations and other market participants, who would all be subject to the same fees, requirements and discounts on an equal basis. For the same reason, the proposal neither targets nor will it have a disparate impact on any particular category of market participant. Accordingly, no member organization already operating on the Exchange would be disadvantaged by this allocation of fees. Further, the Exchange believes the proposal would incentivize member organizations to send more orders to the Exchange to qualify for higher credits. Finally, the submission of orders to the Exchange is optional for member organizations in that they could choose whether to submit orders to the Exchange and, if they do, the extent of its activity in this regard.

Further, the Exchange believes that the proposed incremental per share discounts on MOC orders is not unfairly discriminatory because the discounts would be available on an equal basis to all similarly situated member organizations. As noted above, additional ways to achieve lower MOC fees are also available to all similarly situated member organizations that utilize MOC orders on the Exchange on an equal basis.

#### Tape C Incentives

The Exchange believes it is not unfairly discriminatory to provide additional credits and fees for adding liquidity to the Exchange in Tape C securities because the credits and fees would be provided on an equal basis to all member organizations that add liquidity by meeting the new proposed adding tier requirements. In the prevailing competitive environment, member organizations are free to disfavor the Exchange's pricing if they believe that alternatives offer them better value. The Exchange believes it is not unfairly discriminatory to provide additional credits and revised requirements to encourage liquidity in Tape C securities as the proposed credits and requirements would be provided on an equal basis to all member organizations. Further, the Exchange believes the proposed credits would incentivize member organizations that meet the new requirements to send more orders to the

Exchange. Since the proposed credits would be new, no member organization currently qualifies for them. As noted, without a view of member organization activity on other exchanges and off-exchange venues, the Exchange has no way of knowing whether this proposed rule change would result in any member organization qualifying for the tier. The Exchange believes the proposed credits provide a reasonable incentive for member organizations to direct their order flow to the Exchange and provide meaningful added levels of liquidity in order to qualify for the credits, thereby contributing to depth and market quality on the Exchange.

In addition, the Exchange believes that the proposal is not unfairly discriminatory because it neither targets nor will it have a disparate impact on any particular category of market participant. All member organizations that provide liquidity could be eligible to qualify for the proposed credits in Tape C securities if they meet the proposed requirements. The Exchange believes that offering credits for providing liquidity will continue to attract order flow and liquidity to the Exchange, thereby providing additional price improvement opportunities on the Exchange and benefiting investors generally. As to those market participants that do not presently qualify for the adding liquidity credits, the proposal will not adversely impact their ability to qualify for other credits provided by the Exchange. Finally, as noted, the submission of orders is optional for member organizations in that they could choose whether to submit orders to the Exchange and, if they do, they can choose the extent of their activity in this regard. The Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition.

For the foregoing reasons, the Exchange believes that the proposal is consistent with the Act.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

In accordance with Section 6(b)(8) of the Act,<sup>30</sup> the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, as discussed above, the proposal would encourage the submission of additional liquidity to a public exchange, thereby promoting market depth, price discovery and transparency and

<sup>29</sup> See Cboe BZX Fee Schedule, available at [https://www.cboe.com/us/equities/membership/fee\\_schedule/bzx/](https://www.cboe.com/us/equities/membership/fee_schedule/bzx/).

<sup>30</sup> 15 U.S.C. 78f(b)(8).

enhancing order execution opportunities for member organization. As a result, the Exchange believes that the proposed change furthers the Commission's goal in adopting Regulation NMS of fostering integrated competition among orders, which promotes "more efficient pricing of individual stocks for all types of orders, large and small."<sup>31</sup>

**Intramarket Competition.** The proposed change is designed to attract additional order flow to the Exchange. As described above, the Exchange believes that the proposed change would provide additional incentives for market participants to route liquidity-removing and liquidity-providing orders to the Exchange. Greater liquidity benefits all market participants on the Exchange by providing more trading opportunities and encourages member organizations to send orders, thereby contributing to robust levels of liquidity, which benefits all market participants on the Exchange. Greater overall order flow, trading opportunities, and pricing transparency benefit all market participants on the Exchange by enhancing market quality and continuing to encourage member organizations to send orders, thereby contributing towards a robust and well-balanced market ecosystem. The current and proposed credits would be available to all similarly-situated market participants, and, as such, the proposed change would not impose a disparate burden on competition among market participants on the Exchange.

**Intermarket Competition.** The Exchange operates in a highly competitive market in which market participants can readily choose to send their orders to other exchanges and off-exchange venues if they deem fee levels at those other venues to be more favorable. As noted above, the Exchange currently has less than 12% market share of executed volume of equities trading. In such an environment, the Exchange must continually adjust its fees and rebates to remain competitive with other exchanges and off-exchange venues. Because competitors are free to modify their own fees and credits in response, and because market participants may readily adjust their order routing practices, the Exchange does not believe its proposed fee change can impose any burden on intermarket competition.

The Exchange believes that the proposed change could promote competition between the Exchange and other execution venues, including those that currently offer similar order types

and comparable transaction pricing, by encouraging additional orders to be sent to the Exchange for execution.

**C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others**

No written comments were solicited or received with respect to the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)<sup>32</sup> of the Act and subparagraph (f)(2) of Rule 19b-4<sup>33</sup> thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such 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 under Section 19(b)(2)(B)<sup>34</sup> of the Act 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](mailto:rule-comments@sec.gov). Please include File Number SR-NYSE-2022-07 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-NYSE-2022-07. This file number should be included on the subject line if email is used. To help the Commission process and review your

<sup>32</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>33</sup> 17 CFR 240.19b-4(f)(2).

<sup>34</sup> 15 U.S.C. 78s(b)(2)(B).

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-NYSE-2022-07 and should be submitted on or before March 9, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>35</sup>

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2022-03282 Filed 2-15-22; 8:45 am]

BILLING CODE 8011-01-P

**SECURITIES AND EXCHANGE COMMISSION**

**Release No. 34-94219; File No. SR-Phlx-2022-05]**

**Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Its Fee Schedule, at Equity 7, Section 3**

February 10, 2022.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup>, and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on February 1, 2022, Nasdaq PHLX LLC ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule

<sup>35</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>31</sup> Regulation NMS, 70 FR at 37498-99.

change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### **I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

The Exchange proposes to amend its fee schedule, at Equity 7, Section 3, as described further below.

The text of the proposed rule change is available on the Exchange's website at <https://listingcenter.nasdaq.com/rulebook/phlx/rules>, at the principal office of the Exchange, and at the Commission's Public Reference Room.

### **II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

#### *A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

##### **1. Purpose**

The Exchange proposes to amend its pricing schedule, at Equity 7, Section 3, to adopt a new \$0.0029 per share executed fee for a member organization that removes liquidity from the Exchange to the extent that the member organization: (i) Adds a daily average of at least 2 million shares of liquidity in all securities from the Exchange during the month; (ii) increases its average daily volume added to the Exchange by 50% or more during the month relative to the month of January 2022; (iii) increases its average daily volume added to and removed from the Exchange by 100% or more during the month relative to the month of January 2022; and (iv) adds and removes a daily average of at least 10 million shares of liquidity in all securities from the Exchange during the month. The proposed fee represents a discount relative to the existing fee of \$0.0030 per share executed.<sup>3</sup>

<sup>3</sup> The Exchange proposes to make a conforming change to the existing \$0.0030 per share executed

The Exchange proposes to add this new discounted fee tier to provide an incentive for member organizations to engage in a significant amount of activity on the Exchange as to increase the extent that they do so relative to a recent baseline month. If the proposal is effective in achieving these objectives, then overall activity on the Exchange will increase, and the quality of the market will improve, to the benefit of all participants.

##### **2. Statutory Basis**

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,<sup>4</sup> in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,<sup>5</sup> in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

#### **The Proposal Is Reasonable and Is an Equitable Allocation of Fees**

The Exchange's proposed change to its schedule of fees is reasonable in several respects. As a threshold matter, the Exchange is subject to significant competitive forces in the market for equity securities transaction services that constrain its pricing determinations in that market. The fact that this market is competitive has long been recognized by the courts. In *NetCoalition v. Securities and Exchange Commission*, the D.C. Circuit stated as follows: "[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers' . . . ."<sup>6</sup>

The Commission and the courts have repeatedly expressed their preference for competition over regulatory

fee to reflect the fact that, going forward, it will apply to all other orders that remove liquidity from the Exchange to the extent that a member organization does not meet the criteria for its orders to qualify for the new \$0.0029 per share executed fee.

<sup>4</sup> 15 U.S.C. 78f(b).

<sup>5</sup> 15 U.S.C. 78f(b)(4) and (5).

<sup>6</sup> *NetCoalition v. SEC*, 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

intervention in determining prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system "has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies."<sup>7</sup>

Numerous indicia demonstrate the competitive nature of this market. For example, clear substitutes to the Exchange exist in the market for equity security transaction services. The Exchange is only one of several equity venues to which market participants may direct their order flow.

Within this environment, market participants can freely and often do shift their order flow among the Exchange and competing venues in response to changes in their respective pricing schedules.<sup>8</sup> Within the foregoing context, the proposal represents a reasonable attempt by the Exchange to increase its market share relative to its competitors.

The Exchange believes that it is reasonable and equitable to adopt the new \$0.0029 per share executed fee. The Exchange seeks to increase the extent of overall activity in the market. It is reasonable and equitable to address this need by allocating its limited resources to offer member organizations a discounted fee, relative to the existing \$0.0030 per share executed removal fee, to incent member organizations that remove liquidity from the Exchange to engage in significant activity overall activity on the Exchange, and to increase the extent to which they do so relative to a baseline month. If the proposal is effective in achieving this purpose, then the quality of the Exchange's market will improve, to the benefit of all participants.

#### **The Proposal Is Not Unfairly Discriminatory**

The Exchange believes that the proposal is not unfairly discriminatory. The Exchange intends for its proposal to increase the extent to which member organizations add to and remove

<sup>7</sup> Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) ("Regulation NMS Adopting Release").

<sup>8</sup> The Exchange perceives no regulatory, structural, or cost impediments to market participants shifting order flow away from it. In particular, the Exchange notes that such shifts in liquidity and market share occur within the context of market participants' existing duties of Best Execution and obligations under the Order Protection Rule under Regulation NMS.

liquidity from the Exchange. Increased activity on the Exchange helps to maintain and improve its market quality. Although member organizations that will benefit directly from this proposal are those that are able to add and remove liquidity in the threshold volumes and to grow their activity by the threshold percentages, any improvement in market quality that the proposal facilitates will ultimately benefit all market participants.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

#### *Intramarket Competition*

The Exchange does not believe that its proposal will place any category of Exchange participants at a competitive disadvantage. As noted above, all member organizations of the Exchange will benefit from an increase in activity on the exchange. Moreover, member organizations are free to trade on other venues to the extent they believe that the discounted fee provided is not attractive. As one can observe by looking at any market share chart, price competition between exchanges is fierce, with liquidity and market share moving freely between exchanges in reaction to fee and credit changes.

#### *Intermarket Competition*

The Exchange believes that its proposed new fee will not impose a burden on competition because the Exchange's execution services are completely voluntary and subject to extensive competition both from the other live exchanges and from off-exchange venues, which include alternative trading systems that trade national market system stock. The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee

changes in this market may impose any burden on competition is extremely limited.

The proposed discounted fee is reflective of this competition because, as a threshold issue, the Exchange is a relatively small market so its ability to burden intermarket competition is limited. In this regard, even the largest U.S. equities exchange by volume only has 17–18% market share, which in most markets could hardly be categorized as having enough market power to burden competition. Moreover, as noted above, price competition between exchanges is fierce, with liquidity and market share moving freely between exchanges in reaction to fee and credit changes. This is in addition to free flow of order flow to and among off-exchange venues which comprises more than 40% of industry volume in recent months.

In sum, the Exchange intends for the proposed fee to incent member organizations that remove liquidity from the Exchange to also engage in heightened activity on the Exchange and to thereby contribute to market quality, which is reflective of fierce competition for order flow noted above; however, if the proposed fee is unattractive to market participants, it is likely that the Exchange will either fail to increase its market share or even lose market share as a result. Accordingly, the Exchange does not believe that the proposed new fee will impair the ability of member organizations or competing order execution venues to maintain their competitive standing in the financial markets.

#### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were either solicited or received.

#### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.<sup>9</sup>

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings

to determine whether the proposed rule should be approved or disapproved.

#### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

##### *Electronic Comments*

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>;) or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-Phlx-2022-05 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-Phlx-2022-05*. 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-Phlx-2022-05* and should be submitted on or before March 9, 2022.

<sup>9</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>10</sup>

**J. Matthew DeLesDernier,**  
Assistant Secretary.

[FR Doc. 2022-03279 Filed 2-15-22; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-94217; File No. SR-NYSE-2021-73]

### Self-Regulatory Organizations; New York Stock Exchange LLC; Order Approving a Proposed Rule Change To Amend NYSE Rule 37 To Incorporate Standards of Conduct for the Exchange's Trading Floor

February 10, 2022.

#### I. Introduction

On December 13, 2021, New York Stock Exchange LLC (“NYSE” or the “Exchange”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Exchange Act”) <sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> a proposed rule change to amend NYSE Rule 37 to incorporate standards of conduct for the Exchange's Trading Floor. The proposed rule change was published for comment in the *Federal Register* on December 29, 2021.<sup>3</sup> The Commission has received no comments on the proposed rule change. This order approves the proposed rule change.

#### II. Description of Proposed Rule Change

The Exchange proposes to amend NYSE Rule 37 to incorporate standards of conduct for the Exchange's Trading Floor that are modeled on rules of the Exchange's affiliates NYSE American LLC and NYSE Arca, Inc., and to add amended NYSE Rule 37 to the list of minor rule violations in NYSE Rule 9217. Proposed NYSE Rule 37 would be administered by the Exchange's regulatory staff.

##### a. Proposed Amendments to NYSE Rule 37

First, NYSE Rule 37 would be renamed “Admission and Conduct on the Trading Floor” similar to the NYSE American and NYSE Arca options rules, except that it would use the term “Trading Floor.”

Second, the existing text of NYSE Rule 37 governing admissions would be relocated to a new subsection (a) titled “Admission,” once again similar to the NYSE American and NYSE Arca options rules.<sup>4</sup> The existing text of NYSE Rule 37 would be unchanged.

Third, the Exchange would adopt a new subsection (b) titled “Conduct on the Trading Floor” that would be substantially similar to NYSE American Rule 902NY(b) and NYSE Arca Rule 6.2-O(b). The proposed rule would provide that while on the Trading Floor, all members are required to act in a manner consistent with a fair and orderly market and with the maintenance of public confidence in the Exchange.<sup>5</sup> The proposed rule would further provide that upon the determination that a member's conduct on the Floor is such as to impair the maintenance of a fair and orderly market, or to impair public confidence in the operations of the Exchange, or that a member has otherwise violated the proposed rule, a member may be disciplined in accordance with the NYSE Rule 9000 Series, the Exchange's disciplinary rules. Proposed NYSE Rule 37(b) would also apply to a member's failure to adequately supervise an employee or guest of the member to ensure compliance with the proposed rule. Unlike the NYSE American and NYSE Arca rules, proposed NYSE Rule 37(b) would explicitly include as sanctionable conduct under the proposed rule the failure to adequately supervise the guest of a member. Because violations of proposed NYSE Rule 37 would be subject to discipline pursuant to the NYSE Rule 9000 Series, in paragraph (b) the Exchange proposes to include the phrase “or that a member has otherwise violated this rule.” Unlike the NYSE American and NYSE Arca rules, proposed NYSE 37(b) would not include text that: (1) States that fines imposed would not preclude further disciplinary action by the Exchange; or (2) refers to Exchange Trading Officials because, unlike their options market counterparts, they are not regulatory employees.

Fourth, the Exchange proposes a new subsection (c) titled “Standards of Dress and Conduct” that is also substantially similar to NYSE American Rule 902NY(c) and NYSE Arca Rule 6.2-O(c). Proposed NYSE Rule 37(c) would provide that all persons on the Floor must comply with the standards of dress

and conduct set forth in proposed NYSE Rule 37(c)(1)(A)–(C).

Proposed NYSE Rule 37(c)(1) would be titled “Standards of Dress” and would provide that all persons on the Floor, whether members, employees of member organizations, or visitors, must at all times, whether prior to, during, or after trading sessions, be dressed in a manner appropriate for business purposes and in accordance with good taste and professional standards. Like the NYSE American and NYSE Arca rules, proposed NYSE Rule 37(c)(1) would provide that the term “good taste” will be interpreted in a conservative manner. In addition, proposed NYSE Rule 37(c)(1) would set forth the following requirements and prohibitions:

- Proposed NYSE Rule 37(c)(1)(A) would provide that personal attire must be neat, clean, and presentable.
- Proposed NYSE Rule 37(c)(1)(B) would provide that all members and employees of member organizations must wear trading jackets and/or suit or sport coats while present on the Floor.
- Proposed NYSE Rule 37(c)(1)(C) would provide that the Exchange may impose additional standards of dress or otherwise modify these standards of dress by means of a written policy that will be distributed to all members and member organizations.

Proposed NYSE Rule 37(c)(2) would be titled “Standards of Conduct.” Proposed subsection (A) of NYSE Rule 37(c)(2) would provide that all persons on the Floor are required to conduct themselves in accordance with a seemly and professional standard of behavior. Specifically, the proposed Rule would specify that no person while on the Floor shall:

- Engage in any act or practice that may be detrimental to the interest or welfare of the Exchange (proposed NYSE Rule 37(c)(2)(A)(i));
  - engage in any act or practice that may serve to disrupt or hinder the ordinary and efficient conduct of business (proposed NYSE Rule 37(c)(2)(A)(ii));
  - engage in any act or practice that may serve to jeopardize the safety or welfare of any other individual (proposed NYSE Rule 37(c)(2)(A)(iii));
- or
- act in a disorderly manner, which includes, but is not limited to, use of abusive or indecorous language and the display or circulation of written material or graphic images that are harassing, inappropriate, offensive, and/or lewd (proposed NYSE Rule 37(c)(2)(A)(iv)).

Proposed subsection (B) of NYSE Rule 37(c)(2) would provide that entry and

<sup>10</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> See Securities Exchange Act Release No. 93851 (Dec. 22, 2021), 86 FR 74180 (Dec. 29, 2021) (“Notice”).

<sup>4</sup> See, e.g., NYSE American Rule 902NY(e).

<sup>5</sup> The first sentence of proposed NYSE Rule 37(b) would be based on NYSE American Rule 902NY(c) and NYSE Arca Rule 6.2-O(c).



consumption of food or drink on the Trading Floor may be permitted at the discretion of the Exchange and that food or drink should only be consumed at the booth or post. Finally, proposed NYSE Rule 37(c)(2)(B) would provide that alcoholic beverages may not be consumed on the Trading Floor during business hours as defined in NYSE Rule 7.1 (Hours of Business). The proposed Rule differs slightly from the NYSE American and NYSE Arca rules, which prohibit consumption of alcoholic beverages at any time.

Proposed subsection (C) of NYSE Rule 37(c)(2) would prohibit smoking in any form, any kind of tobacco use, or any expectorating on the Floor and clarify that this prohibition would apply at all times. The proposed Rule is identical to the NYSE American and NYSE Arca versions.

Proposed subsection (D) of NYSE Rule 37(c)(2) would prohibit running on the Trading Floor, which the proposed Rule would define as any movement at a degree of speed which may disrupt other occupants of the Floor. Once again, the proposed Rule is identical to the NYSE American and NYSE Arca versions.

Proposed subsection (E) of NYSE Rule 37(c)(2) would prohibit standing on chairs, furniture, booths, ladders, stools, and similar items. The proposed Rule is the same as NYSE American Rule 902NY(c)(2)(E) and NYSE Arca Rule 6.2–O(c)(2)(E).

Proposed subsection (F) of NYSE Rule 37(c)(2) would provide that no object of any kind may be placed in the trading post areas, including all chairs, stools, or other furniture, if it could obstruct the flow of people in or out of the Trading Floor. Unlike the NYSE American and NYSE Arca rules, NYSE Rule 37(c)(2)(F) would not include any references to the trading crowd.

Fifth and finally, the Exchange proposes a new subsection (d) to NYSE Rule 37 titled “Trading Floor Badges.” NYSE Rule 303 (Limitation on Access to Floor) currently requires members on the Floor to be provided with a badge that must be worn while on the Floor.<sup>6</sup> Proposed NYSE Rule 37(d) would supplement NYSE Rule 303 by specifying, similar to NYSE American Rule 902NY(d) and NYSE Arca Rule 6.2–O(d), that admission to the Floor will be by Exchange-issued badge only and that Exchange-issued badges must be appropriately displayed, with the

<sup>6</sup>NYSE Rule 303(a) provides that members who execute orders on the Floor must be provided with an identification badge and must wear the same while on the Floor, and that every member's badge must contain his or her name and a number and the name of his or her member organization.

photo visible, at all times while on the Floor. The proposed Rule would also specify that use of an Exchange-issued badge belonging to another member or Floor employee to enter or exit the Floor is prohibited. In addition, the proposed Rule would provide that authorized persons seeking admission to the Floor without a badge must show proper identification and obtain a temporary badge from the Security Office. Finally, proposed NYSE Rule 37(d) would provide that visitor's badges are not acceptable identification cards for Floor employees.

#### *b. Fines for Minor Rule Violations*

NYSE Rule 9217 sets forth the list of rules under which a member organization or covered person may be subject to a fine under NYSE Rule 9216(b). NYSE Rule 9217 permits the Exchange to impose a fine of up to \$5,000 on any member or covered person for a minor violation of an eligible rule.

The Exchange proposes to amend NYSE Rule 9217 to add a reference to the proposed NYSE Rule 37 provisions governing floor decorum, disruptive actions involving physical contact while on the Floor, use of abusive language, rules on visitors, abuse of Exchange property, and misuse of Exchange-issued badge or identification to the list of rules in NYSE Rule 9217 eligible for disposition pursuant to a minor fine under NYSE Rule 9216(b). Violations of the similar provisions under NYSE American Rule 902NY and NYSE Arca Rule 6.2–O are eligible for minor rule fines under those markets' respective versions of NYSE Rule 9217.<sup>7</sup>

### **III. Discussion and Commission Findings**

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national

<sup>7</sup> See NYSE American Rule 9217(i)(14) (violation of rules related to floor decorum); (i)(15) (disruptive action involving physical contact while on the Trading Floor); NYSE American Rule 9217(i)(16) (ATP Holder used abusive language on the trading floor); NYSE American Rule 9217(i)(20) (violation of rules on visitors to the options floor); NYSE American Rule 9217(i)(21) (misuse of ATP Holder badge or identification); and (i)(25) (abusing exchange property). See also NYSE Arca Rule 10.9217(e)(16) (violation of rules related to floor decorum); NYSE Arca Rule 10.9217(e)(17) (disruptive action involving physical contact while on the trading floor); NYSE Arca Rule 10.9217(e)(19) (OTP Holder used abusive language on the trading floor); NYSE Arca Rule 10.9217(e)(31) (violation of rules on visitors to the options floor); NYSE Arca Rule 10.9217(e)(32) (misuse of OTP Holder badge or OTP Firm identification); and NYSE Arca Rule 10.9217 (e)(36) (abusing exchange property).

securities exchange.<sup>8</sup> In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,<sup>9</sup> which requires that the rules of an exchange be designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Commission also finds that the proposal is consistent with Sections 6(b)(1) and 6(b)(6) of the Act,<sup>10</sup> which require that the rules of an exchange enforce compliance with, and provide appropriate discipline for, violations of Commission and Exchange rules. Finally, the Commission finds that the proposal is consistent with the public interest, the protection of investors, or otherwise in furtherance of the purposes of the Act, as required by Rule 19d–1(c)(2) under the Act,<sup>11</sup> which governs minor rule violation plans.

As described in detail above, the Exchange proposes to amend NYSE Rule 37 to add provisions governing floor decorum, disruptive actions involving physical contact while on the Floor, use of abusive language, visitors to the Exchange, abuse of Exchange property, and misuse of Exchange-issued badge or identification, and to also add the proposed NYSE Rule 37 provisions to the list of rules in NYSE Rule 9217 that are eligible for disposition pursuant to a minor fine under NYSE Rule 9216(b). This proposed rule change is modeled on rules of the Exchange's affiliates NYSE American and NYSE Arca.

The Commission finds that adding the NYSE Rule 37 amendments to the list of rules in NYSE Rule 9217 that are eligible for disposition pursuant to a minor fine under NYSE Rule 9216(b) is consistent with the Act. This proposed rule change will align the Exchange's rules regarding Floor conduct and decorum with the rules of its affiliates that also have trading floors. Because this proposal is modeled on conduct that is subject to minor rule fines on NYSE American and NYSE Arca, it does not raise any novel issues for consideration. Specifically, the Commission believes that NYSE Rule 9217 provides a reasonable means of addressing rule violations that may not rise to the level of requiring formal disciplinary proceedings, while

<sup>8</sup>In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

<sup>9</sup> 15 U.S.C. 78f(b)(5).

<sup>10</sup> 15 U.S.C. 78f(b)(1) and 78f(b)(6).

<sup>11</sup> 17 CFR 240.19d–1(c)(2).

providing greater flexibility to the Exchange in handling certain violations.

The Commission, however, also believes that a violation of any self-regulatory organization's rules, or of Commission rules, is a serious matter. In approving this proposed rule change, the Commission in no way minimizes the importance of compliance with the Exchange's rules and all other rules subject to fines under NYSE Rule 9217. The Commission expects that the Exchange will continue to conduct surveillance with due diligence and make a determination based on its findings, on a case-by-case basis, whether a fine of more or less than the recommended amount is appropriate for a violation under NYSE Rule 9217 or whether a violation requires formal disciplinary action.

#### IV. Conclusion

*It is therefore ordered*, pursuant to Section 19(b)(2) of the Act<sup>12</sup> and Rule 19d-1(c)(2) thereunder,<sup>13</sup> that the proposed rule change (SR-NYSE-2021-73) be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>14</sup>

**J. Matthew DeLesDernier**,  
Assistant Secretary.

[FR Doc. 2022-03281 Filed 2-15-22; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-94218; File No. SR-NASDAQ-2022-013]

### Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Exchange's Transaction Credits at Equity 7, Section 118

February 10, 2022.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup>, and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on February 1, 2022, The Nasdaq Stock Market LLC ("Nasdaq" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to

solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange's transaction credits at Equity 7, Section 118, as described further below.

The text of the proposed rule change is available on the Exchange's website at <https://listingcenter.nasdaq.com/rulebook/nasdaq/rules>, at the principal office of the Exchange, and at the Commission's Public Reference Room.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

##### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

The purpose of the proposed rule change is to amend the Exchange's schedule of credits, at Equity 7, Section 118(a). The Exchange proposes to amend an existing credit to its members for displayed quotes/orders (other than Supplemental Orders or Designated Retail Orders) that provide liquidity to the Exchange.

Currently, the Exchange provides a credit of \$0.0029 per share executed to a member that, through one or more of its Nasdaq Market Center MPIDs: (i) Provides shares of liquidity in all securities that represent equal to or greater than 0.65% of Consolidated Volume<sup>3</sup> during the month; (ii)

<sup>3</sup> Pursuant to Equity 7, Section 118(a), the term "Consolidated Volume" shall mean the total consolidated volume reported to all consolidated transaction reporting plans by all exchanges and trade reporting facilities during a month in equity securities, excluding executed orders with a size of less than one round lot. For purposes of calculating Consolidated Volume and the extent of a member's trading activity the date of the annual reconstitution of the Russell Investments Indexes shall be excluded from both total Consolidated Volume and the member's trading activity. For the purposes of calculating the extent of a member's trading activity during the month on Nasdaq and determining the

increases its average daily volume of Midpoint Extended Life Orders executed by 150% or more during the month relative to the month of January 2021; and (iii) executes an average daily volume of at least 750,000 shares in Midpoint Extended Life Orders for the month. The Exchange proposes to amend this credit by providing an additional means of attaining it. Specifically, the Exchange proposes to amend the first criterion for the credit to state that a member must provide shares of liquidity in all securities that represent equal to or greater than either 0.65% of Consolidated Volume or an average daily volume of 70 million shares during the month.

By providing an additional means by which a member can attain this credit, the Exchange intends to increase the number of members that strive to and do attain it, including by increasing their average daily volume of liquidity adding activity on the Exchange. To the extent that the proposal succeeds in this objective, then Exchange will experience an increase in liquidity, which in turn stands to improve the quality of the market, to the benefit all participants.

The Exchange notes that those participants that are dissatisfied with this new proposal are free to shift their order flow to competing venues.

###### 2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,<sup>4</sup> in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,<sup>5</sup> in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The proposal is also consistent with Section 11A of the Act relating to the establishment of the national market system for securities.

###### The Proposal Is Reasonable

The Exchange's proposal is reasonable in several respects. As a threshold matter, the Exchange is subject to significant competitive forces in the market for equity securities transaction services that constrain its pricing determinations in that market. The fact that this market is competitive has long

charges and credits applicable to such member's activity, all M-ELO Orders that a member executes on Nasdaq during the month will count as liquidity-adding activity on Nasdaq.

<sup>4</sup> 15 U.S.C. 78f(b).

<sup>5</sup> 15 U.S.C. 78f(b)(4) and (5).

<sup>12</sup> 15 U.S.C. 78s(b)(2).

<sup>13</sup> 17 CFR 240.19d-1(c)(2).

<sup>14</sup> 17 CFR 200.30-3(a)(12).

<sup>15</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

been recognized by the courts. In *NetCoalition v. Securities and Exchange Commission*, the D.C. Circuit stated as follows: “[n]o one disputes that competition for order flow is ‘fierc[e].’ . . . 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’ . . . .”<sup>6</sup>

The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system “has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.”<sup>7</sup>

Numerous indicia demonstrate the competitive nature of this market. For example, clear substitutes to the Exchange exist in the market for equity security transaction services. The Exchange is only one of several equity venues to which market participants may direct their order flow. Competing equity exchanges offer similar tiered pricing structures to that of the Exchange, including schedules of rebates and fees that apply based upon members achieving certain volume thresholds.

The Exchange believes it is reasonable to amend the criteria for its existing \$0.0029 per share executed credit. By providing an additional means by which a member can attain this credit, the Exchange intends to increase the number of members that strive to and do attain it, including by increasing their average daily volume of liquidity adding activity on the Exchange. To the extent that the proposal succeeds in this objective, then Exchange will experience an increase in liquidity, which in turn stands to improve the

quality of the market, to the benefit all participants.

The Exchange notes that those participants that are dissatisfied with the amended credit are free to shift their order flow to competing venues.

#### **The Proposal Is an Equitable Allocation of Credits**

The Exchange believes its proposal will allocate its charges and credits fairly among its market participants.

The Exchange believes that its proposed amendment to its credit is an equitable allocation. The proposal will encourage members to increase the extent to which they add liquidity to the Exchange. To the extent that the Exchange succeeds in increasing the levels of liquidity and activity on the Exchange, then the Exchange will experience improvements in its market quality, which stands to benefit all market participants.

Any participant that is dissatisfied with the proposal is free to shift their order flow to competing venues that provide more generous pricing or less stringent qualifying criteria.

#### **The Proposal Is Not Unfairly Discriminatory**

The Exchange believes that its proposal is not unfairly discriminatory. As an initial matter, the Exchange believes that nothing about its volume-based tiered pricing model is inherently unfair; instead, it is a rational pricing model that is well-established and ubiquitous in today’s economy among firms in various industries—from co-branded credit cards to grocery stores to cellular telephone data plans—that use it to reward the loyalty of their best customers that provide high levels of business activity and incent other customers to increase the extent of their business activity. It is also a pricing model that the Exchange and its competitors have long employed with the assent of the Commission. It is fair because it enhances price discovery and improves the overall quality of the equity markets.

The Exchange also believes that its proposal is not unfairly discriminatory because the additional qualification option will be available to all members.

Overall, the proposal stands to improve the overall market quality of the Exchange, to the benefit of all market participants, by incentivizing members to increase the extent of their liquidity provision or activity on the Exchange. Any participant that is dissatisfied with the proposal is free to shift their order flow to competing venues that provide more generous

pricing or less stringent qualifying criteria.

#### **B. Self-Regulatory Organization’s Statement on Burden on Competition**

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

##### **Intramarket Competition**

The Exchange does not believe that its proposal will place any category of Exchange participant at a competitive disadvantage.

As noted above, the Exchange’s proposal is intended to have market-improving effects, to the benefit of all members. The Exchange notes that its members are free to trade on other venues to the extent they believe that these proposals are not attractive. As one can observe by looking at any market share chart, price competition between exchanges is fierce, with liquidity and market share moving freely between exchanges in reaction to fee and credit changes.

##### **Intermarket Competition**

In terms of inter-market competition, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its credits and fees to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own credits and fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which credit or fee changes in this market may impose any burden on competition is extremely limited.

The proposed amended credit is reflective of this competition. Any participant that is dissatisfied with the proposal is free to shift their order flow to competing venues that provide more generous pricing or less stringent qualifying criteria.

Even as one of the largest U.S. equities exchanges by volume, the Exchange has less than 20% market share, which in most markets could hardly be categorized as having enough market power to burden competition. Moreover, as noted above, price

<sup>6</sup> *NetCoalition v. SEC*, 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

<sup>7</sup> Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (“Regulation NMS Adopting Release”).

competition between exchanges is fierce, with liquidity and market share moving freely between exchanges in reaction to fee and credit changes. This is in addition to free flow of order flow to and among off-exchange venues which comprises upwards of 50% of industry volume.

In sum, if the change proposed herein is unattractive to market participants, it is likely that the Exchange will lose market share as a result. Accordingly, the Exchange does not believe that the proposed change will impair the ability of members or competing order execution venues to maintain their competitive standing in the financial markets.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were either solicited or received.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.<sup>8</sup>

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-NASDAQ-2022-013 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-2022-013. 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 R-NASDAQ-2022-013 and should be submitted on or before March 9, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>9</sup>

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2022-03278 Filed 2-15-22; 8:45 am]

**BILLING CODE 8011-01-P**

**SECURITIES AND EXCHANGE COMMISSION**

**[Investment Company Act Release No. 34502; 812-15295]**

**Morgan Stanley Pathway Funds**

February 10, 2022.

**AGENCY:** Securities and Exchange Commission ("Commission").

**ACTION:** Notice.

Notice of an application under Section 6(c) of the Investment Company Act of 1940 ("Act") for an exemption from Section 15(c) of the Act.

**SUMMARY OF APPLICATION:** The requested exemption would permit a Trust's board of trustees (the "Board") to approve new sub-advisory agreements and material amendments to existing sub-advisory agreements without complying with the in-person meeting requirement of Section 15(c) of the Act.

**APPLICANT:** Morgan Stanley Pathway Funds (the "Trust").

**FILING DATES:** The application was filed on December 29, 2021.

**HEARING OR NOTIFICATION OF HEARING:**

An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing on any application by emailing the SEC's Secretary at [Secretaries-Office@sec.gov](mailto:Secretaries-Office@sec.gov) and serving the relevant applicant with a copy of the request by email, if an email address is listed for the relevant applicant below, or personally or by mail, if a physical address is listed for the relevant applicant below.

Hearing requests should be received by the Commission by 5:30 p.m. on March 7, 2022, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0-5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission's Secretary.

**ADDRESSES:** The Commission: [Secretaries-Office@sec.gov](mailto:Secretaries-Office@sec.gov). Applicants: John J. O'Brien, Esq., [johnobrien@morganlewis.com](mailto:johnobrien@morganlewis.com).

**FOR FURTHER INFORMATION CONTACT:** Terri Jordan, Branch Chief, at (202) 551-3239 (Division of Investment Management, Chief Counsel's Office).

**SUPPLEMENTARY INFORMATION:** For Applicants' representations, legal analysis, and condition, please refer to Applicants' application, dated December 29, 2021, which may be obtained via the Commission's website by searching for the file number, using the Company name box, at <http://www.sec.gov/search/search.htm>, or by calling (202) 551-8090.

For the Commission, by the Division of Investment Management, under delegated authority.

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2022-03270 Filed 2-15-22; 8:45 am]

**BILLING CODE 8011-01-P**

<sup>8</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>9</sup> 17 CFR 200.30-3(a)(12).

**SMALL BUSINESS ADMINISTRATION****Data Collection Available for Public Comments**

**ACTION:** 60-Day notice and request for comments.

**SUMMARY:** The Small Business Administration (SBA) intends to request approval, from the Office of Management and Budget (OMB) for the collection of information described below. The Paperwork Reduction Act (PRA) requires federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information before submission to OMB, and to allow 60 days for public comment in response to the notice. This notice complies with that requirement.

**DATES:** Submit comments on or before April 18, 2022.

**ADDRESSES:** Send all comments to Philip T. Gibson, Business Development Specialist, 202–205–7427, [philip.gibson@sba.gov](mailto:philip.gibson@sba.gov), Office of Entrepreneurial Education, Small Business Administration, Washington, DC 20416.

**FOR FURTHER INFORMATION CONTACT:**

Philip T. Gibson, Business Development Specialist, 202–205–7427, [philip.gibson@sba.gov](mailto:philip.gibson@sba.gov).

Curtis B. Rich, Management Analyst, 202–205–7030, [curtis.rich@sba.gov](mailto:curtis.rich@sba.gov).

**SUPPLEMENTARY INFORMATION:** In 2019 and 2021, a new cohort of sites was added to the Regional Innovation Clusters (RIC) initiative, which was originally started in October 1, 2010 by the Small Business Administration (SBA)'s Office of Entrepreneurial Development. Through this initiative, organizations in 23 communities across the U.S. have been selected to provide industry-specific assistance to small businesses, and to develop industry relationships and supply chains within their regions. Clusters—geographically concentrated groups of interconnected businesses, suppliers, service providers, and associated institutions in a particular industry or field—act as a networking hub to convene a number of resources to help navigate the funding, procurement, and supply-chain opportunities in a specific industry.

SBA is conducting an evaluation of the Regional Innovation Clusters initiative to determine how the clusters have developed, the type and volume of services they provided to small businesses, client perceptions of the program, and the various outcomes related to their existence, including collaboration among firms, innovation, and small business growth. Small

business growth will be compared to the overall growth of firms in those same regions and industries. This evaluation will also include lessons learned and success stories. SBA proposes the use of three instruments for data collection and analysis of three distinct populations. These instruments are: (1.) Small Business Survey, (2.) Large Organization Survey and (3.) Cluster Administrator Survey. In addition, SBA plans to interview each of the 11 cluster administrators several times a year regarding program impact and successes or challenges, and to obtain clarifications on information provided in quarterly reports. Each of the proposed surveys will be administered electronically and will contain both open- and close-ended questions. The information collected and analyzed from these instruments will contribute to monitoring performance metrics and program goals, as well as recommendations on improving program practices.

**Solicitation of Public Comments**

SBA is requesting comments on (a) Whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

*OMB Control Number:* 3245–0392.

*Title:* Regional Innovation Clusters (RIC) Initiative Evaluation Study.

*Description of Respondents:* Interconnected businesses, Suppliers, Service providers, and associated institutions.

*Form Number:* N/A.

*Estimated Annual Responses:* 1,240.

*Estimated Annual Hour Burden:* 388.

**Curtis Rich,**

*Management Analyst.*

[FR Doc. 2022–03255 Filed 2–15–22; 8:45 am]

**BILLING CODE 8026–03–P**

**SURFACE TRANSPORTATION BOARD**

[Docket No. EP 558 (Sub–No. 25)]

**Railroad Cost of Capital—2021**

**AGENCY:** Surface Transportation Board.

**ACTION:** Notice.

**SUMMARY:** The Board is instituting a proceeding to determine the railroad industry's cost of capital for 2021. The decision solicits comments on the following issues: The railroads' 2021

current cost of debt capital; the railroads' 2021 current cost of preferred equity capital (if any); the railroads' 2021 cost of common equity capital; the 2021 capital structure mix of the railroad industry on a market value basis; and the appropriate treatment of Kansas City Southern (KCS) in light of the merger transaction currently under consideration in *Canadian Pacific Railway—Control—Kansas City Southern*, Docket No. FD 36500. For example, there is not a full year of KCS stock price data available for 2021.

**DATES:** Notices of intent to participate are due by March 28, 2022. Statements of the railroads are due by April 18, 2022. Statements of other interested persons are due by May 9, 2022. Rebuttal statements by the railroads are due by May 31, 2022.

**ADDRESSES:** Comments may be filed with the Board via e-filing on the Board's website.

**FOR FURTHER INFORMATION CONTACT:**

Pedro Ramirez at (202) 245–0333. Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877–8339.

**SUPPLEMENTARY INFORMATION:** The decision in this proceeding is posted at [www.stb.gov](http://www.stb.gov).

(Authority: 49 U.S.C. 10704(a))

Decided: February 10, 2022.

By the Board, Board Members Fuchs, Hedlund, Oberman, Primus, and Schultz.

**Raina White,**

*Clearance Clerk.*

[FR Doc. 2022–03340 Filed 2–15–22; 8:45 am]

**BILLING CODE 4915–01–P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****Solicitation of Nominations for Appointment to the Safety Oversight and Certification Advisory Committee (SOCAC)**

**AGENCY:** Federal Aviation Administration (FAA), U.S. Department of Transportation (DOT).

**ACTION:** Solicitation of nominations for appointment to the Safety Oversight and Certification Advisory Committee (SOCAC).

**SUMMARY:** The FAA is publishing this notice to solicit nominations for membership on SOCAC.

**DATES:** Nominations must be received no later than 5:00 p.m. Eastern Time on March 9, 2022.

**ADDRESSES:** Nominations must be submitted electronically (by email) to 9-

*awa-arm-socac@faa.gov*. The subject line should state "SOCAC Nomination."

**FOR FURTHER INFORMATION CONTACT:**

Natalie Mitchell-Funderburk, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, telephone (202) 267-0254; email *9-awa-arm-socac@faa.gov*.

**SUPPLEMENTARY INFORMATION:**

**Background**

This committee's charter was established in accordance with the Federal Advisory Committee Act (Pub. L. 92-463) and section 202, "Safety Oversight and Certification Advisory Committee," of the FAA Reauthorization Act of 2018 (Pub. L. 115-254). The committee provides information and recommendations to the Secretary of Transportation through the FAA Administrator and fosters industry collaboration in an open and transparent manner.

**Description of Duties**

SOCAC's duties include recommending consensus national goals, strategic objectives, and priorities for the most efficient, streamlined, and cost-effective certification and safety oversight processes to maintain the safety of the aviation system and while allowing the FAA to meet future needs and ensure that aviation stakeholders remain competitive in the global marketplace. Other duties include providing policy guidance recommendations for the FAA's certification and safety oversight efforts; providing appropriate legislative, regulatory, and guidance recommendations for the air transportation system and the aviation safety regulatory environment; reviewing the FAA and the regulated aviation industry on their progress towards streamlining certification reform, conducting flight standards reform, and carrying out regulation consistency efforts. Additional duties are described in the SOCAC Charter.

**Membership**

SOCAC is comprised of members appointed by the Secretary of Transportation upon recommendation by the FAA Administrator. All SOCAC members serve at the pleasure of the Secretary of Transportation. As outlined in sec. 202 of Public Law 115-254, SOCAC is composed of the Administrator (or the Administrator's designee) and at least 11 individuals, each of whom represents at least one of the following interests: Transport aircraft and engine manufacturers; general aviation aircraft and engine manufacturers; avionics and equipment

manufacturers; aviation labor organizations, including collective bargaining representatives of FAA aviation safety inspectors and aviation safety engineers; general aviation operators; air carriers; business aviation operators; unmanned aircraft systems manufacturers and operators; aviation safety management experts; operators of aviation maintenance, repair, and overhaul facilities; and airport owners and operators. The designated organizations are intended to provide balanced representation in terms of knowledge, expertise, and points of view of interested parties relative to the SOCAC's tasks.

Membership to the SOCAC requires that an individual has the appropriate expertise in certification and risk-based safety oversight processes, operations, policy, technology, labor relations, training, and finance. Members serve without compensation, and the employing organization bears all costs related to its members' participation.

The Secretary shall appoint non-voting members representing FAA safety oversight program offices. Non-voting members may take part in deliberations of the advisory committee and provide input with respect to any final reports or recommendations of the Advisory Committee. Non-voting members may not represent any stakeholder interest other than that of an FAA safety oversight program office. Non-voting members are appointed for a two-year term.

**Nomination Process**

The Secretary is seeking individual nominations for membership to SOCAC. As outlined in Public Law 115-254, the nominee must be an executive officer of the organization who has decision-making authority within the member's organization, represent the interest of the organization, and enter into commitments on behalf of such organization. Any interested person may nominate one or more qualified individuals for membership to the SOCAC. Self-nominations are also accepted. Nominations must include, in full, the following materials to be considered for SOCAC membership.

a. A biography, including professional and academic credentials.

b. A résumé or curriculum vitae, which must include relevant job experience, qualifications, as well as contact information (email, telephone, and mailing address).

c. A one-page statement describing how the candidate will benefit the SOCAC, taking into account the candidate's unique perspective that will

advance the conversation. This statement must also identify a primary and secondary interest to which the candidate's expertise best aligns.

Failure to submit the required information may disqualify a candidate from the review process.

Finally, candidates should state their previous experience on a Federal advisory committee or an aviation rulemaking committee or both, their level of knowledge in their above stakeholder groups, and the size of the constituency they represent or are able to reach.

Current SOCAC members who wish to be reappointed to the committee must respond to this solicitation notice.

Evaluations will be based on the materials submitted.

The Secretary will make every effort to appoint members to serve on SOCAC from among those candidates that have the technical expertise required to meet specific statutory categories and Departmental needs and in a manner to ensure an appropriate balance of membership. The selection of committee members will be consistent with achieving the greatest impact, scope, and credibility among diverse stakeholders. The diversity in such membership includes, but is not limited to, race, gender, disability, sexual orientation, and gender identity.

The Secretary reserves the discretion to appoint members to serve on SOCAC who were not nominated in response to this notice if necessary to meet specific statutory categories and Departmental needs in a manner to ensure an appropriate balance of membership.

Issued in Washington, DC, on February 11, 2022.

**Brandon Roberts,**

*Executive Director, Office of Rulemaking.*

[FR Doc. 2022-03354 Filed 2-15-22; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

[Docket No.: FAA-2022-0124; Summary Notice No. 2022-10]

**Petition for Exemption; Summary of Petition Received; Phoenix Air Unmanned, LLC**

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

**ACTION:** Notice.

**SUMMARY:** This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of

this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion nor omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

**DATES:** Comments on this petition must identify the petition docket number and must be received on or before March 8, 2022.

**ADDRESSES:** Send comments identified by docket number [FAA-2022-0124] using any of the following methods:

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

- *Mail:* Send comments to Docket Operations, M-30; U.S. Department of Transportation, 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 20590-0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

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

*Docket:* Background documents or comments received may be read at <http://www.regulations.gov> at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590-0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Jake Troutman, (202) 683-7788, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC.

**Timothy R. Adams,**

*Deputy Executive Director, Office of Rulemaking.*

### Petition for Exemption

*Docket No.:* FAA-2022-0124.

*Petitioner:* Phoenix Air Unmanned, LLC.

*Section(s) of 14 CFR Affected:*

§§ 61.3(a)(1)(i), 61.113(a), 91.109(a), 91.119(c), 91.121, 91.151(b).

*Description of Relief Sought:* Phoenix Air Unmanned, LLC (PAU) seeks relief to operate the SwissDrones SVO 50 V2 unmanned aircraft system with a Special Airworthiness Certificate—Experimental Category (SAC-EC) and an Air Traffic Organization (ATO) Certificate of Waiver or Authorization (COA) for the purposes of research and development (R&D), crew training, familiarization flights and Operational Suitability Evaluations in accordance with 14 CFR 21.191(a) and 21.191(c) at private land in Antioch, Georgia, and a 230kV circuit owned by a local electric utility company in Cave Spring, Georgia. The proposed R&D activities under the SAC-EC will support PAU in obtaining a 49 U.S.C. 44807 exemption for the SwissDrones SVO 50 V2 UAS.

[FR Doc. 2022-03360 Filed 2-15-22; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Docket No.: FAA-2021-0846; Summary Notice No. 2022-04]

### Petition for Exemption; Summary of Petition Received; (SkySkopes, Inc.)

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

**ACTION:** Notice.

**SUMMARY:** This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion nor omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

**DATES:** Comments on this petition must identify the petition docket number and must be received on or before March 8, 2022.

**ADDRESSES:** Send comments identified by docket number [FAA-2021-0846] using any of the following methods:

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

- *Mail:* Send comments to Docket Operations, M-30; U.S. Department of Transportation, 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 20590-0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

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

*Docket:* Background documents or comments received may be read at <http://www.regulations.gov> at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590-0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Jake Troutman, (202) 683-7788, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

**Timothy R. Adams,**

*Deputy Executive Director, Office of Rulemaking.*

### Petition for Exemption

*Docket No.:* FAA-2021-0846.

*Petitioner:* SkySkopes, Inc.

*Section(s) of 14 CFR Affected:*

§§ 61.3(a)(1)(i), 91.7(a), 91.119(c), 91.121, 91.151(a)(1), 91.405(a), 91.407(a)(1), 91.409(a)(1) and (2), 91.417(a) and (b).

*Description of Relief Sought:* SkySkopes, Inc. seeks relief to the extent necessary to conduct industrial asset cleaning operations with the DJI Agras T16 and DJI Agras T20 unmanned aircraft systems (UAS), each weighing 55 pounds (lbs.) or more, at industrial sites such as oil well sites, compressor stations, refineries, etc. at altitudes under 400 feet above ground level and in the United States.

[FR Doc. 2022-03356 Filed 2-15-22; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration**

[Summary Notice No. PE–2022–13]

**Petition for Exemption; Summary of Petition Received; Wichita State University, National Institute for Aviation Research, WERX****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Notice of petition for exemption received.

**SUMMARY:** This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

**DATES:** Comments on this petition must identify the petition docket number and must be received on or before March 8, 2022.

**ADDRESSES:** Send comments identified by docket number FAA–2022–0117 using any of the following methods:

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

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

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

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

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

*Docket:* Background documents or comments received may be read at <http://www.regulations.gov> at any time. Follow the online instructions for

accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:**

Deana Stedman, AIR–612, Federal Aviation Administration, 2200 South 216th Street, Des Moines, WA 98198, phone and fax 206–231–3187, email [deana.stedman@faa.gov](mailto:deana.stedman@faa.gov).

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on February 11, 2022.

**Daniel J. Commins,***Manager, Technical Writing Section.***Petition for Exemption***Docket No.: FAA–2022–0117.*

*Petitioner:* Wichita State University, National Institute for Aviation Research, WERX.

*Section(s) of 14 CFR Affected:* §§ 25.785(j), 25.807(g)(1), 25.807(g)(8), 25.812(e), 25.812(f)(1), 25.813(b)(1), 25.813(b)(2), 25.813(b)(6), 25.857(e), 25.1447(c)(1).

*Description of Relief Sought:* Petitioner is seeking relief from the affected sections of 14 CFR to support supplemental type certificate approval for the conversion of Boeing Model 777–300ER series airplanes from an all-passenger configuration to an all-cargo configuration and allow for supernumerary access into the Class E cargo compartment during flight.

[FR Doc. 2022–03343 Filed 2–15–22; 8:45 am]

**BILLING CODE 4910–13–P****DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration**

[Docket No.: FAA–2021–0915; Summary Notice No. 2022–09]

**Petition for Exemption; Summary of Petition Received; Kiwi Technologies, Inc. d/b/a Guardian Agriculture****AGENCY:** Federal Aviation Administration (FAA), Department of Transportation (DOT).**ACTION:** Notice.

**SUMMARY:** This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion nor omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

**DATES:** Comments on this petition must identify the petition docket number and

must be received on or before March 8, 2022.

**ADDRESSES:** Send comments identified by docket number [FAA–2021–0915] using any of the following methods:

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

- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation, 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 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

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

*Docket:* Background documents or comments received may be read at <http://www.regulations.gov> at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Jake Troutman, (202) 683–7788, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

**Timothy R. Adams,***Deputy Executive Director, Office of Rulemaking.***Petition for Exemption***Docket No.: FAA–2021–0915.*

*Petitioner:* Kiwi Technologies, Inc. d/b/a Guardian Agriculture.

*Section(s) of 14 CFR Affected:* §§ 61.3(a)(1)(i), 91.119(c), 91.121, 91.151(b), 91.405(a), 91.407(a)(1), 91.409(a)(1) & (2), 91.417(a) & (b).

*Description of Relief Sought:* Kiwi Technologies, Inc. d/b/a Guardian Agriculture (Guardian Agriculture) seeks



relief to operate the Guardian Agriculture MOE, an electric quad motor rotorcraft unmanned aircraft system (UAS) with a maximum takeoff weight of 454 pounds. The purpose of the operations is to conduct research and development and crew training in accordance with 14 CFR 21.191(a) and 21.191(c) for type certification. To be eligible for a type certificate, Guardian Agriculture must show, and the Federal Aviation Administration (FAA) must find, that the type design complies with the certification basis. In addition, the FAA must determine that no feature or characteristic of the aircraft makes it unsafe for the category in which certification is requested. The visual line of sight operations include: Likely Failure and Specific Demonstration Testing (LF/SD), Familiarization Flight (FAM), Operational Suitability Evaluations (OSE) and noise testing under the observation of FAA representatives; and durability and reliability (D&R) testing in accordance with the FAA-approved Test Plan. These operations will occur at Griffiss UAS Test Site in New York. The UAS will be operating with a special airworthiness certificate in the experimental category and a civil Certificate of Waiver or Authorization.

[FR Doc. 2022-03357 Filed 2-15-22; 8:45 am]

**BILLING CODE** 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Docket No.: FAA-2021-1136; Summary Notice No.—2022-08]

#### Petition for Exemption; Summary of Petition Received; International Aviation Services, LLC

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

**ACTION:** Notice.

**SUMMARY:** This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion nor omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

**DATES:** Comments on this petition must identify the petition docket number and must be received on or before March 8, 2022.

**ADDRESSES:** Send comments identified by docket number FAA-2021-1136 using any of the following methods:

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

- *Mail:* Send comments to Docket Operations, M-30; U.S. Department of Transportation, 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 20590-0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

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

*Docket:* Background documents or comments received may be read at <http://www.regulations.gov> at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590-0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Nia Daniels, (202) 267-7626, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

**Timothy R. Adams,**

*Deputy Executive Director, Office of Rulemaking.*

#### Petition for Exemption

*Docket No.:* FAA-2021-1136.

*Petitioner:* International Aviation Services, LLC.

*Section of 14 CFR Affected:* § 61.156(a).

*Description of Relief Sought:* International Aviation Services, LLC is seeking relief from Title 14 Code of Federal Regulations § 61.156(a) from the interpretation of the word classroom, which implies in-person instruction for the completion of academic training.

[FR Doc. 2022-03359 Filed 2-15-22; 8:45 am]

**BILLING CODE** 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Summary Notice No.—2021-0016]

#### Petition for Exemption; Summary of Petition Received; United States Fish and Wildlife Service

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

**ACTION:** Notice.

**SUMMARY:** This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion nor omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

**DATES:** Comments on this petition must identify the petition docket number and must be received on or before March 8, 2022.

**ADDRESSES:** Send comments identified by docket number FAA-2021-0593 using any of the following methods:

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

- *Mail:* Send comments to Docket Operations, M-30; U.S. Department of Transportation, 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 20590-0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

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

*Docket:* Background documents or comments received may be read at <http://www.regulations.gov> at any time. Follow the online instructions for

accessing the docket or go to the Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590-0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Jimeca Callahan, (202) 267-0312, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

**Timothy R. Adams,**

*Deputy Executive Director, Office of Rulemaking.*

### Petition for Exemption

*Docket No.:* FAA-2021-0593.

*Petitioner:* United States Fish and Wildlife Service.

*Section(s) of 14 CFR Affected:* §§ 91.119(b) and (c).

*Description of Relief Sought:* The United States Fish and Wildlife Service (FWS) seeks relief from 14 CFR 91.119(b) and (c) in order to conduct biological, enforcement, and disaster-response flights at low altitudes. FWS is requesting an exemption that would be valid for 5 years in order to continue uninterrupted operations for the benefit of the public health.

[FR Doc. 2022-03355 Filed 2-15-22; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Summary Notice No.—2022-06]

#### Petition for Exemption; Summary of Petition Received; Ameriflight, LLC

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

**ACTION:** Notice.

**SUMMARY:** This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion nor omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

**DATES:** Comments on this petition must identify the petition docket number and must be received on or before March 8, 2022.

**ADDRESSES:** Send comments identified by docket number FAA-2021-1095 using any of the following methods:

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

- *Mail:* Send comments to Docket Operations, M-30; U.S. Department of Transportation, 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 20590-0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

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

*Docket:* Background documents or comments received may be read at <http://www.regulations.gov> at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590-0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Nia Daniels, (202) 267-7626, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

**Timothy R. Adams,**

*Deputy Executive Director, Office of Rulemaking.*

### Petition for Exemption

*Docket No.:* FAA-2021-1095.

*Petitioner:* Ameriflight, LLC.

*Sections of 14 CFR Affected:* §§ 61.3(a)(1), 91.7(a), 91.9(a) and (b), 91.113(b), 91.119(b) and (c), 91.121(a)(1), 91.127(c), 91.129(c)(1), 91.130(c)(1) and (d), 91.131(b)(1), (c)(2), and (d), 91.151, 91.203(a) and (b), 91.209(a)(1), 135.25(a)(1) and (a)(2), 135.63(c)(2), (c)(3), (c)(4), and (d), 135.65(a) and (d), 135.143(c)(2), 135.149(a), 135.161(a) and (b)(1), 135.203, 135.209, 135.243(b)(1), (b)(2), and (b)(3), 135.337(b)(1), 135.338(b)(1),

135.339(e)(3) and (e)(4), and 135.340(e)(3) and (e)(4).

*Description of Relief Sought:* Ameriflight, LLC (Ameriflight) seeks an exemption to operate its Matternet M2 (M2) unmanned aircraft system (UAS) for package delivery in dense urban and suburban environments, for on-demand airborne direct delivery. Customer deliveries will be initiated from pre-established locations called nodes. Once the cargo delivery is finished, the visual observer will be responsible for delivering the cargo to the end user or notifying the customer that the cargo has arrived and can be picked up.

[FR Doc. 2022-03358 Filed 2-15-22; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

[Docket No. FHWA-2021-0008]

#### Agency Information Collection

#### Activities: Request for Comments for a New Information Collection

**AGENCY:** Federal Highway Administration (FHWA), U.S. Department of Transportation (USDOT).

**ACTION:** Notice of request for the renewal of a previously approved information collection and request for comments.

**SUMMARY:** The FHWA has forwarded the information collection request described in this notice to the Office of Management and Budget (OMB) for approval of a new (periodic) information collection. We published a **Federal Register** Notice with a 60-day public comment period on this information collection on May 11, 2021. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

**DATES:** Please submit comments by March 18, 2022.

**ADDRESSES:** You may submit comments within 30 days identified by DOT Docket ID Number (FHWA-2021-0008) by any of the following methods:

*Website:* For access to the docket to read background documents or comments received, go to the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the online instructions for submitting comments.

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

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

*Hand Delivery or Courier:* U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m.

and 5 p.m. ET, Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Stephen Gaj, Office of Infrastructure, HISM-30, (202) 366-1336, Federal Highway Administration, 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 8:00 a.m. to 4:30 p.m. ET, Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

*Title:* Biennial Performance Reporting for the TPM Program.

*Background:* The MAP-21 (Pub. L. 112-141) and FAST Act (Pub. L. 114-94) transformed the Federal-aid highway program by establishing new requirements for transportation performance management (TPM) to ensure the most efficient investment of Federal transportation funds. Prior to MAP-21, there were no explicit requirements for State DOTs to demonstrate how their transportation program supported national performance outcomes. State DOTs were not required to measure condition or performance, establish targets, assess progress toward targets, or report on condition or performance in a nationally consistent manner that FHWA could use to assess the entire system. It has been difficult for FHWA to examine the effectiveness of the Federal-aid highway program as a means to address surface transportation performance at a national level without States reporting on the above factors. The new TPM requirements, as established by MAP-21 and FAST Act, change this paradigm and require states to measure condition or performance, establish targets, assess progress towards targets and report on condition or performance.

State DOTs now must submit biennial performance reports (23 U.S.C. 150 (e) and 23 CFR 490.107). The information being requested in the TPM Biennial Reports has been provided to the DOT in an electronic format through an online data form called the Performance Management Form (PMF). State DOTs have successfully submitted the required biennial reports in October 2018 and 2020. Alternative formats will be made available where necessary. As part of the rulemaking<sup>1</sup> implementing

<sup>1</sup> 2nd National Performance Management Measures Rule (PM2): Assessing Pavement Condition for National Highway Performance Program and Bridge Condition for National Highway Performance Program; Assessing Performance of National Highway System, etc. (RIN: 2125-AF53 <https://www.govinfo.gov/content/pkg/FR-2017-01-18/pdf/2017-00550.pdf>).

3rd National Performance Management Measures Rule (PM3): Assessing Performance of National Highway System, Freight Movement on Interstate System, and Congestion Mitigation and Air Quality

the MAP-21 and FAST Act requirements, FHWA evaluated all of the Biennial Reporting requirements in the individual regulatory impact assessments (RIA) and determined the following:

*Respondents:* 52 State DOTs, including Washington, DC and Puerto Rico.

*Frequency:* Biennially.

*Estimated Average Burden per Response:* Approximately 2,128 hours annually for an individual State DOT to compile, organize, and submit the report to FHWA.

*Estimated Total Annual Burden Hours:* Approximately 110,656 hours annually.

*Public Comments Invited:* You are asked to comment on any aspect of this information collection, including: (1) Ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (2) ways that the burden could be minimized, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

*Authority:* The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued On: February 11, 2022.

**Michael Howell,**

*Information Collection Officer.*

[FR Doc. 2022-03318 Filed 2-15-22; 8:45 am]

**BILLING CODE 4910-22-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2022-0018]

#### Qualification of Drivers; Exemption Applications; Vision

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

**ACTION:** Notice of applications for exemption; request for comments.

**SUMMARY:** FMCSA announces receipt of applications from 24 individuals for an exemption from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. If granted, the exemptions will enable these individuals to operate CMVs in

Improvement Program (RIN 2125-AF54) <https://www.govinfo.gov/content/pkg/FR-2017-01-18/pdf/2017-00681.pdf>.

interstate commerce without meeting the vision requirement in one eye.

**DATES:** Comments must be received on or before March 18, 2022.

**ADDRESSES:** You may submit comments identified by the Federal Docket Management System (FDMS) Docket No. FMCSA-2022-0018 using any of the following methods:

- *Federal eRulemaking Portal:* Go to [www.regulations.gov/](http://www.regulations.gov/), insert the docket number, FMCSA-2022-0018, in the keyword box, and click "Search." Next, sort the results by "Posted (Newer-Older)," choose the first notice listed, and click on the "Comment" button. Follow the online instructions for submitting comments.

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

- *Hand Delivery:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal Holidays.

- *Fax:* (202) 493-2251.

To avoid duplication, please use only one of these four methods. See the "Public Participation" portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366-4001, [fmcsamedical@dot.gov](mailto:fmcsamedical@dot.gov), FMCSA, DOT, 1200 New Jersey Avenue SE, Room W64-224, Washington, DC 20590-0001. Office hours are 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366-9826.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Public Participation**

###### *A. Submitting Comments*

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA-2022-0018), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to [www.regulations.gov/docket?D=FMCSA-2022-0018](http://www.regulations.gov/docket?D=FMCSA-2022-0018). Next, sort the results by “Posted (Newer-Older),” choose the first notice listed, click the “Comment” button, and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period.

### B. Viewing Comments

To view comments go to [www.regulations.gov](http://www.regulations.gov). Insert the docket number, FMCSA–2022–0018, in the keyword box, and click “Search.” Next, sort the results by “Posted (Newer-Older),” choose the first notice listed, and click “Browse Comments.” If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

### C. Privacy Act

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

## II. Background

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The statute also allows the Agency to renew exemptions at the end of the 5-year period. FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum

duration of a driver’s medical certification.

The 24 individuals listed in this notice have requested an exemption from the vision requirement in 49 CFR 391.41(b)(10). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting an exemption will achieve the required level of safety mandated by statute.

The physical qualification standard for drivers regarding vision found in § 391.41(b)(10) states that a person is physically qualified to drive a CMV if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber.

On July 16, 1992, the Agency first published the criteria for the Vision Waiver Program, which listed the conditions and reporting standards that CMV drivers approved for participation would need to meet (57 FR 31458). The current Vision Exemption Program was established in 1998, following the enactment of amendments to the statutes governing exemptions made by § 4007 of the Transportation Equity Act for the 21st Century, Public Law 105–178, 112 Stat. 107, 401 (June 9, 1998). Vision exemptions are considered under the procedures established in 49 CFR part 381 subpart C, on a case-by-case basis upon application by CMV drivers who do not meet the vision standards of § 391.41(b)(10).

To qualify for an exemption from the vision requirement, FMCSA requires a person to present verifiable evidence that he/she has driven a commercial vehicle safely in intrastate commerce with the vision deficiency for the past three years. Recent driving performance is especially important in evaluating future safety, according to several research studies designed to correlate past and future driving performance. Results of these studies support the principle that the best predictor of future performance by a driver is his/her past record of crashes and traffic violations. Copies of the studies may be found at [www.regulations.gov/docket?D=FMCSA-1998-3637](http://www.regulations.gov/docket?D=FMCSA-1998-3637).

FMCSA believes it can properly apply the principle to monocular drivers, because data from the Federal Highway Administration’s former waiver study program clearly demonstrated the

driving performance of experienced monocular drivers in the program is better than that of all CMV drivers collectively.<sup>1</sup> The fact that experienced monocular drivers demonstrated safe driving records in the waiver program supports a conclusion that other monocular drivers, meeting the same qualifying conditions as those required by the waiver program, are also likely to have adapted to their vision deficiency and will continue to operate safely.

The first major research correlating past and future performance was done in England by Greenwood and Yule in 1920. Subsequent studies, building on that model, concluded that crash rates for the same individual exposed to certain risks for two different time periods vary only slightly (See Bates and Neyman, University of California Publications in Statistics, April 1952). Other studies demonstrated theories of predicting crash proneness from crash history coupled with other factors. These factors—such as age, sex, geographic location, mileage driven and conviction history—are used every day by insurance companies and motor vehicle bureaus to predict the probability of an individual experiencing future crashes (See Weber, Donald C., “Accident Rate Potential: An Application of Multiple Regression Analysis of a Poisson Process,” Journal of American Statistical Association, June 1971). A 1964 California Driver Record Study prepared by the California Department of Motor Vehicles concluded that the best overall crash predictor for both concurrent and nonconcurrent events is the number of single convictions. This study used 3 consecutive years of data, comparing the experiences of drivers in the first 2 years with their experiences in the final year.

## III. Qualifications of Applicants

### Robert A. Buckley

Mr. Buckley, 68, has a corneal scar in his right eye due to a traumatic incident in 1960. The visual acuity in his right eye is no light perception, and in his left eye, 20/20. Following an examination in 2021, his optometrist stated, “Mr. Buckley has sufficient vision to perform the driving tasks needed to operate a commercial vehicle even though he is monocular.” Mr. Buckley reported that he has driven straight trucks for 53 years, accumulating 1.06 million miles. He holds an operator’s license from Indiana. His driving record for the last

<sup>1</sup> A thorough discussion of this issue may be found in a FHWA final rule published in the *Federal Register* on March 26, 1996 and available on the internet at <https://www.govinfo.gov/content/pkg/FR-1996-03-26/pdf/96-7226.pdf>.

3 years shows no crashes and no convictions for moving violations in a CMV.

*Steven L. Crews*

Mr. Crews, 59, has had an inoperable mature cataract in his right eye due to a traumatic incident in his childhood. The visual acuity in his right eye is light perception, and in his left eye, 20/20. Following an examination in 2021, his optometrist stated, "Based on his 30 year history of operating a commercial vehicle, and the visual findings of his left eye, I think he has sufficient vision to perform the driving tasks required." Mr. Crews reported that he has driven straight trucks for 31 years, accumulating 1.86 million miles, and tractor-trailer combinations for 12 years, accumulating 720,000 miles. He holds a Class A CDL from Texas. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Arthur B. Edge III*

Mr. Edge, 58, has an enucleation of his left eye due to an infection in 2015. The visual acuity in his right eye is 20/25, and in his left eye, no light perception. Following an examination in 2021, his optometrist stated, "I also certify, that in my medical opinion, the patient has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Edge reported that he has driven straight trucks for 39 years, accumulating 1.56 million miles, tractor-trailer combinations for 35 years, accumulating 1.75 million miles, and buses for 3 years, accumulating 300 miles. He holds a Class A CDL from Georgia. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Jorge Estol*

Mr. Estol, 47, has had a macular retinal scar in his left eye since 2007. The visual acuity in his right eye is 20/20, and in his left eye, 20/200. Following an examination in 2021, his optometrist stated, "I certify that my [sic] medical opinion, patient has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Estol reported that he has driven straight trucks for 7 years, accumulating 756,000 miles, and tractor-trailer combinations for 7 years, accumulating 756,000 miles. He holds a Class A CDL from Florida. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*William L. Fuqua*

Mr. Fuqua, 26, has had vitreoretinal adhesion in his right eye since birth. The visual acuity in his right eye is 20/50, and in his left eye, 20/20. Following an examination in 2021, his optometrist stated, "In my medical opinion, Mr. William Fuqua has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Fuqua reported that he has driven straight trucks for 10 years, accumulating 15,000 miles, tractor-trailer combinations for 2 years, accumulating 156,000 miles, and buses for 2 years, accumulating 2,000 miles. He holds a Class DA CDL from Kentucky. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Terry G. Grice*

Mr. Grice, 41, has had amblyopia in his left eye since birth. The visual acuity in his right eye is 20/20, and in his left eye, 20/300. Following an examination in 2021, his optometrist stated, "I also certify that in my medical opinion Terry Grice has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Grice reported that he has driven straight trucks for 9 years, accumulating 324,000 miles. He holds an operator's license from Indiana. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Gerardo Hernandez*

Mr. Hernandez, 41, has had strabismus in his right eye since childhood. The visual acuity in his right eye is 20/70, and in his left eye, 20/20. Following an examination in 2021, his optometrist stated, "In my opinion Mr. Hernandez has sufficient vision to operate a commercial vehicle." Mr. Hernandez reported that he has driven tractor-trailer combinations for 8 years, accumulating 4.45 million miles. He holds a Class A CDL from Texas. His driving record for the last 3 years shows no crashes and one conviction for a non-moving violation in a CMV: Over 34,000 pounds, tandem axle.

*Joshua J. Hilliard*

Mr. Hilliard, 36, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/200, and in his left eye, 20/20. Following an examination in 2021, his optometrist stated, "In my opinion, Mr. Hilliard demonstrated no visual limitations other than described above and poses no significant risk for operating a commercial vehicle, as long as

prescribed glasses or contacts are worn at all times." Mr. Hilliard reported that he has driven straight trucks for 5 years, accumulating 120,000 miles. He holds a Class A CDL from Ohio. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Orlando M. Hinton*

Mr. Hinton, 40, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/70. Following an examination in 2021, his optometrist stated, "In my medical opinion, Mr. Hinton does have sufficient vision to perform driving task required to operate a commercial vehicle." Mr. Hinton reported that he has driven straight trucks for 9 years, accumulating 630,000 miles, and tractor-trailer combinations for 3 years, accumulating 150,000 miles. He holds a Class A CDL from North Carolina. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Joshua M. Howe*

Mr. Howe, 28, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/200. Following an examination in 2021, his optometrist stated, "I submit this statement to the state of Indiana BMV, regarding Joshua M. Howe, in order to verify that his visual status is stable and adequate for continued use of a commercial motor vehicle." Mr. Howe reported that he has driven straight trucks for 11 years, accumulating 2.75 million miles and tractor-trailer combinations for 11 years, accumulating 55,000 miles. He holds a Class A CDL from Indiana. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Janessen B. Jenkins, Jr.*

Mr. Jenkins, 39, has complete loss of vision in his right eye due to a traumatic incident during his childhood. The visual acuity in his right eye is light perception, and in his left eye, 20/20. Following an examination in 2021, his optometrist stated, "I feel that Mr. Jenkins is visually capable of performing the driving tasks required of his job to operate a commercial vehicle" Mr. Jenkins reported that he has driven tractor-trailer combinations for 3 years, accumulating 285,000 miles. He holds an operator's license from Georgia. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Justin L. Knoll*

Mr. Knoll, 27, has proliferative retinopathy in his left eye due to a traumatic incident in 2008. The visual acuity in his right eye is 20/20, and in his left eye, hand motion. Following an examination in 2021, his ophthalmologist stated, "In my professional medical opinion, Justin is able to safely operate a commercial vehicle which he has been doing within the State of Michigan since 2013." Mr. Knoll reported that he has driven tractor-trailer combinations for 8 years, accumulating 624,000 miles. He holds a Class ECA CDL from Michigan. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Robert M. Lammon*

Mr. Lammon, 39, has an enucleation in his left eye due to a traumatic incident in 2017. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2021, his optometrist stated, "In my opinion this individual presents with sufficient vision to operate a commercial vehicle." Mr. Lammon reported that he has driven straight trucks for 10 years, accumulating 500,000 miles and tractor-trailer combinations for 10 years, accumulating 500,000 miles. He holds a Class A CDL from Ohio. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Richard D. Lang*

Mr. Lang, 62, has had retinal artery occlusion in his left eye since 2018. The visual acuity in his right eye is 20/20, and in his left eye, 20/125. Following an examination in 2021, his optometrist stated, "In my medical opinion, Mr. Lang has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Lang reported that he has driven tractor-trailer combinations for 15 years, accumulating 2.175 million miles. He holds a Class A CDL from South Dakota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Larry P. Magrath*

Mr. Magrath, 57, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/70, and in his left eye, 20/20. Following an examination in 2021, his optometrist stated, "I believe Larry Magrath has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Magrath reported that he has driven straight trucks for 15 years,

accumulating 375,000 miles and buses for 5 years, accumulating 12,500 miles. He holds a Class A CDL from Minnesota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*David L. Mairose*

Mr. Mairose, 57, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/200. Following an examination in 2021, his optometrist stated, "I certify that, in my medical opinion, this patient has sufficient vision to perform driving tasks required to operate a commercial vehicle." Mr. Mairose reported that he has driven straight trucks for 37 years, accumulating 203,500 miles and tractor-trailer combinations for 37 years, accumulating 925,000 miles. He holds a Class A CDL from Iowa. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Darrell L. Marlett*

Mr. Marlett, 50, has had a macular neovascular scar in his left eye since 2015. The visual acuity in his right eye is 20/15, and in his left eye, 20/200. Following an examination in 2021, his optometrist stated, "It is in my opinion, based on all the findings, that Mr. Marlett should have no issues driving a commercial vehicle." Mr. Marlett reported that he has driven straight trucks for 1 year, accumulating 1,500 miles, and tractor-trailer combinations for 9 years, accumulating 2.25 million miles. He holds a Class A CDL from Indiana. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Michael T. McGinty*

Mr. McGinty, 34, has a ruptured globe in his right eye due to a traumatic incident in 2010. The visual acuity in his right eye is light perception, and in his left eye, 20/20. Following an examination in 2021, his optometrist stated, "In my medical opinion, Michael McGinty has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. McGinty reported that he has driven straight trucks for 14 years, accumulating 109,200 miles. He holds a Class AM CDL from Pennsylvania. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Stephen D. Miles*

Mr. Miles, 63, has had histoplasmosis in his left eye since birth. The visual acuity in his right eye is 20/20, and in his left eye, 20/80. Following an examination in 2021, his optometrist stated, "He has normal color vision and is able to drive a commercial vehicle safely. His condition is stable." Mr. Miles reported that he has driven tractor-trailer combinations for 35 years, accumulating 3.15 million miles. He holds a Class A CDL from Oregon. His driving record for the last 3 years shows one crash for which he was cited for a moving violation in a CMV for careless driving.

*Joshua D. Mylan*

Mr. Mylan, 37, has had glaucoma in his right eye since 2016. The visual acuity in his right eye is no light perception, and in his left eye, 20/20. Following an examination in 2021, his ophthalmologist stated, "In my opinion Mr. Mylan has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Mylan reported that he has driven straight trucks for 8 years, accumulating 153,000 miles, and tractor-trailer combinations for 8 years, accumulating 68,000 miles. He holds an operator's license from Washington. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Albert M. Randle*

Mr. Randle, 60, has had a retinal detachment in his left eye since 2006. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2021, his ophthalmologist stated, "In my medical opinion, Mr. Randle has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Randle reported that he has driven straight trucks for 4 years, accumulating 192,000 miles, and tractor-trailer combinations for 29 years, accumulating 3.48 million miles. He holds a Class A CDL from Texas. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Mitchell L. Reineke*

Mr. Reineke, 34, has had a retinal scar in his left eye since birth. The visual acuity in his right eye is 20/20, and in his left eye, light perception. Following an examination in 2022, his optometrist stated, "Mitchell's vision is adequate for driving a commercial vehicle." Mr. Reineke reported that he has driven straight trucks for 18 years, accumulating 36,000 miles, and tractor-

trailer combinations for 3 years, accumulating 4,500 miles. He holds an operator's license from Nebraska. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Ritchy R. Richards*

Mr. Richards, 50, has complete loss of vision in his left eye due to a traumatic incident in 2017. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2021, his optometrist stated, "It is in my medical opinion Mr. Richards has sufficient vision in his right eye to perform the driving tasks required to operate a commercial vehicle." Mr. Richards reported that he has driven straight trucks for 30 years, accumulating 675,000 miles. He holds an operator's license from New Mexico. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Antwine Simmons II*

Mr. Simmons, 37, has glaucoma in his left eye due to a traumatic incident in 2012. The visual acuity in his right eye is 20/20, and in his left eye, 20/200. Following an examination in 2021 his ophthalmologist stated, "It is my medical opinion that Mr. Simmons has sufficient vision to operate a commercial vehicle." Mr. Simmons reported that he has driven straight trucks for 3 years, accumulating 288,312 miles. He holds a Class A CDL from Georgia. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

#### IV. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315(b), FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments and material received before the close of business on the closing date indicated under the **DATES** section of the notice.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2022-03349 Filed 2-15-22; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2022-0032]

#### Qualification of Drivers; Exemption Applications; Hearing

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

**ACTION:** Notice of applications for exemption; request for comments.

**SUMMARY:** FMCSA announces receipt of applications from 18 individuals for an exemption from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. If granted, the exemptions would enable these hard of hearing and deaf individuals to operate CMVs in interstate commerce.

**DATES:** Comments must be received on or before March 18, 2022.

**ADDRESSES:** You may submit comments identified by the Federal Docket Management System (FDMS) Docket No. FMCSA-2022-0032 using any of the following methods:

- *Federal eRulemaking Portal:* Go to [www.regulations.gov/](http://www.regulations.gov/), insert the docket number, FMCSA-2022-0032, in the keyword box, and click "Search." Next, sort the results by "Posted (Newer-Older)," choose the first notice listed, and click on the "Comment" button. Follow the online instructions for submitting comments.

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

- *Hand Delivery:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal Holidays.

- *Fax:* (202) 493-2251.

To avoid duplication, please use only one of these four methods. See the "Public Participation" portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366-4001, [fmcsamedical@dot.gov](mailto:fmcsamedical@dot.gov), FMCSA, DOT, 1200 New Jersey Avenue SE, Room W64-224, Washington, DC 20590-0001. Office hours are 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting

material to the docket, contact Dockets Operations, (202) 366-9826.

#### SUPPLEMENTARY INFORMATION:

##### I. Public Participation

###### A. Submitting Comments

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA-2022-0032), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to [www.regulations.gov/docket?D=FMCSA-2022-0032](http://www.regulations.gov/docket?D=FMCSA-2022-0032). Next, sort the results by "Posted (Newer-Older)," choose the first notice listed, click the "Comment" button, and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period.

###### B. Viewing Comments

To view comments go to [www.regulations.gov](http://www.regulations.gov). Insert the docket number, FMCSA-2022-0032, in the keyword box, and click "Search." Next, sort the results by "Posted (Newer-Older)," choose the first notice listed, and click "Browse Comments." If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12-140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590-0001, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366-9317 or (202) 366-9826 before visiting Dockets Operations.

### C. Privacy Act

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

### II. Background

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The statute also allows the Agency to renew exemptions at the end of the 5-year period. FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

The 18 individuals listed in this notice have requested an exemption from the hearing requirement in 49 CFR 391.41(b)(11). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

The physical qualification standard for drivers regarding hearing found in § 391.41(b)(11) states that a person is physically qualified to drive a CMV if that person first perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5—1951.

This standard was adopted in 1970 and was revised in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid, 35 FR 6458, 6463 (Apr. 22, 1970) and 36 FR 12857 (July 3, 1971).

On February 1, 2013, FMCSA announced in a Notice of Final Disposition titled, "Qualification of Drivers; Application for Exemptions; National Association of the Deaf," (78 FR 7479), its decision to grant requests from 40 individuals for exemptions from the Agency's physical qualification standard concerning hearing for interstate CMV drivers. Since that time

the Agency has published additional notices granting requests from hard of hearing and deaf individuals for exemptions from the Agency's physical qualification standard concerning hearing for interstate CMV drivers.

### III. Qualifications of Applicants

#### Michael Beam

Mr. Beam, 50, holds a commercial driver's license in Michigan.

#### Nathaniel Borton

Mr. Borton, 26, holds a class DM license in Wisconsin.

#### Wallace Bostrom

Mr. Bostrom, 39, holds a class D license in Minnesota.

#### Daniel Cohen

Mr. Cohen, 70, holds a class A commercial driver's license in Vermont.

#### Thomas Cook

Mr. Cook, 48, holds a regular driver's license in Virginia.

#### Lee Desoto

Mr. DeSoto, 49, holds a class D license in New Mexico.

#### Ruben Faulkwell

Mr. Faulkwell, 36, holds a class C license in Texas.

#### Christopher Gibbons

Mr. Gibbons, 39, holds a class F license in Missouri.

#### Renier Gonzalez

Mr. Gonzalez, 40, holds a class E license in Florida.

#### Leonie Hall

Ms. Hall, 45, holds a class D license in Illinois.

#### Dylan Lewis

Mr. Lewis, 22, holds class D license in Delaware.

#### Waylon Mathern

Mr. Mathern, 41, holds a class C license in Maryland.

#### Randall Norton

Mr. Norton, 36, holds a class CM license in Texas.

#### Adem Rexhepi

Mr. Rexhepi, 46, holds a class D license in Illinois.

#### Fernando Rizo

Mr. Rizo, 29, holds a class C license in California.

#### ZanDraya Schwab

Ms. Schwab, 30, holds a class D license in Utah.

#### Arnold Vega

Mr. Vega, 36, holds a class C license in Texas.

#### Larry West

Mr. West, 67, holds a class A license in Tennessee.

### IV. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315(b), FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated under the **DATES** section of the notice.

#### Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2022-03274 Filed 2-15-22; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2022-0017]

### Qualification of Drivers; Exemption Applications; Vision

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

**ACTION:** Notice of denials.

**SUMMARY:** FMCSA announces its decision to deny applications from 24 individuals who requested an exemption from the vision standard in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a CMV in interstate commerce.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366-4001, [fmcsamedical@dot.gov](mailto:fmcsamedical@dot.gov), FMCSA, DOT, 1200 New Jersey Avenue SE, Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing materials in the docket, contact Dockets Operations, (202) 366-9826.

### SUPPLEMENTARY INFORMATION:

#### I. Public Participation

##### A. Viewing Comments

To view comments go to [www.regulations.gov](http://www.regulations.gov). Insert the docket number, FMCSA-2022-0017, in the keyword box, and click "Search." Next, sort the results by "Posted (Newer-Older)," choose the first notice listed, and click "Browse Comments." If you



do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12-140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590-0001, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366-9317 or (202) 366-9826 before visiting Dockets Operations.

#### B. Privacy Act

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

## II. Background

FMCSA received applications from 24 individuals who requested an exemption from the vision standard in the FMCSRs.

FMCSA has evaluated the eligibility of these applicants and concluded that granting these exemptions would not provide a level of safety that would be equivalent to, or greater than, the level of safety that would be obtained by complying with § 391.41(b)(10).

## III. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. FMCSA grants exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

The Agency's decision regarding these exemption applications is based on medical reports about the applicants' vision, as well as their driving records and experience driving with the vision deficiency.

## IV. Conclusion

The Agency has determined that these applicants do not satisfy the eligibility criteria or meet the terms and conditions of the Federal exemption and granting these exemptions would not provide a level of safety that would be equivalent to, or greater than, the level of safety that would be obtained by complying with § 391.41(b)(10). Therefore, the 24 applicants in this notice have been denied exemptions

from the physical qualification standards in § 391.41(b)(10).

Each applicant has, prior to this notice, received a letter of final disposition regarding his/her exemption request. Those decision letters fully outlined the basis for the denial and constitute final action by the Agency. This notice summarizes the Agency's recent denials as required under 49 U.S.C. 31315(b)(4) by periodically publishing names and reasons for denial.

The following two applicants did not have sufficient driving experience over the past 3 years under normal highway operating conditions:

John T. Gerber (IN)

Kyle A. Varin (NJ)

The following 19 applicants had no experience operating a CMV:

Hussein M. Abdi (WI)

Jacob M. Bright (IN)

Julie A. Fippen (IN)

Donald T. Glenn (AL)

Lawrence E. Grant (NH)

Cynthia M. Jefferson (DE)

Vadim Kusraev (PA)

Jerry G. Morrison (NC)

Alexandra M. Padden (CA)

James P Parris (PA)

Todd W. Pastrick (MI)

Ezekiel Quiroz (FL)

Elizabeth M. Sanborn (NJ)

Kathleen A. Santos (ME)

Jeffrey N. Smith (MO)

Michelle M. Turner (CA)

Bebienfa B. Vadrine (VA)

Robert B. Wood (IN)

Sarah A. Yoder (WI)

The following applicant, Navjot Singh (CA), did not have 3 years of experience driving a CMV on public highways with their vision deficiency.

The following applicant, Terrence A. Grundysen (ND), did not have 3 years of recent experience driving a CMV on public highways with their vision deficiency.

The following applicant, Richard J. Stafford (VA), has not had stable vision for the preceding 3-year period.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2022-03271 Filed 2-15-22; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2012-0154; FMCSA-2013-0122; FMCSA-2013-0123; FMCSA-2015-0326; FMCSA-2015-0329; FMCSA-2016-0003; FMCSA-2017-0058; FMCSA-2019-0111]

### Qualification of Drivers; Exemption Applications; Hearing

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

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA announces its decision to renew exemptions for 17 individuals from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these hard of hearing and deaf individuals to continue to operate CMVs in interstate commerce.

**DATES:** Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates provided below.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366-4001, [fmcamedical@dot.gov](mailto:fmcamedical@dot.gov), FMCSA, DOT, 1200 New Jersey Avenue SE, Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366-9826.

### SUPPLEMENTARY INFORMATION:

#### I. Public Participation

##### A. Viewing Comments

To view comments go to [www.regulations.gov](http://www.regulations.gov). Insert the docket number, FMCSA-2012-0154, FMCSA-2013-0122, FMCSA-2013-0123, FMCSA-2015-0326, FMCSA-2015-0329, FMCSA-2016-0003, FMCSA-2017-0058, or FMCSA-2019-0111 in the keyword box, and click "Search." Next, sort the results by "Posted (Newer-Older)," choose the first notice listed, and click "Browse Comments." If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12-140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590-0001, between 9 a.m. and 5 p.m., ET,

Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

#### B. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption request. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy).

## II. Background

On January 10, 2022, FMCSA published a notice announcing its decision to renew exemptions for 17 individuals from the hearing standard in 49 CFR 391.41(b)(11) to operate a CMV in interstate commerce and requested comments from the public (87 FR 1248). The public comment period ended on February 9, 2022, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to, or greater than, the level that would be achieved by complying with § 391.41(b)(11).

The physical qualification standard for drivers regarding hearing found in § 391.41(b)(11) states that a person is physically qualified to drive a CMV if that person first perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5–1951.

This standard was adopted in 1970 and was revised in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid, 35 FR 6458, 6463 (Apr. 22, 1970) and 36 FR 12857 (July 3, 1971).

## III. Discussion of Comments

FMCSA received no comments in this proceeding.

## IV. Conclusion

Based upon its evaluation of the 17 renewal exemption applications, FMCSA announces its decision to exempt the following drivers from the hearing requirement in § 391.41 (b)(11).

In accordance with 49 U.S.C. 31136(e) and 31315(b), the following groups of drivers received renewed exemptions in the month of January and are discussed below:

As of January 6, 2022, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following four individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers (87 FR 1248): Steven Andrews (FL)  
John Brown (MN)  
Jerry Doose (MN)  
Donald Howton (AL)

The drivers were included in docket numbers FMCSA–2015–0326, FMCSA–2015–0329, or FMCSA–2017–0058. Their exemptions were applicable as of January 6, 2022 and will expire on January 6, 2024.

As of January 8, 2022, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following three individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers (87 FR 1248):

Matthew Burgoyne (MN)  
Joshua Gelona (OK)  
Eduardo Pedregal (TX)

The drivers were included in docket number FMCSA–2016–0003. Their exemptions were applicable as of January 8, 2022 and will expire on January 8, 2024.

As of January 14, 2022, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following five individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers (87 FR 1248):

Geoffrey Canoyer (MN)  
Chase Cooke (VA)  
Douglas Gray (OR)  
Sue Gregory (UT)  
Morris Townsend (NC)

The drivers were included in docket numbers FMCSA–2012–0154, FMCSA–2013–0122, FMCSA–2013–0123, or FMCSA–2017–0058. Their exemptions were applicable as of January 14, 2022 and will expire on January 14, 2024.

As of January 21, 2022, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following five individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers (87 FR 1248):

Herman Fleck (PA)  
Mark Merrow (MI)  
Jodyann Nipper (IA)  
Michael Steffen (IN)

Sherrie Willey (WA)

The drivers were included in docket number FMCSA–2019–0111. Their exemptions were applicable as of January 21, 2022 and will expire on January 21, 2024.

In accordance with 49 U.S.C. 31315(b), each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

Larry W. Minor,

*Associate Administrator for Policy.*

[FR Doc. 2022–03351 Filed 2–15–22; 8:45 am]

BILLING CODE 4910–EX–P

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2013–0106; FMCSA–2015–0017; FMCSA–2015–0320; FMCSA–2018–0058; FMCSA–2019–0036; FMCSA–2019–0206; FMCSA–2019–0210]

### Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

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

**ACTION:** Notice of renewal of exemptions; request for comments.

**SUMMARY:** FMCSA announces its decision to renew exemptions for eight individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have “no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.” The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to continue to operate CMVs in interstate commerce.

**DATES:** The exemptions are applicable on February 19, 2022. The exemptions expire on February 19, 2024. Comments must be received on or before March 18, 2022.

**ADDRESSES:** You may submit comments identified by the Federal Docket

Management System (FDMS) Docket No. FMCSA–2013–0106, Docket No. FMCSA–2015–0017, Docket No. FMCSA–2015–0320, Docket No. FMCSA–2018–0058, Docket No. FMCSA–2019–0036, Docket No. FMCSA–2019–0206, or Docket No. FMCSA–2019–0210 using any of the following methods:

- *Federal eRulemaking Portal*: Go to [www.regulations.gov/](http://www.regulations.gov/), insert the docket number, FMCSA–2013–0106, FMCSA–2015–0017, FMCSA–2015–0320, FMCSA–2018–0058, FMCSA–2019–0036, FMCSA–2019–0206, or FMCSA–2019–0210 in the keyword box, and click “Search.” Next, sort the results by “Posted (Newer-Older),” choose the first notice listed, and click on the “Comment” button. Follow the online instructions for submitting comments.

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

- *Hand Delivery*: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal Holidays.

- *Fax*: (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the “Public Participation” portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, [fmcsamedical@dot.gov](mailto:fmcsamedical@dot.gov), FMCSA, DOT, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

#### **SUPPLEMENTARY INFORMATION:**

### **I. Public Participation**

#### *A. Submitting Comments*

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA–2013–0106, Docket No. FMCSA–2015–0017, Docket No. FMCSA–2015–0320, Docket No. FMCSA–2018–0058, Docket No. FMCSA–2019–0036, Docket No. FMCSA–2019–0206, or Docket No. FMCSA–2019–0210), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your

comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to [www.regulations.gov/](http://www.regulations.gov/), insert the docket number, FMCSA–2013–0106, FMCSA–2015–0017, FMCSA–2015–0320, FMCSA–2018–0058, FMCSA–2019–0036, FMCSA–2019–0206, or FMCSA–2019–0210 in the keyword box, and click “Search.” Next, sort the results by “Posted (Newer-Older),” choose the first notice listed, click the “Comment” button, and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period.

#### *B. Viewing Comments*

To view comments go to [www.regulations.gov](http://www.regulations.gov). Insert the docket number, FMCSA–2013–0106, FMCSA–2015–0017, FMCSA–2015–0320, FMCSA–2018–0058, FMCSA–2019–0036, FMCSA–2019–0206, or FMCSA–2019–0210 in the keyword box, and click “Search.” Next, sort the results by “Posted (Newer-Older),” choose the first notice listed, and click “Browse Comments.” If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

#### *C. Privacy Act*

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption request. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in

the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy).

### **II. Background**

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The statute also allows the Agency to renew exemptions at the end of the 5-year period. FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver’s medical certification.

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria<sup>1</sup> to assist Medical Examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce.

The eight individuals listed in this notice have requested renewal of their exemptions from the epilepsy and seizure disorders prohibition in § 391.41(b)(8), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable 2-year period.

### **III. Request for Comments**

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b), FMCSA will take immediate steps to revoke the exemption of a driver.

<sup>1</sup> These criteria may be found in APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. *Epilepsy*: § 391.41(b)(8), paragraphs 3, 4, and 5, which is available on the internet at <https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf>.

#### IV. Basis for Renewing Exemptions

In accordance with 49 U.S.C. 31136(e) and 31315(b), each of the eight applicants has satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition. The eight drivers in this notice remain in good standing with the Agency, have maintained their medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous 2-year exemption period. In addition, for commercial driver's license (CDL) holders, the Commercial Driver's License Information System and the Motor Carrier Management Information System are searched for crash and violation data. For non-CDL holders, the Agency reviews the driving records from the State Driver's Licensing Agency. These factors provide an adequate basis for predicting each driver's ability to continue to safely operate a CMV in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of 2 years is likely to achieve a level of safety equal to that existing without the exemption.

As of February 19, 2022, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following eight individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers:

Daniel Bretz Jr. (PA)  
 Thomas DeAngelo (IL)  
 Robert Drake (AZ)  
 Pagagrong Newsome (CA)  
 Tyler Schaefer (ME)  
 Douglas Slagel (OH)  
 Cory Wagner (IL)  
 Randy Wentz (PA)

The drivers were included in docket number FMCSA–2013–0106, FMCSA–2015–0017, FMCSA–2015–0320, FMCSA–2018–0058, FMCSA–2019–0036, FMCSA–2019–0206, or FMCSA–2019–0210. Their exemptions are applicable as of February 19, 2022 and will expire on February 19, 2024.

#### V. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must remain seizure-free and maintain a stable treatment during the 2-year exemption period; (2) each driver must submit annual reports from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free; (3) each driver must undergo an annual medical examination by a certified ME, as

defined by § 390.5; and (4) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy of his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

#### VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

#### VII. Conclusion

Based on its evaluation of the eight exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the epilepsy and seizure disorders prohibition in § 391.41(b)(8). In accordance with 49 U.S.C. 31136(e) and 31315(b), each exemption will be valid for 2 years unless revoked earlier by FMCSA.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2022–03350 Filed 2–15–22; 8:45 am]

BILLING CODE 4910–EX–P

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA–2007–28454]

#### Petition for Expansion of Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that on January 29, 2022, Union Pacific Railroad Company (UPRR) petitioned the Federal Railroad Administration (FRA) for an expansion of a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 232 (Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End-Of-Train Devices). The relevant FRA Docket Number is FRA–2007–28454.

UPRR's existing waiver in this docket provides conditional relief from the

requirements for performing the single car air brake test (SCABT) as prescribed in 49 CFR 232.305(b)(2), *Single car air brake tests*. The relief allows UPRR to replace non-FRA condemnable wheelsets on railcars as part of an in-train wheelset replacement program at North Platte, Nebraska, and Roseville, California, without the need to also perform the SCABT as required, if the car has not received a SCABT within the previous 12 months.

In this petition, UPRR requests to expand the scope of relief for in-train wheel replacement beyond the two current facilities to also include the South Morrill, Nebraska, facility. UPRR states that the original waiver and subsequent extensions have had no adverse effect on safety, and that UPRR has operated under the guidelines set forth in the waiver.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at [www.regulations.gov](http://www.regulations.gov).

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted at [www.regulations.gov](http://www.regulations.gov). Follow the online instructions for submitting comments.

Communications received by April 4, 2022 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), the U.S. Department of Transportation (DOT) solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/>

*privacy-notice* for the privacy notice of *regulations.gov*.

Issued in Washington, DC.

**John Karl Alexy,**

*Associate Administrator for Railroad Safety  
Chief Safety Officer.*

[FR Doc. 2022-03288 Filed 2-15-22; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA-2022-0010]

#### Petition for Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that on January 28, 2022, the Western Maryland Scenic Railroad (WMSX) petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR parts 215 (Railroad Freight Car Safety Standards) and 224 (Reflectorization of Rail Freight Rolling Stock). FRA assigned the petition Docket Number FRA-2022-0010.

Specifically, WMSX requested a special approval pursuant to 49 CFR 215.203, *Restricted cars*, for a total of 6 cars, comprised of 1 tank car (WMSX 8959) and 5 coal hopper cars (WMSX 806641, WMSX 823059, WMSX 823059, WMSX 834314, and WMSX 834623) that are or are approaching more than 50 years from the date of original construction. WMSX also requests relief from 49 CFR 215.303, *Stenciling of restricted cars*, and 224.101, *General requirements*. WMSX seeks to operate the cars as historic artifacts in conjunction with, but not on, tourist and excursion trains. In support of its request, WMSX states that the relief would enable the cars to maintain historic integrity and that the cars would not exceed 10 miles per hour and not be interchanged.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov*.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted at *http://www.regulations.gov*. Follow the online instructions for submitting comments.

Communications received by April 4, 2022 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable. Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), the U.S. Department of Transportation (DOT) solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov*, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy*. See also *https://www.regulations.gov/privacy-notice* for the privacy notice of *regulations.gov*.

Issued in Washington, DC.

**John Karl Alexy,**

*Associate Administrator for Railroad Safety,  
Chief Safety Officer.*

[FR Doc. 2022-03287 Filed 2-15-22; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA-2022-0009]

#### Petition for Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that on January 26, 2022, Cuyahoga Valley Scenic Railroad (CVSR) petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR 240.201, *Implementation*. FRA assigned the petition Docket Number FRA-2022-0009.

Specifically, CVSR requests relief from § 240.201(d), which requires that only certified persons operate locomotives and trains. The relief would allow noncertified persons to pay a fee and operate a locomotive as part of a visitor experience program. CVSR states that this program would support the organization's mission to provide

educational, recreational, and heritage railroad experiences. In support of its petition, CVSR notes that the relief would only apply to persons participating in the program, and that participants would be 18 years of age or older and under the direct supervision of a certified and qualified locomotive engineer.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov*.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted at *http://www.regulations.gov*. Follow the online instructions for submitting comments.

Communications received by April 4, 2022 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable. Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), the U.S. Department of Transportation (DOT) solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov*, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy*. See also *https://www.regulations.gov/privacy-notice* for the privacy notice of *regulations.gov*.

Issued in Washington, DC.

**John Karl Alexy,**

*Associate Administrator for Railroad Safety,  
Chief Safety Officer.*

[FR Doc. 2022-03295 Filed 2-15-22; 8:45 am]

**BILLING CODE 4910-06-P**

**DEPARTMENT OF TRANSPORTATION****Federal Transit Administration****FY 2022 Competitive Funding Opportunity: Public Transportation on Indian Reservations Program; Tribal Transit Program**

**AGENCY:** Federal Transit Administration (FTA), Department of Transportation (DOT).

**ACTION:** Notice of Funding Opportunity (NOFO).

**SUMMARY:** The Federal Transit Administration (FTA) announces the opportunity to apply for \$8.75 million in competitive grants for the Fiscal Year (FY) 2022 Public Transportation on Indian Reservations (Tribal Transit) Program. As required by Federal public transportation law, funds will be awarded competitively for any purpose eligible under FTA's Formula Grants for Rural Areas Program, including planning, capital, and operating assistance for tribal public transit services in rural areas. FTA may award additional funding that is made available to the program prior to the announcement of project selections.

**DATES:** Complete proposals must be submitted electronically through the *GRANTS.GOV* "APPLY" function by 11:59 p.m. Eastern time on May 25, 2022. Any applicant intending to apply should initiate the process of registering on the *GRANTS.GOV* site immediately to ensure completion of registration before the submission deadline.

Instructions for applying can be found on FTA's website at <http://www.transit.dot.gov/howtoapply> and in the "FIND" module of *GRANTS.GOV*. The funding opportunity ID is FTA-2022-003-TPM-TRTR. Mail and fax submissions will not be accepted.

**FOR FURTHER INFORMATION CONTACT:** Matthew Lange, Office of Program Management, (312) 353-4118 or email [TribalTransit@dot.gov](mailto:TribalTransit@dot.gov). A TDD is available at 1-800-877-8339 (TDD/FIRS).

**SUPPLEMENTARY INFORMATION:****Table of Contents**

- A. Program Description
- B. Federal Award Information
- C. Eligibility Information
- D. Application and Submission Information
- E. Application Review Information
- F. Federal Award Administration Information
- G. Federal Awarding Agency Contacts
- H. Other Information

**A. Program Description**

Federal public transportation law (49 U.S.C. 5311(c)(1)(A)) authorizes FTA to

award competitive grants "under such terms and conditions as may be established by the Secretary" to Indian tribes for any purpose eligible under FTA's Formula Grants for Rural Areas Program, 49 U.S.C. 5311, including planning, capital, and operating assistance. Tribes may apply for this funding directly.

The Tribal Transit Program (Federal Assistance Listing: 20.509) supports FTA's strategic goals and objectives through investments that (1) enhance safety, (2) renew our transit systems; (3) reduce greenhouse gas emissions from public transportation, (4) improve equity, and (5) connect communities. This program also supports the President's Building a Better America initiative to mobilize American ingenuity to build a modern infrastructure and an equitable, clean energy future. In addition, the Tribal Transit Program and this NOFO will advance the goals of the January 20, 2021 Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (Executive Order 13985).

Competitive funds distributed to Indian tribes under the Tribal Transit Program do not replace or reduce funds that Indian tribes receive from States through FTA's Formula Grants for Rural Areas Program (Section 5311 Program). Specific project eligibility under this competitive allocation is described in Section C of this notice.

**B. Federal Award Information**

Federal public transportation law (49 U.S.C. 5338(a)(2)(F) and (49 U.S.C. 5311(c)(1)(A)), as amended by the Infrastructure Investment and Jobs Act (Pub. L. 117-58, the "Bipartisan Infrastructure Law" or "BIL") authorizes \$8,752,896 in FY 2022 for competitive grants under the Tribal Transit Program, subject to the availability of FY 2022 appropriated funding. Additional funds made available prior to project selection may be allocated to eligible projects. If during FY 2022, additional funding is made available for this program after announcement of project selections, FTA may make additional awards.

FTA will set a \$25,000 cap on planning grant awards, and FTA has discretion to cap capital and operating awards.

In FY 2021, the program received applications for 51 eligible projects requesting a total of \$18,779,220. Thirty-nine projects were funded at a total of \$10,360,657.

FTA will grant pre-award authority to incur costs for selected projects

beginning on the date FY 2022 project selections are announced on FTA's website. Funds are available for obligation for two fiscal years after the fiscal year in which the competitive awards are announced. Funds are available only for projects that have not incurred costs prior to the announcement of project selections.

**C. Eligibility Information****1. Eligible Applicants**

Eligible applicants include federally recognized Indian tribes or Alaska Native villages, groups, or communities as identified by the U.S. Department of the Interior (DOI) Bureau of Indian Affairs (BIA). This list can be found at: <https://www.bia.gov/service/tribal-leaders-directory/federally-recognized-tribes>. To be an eligible recipient, an Indian tribe must have the requisite legal, financial, and technical capabilities to receive and administer Federal funds under this program. Additionally, applicants must be located and provide service in a rural area with a population of less than 50,000. A service area can include some portions of urban areas (as identified in the most recent decennial census), so long as rural areas are also served.

**2. Cost Sharing or Matching**

There is no local match requirement for operating, capital, or planning projects under this program. All projects will be awarded at a 100 percent Federal share, unless the applicant chooses to provide a local match at its own discretion. If choosing to provide a local match, the proposal should include a description of the Indian tribe's financial commitment.

If desired by the applicant, tribes may use any local match eligible under Chapter 53 of Title 49, including cash from non-Government sources other than revenues from providing public transportation services; revenues derived from the sale of advertising and concessions; amounts received under a service agreement with a State or local social service agency or private social service organization; revenues generated from value capture financing mechanisms; funds from an undistributed cash surplus; replacement or depreciation cash fund or reserve; new capital; or in-kind contributions. Amounts appropriated or otherwise made available to a department or agency of the Government that are eligible to be expended for transportation, including amounts made available to carry out the Federal Lands Highway Program established by Section 204 of Title 23 are eligible

sources of local match. Transportation development credits or in-kind match may be used for local match if identified and documented in the application. More information about eligible sources of local match can be found in FTA Circular 9040.1G, available on the FTA website.

### 3. Eligible Projects

Eligible projects include public transportation planning, capital, or operating expenses. All eligible applicants may apply for operating assistance.

Public transportation includes regular, continuing shared-ride surface transportation services open to the public or open to a segment of the public defined by age, disability, or low income. Specific types of projects include: Capital investment for start-ups, replacement, or expansion needs; operating assistance; and planning projects up to \$25,000. Applications that include requests for more than one project type must identify the specific funds requested for each project type (planning, capital, or operating).

Indian tribes applying for capital replacement or expansion needs must demonstrate a sustainable source of operating funds for existing or expanded services.

## D. Application and Submission Information

### 1. Address To Request Application Package

Applications must be submitted electronically through *GRANTS.GOV*. General information for submitting applications through *GRANTS.GOV* can be found at [www.fta.dot.gov/howtoapply](http://www.fta.dot.gov/howtoapply) along with specific instructions for the forms and attachments required for submission.

### 2. Content and Form of Application Submission

#### (i) Proposal Submission

Applications must be submitted electronically through *GRANTS.GOV*. Mail and fax submissions will not be accepted. A complete proposal submission consists of two forms and their supporting attachments: The SF-424 Application for Federal Assistance (available at *GRANTS.GOV*) and the supplemental form for the FY 2022 Tribal Transit Program (available for download at *GRANTS.GOV* or the FTA website at <https://www.transit.dot.gov/tribal-transit>). Failure to submit the information as requested can delay review or disqualify the application. The Tribal Transit supplemental form provides guidance and a consistent

format for applicants to respond to the criteria outlined in this NOFO. The supplemental form and any supporting documents must be attached to the "Attachments" section of the SF-424. The application must include responses to all sections of the SF-424 Application for Federal Assistance and the supplemental form, unless indicated as optional. The information on the supplemental form will be used to determine applicant and project eligibility for the program and to evaluate the proposal against the selection criteria described in Section E of this notice.

FTA will only accept one supplemental form per SF-424 submission. Applicants may attach additional supporting information to the SF-424 submission, including but not limited to letters of support, project budgets, fleet status reports, or excerpts from relevant planning documents. Supporting documentation must be described and referenced by file name in the appropriate response section of the supplemental form, or it may not be reviewed.

Information such as applicant name, Federal amount requested, local match amount, description of areas served, etc. may be requested in varying degrees of detail on both the SF-424 and Supplemental Form. Applicants must fill in all fields unless stated otherwise on the forms. Applicants should not place "N/A" or "refer to attachment" in lieu of typing in responses in the field sections. If information is copied into the supplemental form from another source, applicants should verify that pasted text is fully captured on the supplemental form and has not been truncated by the character limits built into the form. Applicants should use both the "Check Package for Errors" and the "Validate Form" validation buttons on both forms to check all required fields on the forms and ensure that the Federal and local amounts specified are consistent. Applicants should enter their information in the supplemental form (fillable PDF) that is made available on FTA's website or through the *GRANTS.GOV* application package and should attach this to the application in its original format. Applicants should not use scanned versions of the form, "print" the form to PDF, convert or create a version using another text editor, etc. Complete instructions on the application process can be found at <http://www.transit.dot.gov>.

#### (ii) Application Content

The SF-424 Mandatory Form and the Supplemental Form will prompt

applicants for the required information, including:

a. Name of Federally recognized tribe and, if appropriate, the specific tribal agency submitting the application.

b. Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number.

c. *Contact information including:* Contact name, title, address, phone number, and email address.

d. Description of public transportation services, including areas currently served by the tribe, if any.

e. Name of person(s) authorized to apply on applicant's behalf (must accompany the proposal with a signed transmittal letter).

f. *Complete Project Description:* Indicate the category for which funding is requested (*i.e.*, project type: Capital, operating, or planning), and then indicate the project purpose (*i.e.*, start-up, expansion, or replacement). Describe the proposed project and what it will accomplish (*e.g.*, number and type of vehicles, routes, service area, schedules, type of services, fixed route or demand responsive, safety aspects), route miles (if fixed route), ridership numbers expected (actual if an existing system, estimated if a new system), major origins and destinations, population served, and whether the tribe provides the service directly or contracts for services, and note vehicle maintenance plans.

g. *Project Timeline:* Include significant milestones such as date of contract for purchase of vehicles, actual or expected delivery date of vehicles; facility project phases (*e.g.*, environmental reviews, design, construction); or dates for completion of planning studies. If applying for operating funding for new services, indicate the period of time that funds would be used to operate the system (*e.g.*, one year). This section should also include any needed timelines for tribal council project approvals, if applicable.

h. *Budget:* Provide a detailed budget for each proposed purpose, noting the Federal amount requested and any additional funds that will be used. If applying for more than one project type (planning, capital, or operating), please specify the total amount of funds requested for each project type. An Indian tribe may use up to fifteen percent of a grant award for capital projects for specific project-related planning and administration. The indirect cost rate may not exceed ten percent of the total amount awarded. Indian tribes must also provide their annual operating budget as an attachment or under the "Financial

Commitment and Operating Capacity” section of the supplemental form.

i. *Technical, Legal, Financial Capacity:* Applicants must be able to demonstrate adequate technical, legal, and financial capacity to be considered for funding. Every proposal must describe this capacity to implement the proposed project.

1. *Technical Capacity:* Provide examples of management of other Federal projects, including previously funded FTA projects or similar types of projects for which funding is being requested. Describe the resources available to implement the proposed transit project.

2. *Legal Capacity:* Provide documentation or other evidence to demonstrate status as a federally recognized Indian tribe. Further, demonstrate evidence of an authorized representative with authority to bind the applicant and execute legal agreements with FTA. If applying for capital or operating funds, identify whether appropriate Federal or State operating authority exists.

3. *Financial Capacity:* Provide documentation or other evidence demonstrating current adequate financial systems to receive and manage a Federal grant. Fully describe: (1) All financial systems and controls; (2) other sources of funds currently managed; and (3) the long-term financial capacity to maintain the proposed or existing transit services.

### 3. *Unique Entity Identifier and System for Award Management (SAM)*

Each applicant is required to: (1) Be registered in SAM before submitting an application; (2) provide a valid unique entity identifier in its application; and (3) continue to maintain an active SAM registration with current information at all times during which the applicant has an active Federal award or an application or plan under consideration by FTA. These requirements do not apply if the applicant is exempted from registration by FTA or the U.S. Office of Management and Budget under 2 CFR 25.110. FTA may not make an award until the applicant has complied with all applicable unique entity identifier and SAM requirements. If an applicant has not fully complied with the requirements by the time FTA is ready to make an award, FTA may determine that the applicant is not qualified to receive an award and use that determination as a basis for making a Federal award to another applicant.

SAM registration takes approximately 3–5 business days, but since there could be unexpected steps or delays (for example, if there is a need to obtain an

Employer Identification Number), FTA recommends allowing ample time, up to several weeks, for completion of all steps. For additional information on obtaining a unique entity identifier, please visit <https://www.sam.gov>.

### 4. *Submission Dates and Times*

Project proposals must be submitted electronically through *GRANTS.GOV* by 11:59 p.m. Eastern time on May 25, 2022. Proposals submitted after the deadline will only be considered under extraordinary circumstances not under the applicant’s control. Applications are time and date stamped by *GRANTS.GOV* upon successful submission. Mail and fax submissions will not be accepted.

Within 48 hours after submitting an electronic application, the applicant should receive an email message from *GRANTS.GOV* with confirmation of successful transmission to *GRANTS.GOV*. If a notice of failed validation or incomplete materials is received, the applicant must address the reason for the failed validation, as described in the email notice, and resubmit before the submission deadline. If making a resubmission for any reason, include all original attachments regardless of which attachments were updated and check the box on the supplemental form indicating this is a resubmission.

FTA urges applicants to submit their project proposals at least 72 hours prior to the due date to allow time to receive the validation message and to correct any problems that may have caused a rejection notification. FTA will not accept submissions after the stated submission deadline, except under extraordinary circumstances not under the applicant’s control. *GRANTS.GOV* scheduled maintenance and outage times are announced on the *GRANTS.GOV* website at <http://www.GRANTS.GOV>. The deadline will not be extended due to scheduled maintenance or outages.

Applicants are encouraged to begin the process of registration on the *GRANTS.GOV* site well in advance of the submission deadline. Registration is a multi-step process that may take several weeks to complete before an application can be submitted. Registered applicants may still be required to take steps to keep their registration up to date before submissions can be made successfully. For example, (1) registration in the SAM is renewed annually, and (2) persons making submissions on behalf of the Authorized Organization Representative (AOR) must be authorized in *GRANTS.GOV* by the AOR to make submissions.

### 5. *Funding Restrictions*

Funds must be used only for the specific purposes requested in the application and described in the resulting award. Funds under this NOFO cannot be used to reimburse projects for otherwise eligible expenses incurred prior to an FTA award under this program. Refer to Section C.3., Eligible Projects, for information on activities that are allowable in this grant program. Allowable direct and indirect expenses must be consistent with the Governmentwide Uniform Administrative Requirements and Cost Principles (2 CFR part 200) and FTA Circulars 5010.1E.

### 6. *Other Submission Requirements*

Applicants are encouraged to identify scaled funding options in case insufficient funding is available to fund a project at the full requested amount. If an applicant indicates that a project is scalable, the applicant must provide an appropriate minimum funding amount that will fund an eligible project that achieves the objectives of the program and meets all relevant program requirements. The applicant must provide a clear explanation of how the project budget would be affected by a reduced award. FTA may award a lesser amount regardless of whether a scalable option is provided.

All applications must be submitted via the *GRANTS.GOV* website. FTA does not accept applications on paper, by fax machine, email, or other means. For information on application submission requirements, please see Section D.1., Address to Request Application.

## E. *Application Review Information*

### 1. *Criteria for Capital and Operating Assistance Projects*

Proposals for capital and operating assistance projects will be evaluated primarily on the responses provided in the supplemental form. Additional information may be provided to support the responses; however, any additional documentation must be directly referenced on the supplemental form, including the file name where the additional information can be found. Applications will be evaluated based on the quality and extent to which the following evaluation criteria are addressed. Applications will be evaluated based on the degree to which the applicant describes how the proposed project was developed; demonstrates that a sound basis for the project exists; and demonstrates that the applicant is ready to implement the project if funded.



**(i.) Planning and Local/Regional Prioritization**

Information may vary depending upon how the planning process for the project was conducted and what is being requested. Planning and local/regional prioritization should:

- a. Describe the planning document or the planning process conducted to identify the proposed project;
- b. Provide a detailed project description, including the proposed service, vehicle and facility needs, and other pertinent characteristics of the proposed or existing service implementation;
- c. Identify existing transportation services in and near the proposed service area, and document in detail whether the proposed project will provide opportunities to coordinate service with existing transit services, including human service agencies, intercity bus services, or other public transit providers;
- d. Discuss the level of support by the community and tribal government for the proposed project;
- e. Describe how the mobility and client-access needs of tribal human services agencies were considered in the planning process;
- f. Describe what opportunities for public participation were provided in the planning process and how the proposed transit service or existing service has been coordinated with transportation provided for the clients of human services agencies, with intercity bus transportation in the area, or with any other rural public transit providers;
- g. Describe how the proposed service complements rather than duplicates any currently available services;
- h. If the tribe is already providing transit service, describe if this project is included in the tribe's transit asset management plan;
- i. Describe the implementation schedule for the proposed project, including time period, staffing, and procurement; and
- j. Describe any other planning or coordination efforts not mentioned above.

**(ii.) Project Readiness**

Applications will be evaluated on the degree to which the applicant describes readiness to implement the project. The project readiness factor involves assessing whether:

- a. The project qualifies for a categorical exclusion (see 23 CFR 771.118), or the required environmental work has been initiated or completed, for construction projects requiring an

environmental assessment or environmental impact statement under, among other laws, the National Environmental Policy Act of 1969;

- b. Project implementation plans are complete, including initial design of facilities projects;
- c. Project funds can be obligated and the project can be implemented quickly if selected; and
- d. The applicant demonstrates the ability to carry out the proposed project successfully.

**(iii.) Demonstration of Need**

Applications will be evaluated based on the degree to which the applicant identifies the need for transit resources. In addition to project-specific criteria, FTA will consider the project's impact on service delivery and whether the project represents a one-time or periodic need that cannot reasonably be funded from FTA program formula allocations or State and local resources. FTA will evaluate how the proposal demonstrates the transit needs of the Indian tribe as well as how the proposed transit improvements or the new service will address identified transit needs. Proposals should include information such as destinations and services not currently accessible by transit; needs for access to jobs or health care; safety enhancements; special needs of elders or individuals with disabilities; behavioral health care needs of youth; income-based community needs; or other mobility needs. If an applicant received a planning grant in previous fiscal years, the proposal should indicate the status of the planning study and how the proposed project relates to that study.

If the proposal is for capital funding associated with an expansion or expanded service, the applicant should describe how current or growing demand for the service necessitates the expansion (and therefore, more capital) or the degree to which the project will address a current capacity constraint. Capital replacement projects should include information about the age, condition, and performance of the asset to be replaced by the proposed project or how the replacement is necessary to maintain the transit system in a state of good repair.

**(iv.) Demonstration of Benefits**

Applications will be evaluated based on the degree to which the applicant identifies expected or, in the case of applications for operating assistance for existing service, achieved project benefits. FTA is particularly interested in how these investments will improve the quality of life for the tribe and

surrounding communities in which it is located. Applicants should describe how the transportation service or capital investment will provide greater access to employment opportunities, educational centers, healthcare, or other needs that impact the quality of life for the community and how it is expected to improve the environment. Possible examples include: Increased or sustained ridership and daily trips; improved service; elimination of gaps in service; improved operations and coordination; increased reliability; and other applicable community benefits related to health care, education, the economy, or the environment. Benefits can be demonstrated by identifying the population of tribal members and non-tribal members in the proposed project service area and estimating the number of daily one-way trips the proposed transit service will provide or the actual number of individual riders served. Applicants are encouraged to consider qualitative and quantitative benefits to the Indian tribe and to the surrounding communities that are meaningful to them.

Using the information provided under this criterion, FTA will rate proposals based on the quality and extent to which they discuss the following four factors:

- a. The project's ability to improve transit efficiency or increase ridership;
- b. Whether the project will improve or maintain mobility or eliminate gaps in service for the Indian tribe;
- c. Whether the project will improve or maintain access to important destinations and services;
- d. Any other qualitative benefits, such as greater access to jobs, education, and health care services, and environmental considerations.

**(v.) Financial Commitment and Technical, Legal, Financial and Operating Capacity**

Provision of a local match for the FY 2022 Tribal Transit Program is not required. Applications that include a local match will not be evaluated more favorably than those that do not. However, FTA is interested in ensuring that projects that receive funding are sustainable.

Applications must identify the source of local match (if any is included) and any other funding sources used by the Indian tribe to support proposed transit services, including human service transportation funding, the Federal Highway Administration's Tribal Transportation Program funding, or other FTA programs. If applicable, the applicant also should describe how prior year Tribal Transit Program funds

were spent to date to support the service. Additionally, Indian tribes applying to operate new services should provide a sustainable funding plan that demonstrates how it intends to maintain operations.

If applicable, FTA will consider any other resources the Indian tribe will contribute to the project, including in-kind contributions, commitments of support from local businesses, donations of land or equipment, and human resources. The proposal should describe to what extent the new project or funding for existing service leverages other funding. Based upon the information provided, the proposals will be rated on the extent to which the proposal demonstrates that:

- a. Tribal Transit Program funding does not replace existing funding;
- b. The Indian tribe will provide non-financial support to the project;
- c. The Indian tribe is able to demonstrate a sustainable funding plan; and
- d. Project funds are used in coordination with other services for efficient utilization of funds.

## 2. Criteria for Planning Proposals

For planning grants, the proposal must describe the need for and a general scope of the proposed study. Applications will be evaluated based on the degree to which the applicant addresses the following:

- a. The tribe's long-term commitment to transit; and
- b. The method used to implement the proposed study and/or further tribal transit.

## 3. Review and Selection Process

An FTA technical evaluation committee will review proposals under the project evaluation criteria. FTA may seek clarification about any statement in an application. After consideration of the findings of the technical evaluation committee, the FTA Administrator will determine the final selection and amount of funding for each project. Geographic diversity and the applicant's receipt and management of other Federal transit funds may be considered in FTA's award decisions.

After applying the above criteria, in support of the President's January 20, 2021 Executive Order 14008, Tackling the Climate Crisis at Home and Abroad, FTA will give priority consideration to applications that are expected to create significant community benefits relating to the environment, including those projects that incorporate low or no emission technology or specific elements to address greenhouse gas emissions and climate change impacts.

FTA encourages applicants to demonstrate whether they have considered climate change and environmental justice in terms of the transportation planning process or anticipated design components with outcomes that address climate change (e.g., resilience or adaptation measures).

There is no minimum or maximum grant award amount for operating and capital projects. Planning projects do not have a minimum grant award amount but will not receive an award of more than \$25,000.

FTA intends to fund as many meritorious projects as possible. Only proposals from eligible recipients for eligible activities will be considered for funding. Due to funding limitations, applicants that are selected for funding may receive less than the amount originally requested. In those cases, applicants must be able to demonstrate that the proposed projects are still viable and can be completed with the amount awarded.

## 4. Integrity and Performance Review

Prior to making an award with a total amount of Federal share greater than the simplified acquisition threshold (currently \$10,000), FTA is required to review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)). An applicant may review and comment on any information about itself that a Federal awarding agency previously entered into FAPIIS. FTA will consider any comments by the applicant, in addition to the other information in FAPIIS, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants as described in the Uniform Requirements for Federal Awards (2 CFR 200.206).

## F. Federal Award Administration Information

### 1. Federal Award Notice

FTA will publish a list of the selected projects, including Federal dollar amounts and award recipients, on FTA's website. Successful proposals will be awarded through FTA's Transit Award Management System (TrAMS) as grant agreements. The appropriate FTA Regional Office and tribal liaison will manage project agreements. Project recipients should contact their FTA Regional Offices and tribal liaison for information about setting up grants in

FTA's TrAMS. At the time the project selections are announced, FTA will extend pre-award authority for the selected projects. There is no blanket pre-award authority for these projects before announcement.

## 2. Administrative and National Policy Requirements

### a. Pre-Award Authority

FTA will issue specific guidance to recipients regarding pre-award authority at the time of selection. FTA does not provide pre-award authority for competitive funds until projects are selected, and even then, there are Federal requirements that must be met before costs are incurred. For more information about FTA's policy on pre-award authority, please see the most recent Apportionment Notice at <https://www.transit.dot.gov>.

### b. Grant Requirements

Except as otherwise provided in this NOFO, Tribal Transit Program grants are subject to the requirements of 49 U.S.C. 5311(c)(1) and the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 CFR part 200, as described in FTA Circular 9040.1G for the Formula Grants for Rural Areas Program. All recipients must also follow the Award Management Requirements (FTA Circular 5010.1E). Technical assistance regarding these requirements is available from each FTA regional office.

### c. Buy America and Domestic Preferences for Infrastructure Projects

All capital procurements must comply with FTA's Buy America requirements (49 U.S.C. 5323(j)), which require that all iron, steel, and manufactured products be produced in the United States, and impose minimum domestic content and final assembly requirements for rolling stock. The cost of rolling stock components and subcomponents produced in the United States must be more than 70 percent of the cost of all components, and final assembly of rolling stock must occur in the United States. Any proposal that will require a waiver must identify the items for which a waiver will be sought in the application. Applicants should not proceed with the expectation that waivers will be granted.

### d. Disadvantaged Business Enterprise

Recipients of planning, capital, or operating assistance that will award prime contracts (excluding transit vehicle purchases), the cumulative total of which exceeds \$250,000 in FTA funds in a Federal fiscal year, must

comply with the Disadvantaged Business Enterprise (DBE) program regulations (49 CFR part 26).

To be eligible to bid on any FTA-assisted transit vehicle procurement, entities that manufacture transit vehicles or perform post-production alterations or retrofitting must be certified Transit Vehicle Manufacturers (TVM). If a vehicle remanufacturer is responding to a solicitation for new or remanufactured vehicles with a vehicle to which the remanufacturer has provided post-production alterations or retrofitting (e.g., replacing major components such as engine to provide a “like new” vehicle), the vehicle remanufacturer must be a certified TVM.

The TVM rule requires that, prior to bidding on any FTA-assisted vehicle procurement, manufacturers of transit vehicles submit a DBE Program plan and annual goal methodology to FTA. FTA then will issue a TVM concurrence and certification letter. Grant recipients must verify each manufacturer’s TVM status before accepting its bid. A list of compliant, certified TVMs is posted on FTA’s website at <https://www.transit.dot.gov/TVM>. Recipients should contact FTA before accepting a bid from a manufacturer not on this list. In lieu of using a certified TVM, a recipient may establish project-specific DBE goals for its vehicle procurement. FTA will provide additional guidance as grants are awarded. For more information on DBE requirements, please contact Monica McCallum, FTA Office of Civil Rights, 206–220–7519, [Monica.McCallum@dot.gov](mailto:Monica.McCallum@dot.gov).

#### e. Standard Assurances

The applicant assures that it will comply with all applicable Federal statutes, regulations, executive orders, directives, FTA circulars, and other Federal administrative requirements in carrying out any project supported by the FTA grant. The applicant acknowledges that it is under a continuing obligation to comply with the terms and conditions of the grant agreement issued for its project with FTA. The applicant understands that Federal laws, regulations, policies, and administrative practices might be modified from time to time and may affect the implementation of the project. The applicant agrees that the most current Federal requirements will apply to the project, unless FTA issues a written determination otherwise. The applicant must submit the Certifications and Assurances before receiving a grant if it does not have current certifications on file.

#### f. Autonomous Vehicles

If an applicant is proposing to deploy autonomous vehicles or other innovative motor vehicle technology, the application should demonstrate that all vehicles will comply with applicable safety requirements, including those administered by the National Highway Traffic Safety Administration (NHTSA) and Federal Motor Carrier Safety Administration (FMCSA). Specifically, the application should show that vehicles acquired for the proposed project will comply with applicable Federal Motor Vehicle Safety Standards (FMVSS) and Federal Motor Carrier Safety Regulations (FMCSR). If the vehicles may not comply, the application should either (1) show that the vehicles and their proposed operations are within the scope of an exemption or waiver that has already been granted by NHTSA, FMCSA, or both agencies, or (2) directly address whether the project will require exemptions or waivers from the FMVSS, FMCSR, or any other regulation and, if the project will require exemptions or waivers, present a plan for obtaining them.

#### 3. Reporting

Post-award reporting requirements include submission of the Federal Financial Report (FFR) and Milestone Progress Report (MPR) in TrAMS, and FTA’s National Transit Database (NTD) reporting as appropriate (see FTA Circular 9040.1G). Reports to TrAMS and NTD are due annually. Applicants should include any goals, targets, and indicators referenced in their application to the project in the Executive Summary of the TrAMS application.

As part of completing the annual certifications and assurances required of FTA grant recipients, a successful applicant must report on the suspension or debarment status of itself and its principals. If the award recipient’s active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceed \$10,000,000 for any period of time during the period of performance of an award made pursuant to this Notice, the recipient must comply with the Recipient Integrity and Performance Matters reporting requirements described in Appendix XII to 2 CFR part 200.

#### G. Federal Awarding Agency Contacts

For further information concerning this notice, please contact Matthew Lange, Office of Program Management, (312) 353–4118, or email:

[TribalTransit@dot.gov](mailto:TribalTransit@dot.gov). A TDD is available at 1–800–877–8339 (TDD/FIRS).

#### H. Other Information

User-friendly information and resources regarding DOT’s discretionary grant programs relevant to rural applicants can be found on the Rural Opportunities to Use Transportation for Economic Success (ROUTES) website at <https://www.transportation.gov/rural>. Information about FTA programs that is specific to tribes can be found on FTA’s Tribal Entities landing page at <https://www.transit.dot.gov/funding/tribal-entities>.

This program is not subject to Executive Order 12372, “Intergovernmental Review of Federal Programs.” FTA will consider applications for funding only from eligible recipients for eligible projects listed in Section C of this Notice.

To assist tribes with understanding requirements under the Tribal Transit Program, FTA has conducted Tribal Transit Technical Assistance Workshops. FTA has expanded its technical assistance to tribes receiving funds under this program. Through the Tribal Transit Technical Assistance Assessments Initiative, FTA collaborates with Tribal Transit Leaders to review processes and identify areas in need of improvement and then assists to offer solutions to address these needs—all in a supportive and mutually beneficial manner that results in technical assistance. These assessments include discussions of compliance areas pursuant to the Master Agreement, a site visit, promising practices reviews, and technical assistance from FTA and its contractors. These workshops and assessments have received excellent feedback from Tribal Transit Leaders and provided FTA with invaluable opportunities to learn more about Tribal Transit Leaders’ perspectives and better honor the sovereignty of tribal nations.

FTA will post information about upcoming workshops to its website and will disseminate information about the assessments through its regional offices. Contact information for FTA’s regional offices can be found on FTA’s website at <https://www.transit.dot.gov/about/regional-offices/regional-offices>.

Applicants may also receive technical assistance by contacting their FTA regional Tribal Liaison. A list of Tribal Liaisons is available on FTA’s website at <https://www.transit.dot.gov/funding/grants/federal-transit-administrations-regional-tribal-liaisons>.

If awarded, grant funding made available through this program may be included in a Tribal Transportation Self-

Governance funding agreement if there is an existing Self-Governance compact in place between the tribe and the U.S. Department of Transportation. If funds are administered under a Tribal Self-Governance funding agreement, the funds will be subject to the requirements and provisions of the Tribal Transportation Self-Governance Program regulation at 49 CFR part 29 and may be used only for the purpose for which they were awarded.

**Nuria I. Fernandez,**  
Administrator.

[FR Doc. 2022-03341 Filed 2-15-22; 8:45 am]

BILLING CODE 4910-57-P

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2022-0009]

#### Agency Information Collection Activities; Notice and Request for Comment; National Survey of the Use of Booster Seats

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

**ACTION:** Notice and request for comments on extension of a currently approved information collection.

**SUMMARY:** NHTSA invites public comments about our intention to request approval from the Office of Management and Budget (OMB) for an extension of a currently approved information collection. Before a Federal agency can collect certain information from the public, it must receive approval from 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 on the National Survey of the Use of Booster Seats (NSUBS).

**DATES:** Comments must be submitted on or before April 18, 2022.

**ADDRESSES:** You may submit comments identified by the Docket No. NHTSA-2022-0009 through any of the following methods:

- *Electronic Submissions:* Go to the Federal eRulemaking Portal at <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Fax:* (202) 493-2251.

- *Mail or Hand Delivery:* Docket Management, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays. To be sure someone is there to help you, please call (202) 366-9322 before coming.

*Instructions:* All submissions must include the agency name and docket number for this notice. Note that all comments received will be posted without change to <http://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://www.transportation.gov/privacy>.

*Docket:* For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> or the street address listed above. Follow the online instructions for accessing the dockets via internet.

#### FOR FURTHER INFORMATION CONTACT:

For additional information or access to background documents, contact Lacey L. Boyle, Office of Traffic Records and Analysis, Mathematical Analysis Division (NSA-210), (202) 366-7468, National Center for Statistics and Analysis, W55-207, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590. Please identify the relevant collection of information by referring to its OMB Control Number.

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), 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 (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following: (a) Whether the proposed collection of information is necessary for the proper

performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) how to enhance the quality, utility, and clarity of the information to be collected; and (d) 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 proposed collection of information for which the agency is seeking approval from OMB.

*Title:* National Survey of the Use of Booster Seats.

*OMB Control Number:* 2127-0644.

*Form Number(s):* NHTSA Form 1010.

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

*Type of Review Requested:* Regular.

*Requested Expiration Date of Approval:* 3 years from date of approval.

*Summary of the Collection of Information:* The National Survey of the Use of Booster Seats (NSUBS) is a voluntary collection of restraint use information for children under 13. The purpose of the NSUBS is to gather information on restraint use for all child occupants, in particular the use of booster seats among children ages 4-7. NSUBS is a biennial collection that involves data collectors visiting sampled gas stations, recreation centers, day care centers, and seven specific fast food restaurant chains (McDonald's, Taco Bell, Burger King, Wendy's, Kentucky Fried Chicken, Dairy Queen, and Sonic), where vehicles are most likely to have child occupants. Data collectors will observe as many vehicles as possible that appear to have a least one child occupant under the age of 13 in order for data collector observation of restraint use for all occupants. For motorists who voluntarily participate in a subsequent interview, the data collectors conduct a brief interview with the vehicle driver or other knowledgeable adult to determine the age, height, weight, race, and ethnicity of the child occupants and age of the driver. The survey collects data to support estimates of restraint use for all children under 13. The collection includes race and ethnicity breakdowns of restraint use among all occupants in a vehicle as well as age, height, and weight of children.

*Description of the Need for the Information and Proposed Use of the Information:* The NSUBS is conducted to respond to Section 14(i) of the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act of 2000. The Act directs the Department of Transportation to reduce deaths and injuries among children in the 4- to 8-year old age group that are caused by failure to use a booster seat by twenty-five percent. Conducting the National Survey of the Use of Booster Seats provides the Department with invaluable information on use and non-use of booster seats, helping the Department to improve its outreach programs to ensure that children are protected to the greatest extent possible when they ride in motor vehicles. The survey data will allow

programs to better reach the caretakers whose children are unrestrained or not using the best restraint choice for their children’s sizes. The findings may also be of interest to State legislatures wanting to strengthen their child restraint laws by enacting mandatory or enhanced booster seat use provisions.

*Affected Public:* Motorists in passenger vehicles with children under 13 who are approached at gas stations, fast food restaurants, day care centers, and recreation centers frequented by children and asked to participate in the survey.

*Estimated Number of Respondents:* Based on the average number of respondents from the last three survey years (2017, 2019, 2021), we estimate that there will be approximately 5,300 respondents (*i.e.*, 5,300 adult motorists in passenger vehicles with children

under 13 at gas stations, fast food restaurants, day care centers, and recreation centers who agree to be interviewed for the survey).

*Frequency:* Biennial.

*Estimated Total Annual Burden Hours:* NHTSA estimates that the data collection will, on average, take approximately 4.25 minutes per respondent. A respondent in this case is an adult motorist providing information about children in their vehicle. Therefore, NHTSA estimates the total burden for the 5,300 respondents to be 376 hours, rounded ( $(4.25 \text{ minutes} \times 5,300 \text{ respondents}) \div 60 \text{ min/hr} = 375.42 \text{ hours}$ ). Since NSUBS data are collected biennially, dividing the 376 total burden hours by two yields an annual burden of 188 hours. Table 1 provides a summary of the burden hour estimates.

TABLE 1—BURDEN ESTIMATES

Responses per survey	Estimated burden per response (minutes)	Total burden hours per survey	Total annual responses	Total annual burden hours
5,300	4.25	376	2,650	188

To represent the value of the respondents’ time, NHTSA uses the average hourly wage for the United

States, which is estimated to be \$27.07.<sup>1</sup> Using this estimate, NHTSA estimates the total opportunity costs to

respondents to be \$10,178.32 ( $376 \times \$27.07$ ) or \$5,089.16 annually.

TABLE 2—OPPORTUNITY COSTS ESTIMATES

Responses per survey	Estimated burden per response (minutes)	Average hourly opportunity cost	Opportunity cost per response	Total burden hours per survey (hours)	Total opportunity cost per survey	Total annual opportunity cost
5,300	4.25	\$27.07	\$1.92	376	\$10,178.32	\$5,089.16

*Estimated Total Annual Burden Cost:* Participation in this study is voluntary, and there are no costs to respondents beyond the time spent taking part in the survey.

*Public Comments Invited:* You are asked to comment on any aspects of this information collection, including (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (b) the accuracy of the Department’s estimate of the burden of the proposed information collection; (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 the use of

automated collection techniques or other forms of information technology.

*Authority:* The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; 49 CFR 1.49; and DOT Order 1351.29.

Issued on February 11, 2022

**Chou-Lin Chen,**

*Associate Administrator for National Center for Statistic and Analysis.*

[FR Doc. 2022–03304 Filed 2–15–22; 8:45 am]

**BILLING CODE 4910–59–P**

**DEPARTMENT OF THE TREASURY**

**Financial Crimes Enforcement Network**

**Agency Information Collection Activities; Proposed Renewal; Comment Request; Renewal Without Change of Reporting Obligations on Foreign Bank Relationships With Iranian-Linked Financial Institutions Designated Under IEEPA and IRGC-Linked Persons Designated Under IEEPA**

**AGENCY:** Financial Crimes Enforcement Network (FinCEN), Treasury.

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

**SUMMARY:** As part of its continuing effort to reduce paperwork and respondent burden, FinCEN invites comments on the proposed renewal, without change,

<sup>1</sup> U.S. Dept. of Labor, Bureau of Labor Statistics, May 2020 National Occupational Employment and

Wage Estimates, accessed June 2021, from [https://www.bls.gov/oes/current/oes\\_nat.htm#00-0000](https://www.bls.gov/oes/current/oes_nat.htm#00-0000).

of a currently approved information collection found in an existing Bank Secrecy Act regulation. Specifically, the regulation requires that upon receiving a written request from FinCEN, a U.S. bank that maintains a correspondent account for a specified foreign bank must ask the foreign bank, and report to FinCEN, about transactions or other financial services provided by that foreign bank to Iranian-linked financial institutions designated under the International Emergency Economic Powers Act (IEEPA) and Islamic Revolutionary Guard Corps (IRGC)-linked persons designated under IEEPA. This request for comments is made pursuant to the Paperwork Reduction Act of 1995.

**DATES:** Written comments are welcome, and must be received on or before April 18, 2022.

**ADDRESSES:** Comments may be submitted by any of the following methods:

- *Federal E-rulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments. Refer to Docket Number FINCEN-2022-0005 and the specific Office of Management and Budget (OMB) control number 1506-0066.

- *Mail:* Policy Division, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183. Refer to Docket Number FINCEN-2022-0005 and OMB control number 1506-0066.

Please submit comments by one method only. Comments will be reviewed consistent with the Paperwork Reduction Act of 1995 and applicable OMB regulations and guidance. Comments submitted in response to this notice will become a matter of public record. Therefore, you should submit only information that you wish to make publicly available.

**FOR FURTHER INFORMATION CONTACT:** The FinCEN Regulatory Support Section at 1-800-767-2825 or electronically at [frc@fincen.gov](mailto:frc@fincen.gov).

#### SUPPLEMENTARY INFORMATION:

### I. Statutory and Regulatory Provisions

The legislative framework generally referred to as the Bank Secrecy Act (BSA) consists of the Currency and Financial Transactions Reporting Act of 1970, as amended by the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), Public Law 107-56 (October 26, 2001), and other legislation, including most recently the Anti-Money Laundering of 2020 (AML

Act).<sup>1</sup> The BSA is codified at 12 U.S.C. 1829b, 12 U.S.C. 1951-1960, 31 U.S.C. 5311-5314 and 5316-5336, and includes notes thereto, with implementing regulations at 31 CFR chapter X.

The BSA authorizes the Secretary of the Treasury, *inter alia*, to require financial institutions to keep records and file reports that are determined to have a high degree of usefulness in criminal, tax, and regulatory matters, or in the conduct of intelligence or counter-intelligence activities to protect against international terrorism, and to implement AML programs and compliance procedures.<sup>2</sup> Regulations implementing the BSA appear at 31 CFR chapter X. The authority of the Secretary to administer the BSA has been delegated to the Director of FinCEN.<sup>3</sup>

The Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (CISADA) amended the Iran Sanctions Act of 1996 by expanding economic sanctions against Iran. To comply with the Congressional mandate to prescribe regulations under section 104(e) of CISADA and consistent with its statutory mission under 31 U.S.C. 310, FinCEN issued a regulation requiring a U.S. bank<sup>4</sup> that maintains a correspondent account<sup>5</sup> for a specified

<sup>1</sup> The AML Act was enacted as Division F, §§ 6001-6511, of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, Public Law 116-283, 134 Stat 3388 (2021).

<sup>2</sup> Section 358 of the USA PATRIOT Act added language expanding the scope of the BSA to intelligence or counter-intelligence activities to protect against international terrorism. Section 6101 of the AML Act added language further expanding the scope of the BSA but did not amend these longstanding purposes.

<sup>3</sup> Treasury Order 180-01 (re-affirmed Jan. 14, 2020).

<sup>4</sup> 31 CFR 1010.100(d). A bank is defined as each agent, agency, branch or office within the United States of any person doing business in one or more of the capacities listed below: (1) A commercial bank or trust company organized under the laws of any State or of the United States; (2) a private bank; (3) a savings and loan association or a building and loan association organized under the laws of any State or of the United States; (4) an insured institution as defined in section 401 of the National Housing Act; (5) a savings bank, industrial bank or other thrift institution; (6) A credit union organized under the law of any State or of the United States; (7) any other organization (except a money services business) chartered under the banking laws of any state and subject to the supervision of the bank supervisory authorities of a State; (8) a bank organized under foreign law; (9) any national banking association or corporation acting under the provisions of section 25(a) of the Act of Dec. 23, 1913, as added by the Act of Dec. 24, 1919, ch. 18, 41 Stat. 378, as amended (12 U.S.C. 611-32).

<sup>5</sup> 31 CFR 1010.605(c)(1)(ii). For purposes of 31 CFR 1010.630, a correspondent account is defined as an account established for a foreign bank to receive deposits from, or to make payments or other disbursements on behalf of, the foreign bank, or to handle other financial transactions related to such foreign bank.

foreign bank<sup>6</sup> to ask of the foreign bank, and report to FinCEN, certain information about transactions or other financial services provided by that foreign bank. Under the regulation, U.S. banks are only required to report this information to FinCEN upon receiving a specific written request from FinCEN (“CISADA Request”). The regulation implementing section 104(e) of CISADA appears at 31 CFR 1060.300.

#### (a) General

Upon receiving a CISADA Request, a U.S. bank that maintains a correspondent account for a specified foreign bank is required under 31 CFR 1060.300(a) to inquire of the foreign bank, and report to FinCEN: (i) Any correspondent account maintained by such foreign bank for an Iranian-linked financial institution designated under IEEPA (“Iranian-linked Financial Institution”);<sup>7</sup> (ii) any direct or indirect transfer of funds for or on behalf of an Iranian-linked Financial Institution processed by such foreign bank within the preceding 90 calendar days, other than through a correspondent account; (iii) and any direct or indirect transfer of funds for or on behalf of an IRGC-linked person designated under IEEPA (“IRGC-linked Person”)<sup>8</sup> processed by such foreign bank within the preceding 90 calendar days.

#### (b) Duty To Inquire

31 CFR 1060.300(b) requires that, upon receiving a CISADA Request, a U.S. bank that maintains a correspondent account for a specified foreign bank must contact the foreign bank and request that the foreign bank certify whether it: (i) Maintains a correspondent account for an Iranian-linked Financial Institution; (ii) has processed one or more transfers of funds within the preceding 90 calendar days, directly or indirectly, for or on behalf of an Iranian-linked Financial Institution, other than through a correspondent

<sup>6</sup> 31 CFR 1010.100(u). A foreign bank is defined as a bank organized under foreign law, or an agency, branch or office located outside the United States of a bank. The term does not include an agent, agency, branch or office within the United States of a bank organized under foreign law.

<sup>7</sup> For purposes of 31 CFR 1060.300, “Iranian-linked financial institution designated under IEEPA” means a financial institution designated by the U.S. Government pursuant to IEEPA (or listed in an annex to an Executive order issued pursuant to IEEPA) in connection with Iran’s proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction, or in connection with Iran’s support for international terrorism.

<sup>8</sup> For purposes of 31 CFR 1060.300, an “IRGC-linked person designated under IEEPA” means the IRGC or any of its agents or affiliates designated by the United States Government pursuant to IEEPA (or listed in an annex to an Executive order issued pursuant to IEEPA).

account; and (iii) has processed one or more transfer of funds within the preceding 90 calendar days, directly or indirectly, for or on behalf of an IRGC-linked Person. In addition, at the time the U.S. bank contacts the foreign bank, the U.S. bank is required to request that the foreign bank agree to notify the U.S. bank if the foreign bank subsequently establishes a new correspondent account for an Iranian-linked Financial Institution within 365 calendar days from the date of the foreign bank's initial response.

FinCEN has developed an optional certification form<sup>9</sup> that includes a request to the foreign bank for information required under 31 CFR 1060.300. U.S. banks may use the certification form to obtain the necessary information from the foreign bank.

### (c) Filing Procedures

Upon receiving a CISADA Request, 31 CFR 1060.300(c)(1) requires that a U.S. bank report to FinCEN, in the format and manner prescribed by FinCEN, the following information for any specified foreign banks for which the U.S. bank maintains correspondent accounts:

- The name of any foreign bank that certifies that it maintains a correspondent account for an Iranian-linked Financial Institution, and the following related information: The name of the Iranian-linked Financial Institution; the full name(s) on the correspondent account and the correspondent account number(s); any information regarding whether the correspondent account has been blocked or restricted; other applicable identifying information for the correspondent account; and the approximate value in U.S. dollars of transactions processed through the correspondent account within the preceding 90 calendar days;
- The name of any foreign bank that certifies that it has processed one or more transfers of funds within the preceding 90 calendar days for or on behalf of, directly or indirectly, an Iranian-linked Financial Institution, other than through a correspondent account, and the following related information: The name of the Iranian-linked Financial Institution; the identity of the system or means by which such transfer(s) of funds was processed; the full name on the account(s) and the account number(s), other applicable identifying information for such transfer(s) of funds; and the

approximate value in U.S. dollars of such transfer(s) of funds processed within the preceding 90 calendar days;

- The name of any foreign bank that certifies that it has processed one or more transfers of funds within the preceding 90 calendar days directly or indirectly for or on behalf of an IRGC-linked Person, and the following related information: The name of the IRGC-linked Person; the identity of the system or means by which such transfer(s) of funds was processed; the full name on the account(s) and the account number(s); other applicable identifying information for such transfer(s) of funds; and the approximate value in U.S. dollars of such transfer(s) of funds processed within the preceding 90 calendar days;

- The name of any foreign bank that certifies that it does not maintain a correspondent account for an Iranian-linked Financial Institution; that certifies that to its knowledge it has not processed one or more transfers of funds within the preceding 90 calendar days for or on behalf of, directly or indirectly, an Iranian-linked Financial Institution, other than through a correspondent account; and/or that certifies that to its knowledge it has not processed one or more transfers of funds within the preceding 90 calendar days directly or indirectly for or on behalf of an IRGC-linked Person;

- The name of any foreign bank for which the U.S. bank is unable to determine if the foreign bank: (i) Maintains a correspondent account for an Iranian-linked Financial Institution; (ii) has processed one or more transfers of funds within the preceding 90 calendar days directly or indirectly for or on behalf of an Iranian-linked Financial Institution, other than through a correspondent account; and/or (iii) has processed one or more transfers of funds within the preceding 90 calendar days directly or indirectly for or on behalf of an IRGC-linked Person. In addition, the U.S. bank must provide an explanation of the reason(s) the U.S. bank cannot determine if the foreign bank has provided financial services to an Iranian-linked Financial Institution or an IRGC-linked Person, for example, if the foreign bank fails to respond to a request from the U.S. bank;

- The name of any foreign bank that notifies the U.S. bank that it has established a new correspondent account for an Iranian-linked Financial Institution at any time within 365 calendar days from the date of the foreign bank's initial response, and the following related information: The name of the Iranian-linked Financial Institution; the full name(s) on the

correspondent account and the correspondent account number(s); applicable information regarding whether the correspondent account has been blocked or restricted; and other applicable identifying information for the correspondent account;

- If applicable, confirmation that the U.S. bank does not maintain a correspondent account for the foreign bank(s), but only in instances in which FinCEN specifically requests that the U.S. bank report such information; and

- If applicable, the name of any foreign bank that provides a certification to the U.S. bank more than 45 calendar days after the date of FinCEN's request, along with all applicable related information associated with that certification.

31 CFR 1060.300(c)(2) requires that a U.S. bank report to FinCEN within 45 calendar days of receipt of a CISADA Request. U.S. banks must also report to FinCEN within 10 calendar days of receipt of any subsequent notifications received from a foreign bank regarding the establishment of a new correspondent account for an Iranian-linked Financial Institution. For reports based on certifications received from a foreign bank after the 45 calendar day deadline, U.S. banks are required to report to FinCEN within 10 calendar days of receipt of the certification.

### (d) Retention of Records

31 CFR 1060.300(d) requires that U.S. banks maintain a copy of any report filed and the original or any business record equivalent of any supporting documentation for a report, including a foreign bank certification or other responses to a FinCEN inquiry pursuant to 31 CFR 1060.300, for a period five years.

### (e) No Other Action Required

31 CFR 1060.300(e) states that nothing under 31 CFR 1060.300 shall be construed to require a U.S. bank to take any action, or to decline to take any action, other than the requirements identified in 31 CFR 1060.300, with respect to an account established for, or a transaction engaged in with, a foreign bank. However, nothing in 31 CFR 1060.300 relieves a U.S. bank of any other applicable regulatory obligations.

## II. Paperwork Reduction Act of 1995 (PRA)<sup>10</sup>

*Title:* Reporting obligations on foreign bank relationships with Iranian-linked financial institutions designated under IEEPA and IRGC-linked persons

<sup>9</sup> Available at [https://www.fincen.gov/sites/default/files/federal\\_register\\_notice/CISADA\\_Certification.pdf](https://www.fincen.gov/sites/default/files/federal_register_notice/CISADA_Certification.pdf).

<sup>10</sup> Public Law 104–13, 44 U.S.C. 3506(c)(2)(A).

designated under IEEPA (31 CFR 1060.300).

*OMB Control Number:* 1506–0066.

*Report Number:* Optional form—certification for purposes of section 104(e) of CISADA and 31 CFR 1060.300.

*Abstract:* FinCEN is issuing this notice to renew the OMB control number for the regulation that requires that upon receiving a CISADA Request, a U.S. bank that maintains a correspondent account for a specified foreign bank must inquire with the foreign bank, and report to FinCEN, with respect to transactions or other financial services provided by that foreign bank to Iranian-linked Financial Institutions and IRGC-linked Persons.

*Affected Public:* Businesses or other for-profit institutions, and non-profit institutions.

*Type of Review:*

- Renewal without change of a currently approved information collection.

*Frequency:* As required.

*Estimated Number of Potential*

*Respondents:* 5,164 banks.<sup>11</sup>

*Estimated Number of Responses:* 1,040 responses.<sup>12</sup>

Historically, since this regulation was implemented in 2011, FinCEN has used this authority in limited circumstances. For that reason, FinCEN conservatively estimates that on average around one

percent of U.S. banks (*i.e.*, approximately 52 U.S. banks)<sup>13</sup> that maintain correspondent accounts for foreign banks will maintain correspondent accounts for foreign banks that FinCEN may request information about under 31 CFR 1060.300: This estimate is based on the fact that foreign banks generally only hold a limited number of correspondent account relationships with separate U.S. banks. In order to further reduce the number of affected banks, when possible, FinCEN relies on information available to Treasury, or publicly available, to help limit the number of U.S. banks requested to provide information with respect to the foreign banks that are the subject of specific requests. In turn, FinCEN intends to continue to send requests directly to U.S. banks that FinCEN, based on all available information, believes maintain correspondent accounts for the specified foreign bank(s). If FinCEN makes a CISADA Request relating to approximately 10 foreign banks per year, and on average 52 U.S. banks are required to respond to such a request, U.S. banks will provide 520 CISADA-related reports per year to FinCEN. Each time a U.S. bank receives a CISADA Request from FinCEN, the U.S. bank will incur: A reporting burden associated with 31 CFR 1060.300(b) (inquiry) and 31 CFR 1060.300(c) (reporting); and a recordkeeping burden associated with 31 CFR 1060.300(d) (record retention). FinCEN estimates that the average burden associated with:

- 31 CFR 1060.300(b) is one hour per U.S. bank, because the U.S. bank can send the optional certification form to the foreign bank;
- 31 CFR 1060.300(c) is one hour per U.S. bank, because the U.S. bank can submit the responses from the foreign bank to FinCEN electronically; and
- 31 CFR 1060.300(d) is one hour per U.S. bank to maintain the records received from the foreign bank and transmitted to the U.S. bank.

These estimates result in a total estimated average burden of three hours per U.S. bank with respect to each CISADA Request.

In certain instances, FinCEN may request that, if a U.S. bank receives a CISADA Request from FinCEN, and the U.S. bank does not maintain a correspondent account for the foreign bank specified in the CISADA Request, the U.S. bank report this information to FinCEN. As noted above, FinCEN intends to send CISADA Requests primarily to U.S. banks that FinCEN is already aware have a correspondent account for a specified foreign bank. In instances in which FinCEN is not aware of which U.S. banks maintain a correspondent account for a specified foreign bank, FinCEN may send CISADA Requests to those U.S. banks FinCEN believes might have a correspondent account for a specified foreign bank. In instances where FinCEN is sending a CISADA Request to a small number of U.S. banks that FinCEN believes might maintain a correspondent account for a specified foreign bank, FinCEN may request, in the CISADA Request, that the U.S. banks that do not maintain a correspondent account for the specified foreign bank report such information to FinCEN. FinCEN believes that the estimated average reporting burden for a bank to report to FinCEN that it does not maintain a correspondent account for the foreign bank specified in CISADA Request will be approximately 30 minutes per request. Such responses can be submitted to FinCEN electronically. FinCEN also estimates that across the 10 requests FinCEN anticipates making annually, on average one percent of U.S. banks (52 banks) will receive a CISADA Request from FinCEN regarding foreign banks for which the U.S. banks do not maintain correspondent accounts. This means that approximately 52 U.S. banks will be required to report that they do not maintain a correspondent account for a foreign bank specified in a CISADA Request in any given year. If FinCEN makes a CISADA Request relating to approximately 10 foreign banks per year, and on average 52 U.S. banks are required to respond to such a request, U.S. banks will provide 520 CISADA-related reports per year to FinCEN.

*Estimated Number of Responses:* 1,040 responses as described in Table 1.

<sup>11</sup> Data are from the Federal Reserve's Structured Data for U.S. Banking Offices (*see* FRB: Structure Data for U.S. Banking Offices of Foreign Entities (*federalreserve.gov*)) and quarterly call report bank data (specifically, Schedule RC–E: Deposit liabilities, line 5: Liabilities of banks in foreign countries) from the Financial Institution Retrieval Data System (FINDRS). Using these two sources, FinCEN determines that as of Q3 2021, approximately 5,164 banking organizations (national and state banks, trusts, thrifts and savings and loans, branches and agencies of foreign banking organizations, representative offices, Edge Act corporations, and agreement corporations) will be affected by this rule on any given year. Specifically, we determine that there are approximately: 190 branches and agencies of foreign banks; 115 representative offices, Edge Act corporations, and agreement corporations; and 4,859 U.S. banks (national and state chartered, trusts, savings and loans, thrifts) that report values for deposit liabilities of banks in foreign countries. Deposit liabilities in a foreign country is an indication that a bank maintains at least one correspondent account with a foreign financial institution.

<sup>12</sup> Table 1 below sets forth a breakdown of the number and type of responses by banks.

<sup>13</sup> 51,164 U.S. banks multiplied by one percent equals 51.64, which is round to 52 U.S. banks.



TABLE 1—BREAKDOWN OF THE ESTIMATED NUMBER OF U.S. BANKS THAT HAVE A CORRESPONDENT ACCOUNT WITH A SPECIFIED FOREIGN BANK, VERSUS THE ESTIMATED NUMBER OF BANKS THAT DO NOT HAVE A CORRESPONDENT ACCOUNT FOR A SPECIFIED FOREIGN BANK

Number of reports from U.S. banks that maintain a correspondent account for a specified foreign bank in a CISADA request <sup>14</sup>	Number of reports from U.S. banks that do not maintain a correspondent account for a specified foreign bank in a CISADA request <sup>15</sup>	Estimated number of CISADA-related reports submitted to FinCEN annually as a result of inquiries under 31 CFR 1060.300
520	520	1,040

*Estimated Recordkeeping and Reporting Burden:*

FinCEN provides U.S. banks an optional certification form to send to the foreign banks to collect the information

required to be reported to FinCEN pursuant to 31 CFR 1060.300. In addition, FinCEN has historically allowed U.S. banks to submit their responses to FinCEN electronically.

FinCEN’s estimate of the annual PRA burden, therefore, is 1,820 hours, as detailed in Table 2 below:

TABLE 2—ESTIMATED HOURLY BURDEN ASSOCIATED WITH COMPLYING WITH 31 CFR 1060.300

Type of CISADA-related report	Total number of CISADA-related reports per type	Burden hours per U.S. bank	Total burden hours per type of CISADA-related report
Inquire with a foreign bank for which the U.S. bank maintains a correspondent account, and report the foreign bank’s responses to FinCEN.	520	3 hours .....	1,560
Report to FinCEN that the U.S. bank does not maintain a correspondent account for the specified foreign bank.	520	30 minutes .....	260
<b>Total Burden Hours</b> .....	.....	.....	<b>1,820</b>

To calculate the hourly costs of the burden estimate, FinCEN identified six roles and corresponding staff positions involved in obtaining, reviewing, and maintaining information from foreign banks: (i) General oversight (providing institution-level process approval); (ii) general supervision (providing process oversight); (iii) direct supervision

(reviewing operational-level work and cross-checking all or a sample of the work product against supporting documentation); (iv) clerical work (engaging in research and administrative review, and recordkeeping); (v) legal compliance (ensuring the certification documents are in legal compliance); and (vi) computer support (ensuring

certification documents can be properly stored, retrieved, and electronically submitted to FinCEN).

FinCEN calculated the fully-loaded hourly wage for each of these six roles by using the mean wage estimated by the U.S. Bureau of Labor Statistics (BLS),<sup>16</sup> and computing an additional benefits cost as follows:

TABLE 3—FULLY-LOADED HOURLY WAGE BY ROLE AND BLS JOB POSITION FOR ALL FINANCIAL INSTITUTIONS COVERED BY THIS NOTICE

Role	BLS-code	BLS-name	Mean hourly wage <sup>17</sup>	Benefit factor	Fully-loaded hourly wage
General oversight <sup>18</sup> .....	11–1010	Chief Executive <sup>19</sup> .....	\$107.12	1.42	\$152.11
General supervision .....	11–3031	Financial Manager .....	74.59	1.42	105.92
Direct supervision .....	13–1041	Compliance Officer .....	35.81	1.42	50.85
Clerical work (research, review, and recordkeeping).	43–3099	Financial Clerk .....	23.27	1.42	33.04
Legal compliance .....	23–1010	Lawyers and Judicial Law Clerks .....	85.66	1.42	121.64
Computer support .....	11–3021	Computer and Information Systems Managers.	77.77	1.42	110.43

<sup>14</sup> One percent of banks (52) multiplied by 10 CISADA Request per U.S. bank equals 520 CISADA-related reports.

<sup>15</sup> One percent of banks (52) multiplied by 10 CISADA Request per U.S. bank equals 520 CISADA-related reports.

<sup>16</sup> The U.S. Bureau of Labor Statistics, May 2020 OEWS National Industry-Specific Occupational Employment and Wage Estimates (*bls.gov*). The most recent data from the BLS corresponds to May 2020. For the benefits component of total compensation, see U.S. Bureau of Labor Statistics, “Table 9. Private industry workers, by major

occupational group: Employer costs per hour worked for employee compensation and costs as a percentage of total compensation”, available at Employer Costs for Employee Compensation Historical Tables—June 2021 (*bls.gov*). The ratio between benefits and wages for private industry workers is \$10.83 (hourly benefits)/\$25.80 (hourly wages) = 0.42, as of March 2021. The benefit factor is 1 plus the benefit/wages ratio, or 1.42. Multiplying each hourly wage by the benefit factor produces the fully-loaded hourly wage per position.

<sup>17</sup> For each occupation, FinCEN took the average of reported mean hourly wage across 9 affected

financial industries (as measured at the most granular NAICS code available, whether at the 2, 3, 4 or 5 digit NAICS code; see the BLS May 2020 OEWS National Industry-Specific Occupational Employment and Wage Estimates (*bls.gov*)).

<sup>18</sup> General oversight may include board of directors/trustees approval.

<sup>19</sup> Chief executive officer is the highest paid category in the BLS Occupational Employment Statistics. For that reason, FinCEN is conservatively estimating the highest wage rate available for its cost analysis.

FinCEN estimates that, *in general and on average*,<sup>20</sup> each role would spend different amounts of time on each portion of the traditional annual PRA burden, as follows:

TABLE 4—WEIGHTED AVERAGE HOURLY COST ASSOCIATED WITH COMPLYING WITH 31 CFR 1060.300

	Time (%)	Hourly cost
General Oversight .....	16.67	\$25.35
General Supervision .....	16.67	17.65
Direct Supervision .....	16.67	8.48
Clerical Work .....	16.67	5.51
Legal Compliance .....	16.67	20.27
Computer Support .....	16.67	18.41
Equal Weighted Average Hourly Cost .....		* 95.67

\* \$95.67 rounded to \$96.00.

The total estimated cost of the annual PRA burden is 174,720, as reflected in Table 5 below.

TABLE 5—TOTAL COST OF TRADITIONAL ANNUAL PRA BURDEN

Steps	Hourly burden	Hourly cost	Total cost
Inquire with a foreign bank for which the U.S. bank maintains a correspondent account, and report the foreign bank's responses to FinCEN .....	<sup>21</sup> 1,560	<sup>22</sup> \$96.00	\$149,760
Report to FinCEN that the U.S. bank does not maintain a correspondent account for the specified foreign bank .....	<sup>23</sup> 260	<sup>24</sup> 96.00	24,960
Total Cost .....			174,720

**Estimated Recordkeeping and Reporting Burden:** The average estimated annual PRA burden, measured in hours per respondent, is three hours for a U.S. bank that maintains a correspondent account for a specified foreign bank about which FinCEN inquires, and thirty minutes per U.S. bank that does not maintain a correspondent account for a specified foreign bank about which FinCEN inquires.

**Estimated Total Annual Responses:** 1,040 responses, as set out in Table 1.

**Estimated Total Annual Recordkeeping Burden:** The estimated total annual PRA burden is 1,820 hours, as set out in Table 2.

**Estimated Total Annual Recordkeeping Cost:** The estimated total annual PRA cost is \$174,720, as set out in Table 5.

An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Records required to be retained under the BSA must be retained for five years.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (i) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (ii) the accuracy of the agency's estimate of the burden of the collection of information; (iii) ways to enhance the quality, utility, and clarity of the information to be collected; (iv) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (v) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

**Himamauli Das,**  
Acting Director, Financial Crimes Enforcement Network.

[FR Doc. 2022-03266 Filed 2-15-22; 8:45 am]

**BILLING CODE 4810-02-P**

**DEPARTMENT OF THE TREASURY**

**Financial Crimes Enforcement Network**

**Agency Information Collection Activities; Proposed Renewal; Comment Request; Renewal Without Change of Additional Records To Be Made and Retained by Casinos**

**AGENCY:** Financial Crimes Enforcement Network (FinCEN), Treasury.

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

**SUMMARY:** As part of its continuing effort to reduce paperwork and respondent burden, FinCEN invites comments on the proposed renewal, without change, of a currently approved information collection found in existing Bank Secrecy Act regulations. Specifically, the regulations require casinos to secure and maintain a record of the name, permanent address, and social security number of each person who deposits funds or opens an account at the casino, or to whom the casino extends a line of credit. The regulations also require that casinos retain originals or copies of specified documents relating to account

<sup>20</sup> By "in general," FinCEN means without regard to outliers (e.g., U.S. banks that maintain correspondent accounts for a large number of foreign banks that FinCEN may submit a CISADA

Request for). By "on average," FinCEN means the mean of the distribution of each subset of the population.

<sup>21</sup> See Table 2.

<sup>22</sup> See Table 4.

<sup>23</sup> See Table 2.

<sup>24</sup> See Table 4.

and transaction records. Although no changes are proposed to the information collections themselves, this request for comments covers a future expansion of the scope of the annual hourly burden and cost estimate associated with these regulations. This request for comments is made pursuant to the Paperwork Reduction Act of 1995.

**DATES:** Written comments are welcome, and must be received on or before April 18, 2022.

**ADDRESSES:** Comments may be submitted by any of the following methods:

- *Federal E-rulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments. Refer to Docket Number FINCEN–2022–0004 and the specific Office of Management and Budget (OMB) control number 1506–0054.

- *Mail:* Policy Division, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183. Refer to Docket Number FINCEN–2022–0004 and OMB control number 1506–0054.

Please submit comments by one method only. Comments will be reviewed consistent with the Paperwork Reduction Act of 1995 and applicable OMB regulations and guidance. Comments submitted in response to this notice will become a matter of public record. Therefore, you should submit only information that you wish to make publicly available.

**FOR FURTHER INFORMATION CONTACT:** The FinCEN Regulatory Support Section at 1–800–767–2825 or electronically at [frc@fincen.gov](mailto:frc@fincen.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Statutory and Regulatory Provisions

The legislative framework generally referred to as the Bank Secrecy Act (BSA) consists of the Currency and Financial Transactions Reporting Act of 1970, as amended by the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), Public Law 107–56 (October 26, 2001), and other legislation, including most recently the Anti-Money Laundering Act of 2020 (AML Act).<sup>1</sup> The BSA is codified at 12 U.S.C. 1829b, 12 U.S.C. 1951–1959, 31 U.S.C. 5311–5314 and 5316–5336, and notes thereto, with implementing regulations at 31 CFR chapter X.

The BSA authorizes the Secretary of the Treasury (the Secretary), *inter alia*, to require financial institutions to keep

records and file reports that are determined to have a high degree of usefulness in criminal, tax, and regulatory matters, or in the conduct of intelligence or counter-intelligence activities to protect against international terrorism, and to implement AML programs and compliance procedures.<sup>2</sup> Regulations implementing the BSA appear at 31 CFR chapter X. The authority of the Secretary to administer the BSA has been delegated to the Director of FinCEN.<sup>3</sup>

With respect to each deposit, account, or line of credit, 31 CFR 1021.410(a) requires a casino to secure and maintain a record of the name, permanent address (“address”), and social security number (SSN) of the person involved at the time the funds are deposited, the account is opened, or credit is extended.<sup>4</sup> Where the deposit, account, or line of credit is in the name of two or more persons, the casino must secure the name, address, and SSN of each person having a financial interest in the deposit, account, or line of credit. The casino is required to verify the name and address of such person(s) at the time the deposit is made, the account is opened, or credit is extended, by the examination of a document as described in 31 CFR 1010.312.<sup>5</sup> The specific identifying information relied upon must be recorded by the casino in the manner described in 31 CFR 1010.312.<sup>6</sup> If a casino is unable to secure the required SSNs, the casino will not be deemed to be in violation of 31 CFR 1021.410 if the casino has made reasonable efforts to secure the SSNs and it maintains a list of the names and addresses of those persons from whom the casino was unable to obtain the SSNs. The casino must make the list available to the Secretary upon request. If a person is a

<sup>2</sup> Section 358 of the USA PATRIOT Act added language expanding the scope of the BSA to intelligence or counter-intelligence activities to protect against international terrorism. Section 6101 of the AML Act added language further expanding the scope of the BSA but did not amend these longstanding purposes.

<sup>3</sup> Treasury Order 180–01 (re-affirmed Jan. 14, 2020).

<sup>4</sup> References to “casinos” include both “casinos” and “card clubs,” as those terms are defined at 31 CFR 1010.100(t)(5) and (6).

<sup>5</sup> In October 2021, FinCEN granted limited exemptive relief to allow casinos and card clubs to use suitable non-documentary methods to verify the identity of online customers. See FIN–2021–R001, “Exemptive Relief for Casinos from Certain Customer Identity Verification Requirements,” (October 19, 2021), available at [https://www.fincen.gov/sites/default/files/2021-10/Casino%20Exemptive%20Relief%20101921\\_0.pdf](https://www.fincen.gov/sites/default/files/2021-10/Casino%20Exemptive%20Relief%20101921_0.pdf).

<sup>6</sup> 31 CFR 1010.312 requires verification of identity by examination of a document generally accepted within the banking community as a means of identification when cashing checks for non-depositors. The document relied upon for verification must be recorded.

nonresident alien, the casino is also required to record the person’s passport number or a description of another government document used to verify his/her identity.

Under 31 CFR 1021.410(b), a casino must retain either the original or a copy of each of the following:

- A record of each time the casino receives funds for credit to or deposit into any person’s account, including the name, address, and SSN of the person from whom the casino receives the funds, the date of receipt of the funds and the amount received. If the person from whom the funds were received is a non-resident alien, the casino is required to obtain and record the person’s passport number or a description of another government document used to verify the person’s identity;

- A record of each bookkeeping entry made to a customer’s deposit or credit account with the casino;

- Each statement, ledger card, or other record of each deposit or credit account with the casino, showing each transaction in or with respect to a customer’s account with the casino;

- A record of each extension of credit in excess of \$2,500, the terms and conditions of each such extension of credit, and repayments. The record must include the customer’s name, address, SSN, and the date and amount of the transaction (including repayments). If the credit is extended to a non-resident alien, the casino must obtain and record the non-resident alien’s passport number or a description of another government document used to verify identity;

- A record of each advice, request or instruction received or given by the casino with respect to a transaction involving a person, account, or place outside the United States. If the transaction is a transfer outside the United States on behalf of a third party, the record must include the third party’s name, address, SSN, signature, and the date and amount of the transaction. If the transaction is a transfer received from outside the United States on behalf of a third party, the same records must be obtained with regard to the third party;

- Records prepared or received by the casino in the ordinary course of business that would be needed to reconstruct a person’s deposit or credit account with the casino or that would be needed to trace a check deposited with the casino through the casino’s records to the bank of deposit;

- All records, documents, or manuals required to be maintained by a casino under state and local laws or

<sup>1</sup> The AML Act was enacted as Division F, §§ 6001–6511, of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, Public Law 116–283, 134 Stat 3388 (2021).

regulations, and regulations of any governing Indian tribe or tribal government;

- All records which are prepared or used by a casino to monitor a customer's gaming activity;

- A separate record containing a list of each transaction between the casino and its customers involving the following types of instruments having a face value of \$3,000 or more: (i) Personal checks; (ii) business checks; (iii) official bank checks; (iv) cashier's checks; (v) third-party checks; (vi) promissory notes; (vii) traveler's checks; and (viii) money orders. The list must contain the time, date, and amount of the transaction; the name and address of the customer; the type of instrument; the name of the drawee or issuer of the instrument; all reference numbers (e.g., casino account number, personal check number, etc.); and the name or casino license number of the casino employee who conducted the transaction. A casino must place applicable transactions on the list in the chronological order in which they occur;

- A copy of the compliance program described in 31 CFR 1021.210(b);<sup>7</sup> and
- For card clubs only,<sup>8</sup> records of all currency transactions by customers, including, without limitation, records in the form of currency transaction logs and multiple currency transaction logs, and records of all activity at cages or similar facilities, including cage control logs.

Under 31 CFR 1021.410(c), casinos that input, store, or retain, in whole or in part, for any period of time, any record required to be maintained by 31

<sup>7</sup> 31 CFR 1021.410(b)(10) requires each casino to retain a copy of the casino's AML compliance program as described in 31 CFR 1021.210(b). The burden for casinos to comply with 31 CFR 1021.210 is accounted for and renewed with OMB control number 1506-0051. For that reason, FinCEN does not need to estimate burden in this notice related to 31 CFR 1021.410(b)(10). See 85 FR 83676, Dec. 22, 2020, for the most recent renewal of OMB control number 1506-0051.

<sup>8</sup> 31 CFR 1010.100(t)(5)(iii) clarifies that any reference to casino in chapter X, other than in paragraph (t)(5) and (t)(6) of 31 CFR 1010.100, shall also include reference to a card club, unless the provision in question contains specific language varying its application to card clubs or excluding card clubs.

CFR 1010.410 or 31 CFR 1021.410 on computer disk, tape, or other machine-readable media must retain those records in the same format.<sup>9</sup> All indexes, books, programs, record layouts, manuals, formats, instructions, file descriptions, and similar materials that would enable a person to readily access and review the records described in 31 CFR 1010.410 and 31 CFR 1021.410, and that are recorded, stored, or retained on computer disk, tape or other machine-readable media, must be retained for the period of time such records are required to be retained.<sup>10</sup>

## II. Paperwork Reduction Act of 1995 (PRA)<sup>11</sup>

*Title:* Additional records to be made and retained by casinos (31 CFR 1021.410).

*OMB Control Number:* 1506-0054.

*Report Number:* Not applicable.

*Abstract:* FinCEN is issuing this notice to renew the OMB control number for regulations requiring additional records to be made and retained by casinos.

*Affected Public:* Businesses or other for-profit institutions.

*Type of Review:*

- Renewal without change of a currently approved information collection.
- Propose for review and comment a renewal of the portion of the PRA burden that has been subject to notice and comment in the past (the "traditional annual PRA burden").

<sup>9</sup> In addition to 31 CFR 1021.410, casinos are required to collect and retain information related to transmittals of funds pursuant to 31 CFR 1010.410. The burden for financial institutions to comply with 31 CFR 1010.410 is included in OMB control number 1506-0058. OMB control number 1506-0058 was renewed in 2021, following a notice and request for comment published in the **Federal Register** (See 85 FR 84105, Dec. 23, 2020). In the notice, FinCEN stipulated that although 31 CFR 1010.410 applies to all financial institutions, only certain financial institutions engage in the types of transactions described in 31 CFR 1010.410. Casino are one of the types of financial institutions that do not typically engage in the types of transactions described in 31 CFR 1010.410. Any similar type of transaction conducted by a casino is generally covered under 31 CFR 1021.410.

<sup>10</sup> Pursuant to 31 CFR 1010.430(d), covered financial institutions, including casinos, are required to maintain records of certain financial transactions for a period of five years.

<sup>11</sup> Public Law 104-13, 44 U.S.C. 3506(c)(2)(A).

- Propose for review and comment a future expansion of the scope of the PRA burden (the "supplemental annual PRA burden").

*Frequency:* As required.

*Estimated Number of Respondents:* 993 casinos.<sup>12</sup>

*Estimated Recordkeeping Burden:* In Part 1 of this notice, FinCEN describes the breakdown of the estimated number of casinos, by type. In Part 2, FinCEN proposes for review and comment a renewal of the estimate of the traditional annual PRA hourly burden, which includes a scope and methodology similar to that used in the past, with the incorporation of a more robust cost estimate. The scope and methodology used in the past assigned a single combined total annual hourly burden estimate, per casino, to multiple recordkeeping requirements within the regulations. In Part 3, FinCEN proposes for review and comment a methodology to estimate the hourly burden and the cost of a future estimate of a supplemental annual PRA burden that includes the burden and cost broken down by each unique type of recordkeeping requirement covered by the regulations being renewed. The methodology also includes identifying estimates of the number of transactions conducted annually, per casino that would trigger each unique recordkeeping requirement. Finally, in Part 4, FinCEN solicits input from the public about: (a) The accuracy of the estimate of the traditional annual PRA burden; (b) the method proposed to be more granular in the calculation of burden per unique recordkeeping requirement, within the regulations, to establish a future supplemental annual PRA burden; (c) the criteria, metrics, and most appropriate questions FinCEN should consider when researching the information to estimate the future traditional and supplemental annual PRA burden, according to the methodology proposed; and (d) any other comments about the regulation and the current and proposed future hourly burden and cost estimates of these requirements.

<sup>12</sup> Table 1 below sets forth a breakdown of the types of casinos covered by this notice.

*Part 1. Breakdown of the Casinos Covered by This Notice*

The breakdown of casinos, by type, covered by this notice is reflected in Table 1 below:

**TABLE 1—BREAKDOWN OF CASINOS COVERED BY THIS NOTICE, BY TYPE OF CASINO**

Type of casino	Number of casinos
Casino .....	13 466
Tribal casino .....	14 527
<b>Total number of casinos</b>	<b>15 993</b>

*Part 2. Traditional Annual PRA Burden and Cost*

(a) 31 CFR 1021.410(a) and (b)(1)–(9) <sup>16</sup>

Each casino must secure and maintain a record of the name, address, and SSN of each person who deposits funds, opens an account, or obtains a line of credit with the casino. Each casino must verify and document verification of this information. If a casino is unable to obtain SSNs for any of these transactions after making a reasonable effort to do so, the casino must maintain a list of the names and addresses of persons from whom the casino was

unable to obtain SSNs, to be made available to the Secretary of Treasury upon request.

Each casino must retain the original or a copy of each of the types of records outlined in 31 CFR 1021.410(b)(1)–(9), as described in additional detail in Section I above.

There are practical challenges to (i) determining the total number of deposits accepted, accounts opened, or lines of credit extended by each casino annually, and (ii) estimating how many records as described under 31 CFR 1021.410(b)(1)–(9) are generated by each casino each year. Because of these challenges, in the past, FinCEN has generally estimated the number of hours it would take for a casino to obtain and retain the records described in 31 CFR 1021.410(a) and 31 CFR 1021.410(b)(1)–(9) as being the same for every casino: 107.5 hours per casino.

(b) 31 CFR 1021.410(b)(11)

31 CFR 1021.410(b)(11) requires each card club <sup>17</sup> to document records of all currency transactions by customers and to retain the original or copy or reproduction of all currency transactions logs, multiple currency transaction logs, and cage control logs.

FinCEN does not have a way to estimate the number of cash

transactions conducted annually per card club. In addition, FinCEN does not have a source to estimate the number of card clubs impacted by this regulation. For these reasons, in the past, FinCEN has estimated the total number of cash transactions conducted by card clubs, in total, annually and assessed a burden estimate of 5 minutes per transaction.

(c) 31 CFR 1021.410(c)

Pursuant to 31 CFR 1021.410(c), casinos must record any of the records required to be maintained under 31 CFR 1010.410 and 31 CFR 1021.410 on computer disk, tape, or other machine-readable media to retain those records in same format for five years.

The records required to be maintained under 31 CFR 1021.410 are described in more detail above.<sup>18</sup> As noted above, FinCEN has no way to estimate the volume of transactions described in 31 CFR 1021.410 that are conducted annually by casinos. For that reason, in the past, FinCEN has generally estimated that the annual burden per casino to maintain such records in the format described in 31 CFR 1021.410(c) is the same for all casinos: 4 hours.

FinCEN’s estimate of the traditional annual PRA burden, therefore, is 128,637 hours, as detailed in Table 2 below:

**TABLE 2—BURDEN ASSOCIATED WITH EACH PORTION OF THE TRADITIONAL ANNUAL PRA ESTIMATE**

Action	Number of casinos or transactions (see Table 1)	Time	Total hourly burden
Complying with recordkeeping requirements under 31 CFR 1021.410(a) & (b)(1)–(9).	993 .....	107.5 hours per casino .....	* 106,748
Complying with recordkeeping requirements under 31 CFR 1021.410(b)(11).	215,000 transactions conducted by card clubs in total <sup>19</sup> .	5 minutes per transaction .....	* 17,917
Complying with recordkeeping requirements under 31 CFR 1021.410(c).	993 .....	4 hours per casino .....	3,972
<b>Total Hourly Burden</b> .....	.....	.....	<b>128,637</b>

\* 106,747.5 rounded to 106,748; 17,916.6 round to 17,917.

To calculate the hourly costs of the burden estimate, FinCEN identified six roles and corresponding staff positions involved in obtaining and maintain records as required by 31 CFR 1021.410: (i) General oversight (providing institution-level process approval); (ii)

general supervision (providing process oversight); (iii) direct supervision (reviewing operational-level work and cross-checking all or a sample of the work product against supporting documentation); (iv) clerical work (engaging in research and administrative

review, and recordkeeping); (v) legal compliance (ensuring the records are in legal compliance); and (vi) computer support (ensuring records can be properly stored and retrieved electronically if necessary).

FinCEN calculated the fully-loaded hourly wage for each of these six roles

<sup>13</sup> According to the numbers provided to FinCEN by the American Gaming Association (AGA), there are 466 commercial class casinos as of October 20, 2020.

<sup>14</sup> According to the numbers provided to FinCEN by the AGA, there are 527 tribal properties as of October 20, 2020.

<sup>15</sup> According to numbers provided to FinCEN by the AGA, the total number of casinos includes 223 commercial and tribal casinos in Nevada as of October 20, 2020. This number does not include restricted locations, *i.e.*, those with 15 slot

machines or fewer. *See also supra* note 8. FinCEN does not have a source to estimate the number of card clubs impacted by 31 CFR 1021.410, therefore, the number of card clubs is not included in the total estimated number of casinos.

<sup>16</sup> *See supra* note 7.

<sup>17</sup> *See supra* note 8.

<sup>18</sup> *See supra* note 9.

<sup>19</sup> FinCEN does not have a way to estimate the number of cash transactions conducted annually per card club. In addition, FinCEN does not have

a source to estimate the number of card clubs impacted by this regulation. In the past FinCEN estimated the total number of cash transactions conducted by card clubs annually was 215,000. Because FinCEN does not have a reliable source to estimate the number of cash transactions conducted by card clubs annually, and we did not receive comments contradicting our estimate of 215,000 cash transactions in the last renewal of this regulation, we will continue to use this estimate as part of the traditional annual PRA burden estimate.

by using the mean wage estimated by the U.S. Bureau of Labor Statistics (BLS),<sup>20</sup> and computing an additional benefits cost as follows:

TABLE 3—FULLY-LOADED HOURLY WAGE BY ROLE AND BLS JOB POSITION FOR ALL FINANCIAL INSTITUTIONS COVERED BY THIS NOTICE

Role	BLS-code	BLS-name	Mean hourly wage <sup>21</sup>	Benefit factor	Fully-loaded hourly wage
General oversight <sup>22</sup>	11-1010	Chief Executive <sup>23</sup>	\$107.12	1.42	\$152.11
General supervision	11-3031	Financial Manager	74.59	1.42	105.92
Direct supervision	13-1041	Compliance Officer	35.81	1.42	50.85
Clerical work (research, review, and recordkeeping).	43-3099	Financial Clerk	23.27	1.42	33.04
Legal compliance	23-1010	Lawyers and Judicial Law Clerks	85.66	1.42	121.64
Computer support	11-3021	Computer and Information Systems Managers.	77.77	1.42	110.43

FinCEN estimates that, in general and on average,<sup>24</sup> each role would spend different amounts of time on each portion of the traditional annual PRA burden, as follows:

TABLE 4—WEIGHTED AVERAGE HOURLY COST OF OBTAINING AND MAINTAINING THE RECORDS REQUIRED UNDER 31 CFR 1021.410

	Time (%)	Hourly cost
General Oversight	16.67	\$25.35
General Supervision	16.67	17.65
Direct Supervision	16.67	8.48
Clerical Work	16.67	5.51
Legal Compliance	16.67	20.27
Computer Support	16.67	18.41
Equal Weighted Average Hourly Cost		*95.67

\*\$95.67 rounded to \$96.00.

The total estimated cost of the traditional annual PRA burden is \$12,349,152, as reflected in Table 5 below:

TABLE 5—TOTAL COST OF TRADITIONAL ANNUAL PRA BURDEN

Action	Hour burden	Hourly cost	Total cost
Complying with recordkeeping requirements under 31 CFR 1021.410(a) & (b)(1)–(9)	106,748	\$96	\$10,247,808
Complying with recordkeeping requirements under 31 CFR 1021.410(b)(11)	17,917	96	1,720,032
Complying with recordkeeping requirements under 31 CFR 1021.410(c)	3,972	96	381,312
Total Cost			12,349,152

Part 3. Supplemental Annual PRA Burden

In the future, FinCEN intends to add a supplemental annual PRA burden calculation that will include the

estimated hourly burden and cost to comply with each type of recordkeeping requirement covered by the regulations being renewed. The future burden estimate will also include estimates of

the number of transactions conducted annually by casinos that would trigger each recordkeeping requirement. In the future, FinCEN intends to obtain an estimate of the number of card clubs

<sup>20</sup>The U.S. Bureau of Labor Statistics, May 2020 OEWS National Industry-Specific Occupational Employment and Wage Estimates (bls.gov). The most recent data from the BLS corresponds to May 2020. For the benefits component of total compensation, see U.S. Bureau of Labor Statistics, “Table 9. Private industry workers, by major occupational group: employer costs per hour worked for employee compensation and costs as a percentage of total compensation”, available at Employer Costs for Employee Compensation Historical Tables—June 2021 (bls.gov). The ratio between benefits and wages for private industry

workers is \$10.83 (hourly benefits)/\$25.80 (hourly wages) = 0.42, as of March 2021. The benefit factor is 1 plus the benefit/wages ratio, or 1.42.

Multiplying each hourly wage by the benefit factor produces the fully-loaded hourly wage per position.

<sup>21</sup>For each occupation, FinCEN took the average of reported mean hourly wage across 9 affected financial industries (as measured at the most granular NAICS code available, whether at the 2, 3, 4 or 5 digit NAICS code; see the BLS May 2020 OEWS National Industry-Specific Occupational Employment and Wage Estimates (bls.gov)).

<sup>22</sup>General oversight may include board of directors/trustees approval.

<sup>23</sup>Chief executive officer is the highest paid category in the BLS Occupational Employment Statistics. For that reason, FinCEN is conservatively estimating the highest wage rate available for its cost analysis.

<sup>24</sup>By “in general,” FinCEN means without regard to outliers (e.g., casinos that conducted transactions that warrant recordkeeping that are uncommonly higher or lower than those of the population at large). By “on average,” FinCEN means the mean of the distribution of each subset of the population.

required to comply with 31 CFR 1021.410.

(a) 31 CFR 1021.410(a) and (b)(1)–(9)<sup>25</sup>

As noted above, there are practical challenges to determining the total number of deposits accepted, accounts opened, or lines of credit extended by each casino annually. In addition, there are practical challenges in estimating how many records, as described under 31 CFR 1021.410(b)(1)–(9), are generated by each casino each year. In order to more accurately estimate the related PRA burden in the future, FinCEN intends to obtain a better understanding of the volume of deposits accepted, accounts opened, and lines of credit extended per casino and across the casino industry in total. In addition, FinCEN intends to obtain a better understanding of (i) the volume of records required to be made and retained under 31 CFR 1021.410(b)(1)–(9), and (ii) which of these records are required to be maintained exclusively for complying with the BSA, as opposed to complying with other regulatory requirements or for practical business purposes.

(b) 31 CFR 1021.410(b)(11)

As noted above, FinCEN does not have a way to estimate the number of cash transactions conducted annually per card club. In addition, FinCEN does not have a source to estimate the number of card clubs affected by this regulation. In order to more accurately estimate the related PRA burden in the future, FinCEN intends to obtain a better understanding of the volume of cash transactions conducted annually per card club and across the card club industry in total. In addition, FinCEN intends to obtain a better understanding of the population of card clubs required to comply with 31 CFR 1021.410.

(c) 31 CFR 1021.410(c)

As noted above, FinCEN has no way to determine the volume of transactions that would trigger one of the recordkeeping requirements under 31 CFR 1021.410, and of those transactions, how many would be retained on a computer disk, tape, or other machine-readable media. In the future, FinCEN intends to obtain a better understanding of the volume of transactions that would trigger the recordkeeping requirements in 31 CFR 1021.410 per casino, and across the casino industry. In addition, FinCEN intends to obtain a better understanding of how such records are stored and maintained, and the burden

and cost associated with storage and maintenance of such records.

FinCEN does not have the necessary information to provide a tentative estimate for these supplemental PRA hourly burdens and costs within the current notice. In addition, FinCEN does not have all the necessary information to precisely estimate the traditional annual PRA burden. For that reason, FinCEN is relying on estimates used in prior renewals of this OMB control number and the applicable regulations. FinCEN further recognizes that after receiving public comments as a result of this notice, future traditional annual PRA hourly burden and cost estimates may vary significantly. FinCEN intends to conduct more granular studies of the actions included in the proposed scope of the supplemental annual PRA burden in the near future, to arrive at more precise estimates of net BSA hourly burden and cost.<sup>26</sup> The data obtained in these studies also may result in a significant variation of the estimated traditional annual PRA burden.

*Estimated Number of Respondents:* 993, as set out in Table 1.<sup>27</sup>

*Estimated Total Annual Recordkeeping Burden:* The estimated total annual PRA burden is 128,637 hours, as set out in Table 2.

*Estimated Total Annual Recordkeeping Cost:* The estimated total annual PRA cost is \$12,349,152 as set out in Table 5.

An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Records required to be retained under the BSA must be retained for five years.

<sup>26</sup> Net hourly burden and cost are the burden and cost a financial institution incurs to comply with requirements that are unique to the BSA, and that do not support any other business purpose or regulatory obligation of the financial institution. Burden for purposes of the PRA does not include the time and financial resources needed to comply with an information collection, if the time and resources are for things a business (or other person) does in the ordinary course of its activities if the agency demonstrates that the reporting activities needed to comply are usual and customary. 5 CFR 1320.3(b)(2). For example, depending on the nature of the casino's transactions and accounts, the casino may be collecting and maintaining some of the same information in order to satisfy other obligations including (i) protecting the casino from fraud against itself or its customers, (ii) complying with other non-BSA regulatory requirements, or (iii) improving the casino's marketing efforts.

<sup>27</sup> Because FinCEN does not have a reliable source to estimate the number of card clubs that would be impacted by this regulation, the estimated number of respondents only includes casinos as set out in Table 1.

*Part 4. Request for Comments*

*(a) Specific request for comments on the traditional annual PRA hourly burden and cost.*

FinCEN invites comments on any aspect of the traditional annual PRA burden, as set out in Part 2 of this notice. In particular, FinCEN seeks comments on the adequacy of: (i) FinCEN's assumptions underlying its estimate of the burden; (ii) the estimated number of hours required by each portion of the burden; and (iii) the organizational levels of the casinos engaged in each portion of the burden, their estimated hourly remuneration, and the estimated proportion of participation by each role. FinCEN encourages commenters to include any publicly available sources for alternative estimates or methodologies.

*(b) Specific request for comments on the proposed criteria for determining the scope of a supplemental annual PRA hourly burden and cost estimate.*

FinCEN invites comments on any aspect of the criteria for a future estimate of the supplemental annual PRA burden, as set out in Part 3 of this notice.

*(c) Specific request for comments on the appropriate criteria and methodology required to obtain information to more precisely estimate the supplemental annual PRA hourly burden and cost.*

FinCEN invites comments on the most appropriate and comprehensive way to ask casinos about the annual hourly burden and cost attributable solely to the regulations covered by this notice (*i.e.*, the hourly burden and cost of complying with the recordkeeping requirements imposed exclusively by the BSA, which are not used to satisfy contractual obligations, other regulatory requirements, or business purposes of the casino).

The supplemental annual PRA hourly burden and cost estimate of the recordkeeping necessary to comply with the additional recordkeeping requirements for casinos must take into consideration the information collected and recorded that is used exclusively for complying with requirements under 31 CFR 1021.410. Given the complexity in determining what portion of the effort to include in the estimate, FinCEN seeks comments from the public regarding any questions we should consider posing in future notices, in addition to the specific questions for comment outlined directly below. Also, due to the evident difficulty involved in estimating the number of transaction accounts, lines of credit, and transactions that trigger recordkeeping requirements as

<sup>25</sup> See *supra* note 7.

described in this notice FinCEN welcomes any suggestions as to how to derive these estimates by using publicly available financial information.

(d) *Specific questions for comment associated with making and retaining the records required by the regulations described in this notice (if the commenter is a casino or card club, FinCEN asks that the comment provide information particular to that casino or card club):*<sup>28</sup>

(1) Complying With 31 CFR 1021.410(a)

- On average, how many deposits of funds does a casino accept annually?
- On average, how many accounts does a casino open annually?
- On average, how many lines of credit does a casino extend annually?
- On average, how long does it take a casino to collect, verify, and retain the records required to be maintained when it accepts a deposit, opens an account, or extends a line of credit?

(2) Complying With 31 CFR 1021.410(b)(1)–(9)

- On average, how often does a casino conduct each of the transactions described in 31 CFR 1021.410(b), as explained in further detail in Section I above?
- On average, how long does it take a casino to collect and retain the records required to be maintained when it conducts one of the transactions described in 31 CFR 1021.410(b)?
- How many of the records required to be made and retained under 31 CFR 1021.410(b) does a casino make and retain exclusively to comply with the BSA? How many of these records does a casino make and retain for other business or regulatory purposes, and what are those purposes?

(3) Complying With 31 CFR 1021.410(b)(11)

- Is there a public source that FinCEN can utilize to estimate the number of card clubs required to comply with 31 CFR 1021.410?
- On average, how many cash transactions are conducted annually by a card club?
- Are the records required to be maintained under 31 CFR 1021.410(b)(11) recorded and maintained exclusively to comply with the BSA, or does a card club make and retain any of these records for other business or regulatory purposes? If so, what are those purposes?

(4) Complying With 31 CFR 1021.410(c)

- On average, how long does it take a casino to input and retain the records required to be maintained by 31 CFR 1021.410 on computer disk, tape, or other machine-readable media, if a casino retains the required records in such a format?
- On average, what are the estimated costs for a casino to retain all of the records described in 31 CFR 1021.410 on computer disk, tape, or other machine-readable media for a period of five years?

(e) *General request for comments.*

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (i) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (ii) the accuracy of the agency's estimate of the burden of the collection of information; (iii) ways to enhance the quality, utility, and clarity of the information to be collected; (iv) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (v) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

**Himamauli Das,**

*Acting Director, Financial Crimes Enforcement Network.*

[FR Doc. 2022–03260 Filed 2–15–22; 8:45 am]

**BILLING CODE 4810–02–P**

**DEPARTMENT OF THE TREASURY**

**Agency Information Collection Activities; Proposed Collection; Comment Request; Collection of Data From Property and Casualty Insurers for Reports Concerning the Terrorism Risk Insurance Program**

**AGENCY:** Departmental Offices, Department of the Treasury.

**ACTION:** Notice, request for comment.

**SUMMARY:** The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on these requests.

**DATES:** Comments must be received on or before March 18, 2022.

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

**FOR FURTHER INFORMATION CONTACT:**

Copies of the submissions may be obtained from Molly Stasko by emailing [PRA@treasury.gov](mailto:PRA@treasury.gov), calling (202) 622–8922, or viewing the entire information collection request at [www.reginfo.gov](http://www.reginfo.gov).

**SUPPLEMENTARY INFORMATION:**

**Departmental Offices (DO)**

*Title:* Collection of Data from Property and Casualty Insurers for Reports Concerning the Terrorism Risk Insurance Program.

*OMB Control Number:* 1505–0257.

*Type of Review:* Revision of a currently approved collection.

*Description:* Pursuant to the Terrorism Risk Insurance Act of 2002 (TRIA), the Federal Insurance Office (FIO) requests public feedback on the proposed revisions to the data collection forms for the 2022 data call. Treasury has determined that changes to the existing forms are required in support of the administration of the Terrorism Risk Insurance Program (Program) to obtain more detailed information in two general areas: (1) Captive insurers; and (2) cyber insurance. There are two general categories of material changes to the proposed reporting templates for 2022—one that applies solely to captive insurers, and the second that applies to the Cyber worksheet, which is contained in all templates and is to be completed by all participating insurers that write cyber insurance.

Treasury's advisory committee in connection with the Program, the Advisory Committee on Risk-Sharing Mechanisms, recommended in 2020 that Treasury evaluate the manner in which captive insurers access the Program in order to ensure that the risk-sharing principles underlying the Program are being met. In furtherance of that goal and Treasury's administration of the Program, Treasury has proposed to require more detailed information concerning the terrorism risk insurance subject to the Program written by captive insurers as well as the insurance they provide more generally.

The proposed changes for captive insurers will require them to report much of the same information as

<sup>28</sup> Comments submitted in response to this notice will become a matter of public record. Therefore, commenters should submit only information that can be made publicly available.



previously, but to segment it in more detail.

The proposed changes regarding cyber insurance seek more detailed information concerning cyber insurance written by insurers subject to the Program, in lines of insurance both covered and not covered by the Program, so that Treasury may better evaluate the Program's response to cyber-related incidents that could have implications for the Program and its

effectiveness, and Treasury's administration of it. In addition, the proposed changes seek information on the type of policyholders, by size, obtaining cyber insurance, and also request detailed information on coverage for ransomware-related losses, including existing claims information.

*Affected Public:* Businesses and other for-profit institutions.

*Estimated Number of Respondents:* 1,000.

*Frequency of Response:* Annually.

*Estimated Total Number of Annual Responses:* 1,000.

*Estimated Time per Response:* Varies from 32 hours up to 90 hours.

*Estimated Total Annual Burden Hours:* 51,800.

*Authority:* 44 U.S.C. 3501 *et seq.*

Dated: February 11, 2022.

**Molly Stasko,**

*Treasury PRA Clearance Officer.*

[FR Doc. 2022-03320 Filed 2-15-22; 8:45 am]

**BILLING CODE 4810-AK-P**

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