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

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 7 CFR Part 319

[Docket No. APHIS–2016–0099]

#### Decision To Authorize the Importation of Fresh Avocado Fruit From Continental Ecuador Into the Continental United States

**AGENCY:** Animal and Plant Health Inspection Service, Department of Agriculture (USDA).

**ACTION:** Final rulemaking action; notification of decision to import.

**SUMMARY:** We are advising the public of our decision to authorize the importation of fresh avocado fruit from continental Ecuador into the continental United States. Based on the findings of a pest risk analysis, which we made available to the public for review and comment, we have determined that the application of one or more designated phytosanitary measures will be sufficient to mitigate the risks of introducing or disseminating plant pests or noxious weeds via the importation of fresh avocado fruit from continental Ecuador.

**DATES:** The articles covered by this notification may be authorized for importation after May 26, 2022.

**FOR FURTHER INFORMATION CONTACT:** Ms. Claudia Ferguson, Senior Regulatory Policy Specialist, Regulatory Coordination and Compliance, Imports, Regulations, and Manuals, PPQ, APHIS, 4700 River Road, Unit 133, Riverdale, MD 20737–1231; (301) 851–2352.

#### SUPPLEMENTARY INFORMATION:

##### Background

Under the regulations in “Subpart L—Fruits and Vegetables” (7 CFR 319.56–1 through 319.56–12, referred to below as the regulations), the Animal and Plant Health Inspection Service (APHIS)

of the United States Department of Agriculture (USDA) prohibits or restricts the importation of fruits and vegetables into the United States from certain parts of the world to prevent the introduction and dissemination of plant pests.

Section 319.56–4 contains a performance-based process for approving the importation of fruits and vegetables that, based on the findings of a pest risk analysis, can be safely imported subject to one or more of the five designated phytosanitary measures listed in paragraph (b) of that section.

On June 15, 2018, APHIS published in the **Federal Register** (83 FR 27918–27922, Docket No. APHIS–2016–0099) a proposed rule<sup>1</sup> to authorize the importation of fresh avocado from continental Ecuador into the continental United States.

The proposed rule was based on a pest risk assessment (PRA) that found four quarantine pests to be candidates for pest risk management. The quarantine pests were the fruit flies *Anastrepha fraterculus* (Wiedemann), *Anastrepha serpentina* (Wiedemann), *Anastrepha striata* (Schiner), and *Ceratitis capitata* (Wiedemann). All avocado varieties except the Hass variety are hosts for these quarantine pests. Consequently, APHIS proposed to allow the importation of avocados from Ecuador into the United States under a systems approach that included phytosanitary measures to safeguard against these pests for all varieties of avocado except the Hass variety.

During the public comment period, we received information from a commenter that led us to add the avocado seed pest, *Stenoma catenifer*, to a revised PRA. The revised PRA determined that *Stenoma catenifer* was a candidate for pest risk management for all varieties of avocado imported from continental Ecuador. In light of this change, we revised the risk management document (RMD) to include pest risk management measures for *Stenoma catenifer* for all avocado varieties. We made the revised PRA and the revised RMD available for public review and reopened the comment period until May 17, 2021, in a document published in the **Federal Register** on April 16, 2021

(86 FR 20037–20038, Docket No. APHIS–2016–0099).<sup>2</sup>

We received 10 comments by the end of the original comment period on August 14, 2018, and 4 additional comments by the end of the reopened comment period on May 17, 2021. The comments were from two State departments of agriculture, Ecuador’s national plant protection organization (NPPO), two trade associations, and private individuals.

The issues raised by the commenters are addressed below.

One commenter requested that the required buffer zone around pest-free places of production for *Stenoma catenifer* be 500 meters instead of 1 kilometer. The commenter noted that, according to the cited literature, *Stenoma catenifer* can fly 67 meters per night, implying that adults could only move 469 meters during their lifespan.

While it is true that the cited study found that males flew an average of 67 meters in one night, the study also noted that this is likely an underestimate of the distance that male moths are capable of flying in a single night. Therefore, it should not be assumed based on the study that 469 meters is the maximum distance a male moth could fly in its life. *Stenoma catenifer* is a significant pest of avocados and the buffer zone is a key component of the systems approach. Additionally, we require a buffer zone of 1 kilometer for the importation of avocados from Colombia under a systems approach and have found this measure to be effective. APHIS will continue to require a buffer zone of 1 kilometer around pest-free places of production for avocados imported from Ecuador.

The commenter also asked that we replace the term “place of production” in the RMD with the term “production site” to better reflect the nature of the growing sites in Ecuador.

The International Plant Protection Convention glossary defines a place of production as any premises or collection of fields operated as a single production or farming unit, and a production site as a defined part of a place of production, that is managed as a separate unit for phytosanitary

<sup>1</sup> To view the proposed rule, go to <https://www.regulations.gov>, and enter APHIS–2016–0099 in the Search field.

<sup>2</sup> To view the PRA, RMD, and the comments that we received, go to <https://www.regulations.gov>, and enter APHIS–2016–0099 in the Search field.



purposes.<sup>3</sup> Substituting one term for the other does not substantively change the RMD. APHIS has made the requested change.

The same commenter, along with another commenter, also asked us to replace the term “municipality” with the term “parroquia rural,” or “rural parish,” to reflect Ecuador’s administrative divisions more accurately.

We understand the commenters’ concerns and have replaced the term “municipality” with the term “rural parish” in the RMD.

Two commenters stated that there should be more pest control measures for Hass avocados.

Since *Stenoma catenifer* was added to the PRA, significant additions have been made to the pest mitigation measures outlined in the RMD, such as survey programs and pest-free sites of production. These measures apply to all avocado varieties, including Hass. Other requisite phytosanitary measures that apply to all avocado varieties include registered sites of production, regular inspections of sites of production and packinghouses, and the removal of fallen fruit.

One commenter encouraged USDA to develop molecular diagnostics for the *Anastrepha fraterculus* group to better identify fruit fly larvae during inspections.

In recent years, APHIS has invested significant resources in molecular diagnostic technology, which allows APHIS to identify almost any interception in commercial fruit commodities to the species level. However, if any *Anastrepha spp.* fruit flies are intercepted in a consignment and identification at the species level is not possible, the consignment will be refused entry into the United States regardless.

One commenter stated that cold treatment is not an effective pest mitigation measure because fruit fly larvae can survive in untreated shipments.

APHIS is not proposing to use cold treatment as a pest mitigation measure for avocado fruit from Ecuador. Rather, avocados from Ecuador will be imported under the systems approach outlined in the RMD.

The commenter also claimed that Ecuador does not have a point-of-origin protocol for fruit inspection.

The systems approach requires the NPPO of Ecuador to conduct

inspections of sites of production, packinghouses, and samples of avocado following post-harvest processing. Details of what these inspections must entail are included in the RMD, and the inspection protocol will be expanded upon further in the operational workplan the NPPO will enter into with APHIS.

The same commenter expressed concern that internal feeders, including fruit flies, are difficult to detect during inspections at ports of entry.

U.S. Customs and Border Protection inspects commercial fruit at U.S. ports of entry from all over the world and has significant experience in detecting pests, including fruit fly larvae. Moreover, most avocado varieties are poor fruit fly hosts, and Hass avocados are considered non-hosts by APHIS. The systems approach detailed in the RMD includes multiple mitigation measures in addition to inspections, including pest-free sites of production, trapping for fruit flies, removal of fallen fruit, and insect-exclusionary packinghouses. APHIS is confident that the systems approach is sufficient to mitigate any remaining risk of fruit flies following the pathway of avocados from Ecuador.

The commenter also suggested that avocados should only be considered for importation into States that do not have climates conducive to the establishment of fruit flies.

APHIS is confident that the systems approach outlined in the RMD is sufficient to mitigate risk of introducing pests to climates conducive to the establishment of fruit flies. The commenter did not provide any evidence suggesting that the mitigation measures are not effective. Therefore, we are not taking the action requested by the commenter.

The same commenter requested access to trapping records to better assess the threat of fruit fly introduction, and access to quality control records from Ecuador to verify that traps are being baited and checked at appropriate intervals. The commenter also expressed a desire to participate in site visits.

APHIS is committed to a transparent process and an inclusive role for stakeholders in our risk analysis process. To that end, we are currently considering ways to facilitate further stakeholder involvement during the initial stages of the development of PRAs and RMDs. However, at this time, APHIS does not routinely provide trapping records to stakeholders, nor does it involve stakeholders in site visits. APHIS based its PRA on scientific literature, port-of-entry pest interception data, and information from the

Government of Ecuador. The methodology we used to assess the threat of pest introduction is summarized in the PRA.

The systems approach outlined in the RMD includes multiple quality control measures to ensure that trapping is carried out appropriately. The NPPO of Ecuador must visit and inspect the production sites monthly, and the personnel conducting the trapping and pest surveys must be hired, trained, and supervised by the NPPO. APHIS will be directly involved with the NPPO in monitoring and auditing implementation of the systems approach. The commenter did not provide any evidence suggesting that the pest risk analysis is inaccurate or that trapping will not be carried out effectively.

Another commenter asked for more mitigation measures for Linda, Bola, and Tonashe avocado varieties, stating that there is insufficient research regarding these varieties as potential fruit fly hosts.

As noted earlier, APHIS expects that the mitigation measures in the systems approach will be sufficient to remove any fruit flies from the pathway of all varieties of avocado fruit from Ecuador. If APHIS finds that any avocados have fruit fly larvae, the places of production will be suspended pending investigation, and will remain suspended until the risk has been mitigated. APHIS will consider suspending varieties, places of production, and packinghouses, as well as modifying the systems approach, if there are fruit fly interceptions.

The same commenter also suggested that the PRA should address the potential risk of introducing strains of the pest, *Xylella fastidiosa*, not currently found in the United States, such as the subspecies *pauca*.

Phytosanitary surveillance conducted by the NPPO of Ecuador has found no evidence of *Xylella fastidiosa* in Ecuador, and the bacteria is officially declared absent from that country. Additionally, APHIS has no record of *Xylella fastidiosa* subspecies *pauca* affecting avocados. For these reasons, the bacteria was not included in the PRA, which only considers pests that are evidenced to be associated with avocado and present in Ecuador.

Another commenter asked that, in lieu of the requirement that no fruit fly hosts be grown within 100 meters of the edge of the production site, growers should be able to control the fruit flies via methods such as the elimination of overripe fruit, burial of fallen fruits, and installation of bait stations.

<sup>3</sup> To view the glossary, go to [https://assets.ippc.int/static/media/files/publication/en/2021/05/ISPM\\_05\\_2021\\_En\\_Glossary\\_2021-05-27\\_PostCPM-15\\_Fixed.pdf](https://assets.ippc.int/static/media/files/publication/en/2021/05/ISPM_05_2021_En_Glossary_2021-05-27_PostCPM-15_Fixed.pdf).

This requirement prevents the attraction of fruit flies to hosts adjacent to the avocado crop, creating a barrier that helps protect the avocados from pests. APHIS considers it a crucial part of the systems approach. Therefore, we are not removing this requirement.

The commenter also appeared to state that the NPPO of Ecuador will not include details of the trapping program in the operational workplan they provide to APHIS because they will approve the production sites as pest free areas.

APHIS is unclear on the commenter's reasoning. The operational workplan will need to include details of the trapping program for the fruit flies before importations of avocados from Ecuador into the United States can proceed under a systems approach. This is the case whether the trapping occurs under the auspices of a program to maintain a pest-free area for the fruit flies in question or not.

Finally, a commenter expressed concern that imports of avocados from Ecuador would reduce imports from Michoacán, Mexico, thereby harming that country's economy.

As a signatory to the World Trade Organization's Agreement on Sanitary and Phytosanitary Measures (SPS Agreement), the United States has agreed that any prohibitions it places on the importation of fruits and vegetables will be based on scientific evidence related to phytosanitary measures and issues, and will not be maintained without sufficient scientific evidence. Prohibiting imports based on economic considerations such as those brought up by the commenter would not be in keeping with this agreement.

That being said, we do not anticipate that this action will have a meaningful impact on the amount of avocados that Mexico exports to the United States. Mexico exports approximately 500,000 metric tons of avocados to the United States a year, while Ecuador is anticipated to export approximately 1 percent of that amount. Even if Ecuador avocados were to displace some Mexican exports of avocados to the United States, the disparity between the amounts exported by each country strongly suggests that any impact on Mexico would be negligible.

Finally, we note that the proposed rule was issued prior to the October 15, 2018, effective date of a final rule<sup>4</sup> that revised the regulations in § 319.56–4 by broadening an existing performance standard to provide that all revisions to

existing requirements for the importation of fruits and vegetables into the United States will use a notice-based process. That final rule also specified that region- or commodity-specific phytosanitary requirements for fruits and vegetables would no longer be found in the regulations, but instead in APHIS' Fruits and Vegetables Import Requirements database (FAVIR). With those changes to the regulations, we cannot issue the final regulations as contemplated in our June 2018 proposed rule and are therefore discontinuing that rulemaking without a final rule. Instead, it is necessary for us to finalize this action through the issuance of a notification.

Therefore, in accordance with the regulations in § 319.56–4(c)(3)(iii), we are announcing our decision to authorize the importation of commercial consignments of fresh avocado fruit from continental Ecuador into the continental United States subject to the following phytosanitary measures, which will be listed in FAVIR, available at <https://epermits.aphis.usda.gov/manual>.

Phytosanitary measures for all varieties of Ecuador avocados:

- The NPPO of Ecuador must provide an operational workplan to APHIS that details the activities that the NPPO of Ecuador will, subject to APHIS' approval of the workplan, carry out to meet the requirements of the systems approach.

- Avocados must be grown in sites of production that are registered with the NPPO of Ecuador. The NPPO of Ecuador must visit and inspect registered sites of production monthly, starting at least 2 months before harvest and continuing until the end of the shipping season.

- The NPPO must register packinghouses that intend to export avocados to the United States, as well as inspect and monitor the operations of the packinghouses.

- If the NPPO of Ecuador finds that a site of production or packinghouse is not complying with the requirements of the systems approach, no fruit from the production site or packinghouse will be eligible for export to the United States until APHIS and the NPPO of Ecuador conduct an investigation and appropriate remedial actions have been implemented.

- The NPPO of Ecuador must review and maintain all forms and documents related to export program activities in sites of production and packinghouses for at least 1 year and, if requested, provide them to APHIS for review.

- Avocados must be grown in pest-free sites of production for the avocado seed pest, *Stenoma catenifer*,

established and maintained in accordance with international standards. APHIS must approve the survey protocol used by the NPPO of Ecuador to determine and maintain pest free status.

- If the avocados are grown in a rural parish free of *Stenoma catenifer*, the rural parish must be surveyed every 6 months (twice a year) for the pest. Representative areas of the rural parish where there are avocado trees, including production sites and urban areas, must be sampled.

- If the avocados are grown in a rural parish not completely free of *Stenoma catenifer*, the NPPO of Ecuador can certify individual sites of production as pest free. The surveys for pest-free sites of production must include representative areas from all parts of each registered site of production and a buffer zone of 1 kilometer. The sites of production and buffer zone must be surveyed monthly for *Stenoma catenifer* from 2 months before harvest until harvest is completed.

- If one or more *Stenoma catenifer* are detected during a survey or during any other monitoring or inspection activity, the site of production will be prohibited from exporting avocados to the continental United States until APHIS and the NPPO of Ecuador jointly agree that the risk has been mitigated.

- The NPPO of Ecuador must keep records of *Stenoma catenifer* detections for each site of production, and update the records each time the sites of production are surveyed. The records must be maintained for at least 1 year and provided for APHIS' review, if requested.

- Avocado fruit that has fallen from the trees must be removed from the production site at least once every 7 days, starting 2 months before harvest and continuing through the end of the harvest, and may not be included in field containers of fruit to be packed for export.

- Harvested avocados must be placed in field cartons or containers that are marked to show the official registration number of the production site. The site of production where the avocados were grown must remain identifiable when the fruit leaves the grove, at the packinghouse, and throughout the export process. The fruit must be moved to the packinghouse within 3 hours of harvest or must be protected from fruit fly infestation until moved.

- Avocados must be packed within 24 hours of harvest in an insect-exclusionary packinghouse registered with the NPPO of Ecuador. The fruit must be safeguarded by an insect-proof screen or plastic tarpaulin while in

<sup>4</sup> 83 FR 46627 (September 14, 2018). To view the final rule, go to [www.regulations.gov](http://www.regulations.gov) and enter APHIS–2010–0082 in the Search field.

transit to the packinghouse and while awaiting packing. Fruit must be packed in insect-proof cartons or containers, or covered with insect-proof mesh or a plastic tarpaulin for transport to the United States. During the time the packinghouse is in use for exporting avocado fruit to the United States, the packinghouse may only accept fruit from registered, approved production sites.

- A sample of avocado fruit from each site of production must be inspected by the NPPO of Ecuador following any post-harvest processing.

- Fruit presented for inspection at the port of entry to the United States must be identified in the shipping documents accompanying each lot of fruit to specify the production site or sites, in which the fruit was produced, and the packing shed or sheds, in which the fruit was processed.

- Each consignment of avocados must be accompanied by a phytosanitary certificate issued by NPPO of Ecuador and providing an additional declaration stating that the fruit in the consignment has been produced in compliance with the requirements of the systems approach.

Additional phytosanitary measures for varieties of Ecuador avocados other than Hass:

- No other host of *Anastrepha fraterculus*, *A. serpentina*, *A. striata*, or *Ceratitis capitata* can be grown within 100 meters of the edge of the avocado site of production.

- The registered production sites must conduct trapping for *Anastrepha spp.* and *Ceratitis capitata* fruit flies in accordance with the operational workplan.

- The NPPO must keep records of fruit fly detections for each trap, update the records each time the traps are checked, and make the records available to APHIS upon request. The records must be maintained for at least 1 year.

- If *Anastrepha spp.* or *Ceratitis capitata* fruit flies trapped at a registered production site go above the threshold specified in the operational workplan, the avocados may still be exported, but only with an APHIS-approved quarantine treatment. Irradiation treatment at 150 Gy (T105-a-1) is approved for all fruit flies.

These conditions are described in further detail in the final RMD. In addition to these specific measures, fresh avocado fruit from continental Ecuador will be subject to the general requirements listed in § 319.56-3 that are applicable to the importation of all fruits and vegetables.

### Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the recordkeeping and burden requirements associated with this action are covered under the Office of Management and Budget control number 0579-0049, which is updated every 3 years during the required renewal period.

### E-Government Act Compliance

The Animal and Plant Health Inspection Service is committed to compliance with the E-Government Act to promote the use of the internet and other information technologies, to provide increased opportunities for citizen access to Government information and services, and for other purposes. For information pertinent to E-Government Act compliance related to this notice, please contact Mr. Joseph Moxey, APHIS' Paperwork Reduction Act Coordinator, at (301) 851-2483.

### Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the Office of Information and Regulatory Affairs designated this action as not a major rule, as defined by 5 U.S.C. 804(2).

**Authority:** 7 U.S.C. 1633, 7701-7772, and 7781-7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 23rd day of May 2022.

**Anthony Shea,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 2022-11367 Filed 5-25-22; 8:45 am]

**BILLING CODE 3410-34-P**

## BUREAU OF CONSUMER FINANCIAL PROTECTION

### 12 CFR Chapter X

#### Authority of States To Enforce the Consumer Financial Protection Act of 2010

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

**ACTION:** Interpretive rule.

**SUMMARY:** Section 1042 of the Consumer Financial Protection Act of 2010 (CFPA) generally authorizes States to enforce the CFPA's provisions. The Consumer Financial Protection Bureau (Bureau) is issuing this interpretive rule to provide further clarity regarding the scope of State enforcement under section 1042 and related provisions of the CFPA. Specifically, the Bureau is issuing the following interpretations: Section 1042 allows States to enforce any provision of

the CFPA, including section 1036(a)(1)(A), a provision that makes it unlawful for covered persons or service providers to violate the Federal consumer financial laws; the limitations on the Bureau's authority in sections 1027 and 1029 generally do not constrain States' enforcement authority under section 1042; and section 1042 does not restrict States from bringing concurrent enforcement actions with the Bureau.

**DATES:** This interpretive rule is effective on May 26, 2022.

**FOR FURTHER INFORMATION CONTACT:** Shiva Nagaraj, Senior Counsel, Legal Division, (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:

#### I. Background

The Consumer Financial Protection Act of 2010 (CFPA) establishes the Consumer Financial Protection Bureau as the Federal government's primary regulator of consumer financial products and services.<sup>1</sup> The Bureau is charged with administering, interpreting, and enforcing the "Federal consumer financial laws," a category that includes the CFPA itself, 18 enumerated consumer laws (such as the Fair Credit Reporting Act and the Truth in Lending Act), and the laws for which authorities were transferred to the Bureau under subtitles F and H of the CFPA, as well as rules and orders issued by the Bureau under any of these laws.<sup>2</sup>

However, the Bureau is not the only enforcer of these laws. The CFPA recognizes the important role that States play in overseeing the consumer financial marketplace.<sup>3</sup> As noted in a 2010 Senate report on the financial crisis that precipitated the CFPA, "[w]here [F]ederal regulators refused to act, the [S]tates stepped into the breach."<sup>4</sup> These efforts were stymied, however, because "rather than supporting [States'] anti-predatory lending laws, [F]ederal regulators

<sup>1</sup> Title X of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010, Public Law 111-203, 124 Stat. 1376, 1955-2113 (2010).

<sup>2</sup> 12 U.S.C. 5481(14), (12).

<sup>3</sup> As defined in 12 U.S.C. 5481(27), "[t]he term 'State' means any State, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, or the United States Virgin Islands or any federally recognized Indian tribe, as defined by the Secretary of the Interior under section 5131(a) of title 25."

<sup>4</sup> S. Rep. No. 111-176, at 16 (2010), <https://www.congress.gov/congressional-report/111th-congress/senate-report/176/1>.

preempted them.”<sup>5</sup> Thus, Congress provided States with their own Bureau enforcement authority.

Generally, State attorneys general may “bring a civil action in the name of such State in any district court of the United States in that State or in State court that is located in that State and that has jurisdiction over the defendant, to enforce provisions of this title [*i.e.*, the CFPA] or regulations issued under this title, and to secure remedies under provisions of this title or remedies otherwise provided under other law.”<sup>6</sup> Likewise, a “state regulator may bring a civil action or other appropriate proceeding to enforce the provisions of this title or regulations issued under this title with respect to any entity that is State-chartered, incorporated, licensed, or otherwise authorized to do business under State law . . . and to secure remedies under provisions of this title or remedies otherwise provided under other provisions of law with respect to such an entity.”<sup>7</sup> State attorneys general and regulators are required to consult the Bureau before initiating an action or proceeding under section 1042, in accordance with section 1042(b) and 12 CFR part 1082.

Section 1042, as one court has explained, allows States to vindicate their “fundamental right to protect their citizens and prevent harmful conduct from occurring in their jurisdictions” and gives them tools “to pick up slack when the [F]ederal Government fails to enforce and regulate.”<sup>8</sup>

Since the CFPA was enacted, many States have relied on section 1042 to bring civil enforcement actions, on their own or in joint or coordinated filings with the Bureau, to enforce a provision of the CFPA that prohibits unfair, deceptive, and abusive acts and practices in connection with the offering or provision of consumer financial products or services.<sup>9</sup> Some States have also joined the Bureau in alleging violations of the CFPA’s prohibition on covered persons and service providers violating other enumerated Federal consumer financial laws, but few have pursued such claims in their own CFPA actions. The Bureau is issuing this

interpretive rule regarding several important aspects of section 1042.<sup>10</sup>

### III. Analysis

#### A. States’ Authority Under Section 1042 To Address Violations of Federal Consumer Financial Laws

CFPA section 1042 authorizes State attorneys general and State regulators to bring an enforcement action to pursue violations of section 1036(a)(1)(A), which makes it unlawful for a covered person or service provider to violate any Federal consumer financial law.<sup>11</sup>

As noted above, section 1042(a) generally authorizes States to bring civil actions “to enforce provisions of [the CFPA].” One such provision of the CFPA, section 1036(a)(1)(B), states that it is unlawful for any “covered person” or “service provider” to “engage in any unfair, deceptive, or abusive act or practice.”<sup>12</sup> States can thus rely on section 1042(a) to pursue an enforcement action against a covered person or service provider that commits an unfair, deceptive, or abusive act or practice, and many States have filed such enforcement actions.

Additionally, another provision of the CFPA, section 1036(a)(1)(A), declares it unlawful for any “covered person” or “service provider” to “offer or provide to a consumer any financial product or service not in conformity with Federal consumer financial law, or otherwise commit any act or omission in violation of a Federal consumer financial law.”<sup>13</sup> Because section 1036(a)(1)(A) is a “provision of [the CFPA],” States may use their section 1042 authority to enforce section 1036(a)(1)(A) against covered persons or service providers. Thus, when a covered person or service provider violates any of the Federal consumer financial laws, section 1042 gives States authority to address that violation by bringing a claim under section 1036(a)(1)(A) of the CFPA.

As explained above, the “Federal consumer financial laws” are the CFPA, the enumerated consumer laws, the laws for which authorities are transferred under subtitles F and H of the CFPA, and any rule or order prescribed by the Bureau under the CFPA, an enumerated consumer law, or

pursuant to the authorities transferred under subtitles F and H. The enumerated consumer laws are the 18 laws referred to in section 1002(12) of the CFPA. Rules prescribed by the Bureau include, for example, the rules implementing the Real Estate Settlement Procedures Act (Regulation X),<sup>14</sup> the Truth in Lending Act (Regulation Z),<sup>15</sup> and the Fair Debt Collection Practices Act (Regulation F).<sup>16</sup> Orders prescribed by the Bureau include, for example, consent orders and other final orders issued by the Bureau under sections 1053 and 1055 of the CFPA.<sup>17</sup>

States’ authority to pursue violations of the CFPA is, of course, supplemental to the authority States may already have to enforce the Federal consumer financial laws. Several enumerated consumer laws authorize States to bring actions to enforce the substantive provisions of those laws. Section 1042(a)(3) of the CFPA clarifies that it does not “modify[, limit[, or supersed[e] the operation of any [such] provision of an enumerated consumer law.”<sup>18</sup> As a result, States can enforce those laws to the full extent authorized under those laws—including against entities that are not covered persons or service providers (and thus not subject to liability under section 1036(a)(1)(A)) and including against national banks and Federal savings associations. For example, the Fair Credit Reporting Act allows States to bring enforcement actions against any person violating that statute, including users of consumer reports that are not themselves covered persons or service providers.<sup>19</sup> The Real Estate Settlement Procedures Act authorizes States to enforce the anti-kickback rule against those who profit from kickbacks but are not actually providing settlement services, and thus may not be covered persons.<sup>20</sup> And the Truth in Lending Act authorizes States to enforce provisions of that statute against national banks and Federal savings associations.<sup>21</sup> Thus, States may bring such claims even if they could not bring similar claims against such a defendant under section 1036(a)(1)(A).

<sup>5</sup> *Id.*

<sup>6</sup> 12 U.S.C. 5552(a)(1). With respect to national banks or Federal savings associations, State attorneys general may only “bring a civil action in the name of such State” in order “to enforce a regulation prescribed by the Bureau under a provision of this title and to secure remedies under provisions of this title or remedies otherwise provided under other law.” 12 U.S.C. 5552(a)(2).

<sup>7</sup> *Id.*

<sup>8</sup> *Pennsylvania v. Navient Corp.*, 967 F.3d 273, 286 (3d Cir. 2020).

<sup>9</sup> 12 U.S.C. 5536(a)(1)(B); *see also id.* 5531.

<sup>10</sup> This interpretive rule is not intended as an exhaustive interpretation of section 1042.

<sup>11</sup> As noted above, however, section 1042 does not allow State attorneys general to bring an enforcement action against national banks or Federal savings associations, except for violations of “a regulation prescribed by the Bureau under a provision of this title.” 12 U.S.C. 5552(a)(2).

<sup>12</sup> 12 U.S.C. 5536(a)(1)(B).

<sup>13</sup> 12 U.S.C. 5536(a)(1)(A); *see also id.* 5481(6) (defining “covered person”), 5481(26) (defining “service provider”).

<sup>14</sup> 12 CFR part 1024.

<sup>15</sup> 12 CFR part 1026.

<sup>16</sup> 12 CFR part 1006.

<sup>17</sup> These orders can generally be found at <https://www.consumerfinance.gov/administrative-adjudication-proceedings/administrative-adjudication-docket/>.

<sup>18</sup> 12 U.S.C. 5552(a)(3).

<sup>19</sup> 15 U.S.C. 1681s(c)(1).

<sup>20</sup> 12 U.S.C. 2607(d)(4).

<sup>21</sup> 15 U.S.C. 1640(e).

### B. Limitations on States' Enforcement Authority Under Section 1042

The enforcement authority of States under section 1042 is generally not subject to certain limits applicable to the Bureau's enforcement authority.

Sections 1027 and 1029 of the CFPA set limits on the Bureau's enforcement authority. Under section 1027, the Bureau is subject to limits on its authority with respect to merchants, retailers, and other sellers of nonfinancial goods; real estate brokerage activities; retailers of manufactured or modular homes; accountants and tax preparers; attorneys engaged in the practice of law; persons regulated by a State insurance regulator; products or services that relate to specified employee benefit and compensation plans; persons regulated by a State securities commission; persons regulated by the Securities and Exchange Commission; persons regulated by the Commodity Futures Trading Commission; persons regulated by the Farm Credit Administration; and activities related to charitable contributions.<sup>22</sup> Similarly, under section 1029, the Bureau is limited in exercising authority with respect to a motor vehicle dealer that is predominantly engaged in the sale and servicing of motor vehicles, the leasing and servicing of motor vehicles, or both.<sup>23</sup>

With one exception discussed below, each of these limitations expressly applies to only the "Bureau" or the Bureau's "Director." For example, under section 1027(e), "the Bureau may not exercise any supervisory or enforcement authority with respect to an activity engaged in by an attorney as part of the practice of law under the laws of a State in which the attorney is licensed to practice law," except as specified.<sup>24</sup> Likewise, under section 1029(a), "the Bureau may not exercise any rulemaking, supervisory, enforcement or any other authority, including any authority to order assessments, over a motor vehicle dealer that is predominantly engaged in the sale and servicing of motor vehicles, the leasing and servicing of motor vehicles, or both," except as specified.<sup>25</sup>

Because Congress applied these limitations in sections 1027 and 1029 only to the Bureau, they do not extend

to States exercising their enforcement authority under section 1042. Indeed, Congress used different language in the one exclusion that it intended to apply to States, the limitation on sellers of nonfinancial goods: "To the extent that the Bureau may not exercise authority under this subsection with respect to a merchant, retailer, or seller of nonfinancial goods or services, no action by a State attorney general or State regulator with respect to a claim made under this title may be brought under [section 1042], with respect to an activity described in any of clauses (i) through (iii) of subparagraph (A) by such merchant, retailer, or seller of nonfinancial goods or services."<sup>26</sup> Because Congress did not similarly extend the exclusions to States in other provisions of 1027 and 1029, and instead applied them only to the Bureau, those exclusions do not extend to States.<sup>27</sup>

### C. States May Pursue Actions Under Section 1042 Even While the Bureau Is Pursuing a Concurrent Action

State attorneys general and regulators may bring (or continue to pursue) actions under section 1042 even if the Bureau is pursuing a concurrent action against the same entity. As explained by the Third Circuit, "the clear statutory language of the Consumer [Financial] Protection Act permits concurrent [S]tate claims, for nothing in the statutory framework suggests otherwise."<sup>28</sup>

When Congress intended to preclude concurrent CFPA actions, it expressly did so. There are multiple places within the CFPA where Congress made clear that concurrent actions should not occur or that one agency should take primary enforcement role over other agencies. For example, with respect to nondepository covered persons, if the Bureau or the Federal Trade Commission (FTC) has filed an action asserting certain violations of the CFPA, the other agency is prohibited during the pendency of the action from instituting "a civil action under such provision of law against any defendant named in the complaint in such pending action for any violation alleged in the complaint."<sup>29</sup> Likewise, Congress limited States' ability to enforce rules

relating to mortgage loan modification and foreclosure rescue services during the pendency of enforcement activity by either the Bureau or the FTC.<sup>30</sup> Finally, Congress can—and did—designate the Bureau as holding primary CFPA enforcement authority among Federal regulators, limiting other agencies to the position of backup enforcement or precluding their authority to enforce entirely. Congress made that decision regarding supervised nondepository covered persons and very large banks, savings associations, and credit unions in sections 1024(c) and 1025(c), limiting the possibility of concurrent enforcement activity by the Bureau and certain Federal agencies. In short, when Congress seeks to limit concurrent statutory enforcement activity, it knows how to do so.<sup>31</sup> It did not exercise that option with respect to section 1042.

### V. Regulatory Matters

This is an interpretive rule issued under the Bureau's authority to interpret the CFPA, including under section 1022(b)(1) of the CFPA, which authorizes guidance as may be necessary or appropriate to enable the Bureau to administer and carry out the purposes and objectives of Federal consumer financial laws, such as the CFPA.<sup>32</sup>

As an interpretive rule, this rule is exempt from the notice-and-comment rulemaking requirements of the Administrative Procedure Act.<sup>33</sup> Because no notice of proposed rulemaking is required, the Regulatory Flexibility Act does not require an initial or final regulatory flexibility analysis.<sup>34</sup> The Bureau has also determined that this interpretive rule does not impose any new or revise any existing recordkeeping, reporting, or disclosure requirements on covered entities or members of the public that would be collections of information requiring approval by the Office of Management and Budget under the Paperwork Reduction Act.<sup>35</sup>

Pursuant to the Congressional Review Act,<sup>36</sup> the Bureau will submit a report containing this interpretive rule and other required information to the United States Senate, the United States House

<sup>30</sup> 12 U.S.C. 5538(b)(6).

<sup>31</sup> See, e.g., *Russello*, 464 U.S. at 23 ("[W]here Congress includes particular language in one section of a statute but omits it in another section of the same Act, it is generally presumed that Congress acts intentionally and purposely in the disparate inclusion or exclusion.").

<sup>32</sup> 12 U.S.C. 5512(b)(1).

<sup>33</sup> 5 U.S.C. 553(b).

<sup>34</sup> 5 U.S.C. 603(a), 604(a).

<sup>35</sup> 44 U.S.C. 3501–3521.

<sup>36</sup> 5 U.S.C. 801 *et seq.*

<sup>22</sup> 12 U.S.C. 5517. Each of these exclusions is subject to various exceptions as detailed in section 1027(a) through (l) and (n).

<sup>23</sup> 12 U.S.C. 5519. As with the section 1027 limitations, this limitation is also subject to various exceptions as detailed in section 1029.

<sup>24</sup> 12 U.S.C. 5517(e).

<sup>25</sup> 12 U.S.C. 5519(a).

<sup>26</sup> 12 U.S.C. 5517(a)(2)(E).

<sup>27</sup> See, e.g., *Russello v. United States*, 464 U.S. 16, 23 (1983) ("[W]here Congress includes particular language in one section of a statute but omits it in another section of the same Act, it is generally presumed that Congress acts intentionally and purposely in the disparate inclusion or exclusion.").

<sup>28</sup> *Navient Corp.*, 967 F.3d at 287.

<sup>29</sup> 12 U.S.C. 5514(c)(3).

of Representatives, and the Comptroller General of the United States prior to the rule's published effective date. The Office of Information and Regulatory Affairs has designated this interpretive rule as not a "major rule" as defined by 5 U.S.C. 804(2).

**Rohit Chopra,**

*Director, Consumer Financial Protection Bureau.*

[FR Doc. 2022-11356 Filed 5-25-22; 8:45 am]

BILLING CODE 4810-AM-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2021-0888; Project Identifier MCAI-2021-00676-T; Amendment 39-22036; AD 2022-09-16]

RIN 2120-AA64

#### Airworthiness Directives; Airbus SAS Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for certain Airbus SAS Model A318 series; A319-111, -112, -113, -114, -115, -131, -132, -133, -151N, and -153N; A320 series; and A321 series airplanes. This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. This AD requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

**DATES:** This AD is effective June 30, 2022.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of June 30, 2022.

**ADDRESSES:** For material incorporated by reference (IBR) in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email [ADs@easa.europa.eu](mailto:ADs@easa.europa.eu); internet [www.easa.europa.eu](http://www.easa.europa.eu). You may find this IBR material on the EASA website at <https://ad.easa.europa.eu>. You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For

information on the availability of this material at the FAA, call 206-231-3195. It is also available in the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0888.

#### Examining the AD Docket

You may examine the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0888; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

#### FOR FURTHER INFORMATION CONTACT:

Vladimir Ulyanov, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206-231-3229; email [vladimir.ulyanov@faa.gov](mailto:vladimir.ulyanov@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2021-0140, dated June 14, 2021 (EASA AD 2021-0140) (also referred to as the MCAI), to correct an unsafe condition for all Airbus A318-111, A318-112, A318-121, A318-122, A319-111, A319-112, A319-113, A319-114, A319-115, A319-131, A319-132, A319-133, A319-151N, A319-153N, A320-211, A320-212, A320-214, A320-215, A320-216, A320-231, A320-232, A320-233, A320-251N, A320-252N, A320-253N, A320-271N, A320-272N, A320-273N, A321-111, A321-112, A321-131, A321-211, A321-212, A321-213, A321-231, A321-232, A321-251N, A321-251NX, A321-252N, A321-252NX, A321-253N, A321-253NX, A321-271N, A321-271NX, A321-272N, and A321-272NX airplanes. Model A320-215 airplanes are not certificated by the FAA and are not included on the U.S. type certificate data sheet; this AD therefore does not include those airplanes in the applicability.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Airbus SAS Model A318 series; A319-111, -112, -113, -114, -115, -131, -132, -133, -151N, and -153N; A320 series; and A321

series airplanes. The NPRM published in the **Federal Register** on October 28, 2021 (86 FR 59662). The NPRM was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The NPRM proposed to require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations, as specified in EASA AD 2021-0140.

#### Discussion of Final Airworthiness Directive

##### Comments

The FAA received comments from the Air Line Pilots Association, International (ALPA) and American Airlines. The ALPA supported the NPRM without change. The following presents the comment received on the NPRM and the FAA's response.

#### Request To Revise Paragraph To Correct Task Reference Error

American Airlines (AAL) requested a change in paragraph (j) of the proposed AD to correct an incorrect task reference. AAL stated that incorporating Task 531135-03-1 actually terminates Task 531135-01-2, as determined by Airworthiness Limitations Section (ALS) Part 2, Variation 8.5, not Task 531135-03-2, as indicated in the proposed AD.

The FAA agrees with the request and has revised paragraph (j) of this AD to indicate the correct task number.

##### Conclusion

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

#### Related Service Information Under 14 CFR Part 51

EASA AD 2021-0140 describes new or more restrictive airworthiness limitations for airplane structures and safe life limits.

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

#### Costs of Compliance

The FAA estimates that this AD affects 1,728 airplanes of U.S. registry.

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

The FAA has determined that revising the existing maintenance or inspection program takes an average of 90 work-hours per operator, although the agency recognizes that this number may vary from operator to operator. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), the FAA has determined that a per-operator estimate is more accurate than a per-airplane estimate. Therefore, the agency estimates the average total cost per operator to be \$7,650 (90 work-hours × \$85 per work-hour).

#### Authority for This Rulemaking

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

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

#### Regulatory Findings

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

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

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

#### List of Subjects in 14 CFR Part 39

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

#### The Amendment

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

#### PART 39—AIRWORTHINESS DIRECTIVES

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

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

#### § 39.13 [Amended]

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

**2022-09-16 Airbus SAS:** Amendment 39-22036; Docket No. FAA-2021-0888; Project Identifier MCAI-2021-00676-T.

#### (a) Effective Date

This airworthiness directive (AD) is effective June 30, 2022.

#### (b) Affected ADs

This AD affects AD 2020-20-05, Amendment 39-21261 (85 FR 65197, October 15, 2020) (AD 2020-20-05).

#### (c) Applicability

This AD applies to Airbus SAS Model airplanes specified in paragraphs (c)(1) through (4) of this AD, certificated in any category, with an original airworthiness certificate or original export certificate of airworthiness issued on or before November 10, 2020.

(1) Model A318-111, -112, -121, and -122 airplanes.

(2) Model A319-111, -112, -113, -114, -115, -131, -132, -133, -151N, and -153N airplanes.

(3) Model A320-211, -212, -214, -216, -231, -232, -233, -251N, -252N, -253N, -271N, -272N, and -273N airplanes.

(4) Model A321-111, -112, -131, -211, -212, -213, -231, -232, -251N, -251NX, -252N, -252NX, -253N, -253NX, -271N, -271NX, -272N, and -272NX airplanes.

#### (d) Subject

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks.

#### (e) Reason

This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address fatigue cracking, accidental damage, or corrosion in principal structural elements, which could result in reduced structural integrity of the airplane.

#### (f) Compliance

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

#### (g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in

accordance with, European Union Aviation Safety Agency (EASA) AD 2021-0140, dated June 14, 2021 (EASA AD 2021-0140).

#### (h) Exceptions to EASA AD 2021-0140

(1) Where EASA AD 2021-0140 refers to its effective date, this AD requires using the effective date of this AD.

(2) The provisions specified in paragraphs (1) and (2) of EASA AD 2021-0140 do not apply to this AD.

(3) Paragraph (3) of EASA AD 2021-0140 specifies revising "the approved [aircraft maintenance program] AMP" within 12 months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable, within 90 days after the effective date of this AD.

(4) The initial compliance time for doing the tasks specified in paragraph (3) of EASA AD 2021-0140 is at the applicable "thresholds" as incorporated by the requirements of paragraph (3) of EASA AD 2021-0140, or within 90 days after the effective date of this AD, whichever occurs later.

(5) The provisions specified in paragraph (4) of EASA AD 2021-0140 do not apply to this AD.

(6) The "Remarks" section of EASA AD 2021-0140 does not apply to this AD.

#### (i) Provisions for Alternative Actions and Intervals

After the existing maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (e.g., inspections) or intervals are allowed unless they are approved as specified in the provisions of the "Ref. Publications" section of EASA AD 2021-0140.

#### (j) Terminating Action for Certain Requirements in AD 2020-20-05

Accomplishing the actions required by this AD, including incorporating Task 531135-03-1 as required by EASA AD 2021-0140 and incorporated by reference in this AD, terminates Task 531135-01-2, as required by EASA AD 2020-0036R1 and incorporated by reference in AD 2020-20-05, and as required by paragraph (i) of AD 2020-20-05.

#### (k) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Large Aircraft Section, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the Large Aircraft Section, International Validation Branch, send it to the attention of the person identified in paragraph (l) of this AD. Information may be emailed to: 9-AVS-AIR-730-AMOC@faa.gov. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions

from a manufacturer, the instructions must be accomplished using a method approved by the Manager, Large Aircraft Section, International Validation Branch, FAA; or EASA; or Airbus SAS's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC)*: Except as required by paragraph (k)(2) of this AD, if any service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

#### (l) Related Information

For more information about this AD, contact Vladimir Ulyanov, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206-231-3229; email [vladimir.ulyanov@faa.gov](mailto:vladimir.ulyanov@faa.gov).

#### (m) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2021-0140, dated June 14, 2021.

(ii) [Reserved]

(3) For EASA AD 2021-0140, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email [ADs@easa.europa.eu](mailto:ADs@easa.europa.eu); internet [www.easa.europa.eu](http://www.easa.europa.eu). You may find this EASA AD on the EASA website at <https://ad.easa.europa.eu>.

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195.

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

Issued on April 22, 2022.

**Gaetano A. Sciortino**,

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

[FR Doc. 2022-11209 Filed 5-25-22; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 97

[Docket No. 31429; Amdt. No. 4009]

#### Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

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

**ACTION:** Final rule.

**SUMMARY:** This rule establishes, amends, suspends, or removes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures (ODPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

**DATES:** This rule is May 26, 2022. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 26, 2022.

**ADDRESSES:** Availability of matters incorporated by reference in the amendment is as follows:

#### For Examination

1. U.S. Department of Transportation, Docket Ops-M30, 1200 New Jersey Avenue SE, West Bldg., Ground Floor, Washington, DC 20590-0001.

2. The FAA Air Traffic Organization Service Area in which the affected airport is located;

3. The office of Aeronautical Information Services, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA). For information on the availability of this material 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>.

#### Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center at [nfdc.faa.gov](http://nfdc.faa.gov) to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

#### FOR FURTHER INFORMATION CONTACT:

Thomas J. Nichols, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Flight Standards Service, Federal Aviation Administration. Mailing Address: FAA Mike Monroney Aeronautical Center, Flight Procedures and Airspace Group, 6500 South MacArthur Blvd., Registry Bldg. 29, Room 104, Oklahoma City, OK 73169. Telephone (405) 954-4164.

**SUPPLEMENTARY INFORMATION:** This rule amends 14 CFR part 97 by establishing, amending, suspending, or removes SIAPs, Takeoff Minimums and/or ODPS. The complete regulatory description of each SIAP and its associated Takeoff Minimums or ODP for an identified airport is listed on FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR part 97.20. The applicable FAA Forms 8260-3, 8260-4, 8260-5, 8260-15A, 8260-15B, when required by an entry on 8260-15A, and 8260-15C.

The large number of SIAPs, Takeoff Minimums and ODPs, their complex nature, and the need for a special format make publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, Takeoff Minimums or ODPs, but instead refer to their graphic depiction on charts printed by publishers or aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA form documents is unnecessary. This amendment provides the affected CFR sections and specifies the typed of SIAPs, Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure, and the amendment number.

#### Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPs, Takeoff



Minimums and/or ODPs as identified in the amendatory language for part 97 of this final rule.

### The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as amended in the transmittal. Some SIAP and Takeoff Minimums and textual ODP amendments may have been issued previously by the FAA in a Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flights safety relating directly to published aeronautical charts.

The circumstances that created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them effective in less than 30 days. For the remaining SIAPs and Takeoff Minimums and ODPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs and Takeoff Minimums and ODPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making some SIAPs effective in less than 30 days.

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

### Lists of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Incorporation by reference, Navigation (air).

Issued in Washington, DC, on May 13, 2022.

**Thomas J. Nichols,**

*Aviation Safety, Flight Standards Service, Manager, Standards Section, Flight Procedures & Airspace Group, Flight Technologies & Procedures Division.*

### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) is amended by establishing, amending, suspending, or removing Standard Instrument Approach Procedures and/or Takeoff Minimums and Obstacle Departure Procedures effective at 0901 UTC on the dates specified, as follows:

### PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

*Effective 14 July 2022*

Elim, AK, PFEL, ELIM TWO Graphic DP  
Elim, AK, PFEL, RNAV (GPS) RWY 1, Amdt 1  
Elim, AK, PFEL, RNAV (GPS) RWY 19, Orig-C, CANCELLED  
Elim, AK, PFEL, RNAV (GPS)-A, Orig Palm Springs, CA, KPSP, RNAV (GPS) Z RWY 31L, Orig  
St Petersburg-Clearwater, FL, KPIE, RNAV (GPS) RWY 18, Amdt 1  
St Petersburg-Clearwater, FL, KPIE, RNAV (GPS) RWY 36, Amdt 1  
Thomaston, GA, KOPN, NDB RWY 30, Amdt 4  
Fort Dodge, IA, KFOD, ILS OR LOC RWY 6, Amdt 8  
Fort Dodge, IA, KFOD, VOR RWY 12, Amdt 15A, CANCELLED  
Fort Dodge, IA, KFOD, VOR/DME RWY 30, Amdt 11B, CANCELLED  
Colby, KS, KCBK, RNAV (GPS) RWY 17, Amdt 2  
Independence, KS, KIDP, ILS OR LOC RWY 35, Amdt 3  
Independence, KS, KIDP, VOR-A, Amdt 3B  
Liberal, KS, KLBL, ILS OR LOC RWY 35, Amdt 5  
Liberal, KS, KLBL, VOR RWY 4, Amdt 3A, CANCELLED  
Liberal, KS, KLBL, VOR/DME RWY 17, Amdt 4A, CANCELLED  
Auburn/Lewiston, ME, KLEW, ILS OR LOC RWY 4, Amdt 12  
Old Town, ME, KOLD, VOR RWY 22, Amdt 6  
Traverse City, MI, KTVC, RNAV (GPS) RWY 18, Orig-C  
Traverse City, MI, KTVC, Takeoff Minimums and Obstacle DP, Amdt 13  
Corinth, MS, KCRX, ILS OR LOC RWY 18, Amdt 4

Iuka, MS, 15M, RNAV (GPS) RWY 1, Orig  
Iuka, MS, 15M, RNAV (GPS) RWY 19, Orig  
Iuka, MS, IUKA, Takeoff Minimums and Obstacle DP, Orig  
Miles City, MT, KMLS, RNAV (GPS) RWY 13, Amdt 1  
Miles City, MT, KMLS, RNAV (GPS) RWY 31, Amdt 1  
Miles City, MT, KMLS, VOR RWY 4, Amdt 14A  
Bartlesville, OK, KBVO, LOC RWY 17, Amdt 4  
Sparta, TN, KSRB, RNAV (GPS) RWY 4, Orig-E  
Amarillo, TX, KAMA, ILS OR LOC RWY 4, Amdt 23  
Wink, TX, KINK, RNAV (GPS) RWY 31, Amdt 1B  
Arlington, WA, KAWO, RNAV (GPS) RWY 34, Orig-B

[FR Doc. 2022–11249 Filed 5–25–22; 8:45 am]

BILLING CODE 4910–13–P

### DEPARTMENT OF TRANSPORTATION

#### Federal Aviation Administration

#### 14 CFR Part 97

[Docket No. 31430; Amdt. No. 4010]

#### Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

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

**ACTION:** Final rule.

**SUMMARY:** This rule amends, suspends, or removes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide for the safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

**DATES:** This rule is effective May 26, 2022. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 26, 2022.

**ADDRESSES:** Availability of matter incorporated by reference in the amendment is as follows:

*For Examination*

1. U.S. Department of Transportation, Docket Ops-M30, 1200 New Jersey Avenue SE, West Bldg., Ground Floor, Washington, DC, 20590-0001;

2. The FAA Air Traffic Organization Service Area in which the affected airport is located;

3. The office of Aeronautical Information Services, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA).

For information on the availability of this material 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>.

*Availability*

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center online at [nfdc.faa.gov](http://nfdc.faa.gov) to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

**FOR FURTHER INFORMATION CONTACT:**

Thomas J. Nichols, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Flight Standards Service, Federal Aviation Administration. Mailing Address: FAA Mike Monroney Aeronautical Center, Flight Procedures and Airspace Group, 6500 South MacArthur Blvd., Registry Bldg. 29, Room 104, Oklahoma City, OK 73169. Telephone: (405) 954-4164.

**SUPPLEMENTARY INFORMATION:** This rule amends 14 CFR part 97 by amending the referenced SIAPs. The complete regulatory description of each SIAP is listed on the appropriate FAA Form 8260, as modified by the National Flight Data Center (NFDC)/Permanent Notice to Airmen (P-NOTAM), and is incorporated by reference under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR 97.20. The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and

publication of the complete description of each SIAP contained on FAA form documents is unnecessary. This amendment provides the affected CFR sections, and specifies the SIAPs and Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure and the amendment number.

**Availability and Summary of Material Incorporated by Reference**

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPs, Takeoff Minimums and ODPs as identified in the amendatory language for part 97 of this final rule.

**The Rule**

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP and Takeoff Minimums and ODP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP and Takeoff Minimums and ODP as modified by FDC permanent NOTAMs.

The SIAPs and Takeoff Minimums and ODPs, as modified by FDC permanent NOTAM, and contained in this amendment are based on criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these changes to SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied only to specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a FDC NOTAM as an emergency action of immediate flight safety relating directly to published aeronautical charts.

The circumstances that created the need for these SIAP and Takeoff Minimums and ODP amendments require making them effective in less than 30 days.

Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making these SIAPs effective in less than 30 days.

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

**List of Subjects in 14 CFR Part 97**

Air Traffic Control, Airports, Incorporation by reference, Navigation (air).

Issued in Washington, DC, on May 13, 2022.

**Thomas J. Nichols,**

*Aviation Safety, Flight Standards Service, Manager, Standards Section, Flight Procedures & Airspace Group, Flight Technologies & Procedures Division.*

**Adoption of the Amendment**

Accordingly, pursuant to the authority delegated to me, Title 14, CFR part 97, (is amended by amending Standard Instrument Approach Procedures and Takeoff Minimums and ODPs, effective at 0901 UTC on the dates specified, as follows:

**PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES**

■ 1. The authority citation for part 97 continues to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721-44722.

■ 2. Part 97 is amended to read as follows:

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, Identified as follows:

\* \* \* EFFECTIVE UPON PUBLICATION

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
16-Jun-22	ID	Grangeville	Idaho County	2/8625	4/25/22	This NOTAM, published in Docket No. 31428, Amdt No. 4008, TL 22-13, (87 FR 29659, May 16, 2022) is hereby rescinded in its entirety.
16-Jun-22	UT	Milford	Milford Muni/Ben And Judy Briscoe Fld.	2/4858	5/3/22	VOR/DME-A, Amdt 4.
16-Jun-22	DC	Washington	Ronald Reagan Washington Ntl.	2/5552	4/28/22	COPTER ILS OR LOC/DME RWY 1, Amdt 1A.
16-Jun-22	WI	Janesville	Southern Wisconsin Rgnl.	2/5698	5/3/22	ILS OR LOC RWY 32, Amdt 1C.
16-Jun-22	WI	Janesville	Southern Wisconsin Rgnl.	2/5700	5/3/22	RNAV (GPS) RWY 14, Amdt 1C.
16-Jun-22	WI	Janesville	Southern Wisconsin Rgnl.	2/5705	5/3/22	RNAV (GPS) RWY 32, Orig-C.
16-Jun-22	AL	Reform	North Pickens	2/7083	5/3/22	RNAV (GPS) RWY 1, Orig-B.
16-Jun-22	AL	Reform	North Pickens	2/7084	5/3/22	RNAV (GPS) RWY 19, Amdt 1B.
16-Jun-22	AL	Evergreen	Evergreen Rgnl/Middleton Fld.	2/7087	5/3/22	RNAV (GPS) RWY 1, Amdt 1C.
16-Jun-22	AL	Evergreen	Evergreen Rgnl/Middleton Fld.	2/7088	5/3/22	RNAV (GPS) RWY 19, Amdt 1C.
16-Jun-22	AL	Evergreen	Evergreen Rgnl/Middleton Fld.	2/7089	5/3/22	RNAV (GPS) RWY 28, Amdt 1C.
16-Jun-22	AL	Evergreen	Evergreen Rgnl/Middleton Fld.	2/7090	5/3/22	VOR/DME RWY 10, Amdt 3B.
16-Jun-22	TX	Hamilton	Hamilton Muni	2/7096	5/2/22	RNAV (GPS) RWY 18, Amdt 1D.
16-Jun-22	TX	Hamilton	Hamilton Muni	2/7097	5/2/22	RNAV (GPS) RWY 36, Amdt 1D.
16-Jun-22	AR	Huntsville	Huntsville Muni	2/7207	5/3/22	RNAV (GPS) RWY 12, Orig-A.
16-Jun-22	AR	Huntsville	Huntsville Muni	2/7208	5/3/22	RNAV (GPS) RWY 30, Orig-A.
16-Jun-22	OK	Guthrie	Guthrie/Edmond Rgnl	2/7221	5/3/22	RNAV (GPS) RWY 16, Amdt 1.
16-Jun-22	OK	Guthrie	Guthrie/Edmond Rgnl	2/7222	5/3/22	RNAV (GPS) RWY 34, Amdt 1.
16-Jun-22	UT	Cedar City	Cedar City Rgnl	2/7263	5/3/22	RNAV (GPS) RWY 2, Orig.
16-Jun-22	UT	Cedar City	Cedar City Rgnl	2/7264	5/3/22	RNAV (GPS) RWY 20, Amdt 2.
16-Jun-22	VT	Rutland	Rutland-Southern Vermont Rgnl.	2/7277	5/3/22	ILS Z OR LOC Z RWY 19, Amdt 1A.
16-Jun-22	NC	Beaufort	Michael J Smith Fld	2/7314	5/3/22	RNAV (GPS) RWY 3, Amdt 2A.
16-Jun-22	NC	Beaufort	Michael J Smith Fld	2/7315	5/3/22	RNAV (GPS) RWY 21, Amdt 2A.
16-Jun-22	NC	Beaufort	Michael J Smith Fld	2/7316	5/3/22	RNAV (GPS) RWY 14, Amdt 1A.
16-Jun-22	NC	Beaufort	Michael J Smith Fld	2/7317	5/3/22	RNAV (GPS) RWY 32, Amdt 1A.
16-Jun-22	WV	Logan	Logan County	2/7340	5/3/22	RNAV (GPS) RWY 6, Amdt 1A.
16-Jun-22	AR	Huntsville	Huntsville Muni	2/7830	5/3/22	Takeoff Minimums and Obstacle DP, Orig.
16-Jun-22	SC	Newberry	Newberry County	2/8579	5/3/22	NDB RWY 22, Amdt 6B.
16-Jun-22	SC	Newberry	Newberry County	2/8580	5/3/22	RNAV (GPS) RWY 22, Orig-A.
16-Jun-22	SC	Newberry	Newberry County	2/8582	5/3/22	RNAV (GPS) RWY 4, Orig-A.
16-Jun-22	GA	Claxton	Claxton-Evans County	2/9330	5/3/22	RNAV (GPS) RWY 28, Amdt 1.
16-Jun-22	GA	Claxton	Claxton-Evans County	2/9349	5/3/22	RNAV (GPS) RWY 10, Amdt 2.

[FR Doc. 2022-11250 Filed 5-25-22; 8:45 am]

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**DEPARTMENT OF COMMERCE**

**Bureau of Industry and Security**

**15 CFR Parts 740, 772, and 774**

[Docket No. 220520-0118]

RIN 0694-AH56

**Information Security Controls: Cybersecurity Items**

**AGENCY:** Bureau of Industry and Security, Commerce.

**ACTION:** Final rule.

**SUMMARY:** BIS is finalizing changes to License Exception ACE and

corresponding changes in the definition section of the Export Administration Regulations (EAR) in response to public comments to an October 21, 2021 interim rule. That rule established a new control on certain cybersecurity items for National Security (NS) and Anti-terrorism (AT) reasons, as well as adding a new License Exception Authorized Cybersecurity Exports (ACE) that authorizes exports of these items to most destinations except in certain circumstances. These items warrant controls because these tools could be used for surveillance, espionage, or other actions that disrupt, deny or degrade the network or devices on it. This rule also corrects Export Control Classification Number (ECCN) 5D001 in the Commerce Control List.

**DATES:** This rule is effective May 26, 2022.

**FOR FURTHER INFORMATION CONTACT:** For questions regarding the Export Control Classification Numbers (ECCNs) included in this rule or License Exception ACE, contact Aaron Amundson at 202-482-0707 or email [Aaron.Amundson@bis.doc.gov](mailto:Aaron.Amundson@bis.doc.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

In 2013, the Wassenaar Arrangement (WA) decided on new controls on cybersecurity items. The controls included hardware and software controls on the command and delivery platforms for “intrusion software”, the technology for the “development”, “production” or “use” of the command and delivery platforms, and the

technology for the “development” of “intrusion software”. On May 20, 2015, BIS published a proposed rule (80 FR 28853) entitled “Wassenaar Arrangement 2013 Plenary Agreements Implementation: Intrusion and Surveillance Items,” which proposed implementing these controls and sought comments on their impact.

In response to the proposed rule, BIS received almost 300 comments that raised substantial concerns about the proposed rule’s scope and the effect the proposed rule would have on legitimate cybersecurity research and incident response activities. BIS also conducted extensive outreach with the security industry, financial institutions, and government agencies that manage cybersecurity.

Comments on the previously published proposed rule focused on three main issues. First, many commenters asserted that the entries were overly broad, captured more than was intended, and, as a technical matter, failed to accurately describe the items intended for control. Second, many commenters asserted that the rule as written imposed a heavy and unnecessary licensing burden on legitimate transactions that contribute to cybersecurity. Third, many commenters suggested that the proposed rule’s control on technology for the “development” of “intrusion software” could cripple legitimate cybersecurity research.

Based on these comments, the United States decided against amending the proposed rule and instead returned to the WA in 2016 and 2017 to negotiate changes to the text. In December 2017, the WA published the changes that resulted from those negotiations. There were three significant changes: First, using “command and control” in the control language for both hardware and software addressed concerns from cybersecurity companies to more specifically control tools that can be used maliciously; second, adding a note to the control entry for technology for the “development” of “intrusion software” that excludes from the entry “technology” that is exchanged for “vulnerability disclosure” or “cyber incident response”; and third, adding a note to the “software” generation, command and control, or delivery entry that excludes from this entry products designed and limited to providing basic software updates and upgrades.

On October 21, 2021 (86 FR 58205), the Bureau of Industry and Security (BIS) published an interim final rule (October 21 rule) that establishes new controls on certain cybersecurity items for National Security (NS) and Anti-

terrorism (AT) reasons, along with a new License Exception, Authorized Cybersecurity Exports (ACE), that authorizes exports of these items to most destinations except in specified circumstances. That rule was published with a 45-day comment period, which ended on December 12, 2021, and a 90-day delayed effective date (January 19, 2022). A total of 12 comments were received. On January 12, 2022 (87 FR 1670), BIS published a rule that further delayed the effective date of the interim final rule by 45 days (March 7, 2022). That action did not extend or reopen the comment period for BIS’s previous request for comments on the interim final rule. Consistent with the comments received, this action amends the October 21 rule that became effective March 7, 2022.

### **Public Comments on the October 21 Rule**

#### *Comments Requesting Additional Guidance*

Several commenters stated that the new 5A001.j entry is complex and therefore presents compliance difficulties. One commenter asked whether 5A001.j would control cybersecurity incident detection and monitoring software. Another commenter stated that 5A001.j systems have numerous components, all of which will need to be examined under the new entry. In response, BIS is providing additional information and guidance through “Frequently Asked Questions” (FAQs) on 5A001.j to clarify these interpretation issues. BIS does not expect 5A001.j to control a large number of products, and therefore believes these issues can be addressed in the FAQs.

Several commenters recommended that BIS devote additional resources to conducting outreach to exporters about the interim final rule. One commenter recommended a decision tool for ACE like the one used for License Exception Strategic Trade Authorization (STA), as well as more FAQs. Another said BIS should put more resources towards outreach to the cybersecurity community. One commenter recommended developing additional guidelines to help exporters with the interim final rule. BIS agrees with these comments and is working on providing additional guidance along these lines.

Several commenters asked for clarification of BIS’s “reason to know” standard. One commenter said that the end-use based control uses the phrase “knows or has reason to know” and asked if this was supposed to be different from the “knowledge” standard. Others recommended BIS

provide guidelines on when an exporter would have “reason to know” something will be used for unauthorized surveillance. The terms “know” and “reason to know” use the same definition found in § 772.1 of the EAR as the term “knowledge,” which is the one that should be used for this rule. BIS has published extensive “Know Your Customer” guidance in supplement no. 3 to part 732 of the EAR and on its website. That information also applies to transactions under license exception ACE. BIS believes the current guidance is sufficient to address the questions raised by the commenters and declines to provide additional sector-specific guidance for this area beyond what is published on the website.

#### *Comments Requiring Regulatory Changes*

Several commenters stated that the definition of ‘government end user’ in ACE is vague and will be difficult to apply. Two commenters stated that there is some potential overlap between ‘government end users’ and ‘favorable treatment cybersecurity end users’. BIS agrees with this recommendation and makes changes to the definition of ‘government end user’ to be more specific and to clarify the meaning of this term.

One commenter stated that the licensing requirement for people acting on behalf of a ‘government end user’ will chill cross-border collaboration with cybersecurity researchers and bug bounty hunters because exporters will be required to check whether an individual has a government affiliation before communicating with them. The company recommends BIS either remove this requirement or modify it. BIS disagrees with this recommendation. The license requirement for people acting on behalf of a government is necessary to prevent people who are acting on behalf of a Country Group D government from obtaining ‘cybersecurity items’ for activities contrary to U.S. national security and foreign policy interests. Removing this requirement would risk allowing Country Group D governments access to those items. BIS agrees that this means that exporters will in some cases have to check government affiliation of people and companies they work with. However, because of the limited scope and applicability of the license requirement, BIS believes the requirement will protect U.S. national security and foreign policy interests without unduly impacting legitimate cybersecurity activities.

A couple of commenters stated that the definitions of “vulnerability disclosure” and “cyber incident response” are too narrow. One commenter said that researchers share vulnerability information unrelated to remediation of a specific vulnerability or incident. Another said the definitions should include information that is not strictly “necessary” for vulnerability disclosure or cyber incident response activities, as well as information that is needed to prevent cyber incidents from happening. One commenter recommended expanding the exclusion to include preventative remediation and coordination activities. They recommend two possible solutions: (1) Amend FAQs to clarify that the carve-out covers routine sharing of exploits for cybersecurity purposes; or (2) amend the definition of fundamental research to include transferring exploit information for research purposes. BIS believes that many of the activities commenters mentioned as being subject to a license requirement, such as tactics and techniques of malicious actors, and identifying products that contain vulnerabilities, are not subject to this control and that therefore the scope of items that would require a license in this area is significantly smaller than the commenters asserted. Therefore, BIS is not amending the rule but will clarify the scope of license requirements in this area via guidance in FAQs.

#### *Other Significant Comments*

One commenter suggested extending the comment period to January 5, 2022. Another recommended delaying the effective date of the rule and conducting more extensive industry consultations and engagements. In response, BIS delayed the implementation date of the October 21 rule to March 7, 2022, and reached out to interested industry members of BIS’s Technical Advisory Committees to prepare additional guidance and make clarifications that are in this final rule.

Several commenters said the rule is complicated and will be difficult for people to understand and implement. In response, BIS has made several changes in this final rule to clarify the scope of controls. In addition, BIS delayed the implementation date of the October 21 rule to March 7, 2022, which allowed for the preparation of additional guidance to assist with compliance.

One commenter said that the estimated yearly expense of compliance of \$2,520 is a gross underestimation, because the complexity of the rule will increase the cost of compliance. However, none of the commenters provided data to substantiate this claim

or provided another estimate. BIS consulted with its Technical Advisory Committees to develop the estimate yearly expense identified in this rule.

#### **Specific Revisions**

##### **Section 740.17 License Exception Encryption Commodities, Software, and Technology (ENC)**

BIS is revising § 740.17 by adding a new end-use restriction (§ 740.17(f)) equivalent to the end-use restriction in § 740.22(c)(4) of License Exception ACE, so that License Exception ENC is not authorized if the exporter, reexporter, or transferor “knows” or has “reason to know” at the time of export, reexport, or transfer (in-country), including deemed exports and reexports, that the following items will be used to affect the confidentiality, integrity or availability of information or information systems, without authorization by the owner, operator or administrator of the information system (including the information and processes within such systems): “cryptanalytic items”, classified in ECCN 5A004.a, 5D002.a.3.a or c.3.a, or 5E002; network penetration tools described in § 740.17(b)(2)(i)(F), and ECCN 5E002 “technology” therefor; or automated network vulnerability analysis and response tools described in § 740.17(b)(3)(iii)(A), and ECCN 5E002 “technology” therefor. This conforming change is necessary to avoid an unintended circumstance in which the § 740.22(c)(4) License Exception ACE end-use restriction could be evaded by adding cryptographic or cryptanalytic functionality to the ‘cybersecurity item’ and exporting, reexporting or transferring (in-country) the resulting ‘encryption item’ subject to the EAR under License Exception ENC.

##### **Section 740.22 License Exception Authorized Cybersecurity Exports (ACE)**

In response to public comments, BIS is revising § 740.22. BIS is revising the definition of the term ‘Government end user’ as defined in § 740.22(b)(4) of License Exception ACE by adding a detailed illustrative list of end users that meet this definition. Included in the list are two types of government end users that are already defined in the EAR, “more-sensitive government end users” and “less-sensitive government end users”. BIS also added a note to define ‘partially operated or owned by a government or governmental authority’ to guide the public in understanding this phrase, which is used in three of the listed ‘government end users’ related to utilities; transportation hubs and services; and retail or wholesale firms

engaged in the manufacture, distribution, or provision of items or services specified in the Wassenaar Arrangement Munitions List.

BIS also revised the format of the restrictions in § 740.22(c) by collapsing the levels and moving most of the text that was in notes to subordinate paragraphs within paragraph (c). Several people commented that the double negative structure of the restrictions paragraph was confusing. BIS believes the more simplified paragraph organization will alleviate the confusion.

Finally, BIS is amending § 740.22(c)(2)(i) to correct the text, which inadvertently increased the scope of the exception. As currently written, that paragraph allows (a) exports of ‘digital artifacts’ to anyone in a Country Group D country that is also listed in Country Group A:6; and (b) exports of any ‘cybersecurity item’ to police or judicial bodies to Country Group D countries that are also listed in Country Group A:6. However, BIS intended to only allow exports of ‘digital artifacts’ to police or judicial bodies in Country Group D countries that are also listed in Country Group A:6 for purposes of criminal or civil investigations or prosecutions. These changes correct the text to reflect the intended scope.

#### **Part 772—Definitions of Terms**

This rule amends the terms “Less sensitive government end users” and “More sensitive government end users” to indicate that the terms apply to cybersecurity items and are now referenced in License Exception ACE (§ 740.22).

#### **Part 774—Commerce Control List: ECCN 5D001**

This rule corrects an error made to ECCN 5D001 in the October 21, 2021 interim rule. That rule inadvertently removed 5D001.e and this rule restores 5D001.e.

#### **Export Control Reform Act of 2018**

On August 13, 2018, the President signed into law the John S. McCain National Defense Authorization Act for Fiscal Year 2019, which included the Export Control Reform Act of 2018 (ECRA), 50 U.S.C. Sections 4801–4852. ECRA provides the legal basis for BIS’s principal authorities and serves as the authority under which BIS issues this rule.

#### **Executive Order Requirements**

This final rule has been designated a “significant regulatory action” under Executive Order 12866.

This rule does not contain policies with federalism implications as that term is defined under Executive Order 13132.

### Paperwork Reduction Act Requirements

Notwithstanding any other provision of 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 Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 *et seq.*) unless a valid Office of Management and Budget (OMB) Control Number is displayed. While there is no collection of information associated with using License Exception ACE, this rule does involve a collection of information currently approved under Control Number 0694–0088, *Multi-Purpose Application*. The current burden hour estimate for this collection is 29.6 minutes for a manual or electronic submission.

For the existing ECCNs included in this rule (4D001, 4E001, 5A001, 5A004, 5D001, 5E001), the 2020 data from the Automated Export System (AES) shows 980 shipments valued at \$39,146,164. Of those shipments, 120 shipments valued at \$1,864,699 went to Country Group D:1 or D:5 countries, which would make them ineligible for License Exception ACE. There were no shipments to Country Group E:1 or E:2. Under the provisions of this rule, the 120 shipments require a license application submission to BIS.

As there is no specific ECCN data in AES for the new export controls in new ECCNs 4A005 and 4D004 or new paragraph 4E001.c, BIS has used other data to estimate the number of shipments of these new ECCNs that will require a license. Bureau of Economic Analysis (BEA) data from 2019 show a total dollar value of \$55,657,000 for Telecom, Computer, and Information Technology Services exports. Multiplying this value by 12.1% (the percentage of all exports that are subject to an EAR license requirement as determined by using AES data) suggests that \$6,734,497,000 of Telecom/Computer/IT exports are now subject to EAR license requirements. Based on AES data on the existing ECCNs affected by this rule, BIS estimates the average value of each shipment for the new ECCNs at about \$40,000, and further estimates that 0.6% of all new ECCN shipments (1,010 shipments) are now eligible for License Exception ACE and 0.03% of all new ECCN shipments (50 shipments) require a license application submission.

Therefore, the annual total estimated cost associated with the paperwork burden imposed by this rule (that is, the projected increase of license application submissions based on the additional shipments requiring a license) is estimated to be 170 new applications  $\times$  29.6 minutes = 5,032/60 min = 84 hours  $\times$  \$30 = \$2,520.

BIS is in the process of updating this information collection to account for the increase in burden hours and costs posed by this rule. Comments on the methodology associated with calculating the cost or burden increases or any other aspect of this collection can be submitted via [www.regulations.gov](http://www.regulations.gov) by searching for OMB Control Number 0694–0088.

### Administrative Procedure Act and Regulatory Flexibility Act Requirements

Pursuant to Section 4821 of ECRA, this action is exempt from the Administrative Procedure Act (5 U.S.C. 553) requirements for notice of proposed rulemaking and opportunity for public participation. Further, no other law requires notice of proposed rulemaking or opportunity for public comment for this final rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required under the Administrative Procedure Act or by any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable.

### List of Subjects

#### 15 CFR Part 740

Administrative practice and procedure, Exports, Reporting and recordkeeping requirements.

#### 15 CFR Part 772

Exports.

#### 15 CFR Part 774

Exports, Reporting and recordkeeping requirements.

Accordingly, the interim rule amending 15 CFR parts 740, 772, and 774, which was published on October 21, 2021 (86 FR 58205), is adopted as final with the following changes:

### PART 740 [AMENDED]

- 1. The authority citation for part 740 continues to read as follows:

**Authority:** 50 U.S.C. 4801–4852; 50 U.S.C. 4601 *et seq.*; 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 7201 *et seq.*; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783.

- 2. Section 740.17 is revised by adding paragraph (f) to read as follows:

### § 740.17 Encryption commodities, software, and technology (ENC).

\* \* \* \* \*

#### (f) *End-use restrictions.*

Notwithstanding the other provisions and authorizations of this section, License Exception ENC is not authorized for any of the following items if the exporter, reexporter, or transferor “knows” or has “reason to know” at the time of export, reexport, or transfer (in-country), including deemed exports and reexports, that the item will be used to affect the confidentiality, integrity, or availability of information or information systems, without authorization by the owner, operator, or administrator of the information system (including the information and processes within such systems):

(1) “Cryptanalytic items,” classified in ECCN 5A004.a, 5D002.a.3.a or c.3.a, or 5E002;

(2) Network penetration tools described in paragraph (b)(2)(i)(F) of this section, and ECCN 5E002 “technology” therefor; or

(3) Automated network vulnerability analysis and response tools described in paragraph (b)(3)(iii)(A) of this section, and ECCN 5E002 “technology” therefor.

**Note to paragraph (f):** See also § 740.22(c)(4).

- 3. Section 740.22 is revised to read as follows:

### § 740.22 Authorized Cybersecurity Exports (ACE).

(a) *Scope.* License Exception ACE authorizes export, reexport, and transfer (in-country), including deemed exports and reexports, of ‘cybersecurity items,’ as set forth in paragraph (b) of this section, subject to the restrictions set forth in paragraph (c) of this section. Deemed exports and reexports are authorized under this license exception, except for deemed exports or reexports to E:1 and E:2 nationals as described in paragraph (c)(1) of this section, to certain ‘government end users’ as described in paragraph (c)(2) of this section, and subject to the end use restrictions described in paragraph (c)(4) of this section. Even if License Exception ACE is not available for a particular transaction, other license exceptions may be available. For example, License Exception GOV (§ 740.11) authorizes certain exports to U.S. Government agencies and personnel. License Exception TMP (§ 740.9(a)(1)) authorizes the export, reexport, and transfer (in country) of tools of the trade in certain situations.

(b) *Definitions.* The following terms and definitions are for the purpose of License Exception ACE only.

(1) ‘Cybersecurity Items’ are ECCNs 4A005, 4D001.a (for 4A005 or 4D004), 4D004, 4E001.a (for 4A005, 4D001.a (for 4A005 or 4D004), 4E001.c, 5A001.j, 5B001.a (for 5A001.j), 5D001.a (for 5A001.j), 5D001.c (for 5A001.j or 5B001.a (for 5A001.j))), and 5E001.a (for 5A001.j or 5D001.a (for 5A001.j)).

(2) ‘Digital artifacts’ are items (e.g., “software” or “technology”) found or discovered on an information system that show past or present activity pertaining to the use or compromise of, or other effects on, that information system.

(3) ‘Favorable treatment cybersecurity end user’ is any of the following:

- (i) A “U.S. subsidiary”;
- (ii) Providers of banking and other financial services;
- (iii) Insurance companies; or
- (iv) Civil health and medical institutions providing medical treatment or otherwise conducting the practice of medicine, including medical research.

(4) ‘Government end user,’ for the purpose of this section, is a national, regional, or local department, agency, or entity that provides any governmental function or service, including entities or individuals who are acting on behalf of such an entity. This term does not include any ‘favorable treatment cybersecurity end user’ listed in paragraph (b)(3) of this section. This term includes, but is not limited to:

- (i) International governmental organizations;
- (ii) Government operated research institutions;
- (iii) “More-sensitive government end users”;
- (iv) “Less-sensitive government end users”;
- (v) Utilities (including telecommunications service providers and internet service providers) that are wholly operated or owned by a government or governmental authority or ‘partially operated or owned by a government or governmental authority’;

(vi) Transportation hubs and services (e.g., airlines and airports; ships and ports; railways and rail stations; buses, trucking and highways) that are wholly operated or owned by a government or governmental authority or ‘partially operated or owned by a government or governmental authority’; and

(vii) Retail or wholesale firms that are wholly operated or owned by a government or governmental authority or ‘partially operated or owned by a government or governmental authority’, engaged in the manufacture, distribution, or provision of items or services specified in the Wassenaar Arrangement Munitions List.

(5) For the purposes of this section, ‘partially operated or owned by a government or governmental authority’ means that a foreign government or governmental authority beneficially owns or controls (whether directly or indirectly) 25 percent or more of the voting securities of the foreign entity, or a foreign government or governmental authority has the authority to appoint a majority of the members of the board of directors of the foreign entity.

(c) *Restrictions.* License Exception ACE does not authorize deemed exports and reexports, exports, reexports, or transfers (in-country) of ‘cybersecurity items’ as follows:

(1) To a destination that is listed in Country Group E:1 or E:2 in supplement no.1 to this part.

(2) To a ‘government end user’, as defined in this section, of any country listed in Country Group D:1, D:2, D:3, D:4 or D:5 in supplement no. 1 to this part, *except*:

(i) ‘Digital artifacts’ (that are related to a cybersecurity incident involving information systems owned or operated by a ‘favorable treatment cybersecurity end user’) to police or judicial bodies in Country Group D countries that are also listed in Country Group A:6 for purposes of criminal or civil investigations or prosecutions of such cybersecurity incidents; or

(ii) To national computer security incident response teams in Country Group D countries that are also listed in Country Group A:6 of ‘cybersecurity items’ for purposes of responding to cybersecurity incidents, for purposes of “vulnerability disclosure”, or for purposes of criminal or civil investigations or prosecutions of such cybersecurity incidents.

(3) The restrictions in paragraphs (c)(1) and (2) of this section also apply to activities, including exports, reexports, and transfers (in-country), related to “vulnerability disclosure” and “cyber incident response”.

**Note 1 to paragraph (c)(3):** For paragraphs (c)(1) and (2) of this section, see Note 1 to ECCN 4E001 in the CCL (supplement no. 1 to part 774 of the EAR) excluding “vulnerability disclosure” and “cyber incident response” from control under 4E001.a or .c.

(4) To a non-‘government end user’ located in any country listed in Country Group D:1 or D:5 of supplement no. 1 to this part, *except*:

(i) Cybersecurity items classified under ECCNs 4A005, 4D001.a (for 4A005 or 4D004), 4D004, 4E001.a (for 4A005, 4D001.a (for 4A005 or 4D004) or 4D004) and 4E001.c, to any ‘favorable treatment cybersecurity end user’.

(ii) “Vulnerability disclosure” or “cyber incident response”.

(iii) Deemed exports.

(5) If the exporter, reexporter, or transferor “knows” or has “reason to know” at the time of export, reexport, or transfer (in-country), including deemed exports and reexports, that the ‘cybersecurity item’ will be used to affect the confidentiality, integrity, or availability of information or information systems, without authorization by the owner, operator, or administrator of the information system (including the information and processes within such systems).

## PART 772 [AMENDED]

■ 4. The authority citation for part 772 continues to read as follows:

**Authority:** 50 U.S.C. 4801–4852; 50 U.S.C. 6401 *et seq.*; 50 U.S.C. 1701 *et seq.*; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783.

■ 5. Section 772.1 is amended by revising the definitions “Less sensitive government end users” and “More sensitive government end users” to read as follows:

### § 772.1 Definitions of terms as used in the Export Administration Regulations (EAR).

\* \* \* \* \*

*Less sensitive government end users (as applied to encryption items and ‘cybersecurity items’).* The following “government end users” (as defined in this section) are considered “less sensitive” for the purposes of License Exception ENC (§ 740.17 of the EAR) and License Exception ACE (§ 740.22 of the EAR):

(1) Local/state/provincial “government end users” (departments, agencies, and entities), including local/state/provincial executive, legislative, judicial, police, fire, rescue, and public safety agencies.

(2) National/federal/royal “government end users” (departments, agencies, and entities) providing the following civil government functions and services:

- (i) Census and statistics services;
- (ii) Civil public works infrastructure services (construction, maintenance, repair, regulation, and administration) as follows: Buildings, public transportation, roads and highways, trucking;
- (iii) Civil service administration and regulation, including human resources and personnel/labor management;
- (iv) Clean water infrastructure services (treatment, supply and testing);
- (v) Economic (trade/commerce/investment), business and industrial development, promotion, regulation and

administration, excluding the following end users/end uses:

- (A) Agencies, departments, boards, and councils for science and technology;
- (B) Research, development, and national laboratories (other than as specified in paragraphs (2)(xi) (measurements and standards services) and (2)(xii) (meteorology/weather/atmospheric services) of this definition); and
- (C) National telecommunications and information technology agencies, boards, councils, and development authorities (including national information center, and Information Communications Technology (ICT)/telecommunications infrastructure/spectrum planning, policy, regulation, and testing);
  - (vi) Elections, balloting, and polling services;
  - (vii) Energy regulation and administration, including oil, gas, and mining sectors;
  - (viii) Environmental/natural resources regulation, administration, and protection, including wildlife, fisheries, and national parks;
  - (ix) Food/agriculture regulation and administration;
  - (x) Labor/community/social services planning, regulation, and administration, including: Housing and urban development, municipality and rural affairs;
  - (xi) Measurements and standards services;
  - (xii) Meteorology (weather, atmospheric) services;
  - (xiii) National archives/museums;
  - (xiv) Patents;
  - (xv) Pilgrimage and religious affairs;
  - (xvi) Postal services;
  - (xvii) Public and higher education (excluding government research institutions and any agency, institution, or affiliate engaged in the manufacture or distribution of items or services controlled on the Wassenaar Munitions List);
  - (xviii) Public health and medicine/pharmaceutical regulation and administration;
  - (xix) Public libraries;
  - (xx) Sports/culture (includes film, commercial broadcasting, and the arts) promotion, regulation, and administration; and
  - (xxi) Travel/tourism promotion, regulation, and administration.

\* \* \* \* \*

*More sensitive government end users (as applied to encryption items and 'cybersecurity items').* The following national/federal/royal (departments, agencies, and entities) "government end

users" (as defined in this section) providing the following government functions and services, are considered "more sensitive" for the purposes of License Exception ENC (§ 740.17 of the EAR) and License Exception ACE (§ 740.22 of the EAR):

- (1) Agencies, departments, boards, and councils for science and technology (including research, development, and state/national laboratories, but not including measurements and standards);
- (2) Currency and monetary authorities (including departments and offices of the national/federal/royal reserve);
- (3) Executive agents of state (including offices of president/vice president/prime minister, royal courts, national security councils, cabinet/council of ministers/supreme councils/executive councils, crown princes and other deputies of the rulers, departments and offices of political/constitutional/mainland affairs);
- (4) Legislative bodies responsible for the enactment of laws;
- (5) Import/export control, customs and immigration agencies, and entities;
- (6) Intelligence agencies and entities;
- (7) Judiciary (including supreme courts and other national/federal/regional/royal high courts and tribunals);
- (8) Maritime, port, railway, and airport authorities;
- (9) Military and armed services (including national guard, coast guard, security bureaus, and paramilitary);
- (10) Ministries, departments, and garrisons of defense (including defense technology agencies);
- (11) Ministries and departments of finance and taxation (including national/federal/royal budget and revenue authorities);
- (12) Ministries and departments of foreign affairs/foreign relations/consulates/embassies;
- (13) Ministries of interior, internal/home/mainland affairs, and homeland security;
- (14) State/national telecommunications and information technology agencies, boards, councils, and development authorities (including national information/critical infrastructure data centers, and Information and Communications Technology (ICT)/telecommunications infrastructure/spectrum planning, policy, regulation, and testing);
- (15) Police, investigation and other law enforcement agencies, and entities (including digital crime/cybercrime/computer forensics, counter narcotics/counter terrorism/counter proliferation agencies);
- (16) Prisons; and
- (17) Public safety agencies and entities (including national/federal/

royal agencies and departments of civil defense, emergency management, and first responders).

\* \* \* \* \*

**PART 774 [AMENDED]**

■ 6. The authority citation for part 774 continues to read as follows:

**Authority:** 50 U.S.C. 4801–4852; 50 U.S.C. 4601 *et seq.*; 50 U.S.C. 1701 *et seq.*; 10 U.S.C. 8720; 10 U.S.C. 8730(e); 22 U.S.C. 287c, 22 U.S.C. 3201 *et seq.*; 22 U.S.C. 6004; 42 U.S.C. 2139a; 15 U.S.C. 1824; 50 U.S.C. 4305; 22 U.S.C. 7201 *et seq.*; 22 U.S.C. 7210; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783.

■ 7. In supplement no. 1 to part 774, Category 5—Part 1, ECCN 5D001 is revised to read as follows:

**Supplement No. 1 to Part 774—The Commerce Control List**

\* \* \* \* \*

**5D001 "Software" as follows (see List of Items Controlled).**

**License Requirements**

*Reason for Control:* NS, SL, AT

<i>Control(s)</i>	<i>Country chart (see Supp. No. 1 to part 738)</i>
NS applies to entire entry.	NS Column 1
SL applies to the entire entry as applicable for equipment, functions, features, or characteristics controlled by 5A001.f.1.	A license is required for all destinations, as specified in § 742.13 of the EAR. Accordingly, a column specific to this control does not appear on the Commerce Country Chart (Supplement No. 1 to Part 738 of the EAR).
	<b>Note to SL paragraph:</b> <i>This licensing requirement does not supersede, nor does it implement, construe or limit the scope of any criminal statute, including, but not limited to the Omnibus Safe Streets Act of 1968, as amended.</i>
AT applies to entire entry.	AT Column 1

**Reporting Requirements**

See § 743.1 of the EAR for reporting requirements for exports under License Exceptions, and Validated End-User authorizations.

**List Based License Exceptions**

(See Part 740 for a description of all license exceptions).



**TSR:** Yes, except for exports and reexports to destinations outside of those countries listed in Country Group A:5 (See Supplement No. 1 to part 740 of the EAR) of “software” controlled by 5D001.a and “specially designed” for items controlled by 5A001.b.5 and 5A001.h, and N/A for “software” classified under ECCN 5D001.a (for 5A001.j) or 5D001.c (for 5A001.j or 5B001.a (for 5A001.j)).

**ACE:** Yes for 5D001.a (for 5A001.j) and 5D001.c (for 5A001.j or 5B001.a (for 5A001.j)), except to Country Group E:1 or E:2. See § 740.22 of the EAR for eligibility criteria.

#### Special Conditions for STA

**STA:** License Exception STA may not be used to ship or transmit 5D001.a “software” “specially designed” for the “development” or “production” of equipment, functions or features, specified by ECCN 5D001.a (for 5A001.j) and 5D001.c (for 5A001.j or 5B001.a (for 5A001.j)) to any of the destinations listed in Country Group A:5 or A:6 (See Supplement No.1 to part 740 of the EAR); 5A001.b.3, .b.5 or .h; and for 5D001.b. for “software” “specially designed” or modified to support “technology” specified by the STA paragraph in the License Exception section of ECCN 5E001 to any of the destinations listed in Country Group A:6.

#### List of Items Controlled

**Related Controls:** See also 5D980 and 5D991.

**Related Definitions:** N/A

#### Items:

- a. “Software” “specially designed” or modified for the “development”, “production” or “use” of equipment, functions or features controlled by 5A001;
- b. [Reserved]
- c. Specific “software” “specially designed” or modified to provide characteristics, functions or features of equipment, controlled by 5A001 or 5B001;
- d. “Software” “specially designed” or modified for the “development” of any of the following telecommunication transmission or switching equipment:
  - d.1. [Reserved]
  - d.2. Equipment employing a “laser” and having any of the following:
    - d.2.a. A transmission wavelength exceeding 1,750 nm; or
    - d.2.b. Employing analog techniques and having a bandwidth exceeding 2.5 GHz; or

**Note:** 5D001.d.2.b does not control “software” “specially designed” or modified for the “development” of commercial TV systems.
  - d.3. [Reserved]
  - d.4. Radio equipment employing Quadrature-Amplitude-Modulation (QAM) techniques above level 1,024.
- e. “Software”, other than that specified by 5D001.a or 5D001.c, “specially designed” or modified for monitoring or analysis by law enforcement, providing all of the following:
  - e.1. Execution of searches on the basis of “hard selectors” of either the content of communication or metadata acquired from a communications service provider using a ‘handover interface’; and

#### Technical Notes:

1. For the purposes of 5D001.e, a ‘handover interface’ is a physical and logical interface, designed for use by an authorised law enforcement authority, across which targeted interception measures are requested from a communications service provider and the results of interception are delivered from a communications service provider to the requesting authority. The ‘handover interface’ is implemented within systems or equipment (e.g., mediation devices) that receive and validate the interception request, and deliver to the requesting authority only the results of interception that fulfil the validated request.

2. ‘Handover interfaces’ may be specified by international standards (including but not limited to ETSI TS 101 331, ETSI TS 101 671, 3GPP TS 33.108) or national equivalents.

e.2. Mapping of the relational network or tracking the movement of targeted individuals based on the results of searches on content of communication or metadata or searches as described in 5D001.e.1.

**Note:** 5D001.e does not apply to “software” “specially designed” or modified for any of the following:

- a. Billing purposes;
- b. Network Quality of Service (QoS);
- c. Quality of Experience (QoE);
- d. Mediation devices; or
- e. Mobile payment or banking use.

\* \* \* \* \*

**Matthew S. Borman,**

*Deputy Assistant Secretary for Export Administration.*

[FR Doc. 2022–11282 Filed 5–25–22; 8:45 am]

**BILLING CODE 3510–33–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 251

[Docket No. FDA–2021–D–0958]

#### Importation of Prescription Drugs Final Rule Questions and Answers; Guidance for Industry: Small Entity Compliance Guide; Availability

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notification of availability.

**SUMMARY:** The Food and Drug Administration (FDA, Agency, or we) is announcing the availability of a final guidance for industry entitled “Importation of Prescription Drugs Final Rule Questions and Answers.” The guidance is intended to help small entities comply with the final rule entitled “Importation of Prescription Drugs.” The final rule was issued to implement a provision of the Federal Food, Drug, and Cosmetic Act (FD&C Act) to allow importation of certain prescription drugs from Canada.

**DATES:** The announcement of the guidance is published in the **Federal Register** on May 26, 2022.

**ADDRESSES:** You may submit either electronic or written comments on Agency guidances at any time as follows:

#### 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–D–0958 for “Importation of Prescription Drugs Final Rule Questions and Answers.” Received comments 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.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of this guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993-0002. Send one self-addressed adhesive label to assist that office in processing your request. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

**FOR FURTHER INFORMATION CONTACT:** Lyndsay Hennessey, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993, 301-796-7605.

**SUPPLEMENTARY INFORMATION:**

## I. Background

FDA is announcing the availability of a guidance for industry entitled "Importation of Prescription Drugs Final Rule Questions and Answers." We are issuing this guidance in accordance with section 212 of the Small Business Regulatory Enforcement Fairness Act (Pub. L. 104-121, as amended by Pub. L. 110-28) to help small entities better understand and comply with the final rule, "Importation of Prescription Drugs," published in the **Federal Register** of October 1, 2020 (85 FR 62094). The final rule will implement section 804(b) through (h) of the FD&C Act (21 U.S.C. 384(b) through (h)) to allow importation of certain prescription drugs from Canada. The final rule, which is codified in 21 CFR parts 1 and 251, became effective November 30, 2020.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115(c)(2)). The guidance represents the current thinking of FDA on Importation of Prescription Drugs Final Rule Questions and Answers. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

## II. Paperwork Reduction Act of 1995

While this guidance contains no collection of information, it does refer to previously approved FDA collections of information. Therefore, clearance by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501-3521) is not required for this guidance. The previously approved collections of information are subject to review by OMB under the PRA. The collections of information in 21 CFR part 251 have been approved under OMB control number 0910-0888.

## III. Electronic Access

Persons with access to the internet may obtain the guidance at either <https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs>, <https://www.fda.gov/regulatory-information/search-fda-guidance-documents>, or <https://www.regulations.gov>.

Dated: May 19, 2022.

**Lauren K. Roth,**

*Associate Commissioner for Policy.*

[FR Doc. 2022-11276 Filed 5-25-22; 8:45 am]

**BILLING CODE 4164-01-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R04-OAR-2021-0472; FRL-9646-02-R4]

### Air Plan Approval; North Carolina; Repeal of Delegation Authority

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) revision submitted by the State of North Carolina's Department of Environmental Quality (DEQ), Division of Air Quality (DAQ or Division), via a letter dated April 13, 2021. This rulemaking addresses the repeal of a State regulation related to delegation of authority and removal of the regulation from the North Carolina SIP. EPA is finalizing approval of these changes pursuant to the Clean Air Act (CAA or Act).

**DATES:** This rule is effective June 27, 2022.

**ADDRESSES:** EPA has established a docket for this action under Docket Identification No. EPA-R04-OAR-2021-0472. All documents in the docket are listed on the [www.regulations.gov](https://www.regulations.gov) website. Although listed in the index, some information may not be publicly available, *i.e.*, Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through [www.regulations.gov](https://www.regulations.gov) or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303-8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

### FOR FURTHER INFORMATION CONTACT:

Andres Febres, Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303-8960.

The telephone number is (404) 562–8966. Mr. Febres can also be reached via electronic mail at *febres-martinez.andres@epa.gov*.

#### SUPPLEMENTARY INFORMATION:

### I. Background

On April 13, 2021, the State of North Carolina submitted changes to the North Carolina SIP for EPA's approval.<sup>1</sup> Through this final rulemaking, EPA is approving changes to the North Carolina SIP related to 15A North Carolina Administrative Code (NCAC) Subchapter 02D, Rule .0615, *Delegation*.<sup>2</sup> The April 13, 2021, SIP revision removes the aforementioned regulation from the SIP because the regulation is unnecessary and has been repealed at the state level.

Through a Notice of Proposed Rulemaking (NPRM), EPA proposed to approve these changes on March 31, 2022. See 87 FR 18759. More details on North Carolina's April 13, 2021, submission and EPA's rationale for approving the aforementioned changes can be found in the March 31, 2022, NPRM. Comments on the NPRM were due on or before May 2, 2022. No comments were received on the March 31, 2022, NPRM.

### II. Incorporation by Reference

In this document, EPA is finalizing regulatory text that includes incorporation by reference. Specifically, EPA is finalizing the removal of 15A NCAC 02D, Rule .0615, *Delegation*, from the North Carolina State Implementation Plan, which is incorporated by reference in accordance with the requirements of 1 CFR part 51. EPA has made and will continue to make the SIP generally available at the EPA Region 4 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

### III. Final Action

EPA is finalizing the approval of changes to the North Carolina SIP. Specifically, for the reasons described in the March 31, 2022, NPRM, EPA is finalizing the removal of 15 NCAC 02D, Rule .0615, *Delegation*, from the North Carolina SIP.

<sup>1</sup> EPA received the submittal on April 14, 2021, and for clarity, refers to the submission per its "letter date" of April 13, 2021, throughout this notice.

<sup>2</sup> EPA notes that the Agency received several revisions to the North Carolina SIP that were transmitted with the same April 13, 2021, cover letter. EPA will be considering action for these other SIP revisions in separate rulemakings.

### IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. See 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. This action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

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

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9,

2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 25, 2022. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. See section 307(b)(2).

#### List of Subjects in 40 CFR Part 52

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

Dated: May 20, 2022.

**Daniel Blackman,**

*Regional Administrator, Region 4.*

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

#### PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

**Subpart II—North Carolina****§ 52.1770 [Amended]**

■ 2. In § 52.1770(c), amend Table (1) “EPA Approved North Carolina Regulations” by removing the entry for “Section .0615.”

[FR Doc. 2022–11290 Filed 5–25–22; 8:45 am]

BILLING CODE 6560–50–P

**DEPARTMENT OF DEFENSE****Defense Acquisition Regulations System****48 CFR Parts 212, 225, and 252**

[Docket DARS–2020–0031]

RIN 0750–AK97

**Defense Federal Acquisition Regulation Supplement: Prohibition on Contracting With Persons That Have Business Operations With the Maduro Regime (DFARS Case 2020–D010)**

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

**ACTION:** Final rule.

**SUMMARY:** DoD is issuing a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement a statute that prohibits DoD from entering into contracts for the procurement of goods and services with any person that has business operations with an authority of the government of Venezuela that is not recognized as the legitimate government of Venezuela by the United States Government.

**DATES:** Effective May 26, 2022.

**FOR FURTHER INFORMATION CONTACT:** Kimberly Bass, telephone 571–372–6174.

**SUPPLEMENTARY INFORMATION:****I. Background**

DoD published a proposed rule in the *Federal Register* at 85 FR 53751 on August 31, 2020, to implement section 890 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2020 (Pub. L. 116–92). Section 890 prohibits contracts for the procurement of goods and services with any person that has business operations with an authority of the government of Venezuela, subject to exceptions. Six respondents submitted public comments in response to the proposed rule.

**II. Discussion and Analysis**

DoD reviewed the public comments in the development of the final rule. A

discussion of the comments and the changes made to the rule as a result of those comments is provided, as follows:

**A. Summary of Significant Changes From the Proposed Rule**

To further clarify and to eliminate any ambiguity, the solicitation provision 252.225–7055, Representation Regarding Business Operations with the Maduro Regime, was revised to clarify that “. . . by submission of its offer, the Offeror represents that the Offeror is a person that—(1) Does not have any business operations with an authority of the Maduro regime or the government of Venezuela that is not recognized as the legitimate government of Venezuela by the U.S. Government; or . . .”. The contract clause 252.225–7056, Prohibition Regarding Business Operations with the Maduro Regime, applies to the entity that was awarded the contract. Therefore, no change was made to the clause.

Additional revisions were made to the text and clause number designations to accommodate updated numerical designations required in the final rule. In addition, a revision was made to 225.7020–4, Joint Determination, to explicitly state that delegation authority is to remain at the level of Secretary of Defense and Secretary of State without power of redelegation.

**B. Analysis of Public Comments****1. Support for the Rule**

*Comment:* Several respondents provided overall support of the rule. A respondent expressed support for the rule because it is an effectual way to limit the Maduro regime’s access to American made or American preferred military technology. The respondent also expressed support for the exceptions for humanitarian aid. Another respondent supported the rule overall because limiting contracts is a push in opposition of the Maduro regime. A respondent commended the rule and hopes this is not a final step in solving unrest in Venezuela.

*Response:* DoD acknowledges the respondents’ support for the rule.

**2. Joint Determination**

*Comment:* A respondent expressed concern that requiring a joint determination of both the Secretary of Defense and the Secretary of State that the restriction does not apply to certain acquisitions may limit the relief that can be provided to the people of Venezuela. Another respondent expressed similar concern with the high level of approval necessary for the joint determination and also expressed concern with the

process for making the joint determination. A respondent included a list of proposed factors to consider in whether to seek a joint determination. A respondent further stated that there were no procedures or guidance on the Government determination process.

*Response:* The proposed rule implements section 890 of the NDAA for FY 2020. Section 890 prohibits DoD from entering into a contract for the procurement of goods or services with any person that has business operations with an authority of the government of Venezuela that is not recognized as the legitimate government of Venezuela by the United States Government. Section 890 does not apply the prohibition to acquisitions where the Secretary of Defense and Secretary of State have jointly determined that the acquisition is necessary for providing humanitarian assistance, disaster relief, or urgent lifesaving measures to the people of Venezuela; carrying out noncombatant evacuations; or is otherwise vital to U.S. national security interests. The process of the joint determination is in accordance with internal Government operating procedures. The rule’s implementation is consistent with the statutory requirements of section 890 and does not allow for further delegation of the authority for the joint determination. Thus, the final rule implements the authority for the joint determination at the level of the Secretary of Defense and Secretary of State.

**3. National Security Waiver**

*Comment:* A couple of respondents provided questions relating to the lack of guidelines for securing a national security interest exception in the proposed rule.

*Response:* The final rule is directly aligned with the statutory language and implements section 890 of the NDAA for FY 2020. The reference to national security interests appears in section 890(b)(1)(A) and was implemented accordingly in DFARS 225.7020–4(a)(2) of the final rule.

**4. Definitions**

*Comment:* A respondent stated that the definition of “person” is overly broad and could adversely affect contracts held by businesses that have no operations in, or connections with, Venezuela. Another respondent further stated that in light of the broad definition of “person” and “business operations” in the rule, there is a lack of clarity in the solicitation provision 252.225–7055 as to whether an “offeror” who certifies that it does not have any business operations with an authority of

the Maduro regime is submitting such statement on behalf of the offeror with a discrete unique identifier number or Commercial and Government Entity (CAGE) code or as “person” is defined under the proposed rule. The respondent also stated that the clause 252.225–7056 is not clear on whether the clause requires the contractor, specifically the legal entity that was awarded the contract, to refrain from engaging in business with the Maduro regime or whether the obligation extends to the contractor’s ties within the definition of “person”.

*Response:* DoD acknowledges the respondent’s comment. The final rule implements and is aligned with the statutory language as provided in section 890 of the NDAA for FY 2020. There is no certification requirement per 41 U.S.C. 1304; rather there is a representation requirement, which is less burdensome than a certification. To further explain and eliminate any ambiguity, the provision at DFARS 252.225–7055 was revised to clarify that “. . . by submission of its offer, the Offeror represents that the Offeror is a person that—(1) Does not have any business operations with an authority of the Maduro regime or the government of Venezuela that is not recognized as the legitimate government of Venezuela by the U.S. Government; or . . .”. The clause at DFARS 252.225–7056 applies to the entity that was awarded the contract. Accordingly, no change was made to the clause. In addition, the definitions, defined in the provision in the proposed rule, are listed and a cross-reference added to point to those terms being defined in the clause.

#### 5. Adverse Impacts

*Comment:* A respondent commented that the proposed rule would have adverse effects on U.S. defense programs, force readiness, the defense industrial base, and American workers. The respondent further requested that DoD conduct a review of the law’s impact on the defense industrial base, military readiness, DoD acquisition programs as well as the economy and employment. Another respondent stated that implementing the rule without clear guidelines would have impacts to defense contractors.

*Response:* The proposed rule implements section 890 of the NDAA for FY 2020 that prohibits contracts for the procurement of goods and services with any person that has business operations with an authority of the government of Venezuela, subject to the listed exceptions. Section 890 does not require a review of the defense industrial base, military readiness, DoD

acquisition programs, the economy, or employment. Consequently, the rule implements the prohibition in accordance with section 890 of the NDAA for FY 2020 and unless certain exceptions apply requires contracting officers to include the provision and the clause in solicitations and contracts, including those for the acquisition of commercial items, and prohibits the award of a contract to a prohibited entity in accordance with the associated policy guidance.

#### 6. Extension Request

*Comment:* A couple of respondents requested an extension to the comment period for additional time to provide comments.

*Response:* DoD acknowledges the extension request. The public comment period was not extended.

#### 7. Out of Scope

##### a. Mitigation Measures

*Comment:* A respondent stated the proposed rule does not contain any mitigation measures that would enable an American subsidiary that is ultimately foreign-owned to provide goods and services to DoD irrespective of how tangentially related another entity, that has business operations with the Maduro regime, may be to the U.S. company. The respondent further stated the rule poses a real impediment to the DoD’s ability to contract with companies that offer mission-critical, lifesaving products and services to service members.

*Response:* The comment is outside the scope of the rule. The final rule implements section 890 of the NDAA for FY 2020 and prohibits contracts for the procurement of goods and services with any person that has business operations with an authority of the government of Venezuela, subject to listed statutory exceptions. The statutory prohibition in section 890 does not allow for mitigation measures.

##### b. Additional Policy

*Comment:* A respondent recommended the U.S. Government go further than this rule and adopt the recommendations outlined in the Atlantic Council’s article titled “The Maduro Regime’s Illicit Activities: A Threat to Democracy in Venezuela and Security in Latin America”. The article calls for a task force comprised of various U.S. Government agencies that would focus on the alleged criminal enterprises around the Maduro regime.

*Response:* The comment is outside the scope of the rule. The prohibition in section 890 of the NDAA for FY 2020 does not include requirements for a task

force or the recommended additional policy measures. The final rule implements the statutory requirements in section 890, subject to the listed statutory exceptions and prohibits contracts for the procurement of goods and services with any person that has business operations with an authority of the government of Venezuela.

#### C. Other Changes

The following changes have been made throughout the final rule:

- The reference to “section 28 U.S.C. 1603(b)” was changed to “28 U.S.C. 1603(b)” in the definition of “agency or instrumentality of the government of Venezuela.”
- “United States Government” was changed to “U.S. Government” to comply with DFARS drafting conventions.

### III. Applicability to Contracts at or Below the Simplified Acquisition Threshold (SAT) and for Commercial Services and Commercial Products, Including Commercially Available Off-the-Shelf (COTS) Items

This rule creates a new provision and a new clause: (1) DFARS 252.225–7055, Representation Regarding Business Operations with the Maduro Regime; and (2) DFARS 252.225–7056, Prohibition Regarding Business Operations with the Maduro Regime. DoD applies the provision and the clause to solicitations, contracts, or subcontracts at or below the simplified acquisition threshold (SAT) and to the acquisition of commercial services and commercial products, including commercially available off-the-shelf (COTS) items, as defined at Federal Acquisition Regulation (FAR) 2.101. This DFARS rule implements section 890 of the NDAA for FY 2020. Section 890 prohibits contracts for the procurement of goods and services with any person that has business operations with an authority of the government of Venezuela, subject to exceptions.

#### A. Applicability to Contracts at or Below the Simplified Acquisition Threshold

41 U.S.C. 1905 governs the applicability of laws to contracts or subcontracts in amounts not greater than the SAT. It is intended to limit the applicability of laws to such contracts or subcontracts. 41 U.S.C. 1905 provides that if a provision of law contains criminal or civil penalties, or if the Federal Acquisition Regulatory Council makes a written determination that it is not in the best interest of the Federal Government to exempt contracts or subcontracts at or below the SAT, the law will apply to them. The Principal

Director, Defense Pricing and Contracting (DPC), is the appropriate authority to make comparable determinations for regulations to be published in the DFARS, which is part of the FAR system of regulations.

*B. Applicability to Contracts for the Acquisition of Commercial Services and Commercial Products, Including COTS Items*

10 U.S.C. 2375 exempts contracts and subcontracts for the acquisition of commercial items (including COTS items) from provisions of law enacted after October 13, 1994, that, as determined by the Under Secretary of Defense for Acquisition and Sustainment (USD(A&S)), set forth policies, procedures, requirements, or restrictions for the acquisition of property or services unless—

- The provision of law—
- Provides for criminal or civil penalties;
- Requires that certain articles be bought from American sources pursuant to 10 U.S.C. 2533a or that strategic materials critical to national security be bought from American sources pursuant to 10 U.S.C. 2533b; or
- Specifically refers to 10 U.S.C. 2375 and states that it shall apply to contracts and subcontracts for the acquisition of commercial services and commercial products (including COTS items); or USD (A&S) determines in writing that it would not be in the best interest of the Government to exempt contracts or subcontracts for the acquisition of commercial products and services from the applicability of the provision.

This authority has been delegated to the Principal Director, Defense Pricing and Contracting.

*C. Applicability*

Section 890 of the NDAA for FY 2020 is silent on applicability to contracts and subcontracts in amounts no greater than the SAT or for the acquisition of commercial services and commercial products including COTS items. Also, the statute does not provide for civil or criminal penalties. Therefore, it does not apply to contracts or subcontracts in amounts not greater than the SAT or to the acquisition of commercial products and commercial services unless the Principal Director, Defense Pricing and Contracting, makes a written determination as provided in 41 U.S.C. 1905 and 10 U.S.C. 2375.

Not applying this rule to contracts and subcontracts at or below the SAT

and for the acquisition of commercial services and commercial products, including COTS items, would exclude contracts intended to be covered by this rule and undermine the overarching purpose of the rule, which is to prohibit contracts for the procurement of goods and services with any person that has business operations with an authority of the government of Venezuela, subject to the listed exceptions. This is particularly true with regard to the acquisition of fuel and petroleum, procurements which are usually commercial products and commercial services. To not include the acquisition of fuel and petroleum within this prohibition or to not apply the prohibition at or below the SAT will unacceptably diminish the impact of these sanctions on the Maduro regime, the government of Venezuela that is not recognized by the United States Government as the legitimate government of Venezuela. Subsequently, DoD has applied the rule to contracts and subcontracts at or below the SAT and for the acquisition of commercial services and commercial products, including COTS items.

**IV. Expected Impact of the Rule**

This rule creates new DFARS provision 252.225–7055, Representation Regarding Business Operations with the Maduro Regime, and new clause 252.225–7056, Prohibition Regarding Business Operations with the Maduro Regime. The new provision and clause are prescribed at 225.7020–5(a) and (b). DoD has applied the requirements of section 890 of the NDAA for FY 2020 to contracts at or below the SAT. Section 890 prohibits DoD from entering into a contract for the procurement of products or services with any person that has business operations with an authority of the government of Venezuela that is not recognized as the legitimate government of Venezuela by the United States Government subject to the listed exceptions.

The rule does not add any new burden. Contracting officers will include the provision and the clause in solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial services and commercial products including COTS items, unless an exception at 225.7020–3(b) applies or a joint determination has been made in accordance with 225.7020–4.

**V. Executive Orders 12866 and 13563**

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is

necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993.

**VI. Congressional Review Act**

As required by the Congressional Review Act (5 U.S.C. 801–808) before an interim or final rule takes effect, DoD will submit a copy of the interim or final rule with the form, Submission of Federal Rules under the Congressional Review Act, to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States. A major rule under the Congressional Review Act cannot take effect until 60 days after it is published in the **Federal Register**. The Office of Information and Regulatory Affairs has determined that this rule is not a major rule as defined by 5 U.S.C. 804.

**VII. Regulatory Flexibility Act**

A final regulatory flexibility analysis (FRFA) has been prepared consistent with the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* The FRFA is summarized as follows:

The final rule is necessary to revise the Defense Federal Acquisition Regulation Supplement (DFARS) to implement section 890 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2020 that prohibits contracts for the procurement of goods and services with any person that has business operations with an authority of the government of Venezuela, subject to exceptions for contracts that are—

- Jointly determined by the Secretary of Defense and the Secretary of State to be necessary for certain humanitarian or disaster relief purposes or vital to the national security interests of the United States;
- Related to the operation and maintenance of the United States Government's consular offices and diplomatic posts in Venezuela; or
- Awarded to a person that has a valid license to operate in Venezuela issued by the Office of Foreign Assets Control of the Department of the Treasury.

The objective of the rule is to implement section 890 of the NDAA for FY 2020.

No public comments were received in response to the initial regulatory flexibility analysis.

DoD reviewed data obtained from the Federal Procurement Data System (FPDS) for FY 2017, FY 2018, and FY 2019 (including contracts that do not exceed the simplified acquisition threshold) to determine the estimated impact of the rule on U.S. small businesses. There were no DoD actions reported to FPDS in FY 2017 through FY 2019 for which the contractor is located in Venezuela or the place of performance is Venezuela.

This rule does not include any new reporting, recordkeeping, or other compliance requirements for small entities.

DoD has not identified any alternative approaches to the rule that would meet the requirements of the statute.

**VIII. Paperwork Reduction Act**

This rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

**List of Subjects in 48 CFR Parts 212, 225, and 252**

Government procurement.

**Jennifer D. Johnson,**

*Editor/Publisher, Defense Acquisition Regulations System.*

Therefore, 48 CFR parts 212, 225, and 252 are amended as follows:

■ 1. The authority citation for 48 CFR parts 212, 225, and 252 continues to read as follows:

**Authority:** 41 U.S.C. 1303 and 48 CFR chapter 1.

**PART 212—ACQUISITION OF COMMERCIAL ITEMS**

■ 2. Amend section 212.301 by adding paragraphs (f)(x)(II) and (JJ) to read as follows:

**212.301 Solicitation provisions and contract clauses for the acquisition of commercial items.**

\* \* \* \* \*

- (f) \* \* \*
- (x) \* \* \*

(II) Use the provision at 252.225–7055, Representation Regarding Business Operations with the Maduro Regime, as prescribed in 225.7020–5(a), to comply with section 890 of the National Defense Authorization Act for Fiscal Year 2020 (Pub. L. 116–92).

(JJ) Use the clause at 252.225–7056, Prohibition Regarding Business Operations with the Maduro Regime, as

prescribed in 225.7020–5(b), to comply with section 890 of the National Defense Authorization Act for Fiscal Year 2020 (Pub. L. 116–92).

\* \* \* \* \*

**PART 225—FOREIGN ACQUISITION**

■ 3. Add sections 225.7020, 225.7020–1, 225.7020–2, 225.7020–3, 225.7020–4, and 225.7020–5 to subpart 225.70 to read as follows:

\* \* \* \* \*

- Sec.
- 225.7020 Prohibition on contracting with the Maduro regime.
- 225.7020–1 Definitions.
- 225.7020–2 Prohibition.
- 225.7020–3 Exceptions.
- 225.7020–4 Joint determination.
- 225.7020–5 Solicitation provision and contract clause.

\* \* \* \* \*

**225.7020 Prohibition on contracting with the Maduro regime.**

**225.7020–1 Definitions.**

As used in this section—

*Agency or instrumentality of the government of Venezuela* means an agency or instrumentality of a foreign state as defined in 28 U.S.C. 1603(b), with each reference in section 1603(b) to a foreign state deemed to be a reference to Venezuela.

*Business operations* means engaging in commerce in any form, including acquiring, developing, maintaining, owning, selling, possessing, leasing, or operating equipment, facilities, personnel, products, services, personal property, real property, or any other apparatus of business or commerce.

*Government of Venezuela* means the government of any political subdivision of Venezuela, and any agency or instrumentality of the government of Venezuela.

*Person* means—

(1) A natural person, corporation, company, business association, partnership, society, trust, or any other nongovernmental entity, organization, or group;

(2) Any governmental entity or instrumentality of a government, including a multilateral development institution (as defined in section 1701(c)(3) of the International Financial Institutions Act (22 U.S.C. 262r(c)(3)); and

(3) Any successor, subunit, parent entity, or subsidiary of, or any entity under common ownership or control with, any entity described in paragraph (1) or (2) of this definition.

**225.7020–2 Prohibition.**

In accordance with section 890 of the National Defense Authorization Act for

Fiscal Year 2020 (Pub. L. 116–92), DoD is prohibited from entering into a contract for the procurement of products or services with any person that has business operations with an authority of the government of Venezuela that is not recognized as the legitimate government of Venezuela by the U.S. Government, except as provided in 225.7020–3 or 225.7020–4.

**225.7020–3 Exceptions.**

The prohibition in 225.7020–2 does not apply if—

(a) The person has a valid license to operate in Venezuela issued by the Office of Foreign Assets Control of the Department of the Treasury; or

(b) The acquisition is related to the operation and maintenance of the U.S. Government’s consular office and diplomatic posts in Venezuela.

**225.7020–4 Joint determination.**

(a) The prohibition in section 225.7020–2 does not apply to an acquisition jointly determined by the Secretary of Defense and Secretary of State, without power of redelegation, to be—

- (1) Necessary for purposes of—
  - (i) Providing humanitarian assistance to the people of Venezuela;
  - (ii) Disaster relief and other urgent lifesaving measures; or
  - (iii) Carrying out noncombatant evacuations; or
- (2) Vital to the national security interests of the United States.

(b) Follow the procedures at PGI 225.7020–4(b) when entering into a contract on the basis of a joint determination.

**225.7020–5 Solicitation provision and contract clause.**

(a) Use the provision at 252.225–7055, Representation Regarding Business Operations with the Maduro Regime, in solicitations, including solicitations using FAR part 12 procedures for the acquisition of commercial items, that include the clause at 252.225–7056, Prohibition Regarding Business Operations with the Maduro Regime.

(b) Unless the exception at 225.7020–3(b) applies or a joint determination has been made in accordance with 225.7020–4, use the clause at 252.225–7056, Prohibition Regarding Business Operations with the Maduro Regime, in solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items.

## PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 4. Add section 252.225–7055 to read as follows:

### 252.225–7055 Representation Regarding Business Operations with the Maduro Regime.

As prescribed in 225.7020–5(a), use the following provision:

#### Representation Regarding Business Operations With the Maduro Regime (May 2022)

(a) *Definitions.* As used in this provision—*Agency or instrumentality of the government of Venezuela, business operations, government of Venezuela, and person* have the meaning given in the clause 252.225–7056, Prohibition Regarding Business Operations with the Maduro Regime, of this solicitation.

(b) *Prohibition.* In accordance with section 890 of the National Defense Authorization Act for Fiscal Year 2020 (Pub. L. 116–92), DoD is prohibited from entering into a contract for the procurement of products or services with any person that has business operations with an authority of the government of Venezuela that is not recognized as the legitimate government of Venezuela by the U.S. Government, unless the person has a valid license to operate in Venezuela issued by the Office of Foreign Assets Control of the Department of the Treasury.

(c) *Representation.* By submission of its offer, the Offeror represents that the Offeror is a person that—

(1) Does not have any business operations with an authority of the Maduro regime or the government of Venezuela that is not recognized as the legitimate government of Venezuela by the U.S. Government; or

(2) Has a valid license to operate in Venezuela issued by the Office of Foreign Assets Control of the Department of the Treasury.

(End of provision)

■ 5. Add section 252.225–7056 to read as follows:

### 252.225–7056 Prohibition Regarding Business Operations with the Maduro Regime.

As prescribed in 225.7020–5(b), use the following clause:

#### Prohibition Regarding Business Operations With the Maduro Regime (May 2022)

(a) *Definitions.* As used in this clause—*Agency or instrumentality of the government of Venezuela* means an agency or instrumentality of a foreign state as defined in 28 U.S.C. 1603(b), with each reference in section 1603(b) to a foreign state deemed to be a reference to Venezuela.

*Business operations* means engaging in commerce in any form, including acquiring, developing, maintaining, owning, selling,

possessing, leasing, or operating equipment, facilities, personnel, products, services, personal property, real property, or any other apparatus of business or commerce.

*Government of Venezuela* means the government of any political subdivision of Venezuela, and any agency or instrumentality of the government of Venezuela.

*Person* means—

(1) A natural person, corporation, company, business association, partnership, society, trust, or any other nongovernmental entity, organization, or group;

(2) Any governmental entity or instrumentality of a government, including a multilateral development institution (as defined in section 1701(c)(3) of the International Financial Institutions Act (22 U.S.C. 262r(c)(3)); and

(3) Any successor, subunit, parent entity, or subsidiary of, or any entity under common ownership or control with, any entity described in paragraph (1) or (2) of this definition.

(b) *Prohibition.* In accordance with section 890 of the National Defense Authorization Act for Fiscal Year 2020 (Pub. L. 116–92), DoD is prohibited from entering into a contract for the procurement of products or services with any person that has business operations with an authority of the government of Venezuela that is not recognized as the legitimate government of Venezuela by the U.S. Government, unless the person has a valid license to operate in Venezuela issued by the Office of Foreign Assets Control of the Department of the Treasury.

(c) The Contractor shall—

(1) Not have any business operations with an authority of the Maduro regime or the government of Venezuela that is not recognized as the legitimate government of Venezuela by the U.S. Government; or

(2) Have a valid license to operate in Venezuela issued by the Office of Foreign Assets Control of the Department of the Treasury.

(d) *Subcontracts.* The Contractor shall insert the substance of this clause, including this paragraph (d), in all subcontracts, including subcontracts for the acquisition of commercial items.

(End of clause)

[FR Doc. 2022–11207 Filed 5–25–22; 8:45 am]

BILLING CODE 5001–06–P

## DEPARTMENT OF DEFENSE

### Defense Acquisition Regulations System

#### 48 CFR Part 219

[Docket DARS–2022–0011]

RIN 0750–AL54

#### Defense Federal Acquisition Regulation Supplement: Small Business Specialist Review Threshold Update (DFARS Case 2022–D002)

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

**ACTION:** Final rule.

**SUMMARY:** DoD is issuing a final rule to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to modify the nomenclature used for the threshold for the small business specialist review of acquisitions to align it with the threshold for small business set-asides at Federal Acquisition Regulation (FAR) 19.502–2(a).

**DATES:** Effective May 26, 2022.

**FOR FURTHER INFORMATION CONTACT:** Ms. Jeanette Snyder, 571–372–6106.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

DoD is issuing a final rule to amend the DFARS to revise the nomenclature used to identify the threshold for the small business specialist review of acquisitions at DFARS 219.201(c)(10)(A) to use the term “micro-purchase threshold” in lieu of the dollar amount “\$10,000” to align it with FAR 19.502–2(a). The dollar threshold at FAR 19.502–2(a) was modified to reflect the “micro-purchase threshold” on August 31, 2020, via FAR case 2018–004 (85 FR 40064, July 2, 2020); however, the threshold at DFARS 219.201(c)(10)(A) was not similarly adjusted. This final rule makes that conforming adjustment.

DFARS 219.201(c)(10)(A) requires small business specialists to review and make recommendations for all acquisitions over \$10,000 except for those under the simplified acquisition threshold that are totally set aside for small business concerns. Since the threshold at FAR 19.502–2(a) for total small business set-asides is “the micro-purchase threshold”, the threshold at DFARS 219.201(c)(10)(A) is being changed for consistency. This final rule does not modify the dollar value of the threshold since the micro-purchase threshold and the small business specialist review threshold are both \$10,000 unless an exception applies in



accordance with the micro-purchase threshold definition at FAR 2.101.

This rule does not change the requirements for the small business specialist review of acquisitions. Small business specialists will continue to review acquisitions over the micro-purchase threshold, except those under the simplified acquisition threshold that are totally set aside for small business concerns.

## II. Publication of This Final Rule for Public Comment Is Not Required by Statute

The statute that applies to the publication of the FAR is 41 U.S.C. 1707, Publication of Proposed Regulations. Subsection (a)(1) of the statute requires that a procurement policy, regulation, procedure, or form (including an amendment or modification thereof) must be published for public comment if it relates to the expenditure of appropriated funds and has either a significant effect beyond the internal operating procedures of the agency issuing the policy, regulation, procedure, or form, or has a significant cost or administrative impact on contractors or offerors. This final rule is not required to be published for public comment because it merely modifies the nomenclature used to describe an existing threshold; it does not change the dollar value of the threshold. The threshold affects only the internal operating procedures of the Government.

## III. Applicability to Contracts at or Below the Simplified Acquisition Threshold and for Commercial Services and Commercial Products, Including Commercially Available Off-the-Shelf Items

This rule does not create any new solicitation provisions or contract clauses. It does not impact any existing solicitation provisions, contract clauses, or prescriptions for the use of solicitation provisions or contract clauses.

## IV. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant

regulatory action and, therefore, was not subject to review under Section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993.

## V. Congressional Review Act

As required by the Congressional Review Act (5 U.S.C. 801–808) before an interim or final rule takes effect, DoD will submit a copy of the interim or final rule with the form, Submission of Federal Rules under the Congressional Review Act, to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States. A major rule under the Congressional Review Act cannot take effect until 60 days after it is published in the **Federal Register**. The Office of Information and Regulatory Affairs has determined that this rule is not a major rule as defined by 5 U.S.C. 804.

## VI. Regulatory Flexibility Act

The Regulatory Flexibility Act does not apply to this rule because this final rule does not constitute a significant DFARS revision within the meaning of FAR 1.501–1, and 41 U.S.C. 1707 does not require publication for public comment.

## VII. Paperwork Reduction Act

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

## List of Subjects in 48 CFR Part 219

Government procurement.

**Jennifer D. Johnson**,  
*Editor/Publisher, Defense Acquisition Regulations System.*

Therefore, 48 CFR part 219 is amended as follows:

## PART 219—SMALL BUSINESS PROGRAMS

■ 1. The authority citation for 48 CFR part 219 continues to read as follows:

**Authority:** 41 U.S.C. 1303 and 48 CFR chapter 1.

### 219.201 [Amended]

■ 2. Amend section 219.201 in paragraph (c)(10)(A) by removing “\$10,000” and adding “the micro-purchase threshold (see FAR 19.502–2(a))” in its place.

[FR Doc. 2022–11198 Filed 5–25–22; 8:45 am]

**BILLING CODE 5001–06–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 220325–0078; RTID 0648–XC033]

### Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; 2022 Closure of the Northern Gulf of Maine Scallop Management Area to the Limited Access General Category Fishery

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS announces the closure of the Northern Gulf of Maine Scallop Management Area for the remainder of the 2022 fishing year for Limited Access General Category vessels. Regulations require this action once NMFS projects that 100 percent of the Limited Access General Category total allowable catch for the Northern Gulf of Maine Scallop Management Area will be harvested. This action is intended to prevent the overharvest of the 2022 total allowable catch allocated to the Limited Access General Category Fishery.

**DATES:** Effective 0001 hr local time, May 26, 2022, through March 31, 2023.

**FOR FURTHER INFORMATION CONTACT:** Louis Forristall, Fishery Management Specialist, (978) 281–9321.

**SUPPLEMENTARY INFORMATION:** The regulations governing fishing activity in the Northern Gulf of Maine (NGOM) Scallop Management Area are located in 50 CFR 648.54 and 648.62. These regulations authorize vessels issued a valid Federal scallop permit to fish in the NGOM Scallop Management Area under specific conditions, including a default total allowable catch (TAC) of 621,307 lb (281,820 kg) for the Limited Access General Category (LAGC) fleet for the 2022 fishing year, and a State Waters Exemption Program for the State of Maine and Commonwealth of Massachusetts. Section 648.62(b)(2) requires the NGOM Scallop Management Area to be closed to scallop vessels issued Federal LAGC scallop permits, except as provided below, for the remainder of the fishing year once the NMFS Greater Atlantic Regional Administrator determines that 100 percent of the LAGC TAC for the fishing year is projected to be harvested. Any vessel that holds a Federal NGOM (LAGC B) or Individual Fishing Quota

(IFQ) (LAGC A) permit may continue to fish in the Maine or Massachusetts state waters portion of the NGOM Scallop Management Area under the State Waters Exemption Program found in § 648.54 provided it has a valid Maine or Massachusetts state scallop permit and fishes only in that state's respective waters.

Based on trip declarations by federally permitted LAGC scallop vessels fishing in the NGOM Scallop Management Area and analysis of fishing effort, we project that the 2022 LAGC TAC will be harvested as of May 26, 2022. Therefore, in accordance with § 648.62(b)(2), the NGOM Scallop Management Area is closed to all federally permitted LAGC scallop vessels as of May 26, 2022. As of this date, no vessel issued a Federal LAGC scallop permit may fish for, possess, or land scallops in or from the NGOM Scallop Management Area after 0001 local time, May 26, 2022, unless the vessel is fishing exclusively in state waters and is participating in an approved state waters exemption program as specified in § 648.54. Any federally permitted LAGC scallop vessel that has declared into the NGOM Scallop Management Area, complied with all trip notification and observer requirements, and crossed the vessel

monitoring system demarcation line on the way to the area before 0001, May 26, 2022, may complete its trip and land scallops. This closure is in effect until the end of the 2022 scallop fishing year, through March 31, 2023.

#### Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

The Assistant Administrator for Fisheries, NOAA, finds good cause pursuant to 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment because it would be contrary to the public interest and impracticable. NMFS also finds, pursuant to 5 U.S.C. 553(d)(3), good cause to waive the 30-day delayed effectiveness period for the reasons noted below. The NGOM Scallop Management Area opened for the 2022 fishing year on April 1, 2022. The regulations at § 648.60(b)(2) require this closure to ensure that federally permitted scallop vessels do not harvest more than the allocated LAGC TAC for the NGOM Scallop Management Area. NMFS can only make projections for the NGOM closure date as trips into the area occur on a real-time basis and as activity trends appear. As a result, NMFS can typically make an accurate projection

only shortly before the TAC is harvested. The rapid harvest rate that has occurred in the last two weeks makes it more difficult to project a closure well in advance. To allow federally permitted LAGC scallop vessels to continue taking trips in the NGOM Scallop Management Area during the period necessary to publish and receive comments on a proposed rule would result in vessels harvesting more than the 2022 LAGC TAC for the NGOM Scallop Management Area. This would result in excessive fishing effort in the area thereby undermining conservation objectives of the Atlantic Sea Scallop Fishery Management Plan and requiring more restrictive future management measures to make up for the excessive harvest. Also, the public had prior notice and full opportunity to comment on this closure process when we solicited comments during rulemaking for 2022 NGOM management provisions (February 15, 2022; 87 FR 8543).

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

Dated: May 24, 2022.

**Jennifer M. Wallace,**

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

[FR Doc. 2022-11487 Filed 5-24-22; 4:15 pm]

**BILLING CODE 3510-22-P**

# Proposed Rules

Federal Register

Vol. 87, No. 102

Thursday, May 26, 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 431

[EERE-2017-BT-STD-0022]

RIN 1904-AE47

### Energy Conservation Program: Energy Conservation Standards for Automatic Commercial Ice Makers; Reopening of Public Comment Period

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

**ACTION:** Notification of availability of preliminary technical support document; reopening of public comment period.

**SUMMARY:** On March 25, 2022, the U.S. Department of Energy (“DOE”) published in the **Federal Register** a notification of a webinar and availability of preliminary technical support document for automatic commercial ice makers (“ACIMs”), with a deadline for submitting comments of May 24, 2022. Since publication of the proposed rule, DOE has received four requests to extend the comment period. DOE has reviewed these requests and is reopening the comment period until June 7, 2022.

**DATES:** The comment period for the notification of a preliminary analysis regarding energy conservation standards for ACIMs published in the **Federal Register** on March 25, 2022 (87 FR 17025) is reopened to June 7, 2022. Written comments, data, and information are requested and will be accepted on and before June 7, 2022.

**ADDRESSES:** Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at [www.regulations.gov](http://www.regulations.gov) under docket number EERE-2017-BT-STD-0022. Follow the instructions for submitting comments. Alternatively, comments may be submitted by email to: [ACIM2017STD0022@ee.doe.gov](mailto:ACIM2017STD0022@ee.doe.gov). Include docket number EERE-2017-BT-STD-0022 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 IV of this document.

Although DOE has routinely accepted public comment submissions through a variety of mechanisms, including the Federal eRulemaking Portal, email, postal mail and hand delivery/courier, the Department has found it necessary to make temporary modifications to the comment submission process in light of the ongoing 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.

To inform interested parties and to facilitate this rulemaking process, DOE has prepared an agenda, a preliminary TSD, and briefing materials, which are available on the DOE website at: [www.regulations.gov/docket/EERE-2020-BT-STD-0014](http://www.regulations.gov/docket/EERE-2020-BT-STD-0014).

**Docket:** The docket for this activity, 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 those containing information that is exempt from public disclosure.

The docket web page can be found at [www.regulations.gov/#!docketDetail;D=EERE-2017-BT-STD-0022](http://www.regulations.gov/#!docketDetail;D=EERE-2017-BT-STD-0022). The docket web page contains instructions on how to access all documents, including public comments in the docket. See section IV for information on how to submit comments through [www.regulations.gov](http://www.regulations.gov).

#### FOR FURTHER INFORMATION CONTACT:

Dr. Stephanie Johnson, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies, EE-2J, 1000 Independence Avenue SW, Washington,

DC 20585-0121. Telephone: (202) 287-1943 Email: [ApplianceStandardsQuestions@ee.doe.gov](mailto:ApplianceStandardsQuestions@ee.doe.gov).

Ms. Sarah Butler, U.S. Department of Energy, Office of the General Counsel, GC-33, 1000 Independence Avenue SW, Washington, DC 20585-0121. Telephone: (202) 586-1777. Email: [Sarah.Butler@hq.doe.gov](mailto:Sarah.Butler@hq.doe.gov).

For further information on how to submit a comment, review other public comments and the docket, contact the Appliance and Equipment Standards Program staff at (202) 287-1445 or by email: [Stephanie.johnson@ee.doe.gov](mailto:Stephanie.johnson@ee.doe.gov).

**SUPPLEMENTARY INFORMATION:** On March 25, 2022, DOE published a notification of a webinar and availability of preliminary technical support document for ACIMs. This document announced a public meeting webinar would be held on April 25, 2022, and a comment period deadline of May 24, 2022.

Additionally, on March 24, 2022, DOE received a request from the Hoshizaki America, Inc. to move the webinar date due to a conflict with an industry-wide Conference. To accommodate these scheduling issues, DOE moved the public meeting webinar for ACIMs to Thursday, May 5, 2022. On May 16, 2022, DOE received a comment from the American Heating, Refrigeration, and Air Conditioning Institute (AHRI) seeking a 60-day extension of the public comment period for ACIMs. AHRI justified their request citing a need for more time to gather data and to avoid other meeting conflicts. On May 17, 2022, DOE received a comment from the North American Association of Food Equipment Manufacturers (NAFEM) seeking a 60-day extension of the public comment period for ACIMs. NAFEM justified their request citing a need for more time to gather data and to avoid other meeting conflicts. On May 18, 2022, DOE received a comment from the Association of Home Appliance Manufacturers (AHAM) seeking a 60-day extension of the public comment period for ACIMs. AHAM justified their request citing that this comment period overlaps with other DOE comment periods and a need for a response from DOE on a question regarding the shipments analysis that came up during the May 5, 2022, ACIM webinar. The response to question about the shipments analysis that was raised by AHAM on the May 5, 2022, webinar is

in the docket EERE-2017-BT-STD-0022-0010.

Through this notification, DOE will reopen the comment period and accept submissions of comments, data, information until June 7, 2022.

Accordingly, DOE will now accept written comments and information on the notification of a preliminary analysis regarding energy conservation standards for ACIMs submitted on and before June 7, 2022.

### Signing Authority

This document of the Department of Energy was signed on May 23, 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 May 23, 2022.

**Treena V. Garrett,**

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

[FR Doc. 2022-11323 Filed 5-25-22; 8:45 am]

BILLING CODE 6450-01-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR 52

[EPA-HQ-OAR-2015-0072; FRL-8635-04-OAR]

### Release of the Policy Assessment for the Reconsideration of the National Ambient Air Quality Standards for Particulate Matter

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of availability; policy assessment.

**SUMMARY:** On or about May 23, 2022, the Environmental Protection Agency (EPA) will make available the document, *Policy Assessment for the Reconsideration of the National Ambient Air Quality Standards for Particulate Matter* (PA). This document was prepared as a part of the current

reconsideration of the 2020 final decision on the National Ambient Air Quality Standards (NAAQS) for Particulate Matter (PM). The PA serves to “bridge the gap” between the currently available scientific and technical information and the judgments required of the Administrator in determining whether to retain or revise the existing PM NAAQS.

**DATES:** This document will be available on or about May 23, 2022.

**ADDRESSES:** This document will be available on the EPA’s website at <https://www.epa.gov/naaqs/particulate-matter-pm-air-quality-standards>. The document will be accessible under “Policy Assessments” from the current review.

**FOR FURTHER INFORMATION CONTACT:** Dr. Lars Perlmutter, Office of Air Quality Planning and Standards, (Mail Code C539-04), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711; telephone number: 919-541-3037, fax number: 919-541-5315; or email: [perlmutter.lars@epa.gov](mailto:perlmutter.lars@epa.gov).

**SUPPLEMENTARY INFORMATION:** Two sections of the Clean Air Act (CAA or the Act) govern the establishment and revision of the NAAQS. Section 108 directs the Administrator to identify and list certain air pollutants and then issue “air quality criteria” for those pollutants. The air quality criteria are to “accurately reflect the latest scientific knowledge useful in indicating the kind and extent of all identifiable effects on public health or welfare which may be expected from the presence of such pollutant in the ambient air . . .” (CAA section 108(a)(2)). Under section 109 of the Act, the EPA is then to establish primary (health-based) and secondary (welfare-based) NAAQS for each pollutant for which the EPA has issued air quality criteria. Section 109(d)(1) of the Act requires periodic review and, if appropriate, revision of existing air quality criteria. Revised air quality criteria are to reflect advances in scientific knowledge on the effects of the pollutant on public health and welfare. Under the same provision, the EPA is also to periodically review and, if appropriate, revise the NAAQS, based on the revised air quality criteria.

The Act additionally requires appointment of an independent scientific review committee that is to periodically review the existing air quality criteria and NAAQS and to recommend any new standards and revisions of existing criteria and standards as may be appropriate (CAA section 109(d)(2)(A)-(B)). Since the early 1980s, the requirement for an independent scientific review

committee has been fulfilled by the Clean Air Scientific Advisory Committee (CASAC). In December 2020, the EPA announced its final decision to retain the primary and secondary PM<sub>2.5</sub> and PM<sub>10</sub> standards, without revision (85 FR 82684, December 18, 2020).<sup>1</sup> On June 10, 2021, the Agency announced its decision to reconsider the 2020 p.m. NAAQS final action.<sup>2</sup> In its announcement of the reconsideration of the PM NAAQS, the Agency explained that, in support of the reconsideration, it would develop a supplement to the 2019 Integrated Science Assessment (ISA Supplement)<sup>3</sup> and an updated PA. A draft of the ISA Supplement was released in September 2021 (86 FR 54186, September 30, 2021) and a draft of the PA was released in October 2021 (86 FR 56263, October 8, 2021). The draft ISA Supplement and the draft PA were reviewed by the seven-member chartered CASAC, with support from the PM CASAC Panel.<sup>4,5</sup> The final PA reflects consideration of the advice and comments from the CASAC, as well as public comments, on the draft PA. The PA serves to “bridge the gap” between the scientific and technical information in the 2019 ISA and ISA Supplement and any air quality, exposure and risk analyses available in the reconsideration, and the judgments required of the Administrator in determining whether to retain or revise the existing PM NAAQS. The PA builds upon the information presented in the 2019 ISA, the ISA Supplement, and the 2020 PA. The PA document will be available on or about May 23, 2022, on the EPA’s website at <https://www.epa.gov/naaqs/particulate-matter-pm-air-quality-standards>.

The document briefly described above does not represent and should not be construed to represent any final EPA policy, viewpoint, or determination.

<sup>1</sup> The welfare effects considered in this reconsideration include visibility impairment, climate effects, and materials effects (*i.e.*, damage and soiling). Ecological effects of PM, such as those related to deposition of nitrogen- and sulfur-containing compounds in vulnerable ecosystems, are being considered in the separate, on-going review of the secondary NAAQS for oxides of nitrogen and oxides of sulfur.

<sup>2</sup> The press release for this announcement is available at: <https://www.epa.gov/newsreleases/epa-reexamine-health-standards-harmful-soot-previous-administration-left-unchanged>

<sup>3</sup> The 2019 ISA and the ISA Supplement are available at: <https://www.epa.gov/naaqs/particulate-matter-pm-standards-integrated-science-assessments-current-review>

<sup>4</sup> For more information, see: [https://casac.epa.gov/ords/sab/f?p=105:18:667108909508::RP,18:P18\\_ID:2606](https://casac.epa.gov/ords/sab/f?p=105:18:667108909508::RP,18:P18_ID:2606)

<sup>5</sup> For more information, see: [https://casac.epa.gov/ords/sab/f?p=105:18:13023836743815::RP,18:P18\\_ID:2607#meeting](https://casac.epa.gov/ords/sab/f?p=105:18:13023836743815::RP,18:P18_ID:2607#meeting)

Dated: May 16, 2022.

**Panagiotis Tsirigotis,**

*Director, Office of Air Quality Planning and Standards.*

[FR Doc. 2022-10972 Filed 5-25-22; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R07-OAR-2022-0422; FRL-9838-01-R7]

### Air Plan Approval; Missouri; Construction Permit Exemptions

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve revisions to the Missouri State Implementation Plan (SIP) received on June 10, 2021. The submission revises Missouri's regulation on construction permit exemptions. These revisions include updates to incorporations by reference, remove unnecessary words, and make minor clarifications and grammatical changes. These revisions do not impact the stringency of the SIP or have an adverse effect on air quality. The EPA's proposed approval of this rule revision is being done in accordance with the requirements of the Clean Air Act (CAA).

**DATES:** Comments must be received on or before June 27, 2022.

**ADDRESSES:** You may send comments, identified by Docket ID No. EPA-R07-OAR-2022-0422 to <https://www.regulations.gov>. Follow the online instructions for submitting comments.

**Instructions:** All submissions received must include the Docket ID No. for this rulemaking. Comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the "Written Comments" heading of the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** Bethany Olson, Environmental Protection Agency, Region 7 Office, Air Quality Planning Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; telephone number: (913) 551-7905; email address: [olson.bethany@epa.gov](mailto:olson.bethany@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document "we," "us," and "our" refer to the EPA.

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- I. Written Comments
- II. What is being addressed in this document?
- III. Have the requirements for approval of a SIP revision been met?
- IV. What action is the EPA taking?
- V. Incorporation by Reference
- VI. Statutory and Executive Order Reviews

### I. Written Comments

Submit your comments, identified by Docket ID No. EPA-R07-OAR-2022-0422, at <https://www.regulations.gov>. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

### II. What is being addressed in this document?

The EPA is proposing to approve revisions to the Missouri SIP received on June 10, 2021. The revisions are to Title 10, Division 10 of the Code of State Regulations (CSR), 10 CSR 10-6.061 "Construction Permit Exemptions". The purpose of the state regulation is to list specific construction or modification projects that are exempt from the requirement to obtain permits to construct under 10 CSR 10-6.060. Missouri made several revisions to the rule. These proposed revisions to the rule update incorporations by references, remove unnecessary words, and make minor clarifications and grammatical changes. EPA proposes to find that these revisions meet the requirements of the Clean Air Act, do not impact the stringency of the SIP, and do not adversely impact air quality. The full text of the rule revisions as well as EPA's analysis of the revisions are contained in the technical support document (TSD) included in the docket for this action.

### III. Have the requirements for approval of a SIP revision been met?

The State submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. The State provided public notice on this SIP revision from January 2, 2020, to April 2, 2020, and held a public hearing on March 26, 2020. Missouri received six comments from three sources during the comment period on 10 CSR 10-6.061. The EPA provided four comments. Missouri responded to all comments and revised the rule based on public comment prior to submitting to EPA, as noted in the State submission included in the docket for this action.

In addition, as explained above and in more detail in the technical support document (TSD) which is part of this docket, the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

### IV. What action is the EPA taking?

The EPA is proposing to amend the Missouri SIP by approving the State's request to revise 10 CSR 10-6.061 "Construction Permit Exemptions." We are processing this as a proposed action because we are soliciting comments on this proposed action. Final rulemaking will occur after consideration of any comments.

### V. Incorporation by Reference

In this document, the EPA is proposing to include regulatory text in an EPA final rule that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the Missouri rule 10 CSR 10-6.061 as described in Section II of this preamble and set forth below in the proposed amendments to 40 CFR part 52. The EPA has made, and will continue to make, these materials generally available through [www.regulations.gov](http://www.regulations.gov) and at the EPA Region 7 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

### VI. Statutory and Executive Order Reviews

Under the Clean Air Act (CAA), the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that

they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or

safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
  - Is not subject to requirements of the National Technology Transfer and Advancement Act (NTTA) because this rulemaking does not involve technical standards; and
  - Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).
- The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference,

Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: May 20, 2022.

**Meghan A. McCollister**,  
Regional Administrator, Region 7.

For the reasons stated in the preamble, the EPA proposes to amend 40 CFR part 52 as set forth below:

**PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

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

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

**Subpart AA—Missouri**

- 2. In § 52.1320, the table in paragraph (c) is amended by revising the entry “10–6.061” to read as follows:

**§ 52.1320 Identification of plan.**

*	*	*	*	*
(c) * * *				

**EPA-APPROVED MISSOURI REGULATIONS**

Missouri citation	Title	State effective date	EPA approval date	Explanation
<b>Missouri Department of Natural Resources</b>				
*	*	*	*	*
<b>Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods, and Air Pollution Control Regulations for the State of Missouri</b>				
*	*	*	*	*
10–6.061	Construction Permit Exemptions.	9/30/2020	[Date of publication of the final rule in the <b>Federal Register</b> ], [Federal Register citation of the final rule].	Sections (3)(A)2.D. and (3)(A)2.E.(II)(c) are not SIP-approved.
*	*	*	*	*

\* \* \* \* \*  
[FR Doc. 2022–11378 Filed 5–25–22; 8:45 am]  
**BILLING CODE 6560–50–P**

**CORPORATION FOR NATIONAL AND COMMUNITY SERVICE**

**45 CFR Part 2502**

**RIN 3045–AA77**

**Employee Indemnification Regulations**

**AGENCY:** Corporation for National and Community Service.

**ACTION:** Proposed rule with request for comments.

**SUMMARY:** The Corporation for National and Community Service, operating as AmeriCorps (AmeriCorps), proposes to adopt regulations to indemnify AmeriCorps employees who, because of conduct taken within the scope of employment with AmeriCorps, have a verdict, judgment, monetary award, or personal damages claim issued against them that is not otherwise covered by the Federal Tort Claims Act. These proposed regulations set out how AmeriCorps employees may request indemnification or settlement of a claim

and the circumstances in which AmeriCorps may approve indemnification or settlement of a claim.

**DATES:** Comments must reach AmeriCorps on or before July 25, 2022.

**ADDRESSES:** You may submit comments by any of the following methods:

(1) Electronically through [www.regulations.gov](http://www.regulations.gov).

(2) By mail sent to: AmeriCorps; Attention Kiara Rhodes, 250 E Street SW, Washington, DC, 20525.

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

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

**FOR FURTHER INFORMATION CONTACT:**

Kiara Rhodes, Associate General Counsel, Corporation for National and Community Service, 250 E Street SW, Washington, DC 20525, [PublicComments@cns.gov](mailto:PublicComments@cns.gov), 202-606-6709.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

AmeriCorps proposes to adopt employee indemnification regulations for circumstances not covered by the Federal Employee Liability Reform and Tort Compensation Act of 1988 (FELRTCA), 28 U.S.C. 2679(b)(1), or the Federal Tort Claims Act (FTCA), 28 U.S.C. 1346(b). FELRTCA provides that, with certain exceptions, the FTCA is the exclusive remedy for injuries caused by a Federal employee acting in the scope of employment, such that the United States must be substituted as the defendant and the claim must proceed against the Government under the FTCA. *See* 28 U.S.C. 2679(b)(1). The exceptions, for which substitution is not available, are claims brought for a violation of the Constitution and claims authorized by and brought for a

violation of a Federal statute. *See* 28 U.S.C. 2679(b)(2). In these claims, the individual is sued in their personal capacity. For instance, lawsuits against Federal employees in their personal capacities for alleged constitutional violations are available under certain circumstances since the Supreme Court's decision in *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971). The *Bivens* decision was the first time that the Supreme Court recognized an implied cause of action directly under the Constitution for personal-capacity claims for alleged constitutional violations. In rare circumstances, even a State or common law claim might be brought against a Federal employee for whom the United States has formally substituted itself, but for which a court rejected substitution, and in these cases too, the individual could be liable in their personal capacity.

AmeriCorps believes that actions against its employees in their personal capacities and the potential for a judgment against agency employees may hinder the agency's effectiveness in meeting its mission. AmeriCorps employees' ability to carry out functions related to volunteer management and grant-making depends on the willingness of the employees to make decisions and take actions that may expose them to liability. Uncertainty regarding the potential for a personal liability claim resulting in monetary judgment may intimidate employees, stifle creativity and initiative, and limit decisive action. The threat of personal liability for a decision made or action taken as part of official duties can adversely affect AmeriCorps' achievement of its mission. The adoption of these regulations permitting indemnification would afford AmeriCorps employees the same protection given to Federal employees in several other government agencies, including the Federal Trade Commission, Agency for International Development, Commodity Futures Trading Commission, Department of Commerce, Department of Education, Department of Health and Human Services, Department of the Interior, and the Department of Justice.

The rule being proposed here would address these situations when an AmeriCorps employee is sued in their personal capacity for conduct performed in the scope of their employment, by providing the process for AmeriCorps employees to request indemnification or settlement of a claim and the circumstances in which AmeriCorps

may approve indemnification or settlement of a claim.

**II. Scope of Proposed Rule**

The proposed rule would allow AmeriCorps to indemnify a present or former AmeriCorps employee who is personally named as a defendant in a legal proceeding for conduct arising within the scope of their employment when the FTCA does not apply because (1) the claim alleges the conduct is a violation of the Constitution; or (2) the claim alleges a violation of a Federal statute that authorizes the claim; or (3) the claim is brought under State or common law against a Federal employee for whom the United States has formally substituted itself, but for which a court rejected substitution. The regulations would permit AmeriCorps to indemnify an Agency employee who suffers an adverse verdict, judgment, or other monetary award, provided that the actions giving rise to the judgment were taken within the scope of employment, and that AmeriCorps determines that the indemnification is in its interest. The regulations would also allow AmeriCorps to settle a claim brought against an employee in their individual capacity by the payment of funds, upon a similar determination. Generally, AmeriCorps will not entertain a request to indemnify a personal damage claim against an employee before entry of an adverse verdict, judgment, or monetary award. However, in certain cases, AmeriCorps may determine that exceptional circumstances justify the earlier indemnification or payment of a settlement amount. The proposed rule would provide procedures for present or former AmeriCorps employees to follow if they are personally named in these types of lawsuits and wish to be indemnified, and also would provide procedures for AmeriCorps' review of requests for indemnification.

AmeriCorps welcomes public comment on the proposed regulations, particularly on the scope of the proposed rule and its applicability to Agency employees. AmeriCorps' intent is to provide an avenue to employee indemnification—at the Agency's sole discretion—for circumstances not covered by the FELRTCA or FTCA.

**III. Regulatory Analyses**

*A. Executive Orders 12866 and 13563*

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic,

environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. The Office of Information and Regulatory Affairs in the Office of Management and Budget does not anticipate that this will be a significant regulatory action.

*B. Congressional Review Act (Small Business Regulatory Enforcement Fairness Act of 1996, Title II, Subtitle E)*

As required by the Congressional Review Act (5 U.S.C. 801–808) before an interim or final rule takes effect, AmeriCorps will submit for an interim or final rule a report to each chamber of the Congress and to the Comptroller General of the United States. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. The Office of Information and Regulatory Affairs in the Office of Management and Budget anticipates that this will not be a major rule under 5 U.S.C. 804 because this rule will not result in (1) an annual effect on the economy of \$100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

*C. Regulatory Flexibility Act*

As required by the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*), AmeriCorps certifies that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities. Therefore, AmeriCorps has not performed the initial regulatory flexibility analysis that is required under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) for rules that are expected to have such results.

*D. Unfunded Mandates Reform Act of 1995*

For purposes of Title II of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1531–1538, as well as Executive Order 12875, this regulatory action does not contain any Federal mandate that may result in increased expenditures in either Federal, State, local, or Tribal governments in the aggregate, or impose an annual burden

exceeding \$100 million on the private sector.

*E. Paperwork Reduction Act*

Under the PRA, an agency may not conduct or sponsor a collection of information unless the collections of information display valid control numbers. This proposed rule does not contain information collection requirements within the meaning of the Paperwork Reduction Act, 44 U.S.C. 3501–3520.

*F. Executive Order 13132, Federalism*

Executive Order 13132, Federalism, prohibits an agency from publishing any rule that has Federalism implications if the rule imposes substantial direct compliance costs on State and local governments and is not required by statute, or the rule preempts State law, unless the agency meets the consultation and funding requirements of section 6 of the Executive Order. This proposed rule does not have any Federalism implications, as described above.

*G. Takings (E.O. 12630)*

This proposed rule does not affect a taking of private property or otherwise have taking implications under Executive Order 12630 because this proposed rule does not affect individual property rights protected by the Fifth Amendment or involve a compensable “taking.” A takings implication assessment is not required.

*H. Civil Justice Reform (E.O. 12988)*

This proposed rule complies with the requirements of Executive Order 12988. Specifically, this proposed rule: (a) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and (b) meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

*I. Consultation With Indian Tribes (E.O. 13175)*

AmeriCorps recognizes the inherent sovereignty of Indian Tribes and their right to self-governance. We have evaluated this proposed rule under the AmeriCorps consultation policy and the criteria in E.O. 13175 and determined that this proposed rule does not impose substantial direct effects on federally recognized Tribes.

*J. Clarity of This Regulation*

We are required by Executive orders 12866 (section 1(b)(12)), and 12988 (section 3(b)(1)(B)), and 13563 (section

1(a)), and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each proposed rule we publish must: (a) Be logically organized; (b) use the active voice to address readers directly; (c) use clear language rather than jargon; (d) be divided into short sections and sentences; and (e) use lists and tables wherever possible. If you feel that we have not met these requirements, please send us comments by one of the methods listed in the **ADDRESSES** section. To help us revise the proposed rule, your comments should be as specific as possible.

**List of Subjects in 25 CFR Part 2502**

Administrative practice and procedure, Government employees, Indemnity payments.

For the reasons discussed in the preamble, under the authority of 42 U.S.C. 12651c(c), the Corporation for National and Community Service proposes to amend chapter XXV of title 45 of the Code of Federal Regulations by adding part 2502 to read as follows:

**PART 2502—EMPLOYEE INDEMNIFICATION REGULATIONS**

- Sec.
- 2502.10 Purpose.
- 2502.20 Applicability.
- 2502.30 Definitions.
- 2502.40 Under what circumstances may AmeriCorps indemnify employees?
- 2502.50 At what point in a legal proceeding will AmeriCorps consider a request to indemnify the employee?
- 2502.60 What types of legal proceedings may an AmeriCorps employee seek indemnification or settlement for?
- 2502.70 What must an AmeriCorps employee do if served with process or pleadings in a legal proceeding?
- 2502.80 What may the General Counsel do upon receipt of the process and pleadings and report of circumstances?
- 2502.90 How may an AmeriCorps employee request indemnification?
- 2502.100 How will AmeriCorps handle the request for indemnification?

**Authority:** 28 U.S.C. 2679(b)(1); 42 U.S.C. 12651c(c).

**§ 2502.10 Purpose.**

The purpose of this part is to provide the procedures for indemnification of AmeriCorps employees who are personally named in certain legal proceedings not covered by the Federal Tort Claims Act (FTCA) or the Federal Employee Liability Reform and Tort Compensation Act (FELRTCA) when AmeriCorps determines both that the actions arose within the scope of their AmeriCorps employment and that indemnification is in the Agency’s



interest. These determinations are matters of agency discretion.

#### § 2502.20 Applicability.

(a) This part is applicable to all former and current AmeriCorps employees, including special Government employees.

(b) This part does not apply to volunteers, service members, contractors, or any other individuals who may be affiliated with AmeriCorps, but not employed by the agency.

#### § 2502.30 Definitions.

*AmeriCorps* means the Corporation for National and Community Service.

*AmeriCorps employee* means a current or former employee of the Corporation for National and Community Service, regardless of whether the individual was an employee before the Corporation for National and Community Service began operating under the name AmeriCorps.

*CEO* means the AmeriCorps Chief Executive Officer or their designee.

*Covered claim* means a claim seeking damages against an employee personally (or against their estate) for personal injury, death, or loss of property, resulting from the employee's activities, when AmeriCorps determines both that the actions arose within the scope of their office or employment but are not covered by the Federal Tort Claims Act (FTCA) or the Federal Employee Liability Reform and Tort Compensation Act (FELRTCA).

*General Counsel* means the AmeriCorps General Counsel or their designee.

#### § 2502.40 Under what circumstances may AmeriCorps indemnify employees?

AmeriCorps may, at its sole discretion, indemnify an AmeriCorps employee for a verdict, judgment, or other monetary award rendered against the employee personally in a claim or may settle or compromise a personal damages claim against an AmeriCorps employee if:

(a) The CEO determines that the AmeriCorps employee's conduct giving rise to the verdict, judgment, monetary award, or claim was taken within the scope of their employment;

(b) The CEO determines that the indemnification or settlement is in AmeriCorps' best interest; and

(c) AmeriCorps appropriated funds are available for the indemnification or settlement.

#### § 2502.50 At what point in a legal proceeding will AmeriCorps consider a request to indemnify the employee?

(a) AmeriCorps may settle or compromise a claim against an AmeriCorps employee at any time.

(b) Unless there are exceptional circumstances, as determined by the CEO, AmeriCorps will not consider a request to indemnify a claim before entry of an adverse verdict, judgment, or award.

#### § 2502.60 What types of legal proceedings may an AmeriCorps employee seek indemnification or settlement for?

An AmeriCorps employee may seek indemnification or settlement in any civil action or proceeding brought, in any court, for a covered claim.

#### § 2502.70 What must an AmeriCorps employee do if served with process or pleadings that includes a covered claim?

An AmeriCorps employee who is named as a defendant (or the personal representative of the AmeriCorps employee's estate) in a legal proceeding that includes a covered claim and who wishes to seek indemnification must promptly notify their supervisor, who then promptly notifies the Office of General Counsel. Former employees must directly notify the Office of General Counsel.

#### § 2502.80 What may the General Counsel do upon receipt of the process and pleadings and report of circumstances?

Where appropriate, the General Counsel may request that the Department of Justice provide legal representation for the AmeriCorps employee.

#### § 2502.90 How may an AmeriCorps employee request indemnification?

To request indemnification for a verdict, judgment, award, or settlement proposal of a covered claim, the AmeriCorps employee must:

(a) Have complied with the requirements of § 2502.70.

(b) Submit a written request, via their supervisor, to the head of the employee's office, or (in the case a former employee) directly to the Office of General Counsel. The written request must include appropriate documentation, including copies of the verdict, judgment, award, or settlement proposal.

#### § 2502.100 How will AmeriCorps handle the request for indemnification?

(a) The head of the office or their designee will review the employee's request and submit all of the following to the General Counsel:

(1) The original or a copy of the employee's request.

(2) A recommendation to approve or deny the request.

(3) A detailed analysis of the basis for a recommendation.

(4) A certification from the Chief Financial Officer as to whether the agency has funds available to pay the indemnification.

(b) The General Counsel will:

(1) Review the circumstances of the incident that gave rise to the action or proceeding, and all data relevant to the question of whether the employee was acting within the scope of their employment.

(2) Where appropriate, seek the views of the U.S. Department of Justice and/or the U.S. Attorney for the district encompassing the location where the action or proceeding is brought.

(3) Prepare a recommendation to approve or deny the request.

(4) Forward the request, the accompanying documentation, and the General Counsel's recommendation to the CEO for a decision.

Dated: May 20, 2022.

**Fernando Laguarda,**  
*General Counsel.*

[FR Doc. 2022-11288 Filed 5-25-22; 8:45 am]

BILLING CODE 6050-28-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 22-540; MB Docket No. 22-188; RM-11928; FR ID 88420]

### Radio Broadcasting Services; Big Coppitt Key, Florida

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a Petition for Rule Making filed by Spottswood Partners II, Ltd, proposing to amend the FM Table of Allotments, by allotting Channel 265C3 to Big Coppitt Key, Florida, as the first local service. A staff engineering analysis indicates that Channel 265C3 can be allotted to Big Coppitt Key, Florida, consistent with the minimum distance separation requirements of the Commission's rules (Rules), with a site restriction of 14.5 km (9.0 miles) northeast of the community. The reference coordinates are 24-39-34 NL and 81-32-17 WL.

**DATES:** Comments must be filed on or before July 11, 2022, and reply comments on or before July 26, 2022.

**ADDRESSES:** Secretary, Federal Communications Commission, 45 L

Street NE, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the counsel to petitioner as follows: Stephen Hartzell, Patrick Cross, and Micole Little, Esq., BROOKS, PIERCE, McLENDON, HUMPHREY & LEONARD, L.L.P., Wells Fargo Capitol Center, Suite 1700, Raleigh, North Carolina 27602.

**FOR FURTHER INFORMATION CONTACT:** Rolanda F. Smith, Media Bureau, (202) 418-2700.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Federal Communications Commission’s (Commission) Notice of Proposed Rule Making, MB Docket No. 22-188, adopted May 17, 2022, and released May 18, 2022. The full text of this Commission decision is available online at <https://apps.fcc.gov/ecfs/>. This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any proposed information collection burden “for small business concerns with fewer than 25 employees,” pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, see 44 U.S.C. 3506(c)(4).

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding. Members of the public should note that from the time a notice of proposed rulemaking is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are

prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

**List of Subjects in 47 CFR Part 73**

Radio, Radio broadcasting.  
Federal Communications Commission.  
**Nazifa Sawez,**  
*Assistant Chief, Audio Division, Media Bureau.*

**Proposed Rules**

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

**PART 73—RADIO BROADCAST SERVICES**

- 1. The authority citation for part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 155, 301, 303, 307, 309, 310, 334, 336, 339.

- 2. In § 73.202(b), amend the Table of FM Allotments under Florida by adding in alphabetical order an entry for “Big Coppitt Key” to read as follows:

**§ 73.202 Table of Allotments.**

\* \* \* \* \*  
(b) \* \* \*

TABLE 1 TO PARAGRAPH (b)  
[U.S. States]

					Channel No.
*	*	*	*	*	
Florida					
Big Coppitt Key .....					265C3
*	*	*	*	*	

[FR Doc. 2022-11370 Filed 5-25-22; 8:45 am]

**BILLING CODE 6712-01-P**

# Notices

Federal Register

Vol. 87, No. 102

Thursday, May 26, 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

### Submission for OMB Review; Comment Request

The Department of Agriculture will submit the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. Comments are requested regarding: Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments regarding these information collections are best assured of having their full effect if received by June 27, 2022. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website [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.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to

the collection of information unless it displays a currently valid OMB control number.

### Agricultural Marketing Service

*Title:* Regional Food Business Centers.  
*OMB Control Number:* 0581–NEW.

*Summary of Collection:* The Regional Food Business Centers are authorized and funded by Section 1001(b)(4) of the American Rescue Plan Act of 2021 (Pub. L. 117–2). Under Section 1001(b)(4), the Secretary is directed to provide assistance for maintaining and improving food and agricultural supply chain resiliency. AMS will enter into cooperative agreements with the RFBCs.

The Regional Food Business Centers will be the backbone for local and regional supply chain development and will offer coordination, technical assistance, and capacity building support to small and mid-sized food and farm businesses which will lead to more resilient, diverse, and connected supply chains. This program will provide a way for geographic regions to tailor development and investment to fit their needs, while recognizing that resilient supply chains are built upon strong relationships between individuals, communities, regions, sectors, and institutions. The RFBCs will support coordination in their region, fund technical assistance (TA) providers to offer business technical assistance to food and farm businesses and provide small grants to food businesses looking to expand or start in their region.

*Need and Use of the Information:* The information collected is needed to certify that RFBCs are complying with applicable program regulations, and the data collected is the minimum information necessary to effectively carry out the requirements of the program. The information collection requirements in this request are essential to administer and evaluate the program and to provide the necessary technical assistance to RFBCs and their subrecipients.

The data collection will include the collection of application information, quarterly reports, in addition to biannual interviews and quantitative information related to RFBCs (awardees), the TA providers (sub-awardees) and the businesses they fund.

*Description of Respondents:* State, Local, and Tribal Governments.  
*Number of Respondents:* 50.

*Frequency of Responses:* Reporting: Annually.

*Total Burden Hours:* 470.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2022–11312 Filed 5–25–22; 8:45 am]

BILLING CODE 3410–02–P

## DEPARTMENT OF AGRICULTURE

### Submission for OMB Review; Comment Request

The Department of Agriculture will submit the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. Comments are requested regarding: whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments regarding these information collections are best assured of having their full effect if received by June 27, 2022. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website [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.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to

the collection of information unless it displays a currently valid OMB control number.

### Agricultural Marketing Service

*Title:* Local Food for Schools Cooperative Agreement Program (LFS).  
*OMB Control Number:* 0581-0334.

*Summary of Collection:* 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.

*Need and Use of The 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.

*Description of Respondents:* State, Local, and Tribal Governments.

*Number of Respondents:* 50.

*Frequency of Responses:* Reporting: Annually.

*Total Burden Hours:* 3,154.

**Levi S. Harrell,**

*Departmental Information Collection Clearance Officer.*

[FR Doc. 2022-11298 Filed 5-25-22; 8:45 am]

**BILLING CODE 3410-02-P**

## DEPARTMENT OF AGRICULTURE

### National Institute of Food and Agriculture

#### Notice of Intent To Extend and Revise Currently Approved Information Collection

**AGENCY:** National Institute of Food and Agriculture, USDA.

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

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 and

Office of Management and Budget (OMB) regulations this notice announces the National Institute of Food and Agriculture's (NIFA) intention to extend and revise a previously approved information collection, entitled *NIFA Proposal Review Process*. This information collection replaces an existing information collection, also entitled *NIFA Proposal Review Process*.

**DATES:** Written comments on this notice must be received by July 25, 2022 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

**ADDRESSES:** You may submit comments through the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

*Instructions:* All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

**FOR FURTHER INFORMATION CONTACT:**

Robert Martin, 202-445-5388,  
[Robert.martin3@usda.gov](mailto:Robert.martin3@usda.gov).

**SUPPLEMENTARY INFORMATION:**

*Title of Collection:* NIFA Proposal Review Process.

*OMB Control Number:* 0524-0041.

*Expiration Date of Current Approval:* 8/31/2022.

*Type of Request:* Notice of intent to extend and revise a currently approved information collection. The burden for this collection remains unchanged.

NIFA is requesting a three-year extension for the current collection entitled "NIFA Proposal Review Process." NIFA is also proposing to update the collection so that the previously approved Reviewer Questionnaire, as well as the Conflict of Interest and Confidentiality Certification Form are both available on NIFA's Peer Review System (PRS) web-based portal. Additionally, NIFA is proposing some minor updates to the wording of questions in the Reviewer Questionnaire in order to ensure that peer review panels have the required scientific and technical expertise, comprised of research, education, extension, and other subject matter experts as appropriate, while remaining inclusive, representative, and diverse. Furthermore, the data collected through this questionnaire will ensure that NIFA is compliant in its Equal Employment Opportunity (EEO) practices.

*Abstract:* The National Institute of Food and Agriculture (NIFA) is responsible for performing a review of proposals submitted to NIFA competitive award programs in accordance with section 103(a) of the Agricultural Research, Extension, and Education Reform Act of 1998, 7 U.S.C.

7613(a). Reviews are undertaken to ensure that projects supported by NIFA are of high quality, and are consistent with the goals and requirements of the funding program.

Proposals submitted to NIFA undergo a programmatic evaluation to determine worthiness of Federal support. The evaluations consist of a peer panel review and may also entail an assessment by Federal employees and electronically submitted (ad-hoc) reviews in the Peer Review System.

The information collected from the evaluations is used to support NIFA grant programs. NIFA uses the results of the proposal evaluation to determine whether a proposal should be declined or recommended for award. When NIFA has rendered a decision, copies of reviews, excluding the names of the reviewers, and summaries of review panel deliberations, if any, are provided to the submitting Project Director.

Given the highly technical nature of many of these proposals, the quality of the peer review greatly depends on the appropriate matching of the subject matter of the proposal with the scientific and technical expertise of the potential reviewer. In order to obtain this information, an electronic questionnaire is used to collect information about potential panel and ad-hoc reviewers. If the reviewer is already in the NIFA database, the questionnaire asks potential reviewers to update their basic biographical information including address, contact information, professional expertise, and their availability to review for NIFA in the future. If the reviewer is new, they are prompted to complete the questionnaire. This information has been invaluable in the NIFA review process, which has been recognized by the grantee and grantor community for its quality.

The applications and associated materials made available to reviewers, as well as the discussions that take place during panel review meetings are strictly confidential and are not to be disclosed to or discussed with anyone who has not been officially designated to participate in the review process. While each panelist certifies at the time of preparing a review they do not have a conflict-of-interest with a particular application and will maintain its confidentiality in the Peer Review System, a certification of their intent at the time of the panel review proceedings is collected to emphasize and reinforce confidentiality not only of applications and reviews but also panel discussions. On the Conflict-of-Interest and Confidentiality Certification Form, the panelist affirms they understand the

conflict-of-interest guidelines and will not be involved in the review of the application(s) where a conflict exists. The panelist also affirms their intent to maintain the confidentiality of the panel process and not disclose to another individual any information related to the peer review or use any information for personal benefit.

*Estimate of Burden:* NIFA estimates that anywhere from one hour to twenty hours may be required to review a proposal. It is estimated that approximately five hours are required to review an average proposal. Each proposal receives an average of four reviews, accounting for an annual burden of 20 hours. NIFA estimates it receives 4,600 competitive applications each year. The total annual burden on reviewers is 92,000 hours. NIFA estimates that the potential reviewer questionnaire takes an estimated 10 minutes to complete. The database consists of approximately 50,000 reviewers. The total annual burden of questionnaire is 8,330 hours. NIFA estimates that the potential Conflict-of-Interest and Confidentiality Certification Form takes an estimated 10 minutes to complete. The agency has approximately 1,000 panelists each year. The total annual burden of the certification form is 167 hours. The total annual burden of the component of the entire review process is 100,497 hours.

*Comments:* Comments are invited on: (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; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All responses to this notice will be summarized and included in the request to OMB for approval. All comments will become a matter of public record.

*Obtaining a Copy of the Information Collection:* A copy of the information collection and related instructions may be obtained free of charge by contacting Robert Martin as directed above.

Done at Washington, DC, this day of May 13, 2022.

**Dionne Toombs,**

*Acting Director, National Institute of Food and Agriculture, U.S. Department of Agriculture.*

[FR Doc. 2022-11281 Filed 5-25-22; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF AGRICULTURE

### Natural Resources Conservation Service

[Docket No. NRCS-2020-0009]

#### Final Guidance for Identification of Nonindustrial Private Forest Land (NIPF)

**AGENCY:** Natural Resources Conservation Service (NRCS), U.S. Department of Agriculture (USDA).

**ACTION:** Notice.

**SUMMARY:** On December 17, 2020, NRCS published a notice of proposed guidance for NIPF identification and provided a 30-day public comment period for input. NRCS received 139 comments from different members of the public, including Indian Tribes, State agencies, non-governmental organizations, and individuals. Several of these comments provided coordinated input from many organizations, including one letter that provided input from over 60 organizations. This document responds to comments received during the public comment period, which closed on January 19, 2021, and, for the reasons stated in this document, identifies that NRCS will not adopt the guidance it proposed in its December 2020 notice.

**APPLICABLE DATE:** May 26, 2022.

**FOR FURTHER INFORMATION CONTACT:** Martha Joseph, telephone: (814) 203-5562; email: [martha.joseph@usda.gov](mailto:martha.joseph@usda.gov).

**SUPPLEMENTARY INFORMATION:**

#### Background

NRCS is one of the USDA agencies that identifies NIPF for program enrollment. In particular, NRCS identifies NIPF for enrollment in the Agricultural Conservation Easement Program (ACEP), the Conservation Stewardship Program (CSP), the Environmental Quality Incentives Program (EQIP), and the Regional Conservation Partnership Program (RCPP).

Identification for NIPF enrollment under these NRCS programs is based on section 1201(a)(18) of the Food Security Act of 1985 (the 1985 Farm Bill) (16 U.S.C. 3801), which defines NIPF as rural land, as determined by the Secretary, that:

- Has existing tree cover or is suitable for growing trees; and
- Is owned by any nonindustrial private individual, group, association, corporation, Indian Tribe, or other private legal entity that has definitive decision-making authority over the land.

Since the NIPF definition was first established several decades ago, changes have occurred in the forestry industry. In particular, foresters would identify the "industrial" status of a parcel of land by whether or not a company was vertically integrated (for example, the landowner owned both forestland and primary wood processing facilities). However, the ability to distinguish whether a particular parcel of land is industrial or nonindustrial became complicated when companies started to divest either their land or mills at the turn of the 21st century and timber investment management organizations (TIMOs) and real estate investment trusts (REITs) reflected an increasing amount of industrial forest land ownership.

To address these changes in the forestry industry, NRCS described in its December 2020 notice, proposed guidance that would be used to identify NIPF as defined by the 1985 Farm Bill and NRCS program regulations. NRCS was not re-defining NIPF but was providing guidelines for helping its staff identify the various components of the statutory definition. Referencing criteria used by other conservation agencies (the USDA Forest Service and Farm Service Agency), NRCS proposed to clarify how to identify a nonindustrial private landowner if they:

(1)(i) Own fewer than 45,000 acres of forest land in the United States; and

(ii) Do not own or operate an industrial mill for the primary processing of raw wood products as determined by NRCS in consultation with the State Technical Committee; or

(2) Meet criteria established for a nonindustrial private landowner by NRCS in a State in consultation with the State Technical Committee.

NRCS received a total of 91 letters or emails containing 139 comments. The comments were from forestry or agricultural stakeholders, conservation organizations, individuals, Tribal entities, other organizations, and governmental agencies. One of the letters was signed by over 60 organizations. NRCS review of the comments revealed a clear stakeholder preference that NRCS continue to use the existing programmatic framework until Congress can address how the changes in the forestry industry should

affect eligibility for certain NRCS programs.

### Comment Topics

This document summarizes the comments and explains the NRCS decision not to adopt revised NIPF technical guidance at this time. The comments are organized alphabetically by topic. The topics include: Adjusted Gross Income (AGI) limitation, funding, general criticism or support, landscape-level conservation benefits, large NIPF holdings, and mill ownership.

### AGI

*Comment:* NRCS should use the AGI limits instead of the proposed NIPF criteria. One comment also requested that NIPF be removed from AGI regulations.

*Response:* Prior to the Agriculture Improvement Act of 2018 (the 2018 Farm Bill), the AGI payment eligibility provisions indirectly assisted identification of non-industrial forestry landowners by excluding more affluent corporate landowners from being eligible for conservation payments. Additionally, under the Agricultural Act of 2014 (the 2014 Farm Bill), participants in RCPP, through the Healthy Forests Reserve Program (HFRP), were not subject to the NIPF land eligibility restriction or the AGI limitation.

However, the 2018 Farm Bill codified RCPP as a stand-alone program and limited forest land eligibility to NIPF, necessitating criteria to identify individual industrial landowners. The availability of the general AGI waiver and the more program-specific AGI waiver has the potential to allow more affluent corporate owners to participate.

NRCS has decided that it would be more appropriate to rely, in part, upon the AGI limitation and waiver criteria<sup>1</sup> to make NIPF eligibility determinations so that forestry operations continue to be treated similarly to agricultural operations.

### Funding

*Comment:* Protecting forests, especially in the drought-plagued West, is essential for survival of the ecosystem, and as such should receive greater funding.

*Response:* NRCS appreciates the expressions of support for protecting forests.

### General Criticism

*Comment:* Several comments expressed a general dissatisfaction with any proposed changes to the definition.

Some comments suggested NRCS wait until the next Farm Bill to implement any change, which would allow Congress to provide greater guidance. Others suggested that any change must be vetted by the Joint Forestry Team (JFT), which is a multilateral partnership including public and private entities. Several comments expressed confusion over the proposed guidance, arguing that the guidance is unnecessary. One comment simply stated that large forests are important, implying that the acreage cap presents an undue impediment.

*Response:* NRCS believes that technical guidance such as that proposed in its December 17, 2020, notice would be helpful to distinguish industrial from nonindustrial land holdings. As described in the original notice, forestry industry changes resulted in many industrial landholdings divesting themselves from their mill facilities, though the industrial production methods on such lands remained. NRCS believes that the development of technical guidance will have greater receptivity in the conservation community with more specific Congressional guidance about where resources should be focused in light of these forest industry changes.

NRCS considers the JFT a valuable resource for receiving input with respect to forestry issues, and the public comment period provided JFT member organizations an opportunity to provide input to the guidance. Additionally, NRCS understands the sentiment to receive additional input from Congress, and therefore, NRCS is not going to adopt revised technical guidance at this time.

### General Support

*Comment:* Some comments expressed general support for NRCS activities that promote forest conservation. Others specifically supported aspects of the NIPF definition. Some expressed support for the acreage limit or the mill criterion, while other lauded either the narrowness or breadth of who may qualify as an NIPF landowner. Several expressed appreciation for the involvement of State technical committees.

*Response:* NRCS appreciates the general support it received from producers and partners with respect to the proposed NIPF guidelines.

### Landscape Level Conservation Benefits

*Comment:* Some expressed that the guidance specifying a 45,000-acre threshold would exclude important conservation lands as well as pathways for wildlife migration. Some comments

recommend allowing large landowners to participate in landscape-level conservation efforts to effectively address resource concerns and reduce implementation costs for individual landowners. One comment approved excluding corporate landowners and recommended using the American Tree Farm Program private forest landowner definition.

*Response:* NRCS recognizes that large, contiguous tracts provide significant conservation benefits, including providing pathways for wildlife migration. Congress specified that Farm Bill funding should be targeted to nonindustrial forestry landowners, but whether large tracts of forest land provide conservation benefits is a separate consideration. NRCS believes that it can still obtain significant conservation benefits through enrollment of contiguous small tracts and by coordinating with partners who can contribute more of their resources to protecting large tracts that may not meet AGI eligibility or AGI waiver requirements.

### Large NIPF Holdings

*Comment:* Comments related to the acreage criterion threshold of 45,000 acres came from a range of commenters. One of the comments was signed by approximately 61 different forestry or conservation stakeholders.

Additional comments were specific to the applicability of the threshold with respect to Tribal land, especially land owned by Alaska Native Corporations (ANCs). The comments received from Tribal entities such as ANCs expressed concern that the acreage limitation did not consider the sovereign nature of Tribal landholdings or that ANCs often have very large acreages that would be excluded from NRCS assistance.

Many of the comments opposed the acreage criterion, stating that the acreage limitation was arbitrary, that such a limitation does not exist in statute, and that imposition of the acreage threshold would eliminate valuable conservation opportunities. Several of these comments identified that it was an error to equate large commercial land holdings with the term “industrial” since much of this land must be subject to stewardship requirements. These commenters also expressed the view that it was a mistake to equate commercial thinning and logging activities with the term “industrial.”

However, NRCS also received many comments expressing support for the 45,000-acre threshold, but criticism that this threshold was too large for someone to identify themselves as non-industrial, and recommendations instead for a

<sup>1</sup> See 7 CFR 1400.500(f) for the waiver criteria.

10,000 or lower acreage threshold. Several of these comments expressed concern that landowners with large acreages would outcompete and divert limited conservation dollars from smaller forestry operations that needed the financial assistance. Other comments expressed strong support for the acreage criterion because they believe TIMOs or REITs with large acreage should be ineligible for conservation assistance. Several comments identified that State-level assistance to family forestry operations have a far lower acreage threshold of less than a few hundred acres.

*Response:* NRCS considered several options in response to these comments. In particular, NRCS considered:

- (1) Making all forest land eligible;
- (2) Issuing the proposed guidance as final with no changes;
- (3) Relying completely on whether there is a mill on site to determine whether land is industrial;
- (4) Revising the guidance to identify exceptions to the mill and acreage criteria; or
- (5) Continuing to rely, in part, upon AGI and other payment eligibility requirements to act as a surrogate for identification of industrial land holdings.

NRCS rejected the first option as Congress specified that only NIPF lands were eligible for certain NRCS programs. NRCS also rejected reliance on the mill criterion alone as it failed to accommodate the last couple decades of development in the forestry industry. Given the concerns regarding the establishment of the acreage criterion, NRCS believes that it should maintain its reliance upon the mill criterion in conjunction with the AGI limitation, AGI waiver criteria, and related payment attribution eligibility to help make NIPF eligibility determinations.

#### Mill Criterion

*Comment:* NRCS received comments with respect to the mill criterion, including:

- Expressing concern about small portable mills and impact to family operations,
- Recommending that NRCS use output thresholds,
- Recommending removal of the mill criterion entirely,
- Supporting that the State Conservationist defines what constitutes a mill,
- Expressing concern about potential inconsistency across States; and
- Recommending AGI for the mill criterion.

*Response:* As identified in the large NIPF holdings discussion above, NRCS

believes it should keep the mill criterion as it has long been used to assist with the identification of NIPF acreage. However, since there are small operations that have mills, and portable mills are used to assist with conservation activities (for example, wildfire management), NRCS wants to take this opportunity to clarify that the presence of these mills will not affect the parcel's eligibility as NIPF.

#### Current Technical Guidance

In response to the comments summarized above, NRCS will not be issuing new technical guidance to identify NIPF for program eligibility purposes. In particular, NRCS will continue to identify forest land eligibility using the traditional NIPF identification criteria, such as the presence of an industrial mill, in conjunction with payment eligibility criteria that address, in part, the changes in forest land ownership by large corporate entities.

**Louis Aspey,**

*Associate Chief, Natural Resources Conservation Service.*

[FR Doc. 2022-11286 Filed 5-25-22; 8:45 am]

**BILLING CODE 3410-16-P**

## DEPARTMENT OF AGRICULTURE

### Rural Housing Service

[Docket No. RHS-22-SFH-0008]

#### Notice of Solicitation of Applications for the Section 533 Housing Preservation Grants for Fiscal Year 2022

**AGENCY:** Rural Housing Service, Agriculture (USDA).

**ACTION:** Notice.

**SUMMARY:** The Rural Housing Service (Agency), a Rural Development (RD) agency of the United States Department of Agriculture (USDA), announces that it is soliciting competitive preapplications under the Housing Preservation Grant (HPG) program for fiscal year (FY) 2022, to make available grant funds to sponsoring organizations for the repair or rehabilitation of housing owned or occupied by low- and very-low-income rural citizens under the HPG Program. The purpose of this notice is to announce the opening and closing dates for receipt of preapplications for HPG funds from eligible applicants, as well as submission requirements. Expenses incurred in developing preapplications will be at the applicant's cost.

**DATES:** Completed applications for grants must be submitted according to

the deadlines outlined below. RHS will not consider any preapplications that are received after the closing deadline regardless of the submission method used.

■ *Paper submissions:* Completed paper preapplications must be received in the USDA RD State Office no later than 4:30 p.m. on July 11, 2022.

○ Applicants intending to submit paper preapplications using the U.S. Postal Service (USPS) must provide sufficient time to permit delivery on or before the closing deadline date.

○ Acceptance by the USPS or private mailer does not constitute delivery.

○ Postage due preapplications will not be accepted

■ *Electronic submissions:* Completed electronic preapplications may be submitted using one of the following two methods and must be received by the USDA RD State Office no later than 4:30 p.m. on July 11, 2022:

■ *Email:* To submit preapplications by email, contact the Single-Family Housing Program Director in the RD State Office <http://www.rd.usda.gov/contact-us/state-offices>. Emailed submissions must be encrypted and/or password protected to ensure personally identifiable information is secure.

■ *Grants.gov:* Instructions for submitting preapplications to *Grants.gov* may be found at the following website: <https://www.grants.gov>

**ADDRESSES:** Entities that want to apply for assistance may download the application documents and requirements outlined in this notice from: <https://www.rd.usda.gov/programs-services/single-family-housing-programs/housing-preservation-grants>. Applicants will also find the requirements in the HPG program regulation found in 7 CFR 1944 (Subpart N).

Application information for electronic submissions to *Grants.gov* may be found at the following website: <http://www.Grants.gov>.

Applicants may also request paper application packages from the RD State offices. Contact information can be found at: <https://www.rd.usda.gov/about-rd/state-offices>.

**FOR FURTHER INFORMATION CONTACT:** Mandy Couture, Finance and Loan Analyst, Single Family Housing Direct Division, Special Programs and New Initiatives Branch at (515) 418-2188 (voice) (this is not a toll-free number) or email: [Mandy.Couture@usda.gov](mailto:Mandy.Couture@usda.gov). You may also contact the RD office for the state in which the applicant is located. A list of RD State Office contacts is provided at: <https://www.rd.usda.gov/about-rd/state-offices>.

**SUPPLEMENTARY INFORMATION:****Authority**

This solicitation is authorized pursuant to the Consolidated Appropriations Act of 2022; 42 U.S.C. 1490m; Public Law 117–103; and 7 CFR 1944, subpart N.

**Rural Development: Key Priorities**

The Agency encourages applicants to consider projects that will advance the following key priorities:

- Assisting rural communities recover economically from the impacts of the COVID–19 pandemic, particularly disadvantaged communities;
- Ensuring all rural residents have equitable access to RD programs and benefits from RD funded projects; and
- Reducing climate pollution and increasing resilience to the impacts of climate change through economic support to rural communities.

Additional information regarding RD's funding priorities is available at the following website: <https://www.rd.usda.gov/priority-points>.

**Overview**

*Federal Agency Name:* Rural Housing Service (RHS).

*Funding Opportunity Title:* Housing Preservation Grants (HPG).

*Announcement Type:* Notice of Solicitation of Applications (NOSA).

*Assistance Listing (formerly CFDA):* 10.433.

*Funding Opportunity Number:* USDA–RD–HCFP–HPG–2022.

*Due Date for Applications:*

Preapplications must be submitted no later than 4:30 p.m. on July 11, 2022 using one of the following methods:

- *Paper submissions:* The deadline for completed paper preapplications to be received in the USDA RD State Office. Please refer to the **DATES** and **ADDRESSES** sections of this notice for further information.
- *Electronic submissions:* Completed electronic preapplications must be received by email or submitted to [Grants.gov](mailto:Grants.gov). Please refer to the **DATES** and **ADDRESSES** sections of this notice for further information.
- Expenses incurred in developing grant application packages will be at the applicant's cost.

*Other Information:*

*Definitions:* The definitions applicable to this notice may be found at 7 CFR 1944.656.

▪ *Preapplication Awards:* The Agency will review, evaluate, and score preapplications in response to this notice based on the provisions in 7 CFR 1944.679 and as indicated in this notice. However, the Agency advises all

interested parties that the applicant bears the burden of cost in preparing and submitting a complete preapplication in response to this notice

**A. Background**

USDA's RD Agencies, comprised of the Rural Business-Cooperative Service (RB–CS), Rural Housing Service (RHS), and the Rural Utilities Service (RUS), are leading the way in helping rural America improve the quality of life and increase the economic opportunities for rural people.

RHS offers a variety of programs to build or improve housing and essential community facilities in rural areas. The Agency offers loans, grants, and loan guarantees for single- and multi-family housing, child-care centers, fire and police stations, hospitals, libraries, nursing homes, schools, first responder vehicles and equipment, housing for farm laborers and much more. Additionally, RHS programs provide technical assistance loans and grants in partnership with non-profit organizations, Indian tribes, state and Federal government agencies, and local communities.

**B. Program Description**

The HPG program is a grant program administered by the Single Family Housing program of RHS. It is limited to eligible rural areas and to qualified entities (such as public agencies, private non-profit organizations, and federally recognized tribes). Grant funds can be used to assist low- and very low-income homeowners in repairing and rehabilitating their homes in rural areas.

The program assists cooperative housing complexes and rental property owners in rural areas in repairing and rehabilitating their units if they agree to make such units available to very low- and low-income persons. Rental property owners can include Section 515 rental properties if the eligibility requirements are met for the HPG program. In accordance with 7 CFR 1944.663, rental property owners must agree to make the units repaired or rehabilitated available for occupancy to very low- or low-income persons for a period of not less than five years. The minimum five-year rent restriction for very low- and low-income tenants will only apply to the units that are repaired with the HPG funding. Any units within the property that were not repaired with HPG funding will not be subject to the five-year restriction.

**C. Federal Award Information**

*Type of Assistance Instrument:* The funding instrument for the HPG program will be a grant agreement. The

term of the grant can vary from one to two years, depending on available funds and demand. No maximum or minimum grant levels have been established at the National level. Applicants should contact the RD State Office to determine the allocation for their state.

The Consolidated Appropriations Act of 2022 (Pub. L. 117–103) established a set-aside for grants located in Rural Economic Area Partnership Zones (REAP Zones). The State Office will indicate on the list submitted to the National Office if the preapplication is eligible for the REAP Zones set-aside. The National Office will then compile a national list, rank the REAP Zones applicants based on the point allocations set forth in this **Federal Register** Notice, and distribute the HPG REAP Zones set-aside starting with the highest scoring eligible HPG REAP Zones applicants. Other funds will be distributed under a formula allocation to States pursuant to 7 CFR part 1940, subpart L, "Methodology and Formulas for Allocation of Loan and Grant Program Funds" § 1940.578. Decisions on funding will be based on preapplication scores (see, 7 CFR 1944.679 (b)).

*Type of Awards:* Grants will be made to eligible entities who will then provide funds that can be used to assist low- and very low-income homeowners in repairing and rehabilitating their homes in rural areas.

*Available Funds:* Once determined, the FY 22 funding amount will be posted on the Agency website: <https://www.rd.usda.gov/programs-services/single-family-housing-programs/housing-preservation-grants>.

*Award Amount:* No organization may be awarded more than ½ of a state's allocation, according to § 1944.680. Award amounts available in FY 2022 have not been finalized.

*Due Date for Applications:* July 11, 2022.

**D. Eligibility Information**

1. *Eligible Applicants.* Eligible entities for these competitively awarded grants include State and local governments; non-profit corporations, which may include, but not be limited to Faith-Based and community organizations; federally recognized Indian Tribes; and consortia of eligible entities. HPG applicants who were previously selected for HPG funds are eligible to submit new preapplications to apply for FY 2022 HPG program funds. An additional HPG grant may be made when the grantee has achieved or nearly achieved the goals established for the previous or existing grant. The commitment of program dollars will be



made to selected applicants who have fulfilled the necessary requirements for obligations. Eligibility requirements can be found at 7 CFR 1944.658, 1944.661, 1944.662, and 1944.686.

2. *Cost Sharing or Matching.* Pursuant to 7 CFR 1944.652, grantees are expected to coordinate and leverage funding for repair and rehabilitation activities; as well as replacement housing, with housing and community development organizations or activities operating in the same geographic area. While it is encouraged that HPG funds be leveraged with other resources, cost sharing or matching is not a requirement for the HPG applicant as the HPG applicant would not be denied an award of HPG funds if all other project selection criteria have been met.

3. *Other.* Awards made under this Notice are subject to the provisions contained in the Consolidated Appropriations Act, 2022 (Pub. L. 117–103) sections 744 and 745, Division E “Financial Services and General Government Appropriations Act, 2022, Title VII “General Provisions—Government-wide,” regarding Corporate Felony Convictions and Corporate Federal Tax Delinquencies. To comply with these provisions, only applicants that are or propose to be, corporations will submit this form as part of their preapplication. There are no limits on proposed direct and indirect costs. Expenses incurred in developing preapplications will be at the applicant’s cost.

## E. Application and Submission Information

1. *Application Requirements:* All requirements for submission of a pre-application under the Housing Preservation Program are subject to 7 CFR 1944, subpart N. The Agency requires applicants to submit the following information to make an eligibility determination:

1. A preapplication package;  
(i) A downloadable preapplication package for this program is available by accessing the website: *Grants.gov* by using a keyword, the program name, or Assistance Listing (formerly CFDA)10.433.

(ii) Users of *Grants.gov* will be able to download a copy of the preapplication package, complete it offline, and then upload and submit the preapplication via the *Grants.gov* site.

*Note:* Preapplications will not be considered for funding if they do not provide sufficient information to determine eligibility or are missing required elements.

2. SF–424;

(i) Made available by contacting any RD State Office at the website: <http://www.rd.usda.gov/contact-us/state-offices>; or

(ii) *Grants.gov* at the following website: <https://www.grants.gov>.

3. A statement of activities proposed by the applicant for its HPG program as appropriate to the type of assistance the applicant is proposing, including:

(i) A complete discussion of the type of and conditions for financial assistance for housing preservation, including whether the request for assistance is for a homeowner assistance program, a rental property assistance program, or a cooperative assistance program.

(ii) The process for selecting recipients for HPG assistance, determining housing preservation needs of the dwelling, performing the necessary work, and monitoring/inspecting work performed.

(iii) A description of the process for coordinating with other public and private organizations and programs that provide assistance in rehabilitation of historic properties in accordance with 7 CFR 1944.673.

(iv) The development standard(s) the applicant will use for the housing preservation work; and, if not the RD standards for existing dwellings, the evidence of its acceptance by the jurisdiction where the grant will be implemented.

(v) The time schedule for completing the program.

(vi) The staffing required to complete the program.

(vii) The estimated number of very low- and low-income minority and non-minority persons the grantee will assist with HPG funds; and, if a rental property or cooperative assistance program, the number of units and the term of restrictive covenants on their use for very low- and low-income.

(viii) The geographical area(s) to be served by the HPG program.

(ix) The annual estimated budget for the program period based on the financial needs to accomplish the objectives outlined in the proposal. The applicant can use SF–424a to provide this information.

(x) A copy of an indirect cost proposal/rate or direct cost policy when the applicant has another source of federal funding in addition to the RD HPG program.

(xi) A brief description of the accounting system to be used.

(xii) The method of evaluation to be used by the applicant to determine the effectiveness of its program which encompasses the requirements for quarterly reports to RD in accordance

with 7 CFR 1944.683(b) and the monitoring plan for rental properties and cooperatives (when applicable) according to 7 CFR 1944.689.

(xiii) The source and estimated amount of other financial resources to be obtained and used by the applicant for both HPG activities and housing development and/or supporting activities.

(xiv) The use of program income; if any, and the tracking system used for monitoring same.

(xv) The applicant’s plan for disposition of any security instruments held by them as a result of its HPG activities in the event of its loss of legal status.

(xvi) Any other information necessary to explain the proposed HPG program.

(xvii) The outreach efforts outlined in 7 CFR 1944.671(b).

4. *Experience:* Complete information about the applicant’s experience and capacity to carry out the objectives of the proposed HPG program 7 CFR 1944.676(b)(2).

5. *Evidence of Legal Existence:* Evidence of the applicant’s legal existence, including, in the case of a private non-profit organization, a copy of, or an accurate reference to, the specific provisions of state law under which the applicant is organized; a certified copy of the applicant’s Articles of Incorporation and Bylaws or other evidence of corporate existence; certificate of incorporation for applicants other than public bodies; evidence of good standing from the state when the corporation has been in existence one year or more; and the names and addresses of the applicant’s members, directors and officers. If other organizations are members of the applicant-organization, or the applicant is a consortium, preapplications should be accompanied by the names, addresses, and principal purpose of the other organizations. If the applicant is a consortium, documentation showing compliance with paragraph (4)(ii) under the definition of “organization” in 7 CFR 1944.656 must also be included.

6. *Audited and Financial Statements:* For a private non-profit entity, the most recent audited statement and a current financial statement dated and signed by an authorized officer of the entity showing the amounts and specific nature of assets and liabilities together with information on the repayment schedule and status of any debt(s) owed by the applicant. If the applicant is an organization being assisted by another private non-profit organization, the same type of financial statement should also be provided by that organization.

7. *Narrative Statement*: A brief narrative statement which includes information about the area to be served and the need for improved housing (including both percentage and the actual number of both low-income and low-income minority households and substandard housing), the need for the type of housing preservation assistance being proposed, the anticipated use of HPG resources for historic properties, the method of evaluation to be used by the applicant in determining the effectiveness of its efforts.

8. *Alleviating Overcrowding Statement*: A statement containing the component for alleviating any overcrowding as defined by 7 CFR 1944.656.

9. *List of Other Activities*: A list of other activities the applicant is engaged in and expects to continue, a statement as to any other funding, and whether it will have sufficient funds to assure continued operation of the other activities for at least the period of the HPG grant agreement.

10. *Project Selection Criteria*: Other information necessary to address the selection criteria in § 1944.679.

11. *Environmental Compliance Agreement*: The applicant must submit 1970–A Exhibit H “Multi-tier Action Environmental Compliance Agreement”.

12. *Public Participation and Intergovernmental Review*: *Intergovernmental Review*. In accordance with 7 CFR 1944.674 (c), the HPG program is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with state and local officials. Preapplications from Federally recognized Indian tribes are not subject to this requirement.

(i) The applicant must submit written statements and related correspondence reflecting compliance with 7 CFR 1944.674(a) regarding consultation with local leaders from the county, parish, and/or township governments of the area where the HPG activities will take place for the purpose of assuring that the proposed HPG program is beneficial and does not duplicate current activities. American Indian non-profit organization applicants should obtain the written concurrence of the tribal governing body in lieu of consulting with the county governments with the program is operated only on tribal land.

(ii) The applicant is to make its statement of activities available to the public for comment prior to submission to RD pursuant to 7 CFR 1944.674(b). The applicant(s) must announce the availability of its statement of activities for review in a print or online

newspaper of general circulation in the project area and allow at least 15 days for public comment. The start of this 15-day period must occur no later than 16 days prior to the last day for acceptance of preapplications by USDA RD. Federally recognized Indian Tribes, pursuant to 7 CFR 1944.674, should obtain the written concurrence of the tribal governing body in lieu of consulting with the county governments when the program is operated only on tribal land. The preapplication must contain a description of how the comments (if any were received) were addressed.

13. *Equal Opportunity Agreement*: The applicant must submit an original of Form RD 400–1, “*Equal Opportunity Agreement*” and Form RD 400–4, “*Assurance Agreement*” in accordance with 7 CFR 1944.676.

Applicants should review 7 CFR part 1944, subpart N for a comprehensive list of all application requirements. Preapplications will not be considered for funding if they do not provide sufficient information to determine eligibility or are missing required elements.

*II. Submission Information*: The following information provides applicant submission information:

1. *Address to Request Application Package*. Please refer to the **ADDRESSES** section in this notice.

2. *Content and Form of Application Submission*. Applicants may submit a preapplication in paper form or electronically (*i.e.*, emailed to the applicable Single Family Housing Program Director in the RD State Office or transmitted via *Grants.gov*). Preapplications must contain all required information using only one of the submission methods. Applications that are submitted in paper form must have all forms that requires signatures contain an original signature. For emailed preapplications, a digital signature is acceptable.

For preapplications transmitted via *Grants.gov*, applicants must follow the instructions for this funding announcement at: <https://www.grants.gov>:

(i) When entering the *Grants.gov* website, applicants will find information about applying electronically through the site. As well as the hours of operation. Documents submitted electronically through *Grants.gov* must include electronic signatures. Original signatures may be required if funds are awarded.

(ii) After applying electronically through *Grants.gov*, applicants will receive an automatic acknowledgement

from *Grants.gov* that contains a *Grants.gov* tracking number.

*Note*: Applicants that submit a paper preapplication may send it to the State Office located in the state where the proposed HPG housing project will take place. Applicants can find State Office contact information at: <https://www.rd.usda.gov/contact-us/state-offices>. The State Office will date, and time stamp incoming paper preapplications to evidence timely receipt and upon request and will provide the applicant with a written acknowledgment of receipt.

Applicants that receive a grant award under this Notice, USDA reserves the right to post all information that is not protected by the Privacy Act submitted as part of the preapplication/application package on a public website with free and open access to any member of the public.

3. *System for Award Management and Unique Entity Identifier*:

(i) At the time of application, each applicant must have an active registration in the System for Award Management (SAM) before submitting its application in accordance with 2 CFR 25. To register in SAM, entities will be required to create a Unique Entity Identifier (UEI). Instructions for obtaining the UEI are available at <https://sam.gov/content/entity-registration>.

(ii) Applicants must maintain an active SAM registration, with current, accurate and complete information, at all times during which it has an active Federal award or an application under consideration by a federal awarding agency.

(iii) Applicants must ensure they complete the Financial Assistance General Certifications and Representations in SAM.

(iv) Applicants must provide a valid UEI in its application, unless determined exempt under 2 CFR 25.110.

(v) The Agency will not make an award until the applicant has complied with all SAM requirements including providing the UEI. If an applicant has not fully complied with the requirements by the time the Agency is ready to make an award, the Agency may determine that the applicant is not qualified to receive a federal award and use that determination as a basis for making a Federal award to another applicant.

4. *Submission Dates and Times*. Completed applications for grants must be submitted according to the following deadlines and other instructions in the **DATES** section of this notice.

5. *Funding Restrictions*: There are no limits on proposed direct and indirect costs. Expenses incurred in developing

preapplications will be at the applicant's cost.

### E. Pre-Application Review Information

1. *Criteria.* All eligible and complete preapplications for Section 533 HPG funds must be filed with the appropriate RD State Office and all paper or electronic preapplications must meet the requirements of this Notice and 7 CFR part 1944, subpart N.

Preapplications determined not eligible and/or not meeting the selection criteria will be notified by the RD State Office.

2. *Review and Selection Process.* RD State Offices will utilize the following threshold project selection criteria for applicants in accordance with 7 CFR 1944.679:

(a) Providing a financially feasible program of housing preservation assistance. "Financially feasible" is defined as proposed assistance which will be affordable to the intended recipient or result in affordable housing for very low- and low-income persons.

(b) Serving eligible rural areas with a concentration of substandard housing for households of very low- and low-income.

(c) Being an eligible applicant as defined in 7 CFR 1944.658.

(d) Meeting the requirements of consultation and public comment in accordance with 7 CFR 1944.674.

(e) Submitting a complete preapplication as outlined in 7 CFR 1944.676:

3. *Scoring.* For applicants meeting all the requirements listed above, the RD State Offices will use weighted criteria in accordance with 7 CFR part 1944, subpart N as selection for the grant recipients. Each preapplication and its accompanying statement of activities will be evaluated and, based solely on the information contained in the preapplication, the applicant's proposal will be numerically rated on each criterion within the range provided. The highest-ranking applicant(s) will be selected based on allocation of funds available to the state.

(1) Points are awarded based on the percentage of very low-income persons that the applicant proposes to assist, using the following scale:

- (i) More than 80%: 20 points
- (ii) 61% to 80%: 15 points
- (iii) 41% to 60%: 10 points
- (iv) 20% to 40%: 5 points
- (v) Less than 20%: 0 points

(2) The applicant's proposal may be expected to result in the following percentage of HPG fund use (excluding administrative costs) to total cost of unit preservation. This percentage reflects maximum repair or rehabilitation with

the least possible HPG funds due to leveraging, innovative financial assistance, owner's contribution, or other specified approaches. Points are awarded based on the following percentage of HPG funds (excluding administrative costs) to total funds:

- (i) 50% or less: 20 points
- (ii) 51% to 65%: 15 points
- (iii) 66% to 80%: 10 points
- (iv) 81% to 95%: 5 points
- (v) 96% to 100%: 0 points

(3) The applicant has demonstrated its administrative capacity in assisting very low- and low-income persons to obtain adequate housing based on the following:

(i) The organization or a member of its staff has at least one or more years of experience successfully managing and operating a rehabilitation or weatherization type program: 10 points.

(ii) The organization or a member of its staff has at least one or more years of experience successfully managing and operating a program assisting very low- and low-income persons obtain housing assistance: 10 points.

(iii) If the organization has administered grant programs, there are no outstanding or unresolved audit or investigative findings which might impair carrying out the proposal: 10 points.

(4) The proposed program will be undertaken entirely in rural areas outside Metropolitan Statistical Areas (MSAs) identified by RD as having populations below 10,000 or in remote parts of other rural areas (*i.e.*, rural areas contained in MSAs with less than 5,000 population) as defined in 7 CFR 1944.656: 10 points.

(5) The program will use less than 20 percent of HPG funds for administration purposes:

- (i) More than 20%: Not eligible
- (ii) 20%: 0 points
- (iii) 19%: 1 point
- (iv) 18%: 2 points
- (v) 17%: 3 points
- (vi) 16%: 4 points
- (vii) 15% or less: 5 points

(6) The proposed program contains a component for alleviating overcrowding as defined in 7 CFR 1944.656: 5 points.

In the event more than one preapplication receives the same number of points, those preapplications will then be ranked based on the actual percentage figure used for determining the points in item (1) in the "Scoring" section of this Notice (7 CFR 1944.679 (b)(1)).

*Example of 1st tie-break:*  
Both Applicants score 80 points  
Applicant X's percentage in "Scoring" section item (a) is 65%

*Applicant B's percentage in "Scoring" section item (a) is 75%*  
*Applicant B is ranked higher than Applicant X*  
*Applicant B will be funded before Applicant X*

Further, if preapplications are still tied, then those preapplications still tied will be ranked based on the percentage figures used for determining the points in item (2) in the "Scoring" section of this Notice (7 CFR 1944.679 (b)(2)).

*Example of 2nd tie-break:*  
Both Applicants score 80 points  
Both Applicants percentage in "Scoring" section item (a) is 65%  
Applicant X's percentage in "Scoring" section item (b) is 55%  
Applicant B's percentage in "Scoring" section item (b) is 60%  
Applicant X is ranked with a lower percentage than Applicant B  
Applicant X will be funded before Applicant B

Further, 7 CFR 1944.679 (c), for preapplications where HPG assistance to rental properties or co-ops is proposed, those still tied will be further ranked based on the number of years the units are available for occupancy under the program (a minimum of five years is required). For this part, ranking will be based from most to least number of years.

*Example of 3rd tie-break:*  
Both Applicants score 80 points  
Both Applicants percentage in "Scoring" section item (a) is 65%  
Both Applicants percentage in "Scoring" section item (b) is 55%  
Applicant X's rental unit will be available for occupancy under the program for 10 years  
Applicant B's rental unit will be available for occupancy under the program for 5 years  
Applicant X is ranked higher than Applicant B  
Applicant X will be funded before Applicant B

If any of the applicants that remain tied after the 1st and 2nd tie-breaks are offering to assist single family owners, then the 3rd tie-break would not be applicable, and a lottery would be used to select the applicant to be funded.

If there is still a tie after the first two [or three, when applicable] tie-breaks, then a lottery system will be used to select the applicant to be funded. The lottery will be conducted at the National Office. The lottery will consist of the names of each preapplication with equal scores printed onto a same size piece of paper, which will then be placed into a receptacle that fully obstructs the view of the names. The Director of the Single Family Housing Loan Division, in the

presence of two witnesses, will draw a piece of paper from the receptacle. The name on the piece of paper drawn will be the applicant to be funded.

After the award selections are made by the National Office, all applicants will be notified of the status of their preapplications by email or mail with Form AD-622, "Notice of Preapplication Review Action." Applicants will be given their review rights or appeal rights in accordance with 7 CFR 1944.682.

## F. Federal Award Administration Information

1. *Federal Award Notices.* The Agency will notify applicants in writing, applicants whose preapplications have been selected for funding. At the time of notification, the Agency will advise the applicant what further information and documentation is required along with a timeline for submitting the additional information. If the Agency determines it is unable to select the preapplication for funding, the applicant will be informed in writing. Such notification will include the reasons the applicant was not selected. The Agency will advise applicants, whose preapplications did not meet eligibility and/or selection criteria, of their review rights or appeal rights in accordance with 7 CFR 1944.682.

### 2. Administrative and National Policy Requirements.

(a) The following additional requirements apply to grantees selected for this program:

- (i) Form SF-424
- (ii) Form RD 1940-1, "Request for Obligations of Funds"
- (iii) RD Instruction 1944-N Exhibit A, "Grant Agreement"
- (iv) Letter of Conditions (if applicable)
- (v) Complete Form RD 1942-46, "Letter of Intent to Meet Conditions" (if applicable)
- (vi) 1940-Q Exhibit A-1 (if applicable)
- (vii) Form SF 3881, "ACH Vendor Payment Enrollment Form"
- (viii) Form SF 270, "Request for Advance or Reimbursement"
- (ix) Form SF 425, "Federal Financial Report"
- (x) RD Instruction 1944-N Exhibits E-1 and E-2, "Quarterly (Final) Performance Report" and "Quarterly (Final) Performance Report Guide"
- (xi) 1970-B Exhibit D, "Categorical Exclusion Form"
- (xii) RD Instruction 1944-N Exhibits F-1, "Grantee's Process for Identifying Properties Requiring Rural Development Environmental Assessments"
- (xiii) RD Instruction 2000-FF
- (xiv) FEMA Form 086-0-32

(xv) Execute Form SF-LLL, "Disclosure Form to Report Lobbying" (if applicable)

The grant recipient must include the required nondiscrimination statements in any of their advertisements and brochures. Grantees will be required to collect and maintain data provided by recipients on race, sex, and national origin and ensure recipients collect and maintain this data. Race and ethnicity data will be collected in accordance with OMB **Federal Register** notice, "Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity," (62 FR 58782), October 30, 1997. Data on recipients' sex will be collected in accordance with Title IX of the Education Amendments of 1972. These items should not be submitted with the application but should be available upon request by the Agency.

The applicant and the ultimate recipient must comply with Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, Age Discrimination Act of 1975, Executive Order 12250, Executive Order 13166 regarding Limited English Proficiency (LEP), and 7 CFR part 1901, subpart E.

(b) The applicant must provide evidence of compliance with other federal statutes, including but not limited to the following:

(i) Debarment and suspension information is required in accordance with 2 CFR part 417 (Nonprocurement Debarment and Suspension) supplemented by 2 CFR part 180, if it applies. The section heading is "What information must I provide before entering into a covered transaction with a Federal agency?" located at 2 CFR 180.335. It is part of OMB's Guidance for Grants and Agreements concerning Government-wide Debarment and Suspension.

(ii) 2 CFR parts 200 and 400 (Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards).

(iii) 2 CFR part 182 (Governmentwide Requirements for Drug-Free Workplace (Financial Assistance)) and 2 CFR part 421 (Requirements for Drug Free Workplace (Financial Assistance)).

(iv) Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency." For information on limited English proficiency and agency-specific guidance, go to <http://www.lep.gov>.

(v) All applicants will be screened for eligibility to participate in the grant program using Treasury's Do Not Pay

Portal in compliance with the Improper Payments Elimination and Recovery Improvement Act.

3. *Reporting.* After grant approval and through grant completion, grantee will be required to provide the following on a quarterly basis, as indicated in 7 CFR part 1944 Subpart N Exhibit A, "Grant Agreement":

(i) SF-425, "Federal Financial Report."

(ii) 1944-N Exhibit E-1, "Quarterly Performance Report."

(iv) Bank statements for interest bearing bank account if grantee is getting cash advances.

Final award reporting requirements can be found in the 1944-N Exhibit A, "Grant Agreement". Upon grant closeout, the grantee will furnish a final SF-425, 1944-N Exhibit E-1, and all financial, performance and other reports required as a condition of the grant. The grantee will also provide an audit report in accordance with Uniform Audit Requirements for Federal Awards at 2 CFR part 200, subpart F.

## G. Federal Awarding Agency Contacts

For general questions about this notice, please contact your USDA RD State Office or the program website provided in the **ADDRESSES** section of this notice.

## H. Other Information

A. *Paperwork Reduction Act:* In accordance with the Paperwork Reduction Act of 1995, the information collection requirement contained in this notice is approved by the Office of Management and Budget under OMB Number 0575-0115.

B. *Federal Funding Accountability and Transparency Act:* All recipients of Federal financial assistance are required to report information about first tier subawards and executive compensation (see 2 CFR part 170). You will be required to have the necessary processes and systems in place to comply with the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109-282) reporting requirements (see 2 CFR 170.200(b), unless you are exempt under 2 CFR 170.110(b)).

C. *National Environmental Policy Act:* This Notice has been reviewed in accordance with 7 CFR part 1970, § 1970.55, and it has been determined that the environmental process for an HPG grant to repair, rehabilitate, or replace a dwelling is a multi-tier review. Applicants must agree in writing to certain conditions prior to obligation of financial assistance by the Agency to the primary recipient (§ 1970.55(a)(1-4)). The applicant must complete and provide the Multi-Tier Action

Environmental Compliance Agreement, RD Instruction 1970–A, Exhibit H.

In accordance with 7 CFR 1970.51 (a)(3) and 1970.55, the environmental review is a two-step process: The approval of the provision of the grant to the grantee is categorized as a Categorical Exclusion without an Environmental Report pursuant to 1970.55.

The second step is an environmental review performed by the grantee of the activity proposed by each ultimate recipient.

Rural Housing Service has entered into a Programmatic Memorandum of Agreement (PMOA) with the National Conference of State Historic Preservation Officers and the Advisory Council on Historic Preservation to implement the specific requirements regarding historic preservation contained in Section 533 of the Housing Act of 1949, 42 U.S.C. 1490(m) of the enabling legislation.

Grantee shall comply with Rural Development's Lead Based Paint requirements for Rehabilitation contained in subparts of 24 CFR part 35, which apply to all HPG rehabilitation activities.

**D. Civil Rights Requirements:** All grants made under this notice are subject to Title VI of the Civil Rights Act of 1964 as required by the USDA (7 CFR part 15, subpart A) and Section 504 of the Rehabilitation Act of 1973, Executive Order 13166 regarding Limited English Proficiency (LEP), and Executive Order 11246 regarding Equal Employment Opportunity.

**E. Non-Discrimination Statement:** In accordance with Federal civil rights laws and USDA civil rights regulations and policies, the USDA, its Mission Areas, agencies, staff offices, employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotope, American Sign Language)

should contact the responsible Mission Area, agency, or staff office; the USDA TARGET Center at (202) 720–2600 (voice and TTY); or the Federal Relay Service at (800) 877–8339.

To file a program discrimination complaint, a complainant should complete a Form AD–3027, *USDA Program Discrimination Complaint Form*, which can be obtained online at <https://www.usda.gov/sites/default/files/documents/usda-program-discrimination-complaint-form.pdf> from any USDA office, by calling (866) 632–9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD–3027 form or letter must be submitted 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; or

(2) *Fax:* (833) 256–1665 or (202) 690–7442; or

(3) *Email:* [program.intake@usda.gov](mailto:program.intake@usda.gov).

**Joaquin Altoro,**

*Administrator, Rural Housing Service.*

[FR Doc. 2022–11274 Filed 5–25–22; 8:45 am]

**BILLING CODE 3410–XV–P**

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[B–20–2022]

#### **Foreign-Trade Zone (FTZ) 46—Cincinnati, Ohio; Notification of Proposed Production Activity; Patheon Pharmaceuticals Inc. (Pharmaceutical Products), Cincinnati, Ohio**

Patheon Pharmaceuticals Inc. (Patheon) submitted a notification of proposed production activity to the FTZ Board (the Board) for its facilities in Cincinnati, Ohio, within Subzone 46K. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on May 19, 2022.

Pursuant to 15 CFR 400.14(b), FTZ production activity would be limited to the specific foreign-status material(s)/ component(s) and specific finished product(s) described in the submitted notification (summarized below) and subsequently authorized by the Board. The benefits that may stem from conducting production activity under

FTZ procedures are explained in the background section of the Board's website—accessible via [www.trade.gov/ftz](http://www.trade.gov/ftz).

The proposed finished products include anti-viral tablets (Nirmatrelvir Active Pharmaceutical Ingredient (API)), anti-viral tablets (Molnupiravir API), and insomnia treatment tablets (Suvorexant API) (duty free).

The proposed foreign-status materials and components include: Lactose monohydrate; colloidal silicon dioxide; magnesium stearate; sodium stearyl fumarate; Nirmatrelvir API; Molnupiravir API; Suvorexant API; color film coating formulations containing titanium dioxide (24–50%); desiccant bag (silica gel); crospovidone; croscarmellose sodium; microcrystalline cellulose; hydroxypropyl cellulose; tubing (silicone); pad (polyethylene foam); bags (made of polyethylene); drum (high density polyethylene); plastic pallets; drum (cardboard); wire seal—aluminum; plastic coated wire band; and, capsules (vegetable based vegan capsules) (duty rate ranges from duty-free to 6.5%). The request indicates that certain materials/ components are subject to duties under Section 301 of the Trade Act of 1974 (Section 301), depending on the country of origin. The applicable Section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: [ftz@trade.gov](mailto:ftz@trade.gov). The closing period for their receipt is July 5, 2022.

A copy of the notification will be available for public inspection in the "Online FTZ Information System" section of the Board's website.

For further information, contact Diane Finver at [Diane.Finver@trade.gov](mailto:Diane.Finver@trade.gov).

Dated: May 20, 2022.

**Elizabeth Whiteman,**

*Acting Executive Secretary.*

[FR Doc. 2022–11333 Filed 5–25–22; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

#### **Regulations and Procedures Technical Advisory Committee; Notice of Partially Closed Meeting**

The Regulations and Procedures Technical Advisory Committee will meet June 14, 2022, at 10:00 a.m., Eastern Standard Time, via teleconference. The Committee advises

the Office of the Assistant Secretary for Export Administration on implementation of the Export Administration Regulations (EAR) and provides for continuing review to update the EAR as needed.

## Agenda

### Public Session

1. Opening remarks by the Chairman
2. Opening remarks by the Bureau of Industry and Security
3. Presentation of papers or comments by the Public
4. Regulations Update
5. Working Group Reports
6. Automated Export System Update

### Closed Session

7. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. App. §§ 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference to participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at [Yvette.Springer@bis.doc.gov](mailto:Yvette.Springer@bis.doc.gov), no later than June 7, 2022.

To the extent that time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate the distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials prior to the meeting to Ms. Springer via email.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 14, 2022, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App. § 10(d)), that the portion of the meeting dealing with pre-decisional changes to the Commerce Control List and the U.S. export control policies shall be exempt from the provisions relating to public meetings found in 5 U.S.C. App. §§ 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public.

For more information, contact Yvette Springer via email.

## Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2022-11299 Filed 5-25-22; 8:45 am]

BILLING CODE 3510-JT-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-580-881]

#### Certain Cold-Rolled Steel Flat Products From the Republic of Korea: Notice of Court Decision Not in Harmony With Final Results, Notice of Amended Final Results of the Antidumping Duty Review

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

**SUMMARY:** On May 13, 2022, the U.S. Court of International Trade (the Court) issued a final judgment in *Hyundai Steel Co. et al. v. United States*, Court No. 19-00099, Slip. Op. 21-46 (*Hyundai II*), sustaining the U.S. Department of Commerce's (Commerce) redetermination pursuant to the remand pertaining to the administrative review of the antidumping duty order on certain cold-rolled steel flat products from the Republic of Korea. Commerce is notifying the public that the Court's final judgment in this case is not in harmony with Commerce's final results of the administrative review, published on May 24, 2019. Commerce is amending the final results with respect to the weighted-average dumping margin assigned to Hyundai Steel Company (Hyundai Steel) and has rescinded its review of one non-examined company.

**DATES:** Applicable May 13, 2022.

**FOR FURTHER INFORMATION CONTACT:** Michael J. Heaney, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-4475.

#### SUPPLEMENTARY INFORMATION:

#### Background

In the *Final Results*,<sup>1</sup> Commerce identified discrepancies between product codes and product specifications reported by Hyundai Steel for certain sales.<sup>2</sup> As a result, Commerce determined that Hyundai Steel had provided inconsistent product specification data for observations of certain U.S. sales within various control numbers.<sup>3</sup> Because of the inconsistent

<sup>1</sup> See *Certain Cold-Rolled Steel Flat Products from the Republic of Korea: Final Results of Antidumping Duty Administrative Review; 2016-2017*, 84 FR 24083 (May 24, 2019) (*Final Results*), and accompanying Issues and Decision Memorandum (IDM).

<sup>2</sup> *Id.* at Comment 2.

<sup>3</sup> See Memorandum, "Analysis for the Preliminary Results of the Antidumping Duty Administrative Review Certain Cold Rolled Steel

product specification information, Commerce also determined that it could not confirm that Hyundai Steel accurately reported control number fields for the sales corresponding with the observations in question and all other sales of the same control number. As a result, Commerce was unable to match the control numbers of the affected U.S. sales to the appropriate control numbers in the Korean home market.<sup>4</sup> Accordingly, in the *Preliminary Results* and *Final Results*, Commerce relied on facts available with an adverse inference (AFA) by applying the highest transaction-specific margin to the inconsistent sales observations of the affected control numbers created by Hyundai Steel.<sup>5</sup>

In *Hyundai I*, the Court remanded Commerce's reliance on AFA.<sup>6</sup> The Court held that the relevant statement in Commerce's June 18, 2018 supplemental questionnaire was "broadly drawn" and did not satisfy the notice requirement under section 782(d) of the Tariff Act of 1930, as amended (the Act), because Commerce "failed to identify the nature of the alleged 'deficiency' in {Hyundai Steel's} response with any specificity."<sup>7</sup> Further the Court explained that the word "accuracy" in the supplemental questionnaire did not alert Hyundai Steel that its specification data were deficient.<sup>8</sup> The Court also rejected the argument that Commerce's reliance on facts available in the immediately preceding investigation justified its use of facts available in the instant review.<sup>9</sup> Therefore, the Court ordered Commerce to identify the sales and control numbers containing a discrepancy between the product code and product specifications, to clearly describe the nature of the deficiency, to provide Hyundai Steel with an opportunity to remedy the deficiency, and to reconsider whether facts available is warranted.<sup>10</sup>

Based on *Hyundai I*, on June 2, 2021, we issued a supplemental questionnaire concerning Hyundai Steel's U.S. sales of products falling within the control

Flat Products from the Republic of Korea: Hyundai Steel Company," dated October 3, 2018 (Hyundai Steel Steel Preliminary Analysis Memorandum), at 5-6.

<sup>4</sup> See *Final Results* IDM at Comment 2.

<sup>5</sup> *Id.*; see also Hyundai Steel Preliminary Analysis Memorandum at 5-6.

<sup>6</sup> See *Hyundai Steel Co. et al. v. United States*, 518 F. Supp. 3d 1309, 1324-28, 1333 (CIT 2021) (*Hyundai I*).

<sup>7</sup> *Id.*, 518 F. Supp. 3d at 1326.

<sup>8</sup> *Id.*, 518 F. Supp. 3d at 1326-27.

<sup>9</sup> *Id.*, 518 F. Supp. 3d at 1327 (citing *Hyundai Steel Co. v. United States*, 319 F. Supp. 3d 1327 (CIT 2018); and *Hyundai Steel Co. v. United States*, 365 F. Supp. 3d 1294 (CIT 2019)).

<sup>10</sup> *Id.* at 1328, 1333.

numbers in question.<sup>11</sup> On June 16, 2021, Hyundai Steel filed its response to our supplemental questionnaire.<sup>12</sup> Based on Hyundai Steel’s response to Commerce’s Remand Supplemental Questionnaire, Commerce accepted the methodology that Hyundai Steel employed to report its sales by control number and no longer relied on AFA.

Additionally, in the underlying administrative review, the petitioners<sup>13</sup> requested a review of 16 companies, including “Company A,” an affiliate of Hyundai Steel.<sup>14</sup> Although the petitioners filed a timely withdrawal of their review request for certain companies, the petitioners did not include Company A in their withdrawal request.<sup>15</sup> In the *Preliminary Results*, Commerce assigned the all-others rate to Company A.<sup>16</sup> Subsequently, in a case brief, U.S. Steel for the first time requested that Commerce either rescind its review of Company A or collapse Company A with Hyundai Steel.<sup>17</sup> The petitioners’ request to withdraw the review for Company A was filed after the 90-day deadline established in 19 CFR 351.213(d)(1). In the *Final Results*, Commerce continued to apply the all-others rate to Company A, and we declined to rescind its review or to collapse the company with Hyundai Steel.<sup>18</sup> Commerce did, however,

determine that Company A was neither a producer nor an exporter of subject merchandise.<sup>19</sup>

In *Hyundai I*, the Court sustained Commerce’s determination that the petitioners’ request to rescind review of Company A was untimely.<sup>20</sup> The Court held that U.S. Steel failed to request an extension and did not satisfy the prerequisites for asking that Commerce rescind its review.<sup>21</sup> Nevertheless, the Court concluded that “assigning the all-others rate to a non-producer or exporter violated the {Act}.”<sup>22</sup> Specifically, although the petitioners had earlier identified Company A as an exporter or producer of subject merchandise, once Commerce determined that Company A was neither, the Court explained that Commerce “need not have waited for U.S. Steel to ask for rescission to find that it could not determine a rate for Company A.”<sup>23</sup> The Court further determined that the Act “does not empower Commerce to assign a rate to a freight company.”<sup>24</sup> Thus, the Court determined that U.S. Steel’s untimely rescission request was not consequential. Based on the foregoing, the Court directed Commerce to rescind its review with respect to Company A.<sup>25</sup>

On September 24, 2021, Commerce filed its *Redetermination*.<sup>26</sup> In the *Redetermination*, Commerce: (1) Accepted the control number reporting employed by Hyundai Steel and no longer relied on facts available with or without an adverse inference for transactions that Commerce had previously assigned AFA; and (2) rescinded review of Company A.<sup>27</sup>

On May 13, 2022, the Court sustained Commerce’s *Redetermination*, and entered a final judgment.<sup>28</sup>

**Timken Notice**

In its decision in *Timken*,<sup>29</sup> as clarified by *Diamond Sawblades*,<sup>30</sup> the

U.S. Court of Appeals for the Federal Circuit held that, pursuant to section 516A(e) of the Act, Commerce must publish a notice of a court decision not “in harmony” with a Commerce determination and must suspend liquidation of entries pending a “conclusive” court decision. The Court’s May 13, 2022 judgment sustaining the *Redetermination* constitutes a final decision of the Court that is not in harmony with Commerce’s *Final Results*. This notice is published in fulfillment of the publication requirement of *Timken*. Accordingly, Commerce will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal or, if appealed, pending a final and conclusive court decision.

**Amended Final Results**

Because there is now a final court decision, Commerce is amending the *Final Results* with respect to Hyundai Steel for the period March 7, 2016, through August 31, 2017. Commerce is also rescinding its review of Company A. The revised rate for Hyundai Steel is as follows:

Producer/exporter	Weighted average dumping margin (percent)
Hyundai Steel .....	1.82

**Cash Deposit Requirements**

Because Commerce has issued results for Hyundai Steel for periods subsequent to the instant March 7, 2016, through August 31, 2017 period of review,<sup>31</sup> the cash deposit rate for Hyundai Steel is unchanged as a result of this *Timken Notice*.

**Notification to Interested Parties**

This notice is issued and published in accordance with sections 516(A)(e), 751(a)(1), and 777(i)(1) of the Act.

Dated: May 20, 2022.

**Lisa W. Wang,**

*Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2022–11338 Filed 5–25–22; 8:45 am]

**BILLING CODE 3510–DS–P**

<sup>31</sup> See, e.g., *Certain Cold-Rolled Steel Flat Products from the Republic of Korea: Final Results of Antidumping Duty Administrative Review; 2019–2020*, 87 FR 15371 (March 18, 2022).

<sup>11</sup> See Commerce’s Letter, “Request for Additional Information: Hyundai Steel v. United States Slip Op. 21–47, Court No 19–00099,” dated June 2, 2021 (Remand Supplemental Questionnaire).

<sup>12</sup> See Hyundai Steel’s Letter, “Remand Order of the United States Court of International Trade in Hyundai Steel Co. et al. v. United States (Court No. 19–00099): Hyundai Steel Company’s Supplemental Questionnaire Response,” dated June 16, 2021 (Hyundai Steel Remand Supplemental Response).

<sup>13</sup> The petitioners in this proceeding are ArcelorMittal USA LLC; AK Steel Corporation; Nucor Corporation; Steel Dynamics, Inc.; and United States Steel Corporation (U.S. Steel) (collectively, petitioners).

<sup>14</sup> See Petitioners’ Letter, “Cold-Rolled Steel Flat Products from the Republic of Korea—Petitioners’ Request for Administrative Review,” dated October 2, 2017. Company A is identified on the record. See Petitioners’ Letter, “Case Brief to United States Steel Corporation, ArcelorMittal USA, Nucor Corporation, and AK Steel Corporation,” dated November 20, 2018 (Petitioners’ Case Brief); and Hyundai Steel’s Letter, “Rebuttal Brief of Hyundai Steel Company,” dated November 28, 2018.

<sup>15</sup> See Petitioners’ Letter, “Cold-Rolled Steel Flat Products from the Republic of Korea—Petitioners’ Partial Withdrawal of Administrative Review Request,” dated February 14, 2018.

<sup>16</sup> See *Certain Cold Rolled Steel Flat Products from the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review and Partial Rescission of Review; 2016–2017*, 83 FR 51661, 51662 (October 12, 2018) (*Preliminary Results*).

<sup>17</sup> See Petitioners’ Case Brief at 2–7.

<sup>18</sup> See *Final Results* IDM at Comment 8.

<sup>19</sup> *Id.*

<sup>20</sup> See *Hyundai I*, 518 F. Supp. 3d at 1331.

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*, 518 F. Supp. 3d at 1332.

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*, 518 F. Supp. 3d at 1333.

<sup>26</sup> See *Hyundai Steel Co., et al. v. United States*, Court No. 19–00099, Slip. Op. 21–47 (CIT April 27, 2021), *Final Results of Redetermination Pursuant to Court Remand*, dated September 24, 2021 (*Redetermination*).

<sup>27</sup> *Id.*

<sup>28</sup> See *Hyundai Steel Co. et al. v. United States*, Court No. 19–00099, Slip. Op. 22–46 (CIT May 13, 2022) (*Hyundai II*).

<sup>29</sup> See *Timken Co. v. United States*, 893 F.2d 337, 341 (Fed. Cir. 1990) (*Timken*).

<sup>30</sup> See *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

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

[RTID 0648–XC062]

**Endangered Species; File No. 19496**

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

**ACTION:** Notice; receipt of application for a permit modification.

**SUMMARY:** Notice is hereby given that Mariana Fuentes, Ph.D., Florida State University, 3263 Foley Drive, Tallahassee, FL 32309, has applied in due form for a modification to take green (*Chelonia mydas*), hawksbill (*Eretmochelys imbricata*), Kemp's ridley (*Lepidochelys kempii*), and loggerhead (*Caretta caretta*) sea turtles for purposes of scientific research.

**DATES:** Written, telefaxed, or email comments must be received on or before June 27, 2022.

**ADDRESSES:** The application and related documents are available for review by selecting "Records Open for Public Comment" from the "Features" box on the Applications and Permits for Protected Species (APPS) home page, <https://apps.nmfs.noaa.gov>, and then selecting File No. 19496 Mod 10 from the list of available applications. These documents are also available upon written request via email to [NMFS.Pr1Comments@noaa.gov](mailto:NMFS.Pr1Comments@noaa.gov).

Written comments on this application should be submitted via email to [NMFS.Pr1Comments@noaa.gov](mailto:NMFS.Pr1Comments@noaa.gov). Please include File No. 19496 in the subject line of the email comment.

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

**FOR FURTHER INFORMATION CONTACT:** Erin Markin or Amy Hapeman, (301) 427–8401.

**SUPPLEMENTARY INFORMATION:** The subject modification is requested under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

Mariana Fuentes, Ph.D., Florida State University, 3263 Foley Drive, Tallahassee, FL 32309, proposes to modify Permit No. 19496–04. The permit, originally issued on June 16, 2016 (81 FR 43589, July 5, 2016), and

modified on June 5, 2018 (83 FR 34116, July 19, 2018), authorizes researchers to identify important foraging and developmental habitats of sea turtles in Florida. Researchers may capture sea turtles by hand or dip, strike, or tangle nets, tag, biologically sample, photograph, video record, measure, and weigh, prior to release. The permit holder requests authorization to (1) expand the study location in the Florida Big Bend region from Hernando Beach to the southern end of Marco Island, (2) add animal-borne cameras as an instrument for studying Kemp's ridley and green sea turtles, (3) increase the subset of green (from 10 to 50) and Kemp's ridley (from 10 to 30) sea turtles annually that may receive a satellite tag or animal-borne camera, and (4) increase the number of loggerhead (from 10 to 50) sea turtles that may receive a satellite tag or animal-borne camera. The total number of green and Kemp's ridley sea turtles that may be captured, handled, and released annually would not change, 245 and 195, respectively. The total number of loggerhead sea turtles that may be captured, handled, and released annually would change from 55 to 95. The permit is valid through September 30, 2025.

Dated: May 20, 2022.

**Amy Sloan,**

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

[FR Doc. 2022–11293 Filed 5–25–22; 8:45 am]

**BILLING CODE P**

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

[RTID 0648–XB985]

**Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Pier 58 Reconstruction and Pier 63 Removal Projects in Seattle, Washington**

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

**ACTION:** Notice; issuance of incidental harassment authorizations (IHAs).

**SUMMARY:** In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued two IHAs to the City of Seattle (City) to incidentally harass marine mammals during in-water construction activities associated with the Pier 58 Reconstruction Project and

Pier 63 Removal Project in Seattle, Washington.

**DATES:** Both IHAs are valid from August 1, 2022 through July 31, 2023.

**FOR FURTHER INFORMATION CONTACT:** Amy Fowler, Office of Protected Resources, NMFS, (301) 427–8401. Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities>. In case of problems accessing these documents, please call the contact listed above.

**SUPPLEMENTARY INFORMATION:****Background**

The MMPA prohibits the "take" of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are proposed or, if the taking is limited to harassment, a notice of a proposed IHA is provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other "means of effecting the least practicable adverse impact" on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stocks for taking for certain subsistence uses (referred to in shorthand as "mitigation"); and requirements pertaining to the mitigation, monitoring and reporting of the takings are set forth. The definitions of all applicable MMPA statutory terms cited above are included in the relevant sections below.

**Summary of Request**

On July 21, 2021, NMFS received two requests from the City for an IHA to take marine mammals incidental to the Pier 63 Removal Project and, separately, the Pier 58 Reconstruction Project on the waterfront in downtown Seattle,



Washington. The City submitted revised applications for each project on September 29, 2021 and January 3, 2022. Both applications were deemed adequate and complete on January 26, 2022. The City’s request is for take of a small number of 11 species of marine mammals, by Level B harassment only for the Pier 63 Removal Project, and by Level A harassment and Level B harassment for the Pier 58 Reconstruction Project. Neither the City nor NMFS expects serious injury or mortality to result from these activities and, therefore, IHAs are appropriate.

**Description of Planned Activity**

*Overview*

The City submitted an individual IHA application for each project. However, given the City applied for both projects concurrently, the projects’ close proximity to each other, and similarities

in the planned activities and potential impacts on marine mammals, NMFS is using this single **Federal Register** notice to announce the issuance of the two similar, but separate, IHAs.

The City plans to reconstruct Waterfront Park along the Elliott Bay shoreline in Seattle, Washington. When replaced, Waterfront Park will be renamed Pier 58 in reference to the original structure and to avoid confusion with the larger waterfront park promenade that will be reconstructed along Alaskan Way. The project includes vibratory removal of existing in-water piles and vibratory and impact installation of new piles to support the expanded overwater structure (Table 1). A total of 31 existing steel H-piles and timber piles will be removed in whole, wherever possible, by pulling the piles using a vibratory extraction method or clamshell bucket. Once all existing piles have been

removed, the City will begin the reconstruction by using a vibratory hammer to install 100 24-inch steel pipe template piles, which will all subsequently be removed using the same vibratory hammer. The City will then install a total of 120 permanent 30-inch steel pipe piles using a vibratory hammer, followed by an impact hammer to “proof” the pilings to their maximum depth and load-bearing capacity. The City does not plan to conduct pile driving with multiple hammers concurrently. Funding for this project has been secured and the City expects Pier 58 reconstruction (including above-water construction that does not have the potential to take marine mammals) to take a little over a year to complete, from August 2022 to December 2023, with a total of 70 days of in-water work expected during the designated window.

TABLE 1—SUMMARY OF PILES TO BE INSTALLED AND REMOVED AT PIER 58

Pile type and size	Method	Number of piles	Maximum piles per day	Duration or strikes per pile	Maximum days of pile driving
Steel H-pile, 14-inch timber pile .....	Vibratory removal .....	31	20	20 minutes ...	10
24-inch steel pipe pile .....	Vibratory installation ...	<sup>a</sup> 100	10	15 minutes ...	10
24-inch steel pipe pile .....	Vibratory removal .....	<sup>a</sup> 100	10	5 minutes .....	10
30-inch steel pipe pile .....	Vibratory installation ...	<sup>b</sup> 120	4	45 minutes ...	<sup>c</sup> 40
30-inch steel pipe pile .....	Impact installation .....	<sup>c</sup> 120	3	400 strikes ...	<sup>a</sup> 40
Total .....	Vibratory and impact ...	251	.....	.....	70

<sup>a</sup> These same 100 piles will be installed and later removed.

<sup>b</sup> These same 120 piles will be installed first using a vibratory hammer, than finished with an impact hammer.

<sup>c</sup> Vibratory and impact installation of 30-inch piles will occur on the same 40 days.

The City also plans to remove Pier 63 from the downtown Seattle waterfront. The structural integrity of the pier has been deteriorated and the pier has been closed to the public for safety. Removing Pier 63 will leave the nearshore environment open for improved ecosystem function and salmonid migration. The project includes vibratory removal of existing in-water piles; no plans have been made to reconstruct Pier 63, therefore no new

piles will be installed (Table 1). The City plans to demolish and remove the existing pier (with a total over-water area of 35,108 square feet), including removal of 900 14-inch timber piles and 8 30-inch steel pipe piles. Pier 63 will be removed during one in-water work season, with a total of 47 days of in-water work expected. If funding for Pier 63 removal is not authorized to allow the planned work to occur during the effective dates of the IHA (August 1,

2022 through July 31, 2023), the City will request the IHA be reissued for the following year, as discussed in the **Federal Register** notice of the proposed IHAs (87 FR 12089; March 3, 2022). Due to this possibility, the analysis that follows for the Pier 63 Removal Project considers possible effects on marine mammals during either the August 2022 through July 2023 period or the August 2023 through July 2024 period, based on the current best available science.

TABLE 2—SUMMARY OF PILES TO BE REMOVED AT PIER 63

Pile type	Number of piles	Maximum piles removed per day	Duration per pile (minutes)	Maximum days of pile removal
14-inch timber pile .....	900	20	20	45
30-inch steel pipe pile .....	8	4	45	2

A detailed description of the planned activities is provided in the **Federal Register** notice of the proposed IHAs (87 FR 12089; March 3, 2022). Since that time, no changes have been made to the

planned activities. Therefore, a detailed description is not provided here. Please refer to that **Federal Register** notice for descriptions of the specific activities. Mitigation, monitoring, and reporting

measures are described in detail later in this document (please see Mitigation and Monitoring and Reporting sections).

## Comments and Responses

A notice of NMFS's proposal to issue two IHAs to the City was published in the **Federal Register** on March 3, 2022 (87 FR 12089). That notice described, in detail, the City's activities, the marine mammal species that may be affected by the activities, and the anticipated effects on marine mammals. In that notice, we requested public input on the request for authorization described therein, our analyses, the proposed authorization, and any other aspect of the notice of proposed IHA, and requested that interested persons submit relevant information, suggestions, and comments. This proposed notice was available for a 30-day public comment period. During the public comment period, NMFS received no public comments.

## Changes From the Proposed IHA to Final IHA

On March 28, 2022, after NMFS published the notice of proposed IHAs, the City submitted a letter to NMFS, withdrawing their request for take of Southern Resident killer whales (SRKW; *Orcinus orca*) and humpback whales (*Megaptera novaeangliae*). The City explained that it had initially included the request for incidental take coverage of SRKW in their IHA applications as a conservative approach, but had since reconsidered the expected effectiveness of proposed mitigation and monitoring measures. The City reviewed monitoring results from past projects along the Seattle Waterfront and the sightings reports of SRKW and humpback whales compiled by Orca Network. The City also proposed to increase its mitigation efforts to ensure that any SRKW or humpback whales in the general area of the projects would be immediately detected. In addition, the proposed mitigation measure to implement shutdown measures for SRKW has been expanded to apply also to humpback whales, such that if any humpback whale is sighted within the vicinity of the project areas and is approaching the Level B harassment zone, the City would shut down the pile driving equipment to avoid possible take. With this new information and additional mitigation, in conjunction with the previously proposed mitigation and monitoring, the City determined, and NMFS concurs, that incidental take of these two stocks is unlikely to occur.

Monitoring results from recent similar in-water construction projects with similar Level B harassment zones, such as the City's Pier 62 Restoration Project (Anchor QEA 2019) indicate that protected species observers (PSOs) were

able to detect SRKW and humpback whales outside the Level B harassment zone. In the City's Pier 62 Restoration IHA (83 FR 39709; August 10, 2018), SRKW and humpback whales were first observed when outside of the Level B harassment zone. But because incidental take was authorized, the pile driving equipment was not required to be shut down when these species were detected. If shutdown for the Level B harassment zone had been included in that IHA, the City would have been able to cease pile driving and avoid all take of SRKW and humpback whales. Similarly, IHAs issued to the Washington State Department of Transportation (WSDOT) for in-water pile driving activities at the Seattle Ferry Terminal (Pier 52) since 2017 have authorized incidental take of humpback whales, but have included the requirement to shut down pile driving equipment prior to SRKW entering the Level B harassment zone (e.g., 86 FR 38686; July 22, 2021). Over the course of 5 in-water work seasons, WSDOT has recorded observations of SRKW in the project area but has successfully implemented the required mitigation measure and reported no take of SRKW (WSDOT 2022).

PSOs for the Pier 58 Reconstruction and Pier 63 Removal projects will be stationed with views that extend beyond the Level B harassment zone, providing an opportunity for PSOs to detect SRKW and humpback whales outside of the Level B harassment zone and notify the contractor to cease pile driving activities before Level B harassment occurs. PSOs will also notify the contractor to delay the start of pile driving if these species are present. During emergency in-water demolition work at Waterfront Park between October 2020 and February 2021, PSOs were stationed at the same locations as those designated for the Pier 58 Reconstruction and Pier 63 Removal projects. The PSOs observed SRKW outside the Level B harassment zone (equivalent to the largest Level B harassment zone for the two Pier 58 and Pier 63 IHAs; see Estimated Take section) and were able to coordinate with the contractor to halt pile driving in advance of SRKW entering the harassment zone (Anchor QEA, 2021). Observations of that same group of SRKW were also reported by Orca Network as the pod traveled through Puget Sound.

Contacting, it is most likely that any occurrence of SRKW or humpback whales in Central Puget Sound will be reported to and distributed by Orca Network, and these reports will then be obtained by the PSOs employed for both projects (see below for the required frequency of PSOs obtaining reports

from Orca Network) before the animals are within the Level B harassment zones for the Pier 58 and Pier 63 projects.

To obtain more real-time sightings reports of SRKW and humpback whales to even further increase the likelihood that both species will be detected before they enter the Level B harassment zone, the City proposed increasing the frequency that PSOs will contact Orca Network from what was included in the proposed IHAs (87 FR 12089; March 3, 2022). The proposed IHAs included requirements for PSOs to contact Orca Network to obtain sightings reports of marine mammals in central Puget Sound twice each day, once prior to the start of in-water work for the day, and again at the approximate mid-point of construction each day. The City amended this process such that PSOs will now contact Orca Network hourly, which will increase the likelihood that PSOs will be aware of reported sightings of SRKW and humpback whales in central Puget Sound, and be able to detect these species outside the Level B harassment zone and initiate equipment shutdowns to prevent take from occurring.

NMFS has reviewed the new information, in addition to considering the effect of the updated mitigation measures of requiring shutdown if humpback whales are sighted within the vicinity of the project areas and approaching the Level B harassment zone as well as requiring PSOs to contact Orca Network hourly for the most recent location information of SRKW and humpback whales. Although NMFS previously accepted that it was possible for a small number of SRKW to enter the Level B harassment zone undetected and proposed a small amount of Level B harassment for both SRKW and humpback whales, NMFS now concurs with the City's assessment that any take of SRKW and humpback whales is unlikely to occur, and has incorporated the new mitigation measures into the final IHAs. Accordingly, the final IHAs do not authorize incidental take of SRKW or humpback whales.

## Description of Marine Mammals in the Area of Specified Activities

Sections 3 and 4 of the City's applications summarize available information regarding status and trends, distribution and habitat preferences, and behavior and life history of the potentially affected species. NMFS fully considered all of this information, and we refer the reader to these descriptions, incorporated here by reference, instead of reprinting the information. Additional information regarding

population trends and threats may be found in NMFS' Stock Assessment Reports (SARs; [www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments](http://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments)) and more general information about these species (e.g., physical and behavioral descriptions) may be found on NMFS' website (<https://www.fisheries.noaa.gov/find-species>).

Table 3 lists all species or stocks for which take is expected and authorized for the City's activities, and summarizes information related to the population or stock, including regulatory status under the MMPA and Endangered Species Act (ESA) and potential biological removal (PBR), where known. PBR is defined by

the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population (as described in NMFS' SARs). While no serious injury or mortality is anticipated or authorized here, PBR and annual serious injury and mortality from anthropogenic sources are included here as gross indicators of the status of the species and other threats.

Marine mammal abundance estimates presented in this document represent the total number of individuals that make up a given stock or the total number estimated within a particular

study or survey area. NMFS' stock abundance estimates for most species represent the total estimate of individuals within the geographic area, if known, that comprises that stock. For some species, this geographic area may extend beyond U.S. waters. All values for each managed stock presented in Table 3 are the most recent available at the time of publication and are available in the 2020 SARs (Carretta *et al.*, 2021, Muto *et al.*, 2021) and draft 2021 SARs (available online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/draft-marine-mammal-stock-assessment-reports>).

TABLE 3—MARINE MAMMALS THAT COULD OCCUR IN THE PROJECT AREA

Common name	Scientific name	Stock	ESA/MMPA status; strategic (Y/N) <sup>1</sup>	Stock abundance (CV, N <sub>min</sub> , most recent abundance survey) <sup>2</sup>	PBR	Annual M/SI <sup>3</sup>
<b>Order Cetartiodactyla—Cetacea—Superfamily Mysticeti (baleen whales)</b>						
<b>Family Eschrichtiidae:</b>						
Gray whale .....	<i>Eschrichtius robustus</i> .....	Eastern N Pacific .....	- , - , N	26,960 (0.05, 25,849, 2016) ..	801	131
<b>Family Balaenopteridae (rorquals):</b>						
Minke whale .....	<i>Balaenoptera acutorostrata</i> ....	California/Oregon/Washington	- , - , N	915 (0.792, 509, 2018) .....	4.1	≥0.59
<b>Superfamily Odontoceti (toothed whales, dolphins, and porpoises)</b>						
<b>Family Delphinidae:</b>						
Long Beaked Common Dolphin .....	<i>Delphinus capensis</i> .....	California .....	- , - , N	83,379 (0.216, 69,636, 2018)	668	≥29.7
Bottlenose Dolphin .....	<i>Tursiops truncatus</i> .....	California Coastal .....	- , - , N	453 (0.06, 346, 2011) .....	2.7	≥2.0
Killer Whale .....	<i>Orcinus orca</i> .....	West Coast Transient .....	- , - , N	4349 (N/A, 349, 2018) .....	3.5	0.4
<b>Family Phocoenidae (porpoises):</b>						
Harbor Porpoise .....	<i>Phocoena phocoena</i> .....	Washington Inland Waters .....	- , - , N	11,233 (0.37, 8,308, 2015) ....	66	≥7.2
Dall's Porpoise .....	<i>Phocoenoides dalli</i> .....	California/Oregon/Washington	- , - , N	16,498 (0.61, 10,286, 2019) ..	99	≥0.66
<b>Order Carnivora—Superfamily Pinnipedia</b>						
<b>Family Otariidae (eared seals and sea lions):</b>						
California Sea Lion .....	<i>Zalophus californianus</i> .....	U.S. .....	- , - , N	257,606 (N/A, 233,515, 2014)	14,011	>320
Steller Sea Lion .....	<i>Eumetopias jubatus</i> .....	Eastern .....	- , - , N	<sup>5</sup> 43,201 (see SAR, 43,201, 2017).	2,592	112
<b>Family Phocidae (earless seals):</b>						
Harbor Seal .....	<i>Phoca vitulina</i> .....	Washington Northern Inland Waters.	- , - , N	<sup>6</sup> 11,036 (UNK, UNK, 1999) ...	UND	9.8
Northern Elephant Seal ....	<i>Mirounga angustirostris</i> .....	California Breeding .....	- , - , N	187,386 (N/A, 85,369, 2013)	5,122	13.7

<sup>1</sup> ESA status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

<sup>2</sup> NMFS marine mammal stock assessment reports online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports-region>. CV is coefficient of variation; N<sub>min</sub> is the minimum estimate of stock abundance.

<sup>3</sup> These values, found in NMFS's SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (e.g., commercial fisheries, ship strike). Annual mortality/serious injury (M/SI) often cannot be determined precisely and is in some cases presented as a minimum value or range.

<sup>4</sup> Based on counts of individual animals identified from photo-identification catalogues. Surveys for abundance estimates of these stocks are conducted infrequently.

<sup>5</sup> Best estimate of pup and non-pup counts, which have not been corrected to account for animals at sea during abundance surveys.

<sup>6</sup> The abundance estimate for this stock is greater than eight years old and is therefore not considered current. PBR is considered undetermined for this stock, as there is no current minimum abundance estimate for use in calculation. We nevertheless present the most recent abundance estimates, as these represent the best available information for use in this document.

As indicated above, all 11 species (with 11 managed stocks) in Table 3 temporally and spatially co-occur with the activities to the degree that take is reasonably likely to occur. The Pacific white-sided dolphin (*Lagenorhynchus*

*obliquidens*) is a rare visitor to the inland waters of Puget Sound (Orca Network, 2021). However, they have not been observed during recent marine mammal monitoring for projects in Elliott Bay (e.g., WSDOT 2021; Anchor

QEA 2019) and are considered unlikely to occur in the area during the City's planned activities. The City has not requested take of Pacific white-sided dolphins for either project and NMFS does not anticipate or authorize take of

this species. Therefore, Pacific white-sided dolphins are not discussed further in this document. Additionally, as described above in the Changes from the Proposed IHA to Final IHA section of this notice, SRKW and humpback whales also occur in the inland waters of Puget Sound and take of these species was included in the proposed IHAs (87 FR 12089; March 3, 2022). However, in consideration of the City’s amended request and the requirements described in the Mitigation and Monitoring and Reporting sections of this notice, NMFS has determined that take of these species is unlikely to occur and has not authorized take of SRKW and humpback whales.

A detailed description of the species likely to be affected by the City’s activities, including information regarding population trends and threats, and information regarding local occurrence, were provided in the **Federal Register** notice for the proposed IHAs (87 FR 12089; March 3, 2022).

Since that time, we are not aware of any changes in this information or the status of these species and stocks; therefore, detailed descriptions are not provided here. Please refer to that **Federal Register** notice for those descriptions. Please also refer to NMFS’s website (<https://www.fisheries.noaa.gov/find-species>) for generalized species accounts.

*Marine Mammal Hearing*

Hearing is the most important sensory modality for marine mammals underwater, and exposure to anthropogenic sound can have deleterious effects. To appropriately assess the potential effects of exposure to sound, it is necessary to understand the frequency ranges marine mammals are able to hear. Current data indicate that not all marine mammal species have equal hearing capabilities (e.g., Richardson *et al.*, 1995; Wartzok and Ketten, 1999; Au and Hastings, 2008). To reflect this, Southall *et al.* (2007)

recommended that marine mammals be divided into functional hearing groups based on directly measured or estimated hearing ranges on the basis of available behavioral response data, audiograms derived using auditory evoked potential techniques, anatomical modeling, and other data. Note that no direct measurements of hearing ability have been successfully completed for mysticetes (i.e., low-frequency cetaceans). Subsequently, NMFS (2018) described generalized hearing ranges for these marine mammal hearing groups. Generalized hearing ranges were chosen based on the approximately 65 decibel (dB) threshold from the normalized composite audiograms, with the exception for lower limits for low-frequency cetaceans where the lower bound was deemed to be biologically implausible and the lower bound from Southall *et al.* (2007) retained. Marine mammal hearing groups and their associated hearing ranges are provided in Table 4.

TABLE 4—MARINE MAMMAL HEARING GROUPS [NMFS, 2018]

Hearing group	Generalized hearing range*
Low-frequency (LF) cetaceans (baleen whales)	7 Hz to 35 kHz.
Mid-frequency (MF) cetaceans (dolphins, toothed whales, beaked whales, bottlenose whales)	150 Hz to 160 kHz.
High-frequency (HF) cetaceans (true porpoises, <i>Kogia</i> , river dolphins, cephalorhynchids, <i>Lagenorhynchus cruciger</i> & <i>L. australis</i> ).	275 Hz to 160 kHz.
Phocid pinnipeds (PW) (underwater) (true seals)	50 Hz to 86 kHz.
Otariid pinnipeds (OW) (underwater) (sea lions and fur seals)	60 Hz to 39 kHz.

\* Represents the generalized hearing range for the entire group as a composite (i.e., all species within the group), where individual species’ hearing ranges are typically not as broad. Generalized hearing range chosen based on ~65 dB threshold from normalized composite audiogram, with the exception for lower limits for LF cetaceans (Southall *et al.* 2007) and PW pinnipeds (approximation).

The pinniped functional hearing group was modified from Southall *et al.* (2007) on the basis of data indicating that phocid species have consistently demonstrated an extended frequency range of hearing compared to otariids, especially in the higher frequency range (Hemilä *et al.*, 2006; Kastelein *et al.*, 2009; Reichmuth and Holt, 2013).

For more detail concerning these groups and associated frequency ranges, please see NMFS (2018) for a review of available information.

**Potential Effects of Specified Activities on Marine Mammals and Their Habitat**

The effects of underwater noise from the City’s construction activities have the potential to result in Level A and Level B harassment of marine mammals in the vicinity of the project area. The notice of proposed IHAs (87 FR 12089; March 3, 2022) included a discussion of the effects of anthropogenic noise on marine mammals and the potential

effects of underwater noise from the City’s construction activities on marine mammals and their habitat. That information and analysis is incorporated by reference into the final determinations for the IHAs and is not repeated here; please refer to the notice of proposed IHAs (87 FR 12089; March 3, 2022).

The Estimated Take section includes a quantitative analysis of the number of individuals that are expected to be taken by this activity. The Negligible Impact Analysis and Determination section considers the content of this section, the Estimated Take section, and the Mitigation section, to draw conclusions regarding the likely impacts of these activities on the reproductive success or survivorship of individuals and whether those impacts are reasonably expected to, or reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

**Estimated Take**

This section provides an estimate of the number of incidental takes authorized through this IHA, which will inform both NMFS’ consideration of “small numbers” and the negligible impact determinations.

Harassment is the only type of take expected to result from these activities. Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines “harassment” as any act of pursuit, torment, or annoyance, which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Authorized takes are primarily by Level B harassment (in the form of

behavioral disturbance and temporary threshold shift (TTS)), as use of the acoustic sources (*i.e.*, vibratory or impact pile driving and removal) have the potential to result in disruption of behavioral patterns and cause a temporary loss in hearing sensitivity for individual marine mammals. There is also some potential for auditory injury (Level A harassment) to result for porpoises and harbor seals because predicted auditory injury zones are larger than for other hearing groups. The required mitigation and monitoring measures are expected to minimize the severity of the taking to the extent practicable.

As described previously, no serious injury or mortality is anticipated or authorized for this activity. Below we describe how the authorized take numbers are estimated.

For acoustic impacts, generally speaking, we estimate take by considering: (1) Acoustic thresholds above which NMFS believes the best available science indicates marine mammals will be behaviorally harassed or incur some degree of permanent hearing impairment; (2) the area or volume of water that will be ensonified above these levels in a day; (3) the density or occurrence of marine mammals within these ensonified areas; and, (4) the number of days of activities. We note that while these factors can contribute to a basic calculation to provide an initial prediction of potential takes, additional information that can qualitatively inform take estimates is also sometimes available (*e.g.*, previous monitoring results or average group size). Below, we describe the factors

considered here in more detail and present the authorized take estimates.

*Acoustic Thresholds*

NMFS recommends the use of acoustic thresholds that identify the received level of underwater sound above which exposed marine mammals would be reasonably expected to be behaviorally harassed (equated to Level B harassment) or to incur permanent threshold shift (PTS) of some degree (equated to Level A harassment).

*Level B Harassment*—Though significantly driven by received level, the onset of behavioral disturbance from anthropogenic noise exposure is also informed to varying degrees by other factors related to the source or exposure context (*e.g.*, frequency, predictability, duty cycle, duration of the exposure, signal-to-noise ratio, distance to the source), the environment (*e.g.*, bathymetry, other noises in the area, predators in the area), and the receiving animals (hearing, motivation, experience, demography, life stage, depth) and can be difficult to predict (*e.g.*, Southall *et al.*, 2007, 2021, Ellison *et al.*, 2012). Based on what the available science indicates and the practical need to use a threshold based on a metric that is both predictable and measurable for most activities, NMFS typically uses a generalized acoustic threshold based on received level to estimate the onset of behavioral harassment. NMFS generally predicts that marine mammals are likely to be behaviorally harassed in a manner considered to be Level B harassment when exposed to underwater anthropogenic noise above root-mean-squared pressure received levels (RMS

SPL) of 120 dB (referenced to 1 micropascal (re 1  $\mu$ Pa)) for continuous (*e.g.*, vibratory pile-driving, drilling) and above RMS SPL of 160 dB re 1  $\mu$ Pa for non-explosive impulsive (*e.g.*, seismic airguns) or intermittent (*e.g.*, scientific sonar) sources. This take estimation includes disruption of behavioral patterns resulting directly in response to noise exposure (*e.g.*, avoidance), as well as that resulting indirectly from associated impacts such as TTS or masking.

The City’s planned activities include the use of continuous (vibratory hammer) and impulsive (impact hammer) sources, and therefore the 120 and 160 dB re 1  $\mu$ Pa (rms) thresholds are applicable.

*Level A harassment*—NMFS’ Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Version 2.0) (Technical Guidance, 2018) identifies dual criteria to assess auditory injury (Level A harassment) to five different marine mammal groups (based on hearing sensitivity) as a result of exposure to noise from two different types of sources (impulsive or non-impulsive). The City’s activities include the use of impulsive (impact hammer) and non-impulsive (vibratory hammer) sources.

These thresholds are provided in the table below. The references, analysis, and methodology used in the development of the thresholds are described in NMFS’ 2018 Technical Guidance, which may be accessed at: [www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance](http://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance).

TABLE 5—THRESHOLDS IDENTIFYING THE ONSET OF PERMANENT THRESHOLD SHIFT

Hearing group	PTS onset thresholds* (received level)	
	Impulsive	Non-impulsive
Low-Frequency (LF) Cetaceans .....	<i>Cell 1:</i> $L_{p,0-pk,flat}$ : 219 dB; $L_{E,p,LF,24h}$ : 1183 dB .....	<i>Cell 2:</i> $L_{E,p,LF,24h}$ : 199 dB.
Mid-Frequency (MF) Cetaceans .....	<i>Cell 3:</i> $L_{p,0-pk,flat}$ : 230 dB; $L_{E,p,MF,24h}$ : 1185 dB .....	<i>Cell 4:</i> $L_{E,p,MF,24h}$ : 198 dB.
High-Frequency (HF) Cetaceans .....	<i>Cell 5:</i> $L_{p,0-pk,flat}$ : 202 dB; $L_{E,p,HF,24h}$ : 155 dB .....	<i>Cell 6:</i> $L_{E,p,HF,24h}$ : 173 dB.
Phocid Pinnipeds (PW) (Underwater) .....	<i>Cell 7:</i> $L_{p,0-pk,flat}$ : 218 dB; $L_{E,p,PW,24h}$ : 1185 dB .....	<i>Cell 8:</i> $L_{E,p,PW,24h}$ : 201 dB.
Otariid Pinnipeds (OW) (Underwater) .....	<i>Cell 9:</i> $L_{p,0-pk,flat}$ : 232 dB; $L_{E,p,OW,24h}$ : 203 dB .....	<i>Cell 10:</i> $L_{E,p,OW,24h}$ : 219 dB.

\* Dual metric thresholds for impulsive sounds: Use whichever results in the largest isopleth for calculating PTS onset. If a non-impulsive sound has the potential of exceeding the peak sound pressure level thresholds associated with impulsive sounds, these thresholds are recommended for consideration.

**Note:** Peak sound pressure level ( $L_{p,0-pk}$ ) has a reference value of 1  $\mu$ Pa, and weighted cumulative sound exposure level ( $L_{E,p}$ ) has a reference value of 1  $\mu$ Pa<sup>2</sup>s. In this Table, thresholds are abbreviated to be more reflective of International Organization for Standardization standards (ISO 2017). The subscript “flat” is being included to indicate peak sound pressure are flat weighted or unweighted within the generalized hearing range of marine mammals (*i.e.*, 7 Hz to 160 kHz). The subscript associated with cumulative sound exposure level thresholds indicates the designated marine mammal auditory weighting function (LF, MF, and HF cetaceans, and PW and OW pinnipeds) and that the recommended accumulation period is 24 hours. The weighted cumulative sound exposure level thresholds could be exceeded in a multitude of ways (*i.e.*, varying exposure levels and durations, duty cycle). When possible, it is valuable for action proponents to indicate the conditions under which these thresholds will be exceeded.

*Ensonified Area*

Here, we describe operational and environmental parameters of the activity that are used in estimating the area ensonified above the acoustic thresholds, including source levels and transmission loss coefficient.

The sound field in the project areas is the existing background noise plus additional construction noise from the planned projects. Marine mammals are expected to be affected by sound generated by the primary components of the project (*i.e.*, impact and vibratory pile driving).

In order to calculate distances to the Level A harassment and Level B harassment thresholds for the methods and piles being used in this project, NMFS used acoustic monitoring data from other locations to develop source levels for the various pile types, sizes, and methods for the two piers (Tables 6 and 7).

TABLE 6—PIER 58 PROJECT SOUND SOURCE LEVELS

Pile type and size (in)	Method	Source level (dB re 1 $\mu$ Pa)	Reference
14-in timber, steel H-piles .....	Vibratory removal .....	152 dB rms .....	Greenbusch Group (2018).
24-in steel pipe pile .....	Vibratory removal and installation .....	163 dB rms .....	Greenbusch Group (2019).
30-in steel pipe pile .....	Vibratory installation .....	163 dB rms .....	Greenbusch Group (2019).
30-in steel pipe pile .....	Impact installation .....	180 dB rms <sup>1</sup> , 193 dB peak	Greenbusch Group (2019).

<sup>1</sup> Highest RMS sound level from bubble curtain attenuated impact driving of 30-in steel piles at Pier 62.

TABLE 7—PIER 63 PROJECT SOUND SOURCE LEVELS

Pile type and size (in)	Method	Source level (dB re 1 $\mu$ Pa)	Reference
14-in timber .....	Vibratory removal .....	152 dB rms .....	Greenbusch Group (2018).
30-in steel pipe pile .....	Vibratory removal .....	163 dB rms .....	Greenbusch Group (2019).

*Level B Harassment Zones*

Transmission loss (TL) is the decrease in acoustic intensity as an acoustic pressure wave propagates out from a source. TL parameters vary with frequency, temperature, sea conditions, current, source and receiver depth, water depth, water chemistry, and bottom composition and topography. The general formula for underwater TL is:

$$TL = B * \text{Log}_{10} (R1/R2),$$

Where:

TL = transmission loss in dB

B = transmission loss coefficient; for practical spreading equals 15

R1 = the distance of the modeled SPL from the driven pile, and

R2 = the distance from the driven pile of the initial measurement

The recommended TL coefficient for most nearshore environments is the practical spreading value of 15. This value results in an expected propagation environment that would lie between spherical and cylindrical spreading loss

conditions, which is the most appropriate assumption for the City’s planned activities in the absence of specific modelling. The Level B harassment zones for the City’s planned activities are shown in Tables 8 and 9.

*Level A Harassment Zones*

The ensonified area associated with Level A harassment is more technically challenging to predict due to the need to account for a duration component. Therefore, NMFS developed an optional User Spreadsheet tool to accompany the Technical Guidance that can be used to relatively simply predict an isopleth distance for use in conjunction with marine mammal density or occurrence to help predict potential takes. We note that because of some of the assumptions included in the methods underlying this optional tool, we anticipate that the resulting isopleth estimates are typically going to be overestimates of some degree, which may result in an overestimate of potential take by Level A harassment. However, this optional tool offers the best way to estimate

isopleth distances when more sophisticated modeling methods are not available or practical. For stationary sources such as pile installation and removal, the NMFS User Spreadsheet predicts the distance at which, if a marine mammal remained at that distance for the whole duration of the activity, it would incur PTS. The isopleths generated by the User Spreadsheet used the same TL coefficient as the Level B harassment zone calculations (*i.e.*, the practical spreading value of 15). Inputs used in the User Spreadsheet (*e.g.*, number of piles per day, duration and/or strikes per pile) are presented in Tables 1 and 2, and the resulting isopleths are reported below in Tables 8 and 9. The areas expected to be ensonified above the Level B harassment threshold(s) are also presented in Tables 8 and 9. Due to the bathymetry and geography of the project areas, sound will not reach the full distance of the harassment isopleths in all directions.

TABLE 8—PIER 58 LEVEL A HARASSMENT AND LEVEL B HARASSMENT ZONES

Pile type	Level A harassment zone (m)					Level B harassment zone (m)	Level B ensonified area (km <sup>2</sup> )
	LF cetacean	MF cetacean	HF cetacean	Phocids	Otariids		
Timber and steel H-pile removal	6.1	0.5	9.0	3.7	0.3	<sup>b</sup> 1,359	2.35
24-in steel vibratory install and removal, 30-in steel vibratory install <sup>a</sup>	19.3	1.7	28.6	11.7	0.8	<sup>b</sup> 7,357	34.34
30-in steel impact install	153.3	5.5	182.6	82.0	6.0	<sup>c</sup> 215	0.07

<sup>a</sup> Level A harassment zones for vibratory installation and removal of steel piles calculated using the highest total duration of driving (installation of 30-inch piles) and conservatively applied to all vibratory pile driving.

<sup>b</sup> Distance to 120 dB rms threshold.

<sup>c</sup> Distance to 160 dB rms threshold.

TABLE 9—PIER 63 LEVEL A HARASSMENT AND LEVEL B HARASSMENT ZONES

Pile type	Level A harassment zone (m)					Level B harassment zone (m) <sup>a</sup>	Level B ensonified area (km <sup>2</sup> )
	LF cetacean	MF cetacean	HF cetacean	Phocids	Otariids		
Timber	6.1	0.5	9.0	3.7	0.3	1,359	2.35
Steel	19.3	1.7	28.6	11.7	0.8	7,357	34.34

<sup>a</sup> Distance to 120 dB rms threshold.

*Marine Mammal Occurrence and Take Calculation and Estimation*

In this section we provide the information about the presence, density, or group dynamics of marine mammals that will inform the authorized take incidental to the City’s pile driving activities. Unless otherwise specified, the term “pile driving” in this section, and all following sections, may refer to either pile installation or removal.

As described in the Changes from the Proposed IHA to Final IHA section of this notice, while take of SRKW and humpback whales was included in the proposed IHAs, the City has reassessed the likelihood of take of these species in consideration of the effectiveness of the required mitigation and monitoring measures. The City determined that by implementing the additional mitigation and monitoring requirements, take of SRKW and humpback whales is unlikely to occur. NMFS has carefully considered the new information and additional mitigation measures, and concurs with the City’s assessment. Incidental take of SRKW and humpback whales is no longer anticipated to occur and has not been authorized.

To estimate the number of marine mammals that may be taken incidental to the Pier 58 Reconstruction and Pier 63 Removal projects, the City considered using the ensonified area (see Tables 8 and 9) and density estimates from the U.S. Navy’s Marine Species Density Database for the Northwest Training and Testing Study Area (U.S. Navy, 2019) but did not consider the resulting take estimates to be realistic (*i.e.*, they either over-

underestimated take). Instead of using the U.S. Navy’s density estimates, the City therefore compiled monitoring results from recent construction projects in Elliott Bay (*e.g.*, WSDOT, 2019; Anchor QEA, 2021) to estimate the likely daily or monthly occurrence of each species in the project areas. Unless otherwise specified, the occurrence information described below is used to estimate take for both the Pier 58 and Pier 63 projects. NMFS has carefully reviewed the City’s analysis and concludes that it represents an appropriate and accurate method for estimating incidental take caused by the City’s activities.

Gray Whale

Gray whales are infrequent visitors to the project areas but are most commonly seen during the winter months. Although no observations of gray whales have been reported during recent pile driving projects along the Seattle waterfront (*e.g.*, WSDOT 2021; Anchor QEA 2019), individual gray whales have been reported in Elliott Bay by WSDOT ferry operators in December 2018, January 2019, and November 2019. Therefore, the City estimates that one gray whale may be taken by Level B harassment in each winter month (November, December, January, and February) of the work window. Therefore, the City requested, and NMFS has authorized, 4 takes of gray whales by Level B harassment from Pier 58 reconstruction. Since Pier 63 removal is expected to take only 3 months total, the City requested, and NMFS has authorized, 3 takes of gray whales by

Level B harassment from Pier 63 removal.

Since the City must comply with all mitigation and monitoring measures, including marine mammal monitoring and coordination with Orca Network, these measures will likely be successful in detecting gray whales given their size and visibility, the City must stop work before gray whales could enter the small Level A harassment zones (up to 153.3 m), and gray whales are infrequent visitors to the project areas, it is unlikely that any gray whales will be taken by Level A harassment. No take of gray whales by Level A harassment is requested or authorized.

Minke Whale

Minke whales are rarely observed in the project areas and none have been reported during monitoring for recent pile driving activities in the area (*e.g.*, WSDOT 2021; Anchor QEA 2019). The City estimates that no more than one minke whale per month may be taken by Level B harassment. Therefore, the City requested, and NMFS has authorized, 6 takes of minke whales by Level B harassment from Pier 58 reconstruction and 3 takes by Level B harassment from Pier 63 removal.

Like gray whales, minke whales are considered infrequent visitors to the project areas. As with gray whales, PSOs must coordinate with Orca Network and will likely be alerted to the presence of minke whales in the area, allowing the City to shut down pile driving equipment before a minke whale could enter the Level A harassment zones. Hence, in consideration of the expected

effectiveness of mitigation and infrequent occurrence, no take of minke whales by Level A harassment is requested or authorized.

#### Transient Killer Whale

Transient killer whales are frequently seen in central Puget Sound and occasionally within Elliott Bay (Orca Network 2021). Transient killer whales typically travel in small groups. The City estimates that a group of 6 transient killer whales may enter the Level B harassment zone per month. Therefore, the City has requested, and NMFS has authorized, take of 36 transient killer whales by Level B harassment from Pier 58 reconstruction and 18 takes by Level B harassment from Pier 63 removal.

The Level A harassment zones for mid-frequency cetaceans are all less than 10 m. PSOs must coordinate with Orca Network and will likely be alerted to the presence of transient killer whales in the area, allowing them to detect the animals and the City to cease pile driving well before killer whales could enter the Level A harassment zone. No take of transient killer whales by Level A harassment is requested or authorized.

#### Bottlenose Dolphin

In 2017 the Orca Network (2017) reported sightings of a bottlenose dolphin in Puget Sound and in Elliott Bay, and WSDOT observed two bottlenose dolphins in one week during monitoring for the Colman Dock Multimodal Project (WSDOT 2018). In addition, a group of 7 bottlenose dolphins were observed in 2017 and were positively identified as part of the California coastal stock (Cascadia Research Collective, 2017). Bottlenose dolphins typically travel in groups of 2 to 15 in coastal waters (Carretta *et al.*, 2020). The City estimates that 7 bottlenose dolphins may be taken by Level B harassment per month. Therefore, the City has requested, and NMFS has authorized, take of 42 bottlenose dolphins by Level B harassment from Pier 58 reconstruction and 21 takes by Level B harassment from Pier 63 removal.

The Level A harassment zones for mid-frequency cetaceans are all less than 10 m. Given the visibility of bottlenose dolphins, the City will be able to cease pile driving before bottlenose dolphins could enter the Level A harassment zone. No take of bottlenose dolphins by Level A harassment is requested or authorized.

#### Long-Beaked Common Dolphin

In June 2011, two long-beaked common dolphins were sighted in

South Puget Sound. Sightings continued in 2012, and in 2016–17 (Carretta *et al.*, 2018). Sightings of 4 to 12 individuals were reported regularly, with confirmed sightings of up to 30 individuals. In 2016, the Orca Network (2016) reported a pod of up to 20 long-beaked common dolphins. During monitoring for the Colman Dock Project in 2017–2018, 2 long-beaked common dolphins were observed in smaller Level B harassment zones than estimated for pile driving at Piers 58 and 63 (WSDOT, 2018). The average reported group size of long-beaked common dolphins in Puget Sound is 7 individuals. Therefore, the City estimates 7 long-beaked common dolphins may be taken by Level B harassment per month. The City requested, and NMFS has authorized, take of 42 long-beaked common dolphins by Level B harassment from Pier 58 reconstruction and 21 takes by Level B harassment from Pier 63 removal.

The Level A harassment zones for mid-frequency cetaceans are all less than 10 m. Given the visibility of long-beaked common dolphins, the City will be able to cease pile driving before long-beaked common dolphins could enter the Level A harassment zone. No take of long-beaked common dolphins by Level A harassment is requested or authorized.

#### Harbor Porpoise

Recent monitoring data from the Colman Dock Project (Pier 52) in 2017 and 2018 (WSDOT 2019) included observations of 288 harbor porpoises over 99 days of monitoring activity. This equates to approximately 3 porpoises per day.

To account for unobserved animals at the outer extent of the Level B harassment zones, the City estimates up to 6 harbor porpoises may enter the Level B harassment zone per day of pile driving at Pier 58 (70 days) for a total of 420 harbor porpoises. For impact installation of steel piles at Pier 58, the Level A harassment zone for high-frequency cetaceans is 183 m. Although the City must implement a shutdown zone of 185 m during this activity (see Mitigation section), due to the cryptic nature and lower detectability of harbor porpoises at large distances, the City anticipates that up to 12 of the harbor porpoises (2 per month) that enter the Level B harassment zone could approach the project site closer and potentially enter the Level A harassment zone undetected during impact installation at Pier 58, which could occur as one group in one day or single animals over two days. These harbor porpoises would be counted as taken by

Level A harassment, but would not count toward the City's authorized number of takes of harbor porpoises by Level B harassment because they would have already been counted as Level A harassment takes. The Level A harassment zones for all vibratory pile driving at Pier 58 are all under 30 m. At that distance, the PSOs will be able to detect harbor porpoises and alert the City to cease pile driving activities before harbor porpoises could enter the Level A harassment zone. Therefore, no take of harbor porpoises by Level A harassment is anticipated from vibratory pile driving. In total, the City has requested, and NMFS has authorized, take of 420 harbor porpoises, 408 takes by Level B harassment and 12 takes by Level A harassment from Pier 58 reconstruction.

On all but two days of work at Pier 63, the Level B harassment zone will be well within Elliott Bay. Since the extent of the Level B harassment zone for this project on most days is less than for Pier 58, the City estimates that up to 5 harbor porpoises may be taken by Level B harassment per day during 47 days of pile removal at Pier 63. Therefore, the City requested, and NMFS has authorized, a total of 235 takes of harbor porpoises by Level B harassment from Pier 63 removal. The largest Level A harassment zone from pile removal at Pier 63 is 29 m. At that close range, the PSOs will be able to detect harbor porpoises and the City must shut down pile driving activities before they approach within 29 m. Therefore, no take of harbor porpoises by Level A harassment from pile driving at Pier 63 is requested or authorized.

#### Dall's Porpoise

Dall's porpoises are rarely sighted in the project areas. The City conservatively estimates that up to 12 Dall's porpoises may enter the Level B harassment zone per month, for a total of 72 Dall's porpoises from Pier 58 reconstruction and 36 from Pier 63 removal.

For impact installation of steel piles at Pier 58, the Level A harassment zone for high-frequency cetaceans is 183 m. Although the City must implement a shutdown zone of 185 m during this activity, the City anticipates that up to 12 of the Dall's porpoises (2 per month) that enter the Level B harassment zone could approach the project site closer and potentially enter the Level A harassment zone undetected during impact installation at Pier 58, which could occur as one group in one day or a single animal over two days. These Dall's porpoises would be counted as taken by Level A harassment, but would



not count toward the City's authorized number of takes of Dall's porpoises by Level B harassment because they would have already been counted as Level A harassment takes. The Level A harassment zones for all vibratory pile driving at Pier 58 are all under 30 m. At that distance, the PSOs will be able to detect Dall's porpoises and alert the City to cease pile driving activities before Dall's porpoises could enter the Level A harassment zone. Therefore, no take of Dall's porpoises by Level A harassment is anticipated from vibratory pile driving. In total, the City requested, and NMFS has authorized, take of 72 Dall's porpoise, 60 takes by Level B harassment and 12 takes by Level A harassment from Pier 58 reconstruction.

The largest Level A harassment zone from pile removal at Pier 63 is 29 m. At that close range, the PSOs will be able to detect Dall's porpoises and the City must shut down pile driving activities before they approach within 29 m. Therefore, no take of Dall's porpoises by Level A harassment from pile driving at Pier 63 is requested or authorized. The City requested, and NMFS has authorized, 36 takes of Dall's porpoise by Level B harassment only for activities at Pier 63.

#### California Sea Lion

During monitoring for the Pier 62 Project, a maximum of 31 California sea lions were observed in one day, with an average of 6 takes per day (Anchor QEA 2019). To account for unobserved animals at the outer extent of the Level B harassment zones, the City estimates up to 10 California sea lions may be taken by Level B harassment per day. Therefore, the City requested, and NMFS has authorized, 700 takes of California sea lions by Level B harassment from Pier 58 reconstruction and 470 takes by Level B harassment from Pier 63 removal.

The largest Level A harassment zone for otariid pinnipeds is 6 m. The City must implement a minimum shutdown zone of 10 m for all activities. At that close range, the PSOs will be able to detect California sea lions and the City will implement the required shutdown measures before California sea lions could enter the Level A harassment zone. Therefore, no takes of California sea lions by Level A harassment are requested or authorized.

#### Steller Sea Lion

Recent monitoring data from the Colman Dock Project in 2017 and 2018 (WSDOT 2019) reported observations of 54 Steller sea lions over 99 days of monitoring activity, which is roughly equivalent to one Steller sea lion every

other day. To account for unobserved animals at the outer extent of the Level B harassment zones, the City estimates two Steller sea lions may be taken by Level B harassment per day. Therefore, the City requested, and NMFS has authorized, 140 takes of Steller sea lions by Level B harassment from Pier 58 reconstruction and 94 takes by Level B harassment from Pier 63 removal.

The largest Level A harassment zone for otariid pinnipeds is 6 m. The City must enforce a minimum shutdown zone of 10 m for all activities. At that close range, the PSOs will be able to detect Steller sea lions and the City will implement the required shutdown measures before Steller sea lions could enter the Level A harassment zone. Therefore, no takes of Steller sea lions by Level A harassment are requested or authorized.

#### Northern Elephant Seal

Individual elephant seals have occasionally been reported in central Puget Sound (e.g., Orca Network, 2020) but are considered rare in the project areas. WSDOT (2019) reported observations near Alki Point (at the outer extent of the Level B harassment zones) and Maury Island (just outside the Level B harassment zones) in 2017 and 2015, respectively. Based on these reports, the City estimates that one northern elephant seal may be taken by Level B harassment per month. Therefore, the City requested, and NMFS has authorized, 6 takes of northern elephant seals by Level B harassment from Pier 58 reconstruction and 3 takes by Level B harassment from Pier 63 removal.

The largest Level A harassment zone (82 m) occurs during impact installation of steel pipe piles at Pier 58. It is unlikely that northern elephant seals will be found within this zone, and even more unlikely that northern elephant seals will be found within the Level A harassment zones for vibratory pile driving at either pier (less than 12 m for all pile types). However, even if northern elephant seals are encountered in the project areas, at that close range, the PSOs will be able to detect them and the City will implement the required shutdown measures before any northern elephant seals could enter the Level A harassment zones. Therefore, no take of northern elephant seals by Level A harassment is requested or authorized.

#### Harbor Seal

During monitoring for the Pier 62 Project, the maximum number of harbor seals documented as taken by Level B harassment in one day was 54, but the average number documented per day

was 5 (Anchor QEA 2019). To account for potentially unobserved animals at the outer extent of the Level B harassment zone during the previous monitoring, the City estimates that 10 harbor seals per day may enter the Level B harassment zone during pile driving work at Pier 58 for a total of 700 harbor seals. In addition, due to their apparent curious nature and previously reported close approaches to pile driving equipment (Anchor QEA 2019), the City estimates that of those 700 harbor seals that could enter the Level B harassment zone, one harbor seal may approach closer and enter the 82-m Level A harassment zone before the animal is detected and activities shut down, and thus be taken by Level A harassment on each day of impact pile installation at Pier 58 (40 days). These harbor seals would be counted as taken by Level A harassment, but would not count toward the City's authorized number of takes of harbor seals by Level B harassment because they would have already been counted as Level A harassment takes. The Level A harassment zones for phocids for all vibratory pile driving at Pier 58 are all under 12 m. At that distance, the PSOs will be able to detect harbor seals and alert the City to cease pile driving activities before harbor seals could enter the Level A harassment zone. Therefore, no take of harbor seals by Level A harassment is anticipated from vibratory pile driving at Pier 58. In total, the City has requested, and NMFS has authorized, 700 takes of harbor seals (660 takes by Level B harassment and 40 takes by Level A harassment) from Pier 58 reconstruction.

On all but two days of work at Pier 63, the Level B harassment zone will be well within Elliott Bay. Since the extent of the Level B harassment zone for this project on most days is less than for Pier 58, the City estimates that up to 6 harbor seals may be taken by Level B harassment per day during the 47 days of pile removal at Pier 63. Therefore, the City requested, and NMFS has authorized, 282 takes of harbor seals by Level B harassment from Pier 63 removal.

The largest Level A harassment zone for the City's planned activities at Pier 63 is 12 m. The City must implement a 15 m shutdown zone to prevent Level A take of phocids for this project (see Mitigation section). At that close range, the PSOs will be able to detect harbor seals and alert the City to cease pile driving activities before harbor seals could enter the Level A harassment zone. Therefore, no take of harbor seals by Level A harassment is requested or authorized for work at Pier 63.

NMFS has carefully considered all information and analysis presented by the City as well as all other applicable information and, based on the best

available science, concurs that the City's estimates of the types and amounts of take for each species and stock are complete and accurate. NMFS has

authorized the numbers and level of take for each species as requested by the City.

TABLE 10—AUTHORIZED TAKE OF MARINE MAMMALS BY LEVEL A AND LEVEL B HARASSMENT FROM PIER 58 RECONSTRUCTION, BY SPECIES AND STOCK AND PERCENT OF TAKE BY STOCK

Species	Stock	Authorized take by Level B harassment	Authorized take by Level A harassment	Stock abundance	Percent of stock
Gray whale	Eastern North Pacific	4	0	26,960	0.01
Minke whale	California/Oregon/Washington	6	0	915	0.66
Killer whale	West Coast Transient	36	0	349	10.32
Bottlenose dolphin	California Coastal	42	0	453	9.27
Long-beaked common dolphin	California	42	0	83,379	0.05
Harbor porpoise	Washington Inland Waters	408	12	11,233	3.74
Dall's porpoise	California/Oregon/Washington	60	12	16,498	0.44
California sea lion	U.S	700	0	257,606	0.27
Steller sea lion	Eastern	140	0	43,201	0.32
Northern elephant seal	California Breeding	6	0	187,386	0.003
Harbor seal	Washington Northern Inland Waters	660	40	11,036	6.34

TABLE 11—AUTHORIZED TAKE OF MARINE MAMMALS BY LEVEL A AND LEVEL B HARASSMENT FROM PIER 63 REMOVAL, BY SPECIES AND STOCK AND PERCENT OF TAKE BY STOCK

Species	Stock	Authorized take by Level B harassment	Authorized take by Level A harassment	Stock abundance	Percent of stock
Gray whale	Eastern North Pacific	3	0	26,960	0.01
Minke whale	California/Oregon/Washington	3	0	915	0.33
Killer whale	West Coast Transient	18	0	349	5.16
Bottlenose dolphin	California Coastal	21	0	453	4.64
Long-beaked common dolphin	California	21	0	83,379	0.02
Harbor porpoise	Washington Inland Waters	235	0	11,233	2.1
Dall's porpoise	California/Oregon/Washington	36	0	16,498	0.22
California sea lion	U.S	470	0	257,606	0.18
Steller sea lion	Eastern	94	0	43,201	0.22
Northern elephant seal	California Breeding	3	0	187,386	0.002
Harbor seal	Washington Northern Inland Waters	282	0	11,036	2.56

**Mitigation**

In order to issue an IHA under section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to the activity, and other means of effecting the least practicable impact on the species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stock for taking for certain subsistence uses (latter not applicable for this action). NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting the activity or other means of effecting the least practicable adverse impact upon the affected species or stocks, and their habitat (50 CFR 216.104(a)(11)).

In evaluating how mitigation may or may not be appropriate to ensure the

least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses where applicable, NMFS considers two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat. This considers the nature of the potential adverse impact being mitigated (likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (probability of accomplishing the mitigating result if implemented as planned), the likelihood of effective implementation (probability implemented as planned); and

(2) The practicability of the measures for applicant implementation, which may consider such things as cost, and impact on operations.

*Time Restrictions*

The City has provided in its description of the projects that pile driving will occur only during daylight hours, when visual monitoring of marine mammals can be conducted. In addition, all in-water construction will be limited to the period between September 1 and February 15.

*Shutdown Zones*

Before the commencement of in-water construction activities, the City must establish shutdown zones for all activities. The purpose of a shutdown zone is generally to define an area within which shutdown of the activity will occur upon sighting of a marine mammal (or in anticipation of an animal entering the defined area). Pile driving must also not commence until all marine mammals are clear of their respective shutdown zones. Shutdown zones will encompass the Level A harassment zones for all species and

stocks listed in Table 3 and therefore will vary based on the activity type and marine mammal hearing group (Tables 12 and 13). At minimum, the shutdown zone for all hearing groups and all activities is 10 m. For in-water heavy machinery work other than pile driving (e.g., standard barges, etc.), if a marine mammal comes within 10 m, operations must cease and vessels must reduce speed to the minimum level required to maintain steerage and safe working conditions. This type of work could include, for example, the movement of the barge to the pile location or positioning of the pile on the substrate via a crane.

The City must also establish shutdown zones for all marine mammals for which take has not been authorized, including SRKW and humpback whales, and for which incidental take has been authorized but the authorized number of takes has been met. These zones are equivalent to the Level B harassment zones for each activity (see Tables 12 and 13).

The City must also implement shutdown measures for SRKW and humpback whales. If SRKW or humpback whales are sighted within the vicinity of the project areas and are approaching the Level B harassment zone, the City must shut down the pile

driving equipment to avoid possible take. If a killer whale approaches the Level B harassment zone during pile driving, and it is unknown whether it is a SRKW or a transient killer whale, it must be assumed to be a SRKW and the City must implement the shutdown measure. If a SRKW, an unidentified killer whale, or a humpback whale enters the Level B harassment zone undetected, in-water pile driving must be suspended until the whale exits the Level B harassment zone, or 15 minutes have elapsed with no sighting of the animal, although with the updated mitigation measures in place it is unlikely that this will occur.

TABLE 12—SHUTDOWN ZONES FOR PIER 58 RECONSTRUCTION

Pile type and method	Shutdown zone (m)					
	LF cetacean	MF cetacean	HF cetacean	Phocids	Otariids	All unauthorized species (e.g., SRKW, humpback whale)
Timber and steel H-pile vibratory removal .....	10	10	10	10	10	1,359
24-in steel vibratory installation and removal, 30-in steel vibratory installation .....	20	10	30	15	10	7,357
30-in steel impact installation .....	155	10	185	85	10	215

TABLE 13—SHUTDOWN ZONES FOR PIER 63 REMOVAL

Pile type	Shutdown zone (m)					
	LF cetacean	MF cetacean	HF cetacean	Phocids	Otariids	All unauthorized species (e.g., SRKW, humpback whale)
Timber pile vibratory removal .....	10	10	10	10	10	1,359
Steel pile vibratory removal .....	20	10	30	15	10	7,357

*Protected Species Observers*

The placement of protected species observers (PSOs) during all pile driving activities (described in the Monitoring and Reporting section) must ensure that the entire shutdown zone is visible. Should environmental conditions deteriorate such that the entire shutdown zone would not be visible (e.g., fog, heavy rain), pile driving must be delayed until the PSO is confident marine mammals within the shutdown zone could be detected.

Monitoring for Level A and Level B Harassment

PSOs must monitor the entire Level B harassment zones and Level A harassment zones. To the extent practicable, PSOs must monitor the area beyond the Level B harassment zone to enable observers to be aware of and communicate the presence of marine mammals in the project areas outside the shutdown zones to the City and thus

prepare for a potential cessation of activity should the animal enter the shutdown zone.

Pre-Activity Monitoring

Prior to the start of daily in-water construction activity, or whenever a break in pile driving of 30 minutes or longer occurs, PSOs must observe the shutdown and monitoring zones for a period of 30 minutes. The shutdown zone is considered cleared when a marine mammal has not been observed within the zone for that 30-minute period. If a marine mammal is observed within the shutdown zones listed in Tables 12 and 13, pile driving activity must be delayed or halted. If pile driving is delayed or halted due to the presence of a marine mammal, the activity must not commence or resume until either the animal has voluntarily exited and been visually confirmed beyond the shutdown zones or 15 minutes have passed without re-detection of the animal. When a marine

mammal for which Level B harassment take is authorized is present in the Level B harassment zone, activities may begin and Level B harassment take will be recorded. If work ceases for more than 30 minutes, the pre-activity monitoring of the shutdown zones must commence. A determination that the shutdown zone is clear must be made during a period of good visibility (i.e., the entire shutdown zone and surrounding waters must be visible to the naked eye).

Coordination With Local Marine Mammal Research Network

Prior to the start of pile driving for the day, and hourly after pile driving has begun, the PSOs must contact the Orca Network to find out the location of the nearest marine mammal sightings. The Local Marine Mammal Research Network consists of a list of over 600 (and growing) residents, scientists, and government agency personnel in the United States and Canada. Sightings are called or emailed into the Orca Network

and immediately distributed to other sighting networks including: The NMFS Northwest Fisheries Science Center, the Center for Whale Research, Cascadia Research, the Whale Museum Hotline, and the British Columbia Sightings Network.

Sightings information collected by the Orca Network includes detection by hydrophone. The SeaSound Remote Sensing Network is a system of interconnected hydrophones installed in the marine environment of Haro Strait (west side of San Juan Island) to study orca communication, in-water noise, bottom fish ecology, and local climatic conditions. A hydrophone at the Port Townsend Marine Science Center measures average in-water sound levels and automatically detects unusual sounds. These passive acoustic devices allow researchers to hear when different marine mammals come into the region. This acoustic network, combined with the volunteer visual sighting network allows researchers to document presence and location of various marine mammal species.

#### *Soft Start*

Soft-start procedures are used to provide additional protection to marine mammals by providing warning and/or giving marine mammals a chance to leave the area prior to the hammer operating at full capacity. For impact pile driving, contractors must provide an initial set of three strikes from the hammer at reduced energy, followed by a 30-second waiting period, then two subsequent reduced-energy strike sets. Soft start must be implemented at the start of each day's impact pile driving and at any time following cessation of impact pile driving for a period of 30 minutes or longer.

#### *Bubble Curtain*

A bubble curtain must be employed during impact installation or proofing of steel piles. A noise attenuation device is not required during vibratory pile driving. When a bubble curtain or similar measure is used, it must distribute air bubbles around 100 percent of the piling perimeter for the full depth of the water column. Any other attenuation measure must provide 100 percent coverage in the water column for the full depth of the pile. The lowest bubble ring must be in contact with the mudline for the full circumference of the ring. The weights attached to the bottom ring must ensure 100 percent mudline contact. Parts of the ring or other objects must not prevent full mudline contact.

Based on our evaluation of the City's proposed mitigation measures, as well

as other measures required by NMFS, NMFS has determined that the required mitigation measures provide the means of effecting the least practicable impact on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance for the Pier 58 Reconstruction Project. NMFS also finds that the City's proposed mitigation measures and other measures required by NMFS provide the means of effecting the least practicable impact on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance for the Pier 63 Removal Project.

#### **Monitoring and Reporting**

In order to issue an IHA for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must set forth requirements pertaining to the monitoring and reporting of such taking. The MMPA implementing regulations at 50 CFR 216.104(a)(13) indicate that requests for authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present while conducting the activities. Effective reporting is critical both to compliance as well as ensuring that the most value is obtained from the required monitoring.

Monitoring and reporting requirements prescribed by NMFS should contribute to improved understanding of one or more of the following:

- Occurrence of marine mammal species or stocks in the area in which take is anticipated (*e.g.*, presence, abundance, distribution, density);
- Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) Action or environment (*e.g.*, source characterization, propagation, ambient noise); (2) affected species (*e.g.*, life history, dive patterns); (3) co-occurrence of marine mammal species with the action; or (4) biological or behavioral context of exposure (*e.g.*, age, calving or feeding areas);
- Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or cumulative impacts from multiple stressors;
- How anticipated responses to stressors impact either: (1) Long-term

fitness and survival of individual marine mammals; or (2) populations, species, or stocks;

- Effects on marine mammal habitat (*e.g.*, marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat); and,
- Mitigation and monitoring effectiveness.

#### *Visual Monitoring*

Marine mammal monitoring during pile driving activities must be conducted by PSOs meeting NMFS' standards and in a manner consistent with the following:

- Independent PSOs (*i.e.*, not construction personnel) who have no other assigned tasks during monitoring periods must be used;
- At least one PSO must have prior experience performing the duties of a PSO during construction activity pursuant to a NMFS-issued incidental take authorization;
- Other PSOs may substitute education (degree in biological science or related field) or training for experience; and
- Where a team of three or more PSOs is required, a lead observer or monitoring coordinator must be designated. The lead observer is required to have prior experience working as a marine mammal observer during construction.

PSOs must have the following additional qualifications:

- Ability to conduct field observations and collect data according to assigned protocols;
- Experience or training in the field identification of marine mammals, including the identification of behaviors;
- Sufficient training, orientation, or experience with the construction operation to provide for personal safety during observations;
- Writing skills sufficient to prepare a report of observations including but not limited to the number and species of marine mammals observed; dates and times when in-water construction activities were conducted; dates, times, and reason for implementation of mitigation (or why mitigation was not implemented when required); and marine mammal behavior; and
- Ability to communicate orally, by radio or in person, with project personnel to provide real-time information on marine mammals observed in the area as necessary.

The City must have PSOs stationed around Elliott Bay to monitor during all pile driving activities. During removal of timber and/or steel H-piles at Pier 58

and Pier 63, two PSOs must monitor the area, one at the construction site and one at Alki Point on the south side of Elliott Bay. During vibratory removal and/or installation of steel piles at Pier 58 and Pier 63, PSOs must be stationed at the same locations as above, with an additional PSO monitoring from Magnolia on the north side of Elliott Bay and one PSO monitoring from the Seattle-Bainbridge ferry. Impact installation of 30-inch permanent steel piles at Pier 58 is expected to occur on the same day as vibratory installation of those piles. If all vibratory installation has concluded for the day, only the PSO stationed at the construction site is required to continue monitoring during impact pile driving.

Monitoring must be conducted 30 minutes before, during, and 30 minutes after all in water construction activities. In addition, observers must record all incidents of marine mammal occurrence, regardless of distance from activity, and must document any behavioral reactions in concert with distance from piles being driven or removed. Pile driving activities include the time to install or remove a single pile or series of piles, as long as the time elapsed between uses of the pile driving equipment is no more than 30 minutes.

#### Reporting

A draft marine mammal monitoring report must be submitted to NMFS within 90 days after the completion of pile driving activities, or 60 days prior to a requested date of issuance of any future IHAs for the project, or other projects at the same location, whichever comes first. All draft and final monitoring reports must be submitted to *PR.ITP.MonitoringReports@noaa.gov* and *ITP.Fowler@noaa.gov*. The marine mammal report must include an overall description of work completed, a narrative regarding marine mammal sightings, and associated PSO data sheets. Specifically, the report must include:

- Dates and times (begin and end) of all marine mammal monitoring;
- Construction activities occurring during each daily observation period, including: (a) How many and what type of piles were driven or removed and the method (*i.e.*, impact or vibratory); and (b) the total duration of time for each pile (vibratory driving) and number of strikes for each pile (impact driving);
- PSO locations during marine mammal monitoring; and
- Environmental conditions during monitoring periods (at beginning and end of PSO shift and whenever conditions change significantly), including Beaufort sea state and any

other relevant weather conditions including cloud cover, fog, sun glare, and overall visibility to the horizon, and estimated observable distance.

For each observation of a marine mammal, the following must be reported:

- Name of PSO who sighted the animal(s) and PSO location and activity at time of sighting;
- Time of sighting;
- Identification of the animal(s) (*e.g.*, genus/species, lowest possible taxonomic level, or unidentified), PSO confidence in identification, and the composition of the group if there is a mix of species;
- Distance and location of each observed marine mammal relative to the pile being driven or hole being drilled for each sighting;
- Estimated number of animals (min/max/best estimate);
- Estimated number of animals by cohort (adults, juveniles, neonates, group composition, etc.);
- Description of any marine mammal behavioral observations (*e.g.*, observed behaviors such as feeding or traveling), including an assessment of behavioral responses thought to have resulted from the activity (*e.g.*, no response or changes in behavioral state such as ceasing feeding, changing direction, flushing, or breaching);
- Number of marine mammals detected within the harassment zones, by species; and
- Detailed information about implementation of any mitigation (*e.g.*, shutdowns and delays), a description of specified actions that ensued, and resulting changes in behavior of the animal(s), if any.

If no comments are received from NMFS within 30 days, the draft reports will constitute the final reports. If comments are received, a final report addressing NMFS' comments must be submitted within 30 days after receipt of comments. All PSO datasheets and/or raw sighting data must be submitted with the draft marine mammal report.

In the event that personnel involved in the construction activities discover an injured or dead marine mammal, the City must report the incident to the Office of Protected Resources (OPR) (*PR.ITP.MonitoringReports@noaa.gov* and *ITP.Fowler@noaa.gov*), NMFS (301-427-8401) and to the West Coast Region (WCR) regional stranding coordinator (866-767-6114) as soon as feasible. If the death or injury was clearly caused by the specified activity, the City must immediately cease the specified activities until NMFS is able to review the circumstances of the incident and determine what, if any, additional

measures are appropriate to ensure compliance with the terms of the IHAs. The City must not resume their activities until notified by NMFS.

The report must include the following information:

1. Time, date, and location (latitude/longitude) of the first discovery (and updated location information if known and applicable);
2. Species identification (if known) or description of the animal(s) involved;
3. Condition of the animal(s) (including carcass condition if the animal is dead);
4. Observed behaviors of the animal(s), if alive;
5. If available, photographs or video footage of the animal(s); and
6. General circumstances under which the animal was discovered.

#### Negligible Impact Analysis and Determination

NMFS has defined negligible impact as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.*, population-level effects). An estimate of the number of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be "taken" through harassment, NMFS considers other factors, such as the likely nature of any impacts or responses (*e.g.*, intensity, duration), the context of any impacts or responses (*e.g.*, critical reproductive time or location, foraging impacts affecting energetics), as well as effects on habitat, and the likely effectiveness of the mitigation. We also assess the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS' implementing regulations (54 FR 40338; September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the baseline (*e.g.*, as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

Pile driving activities from Pier 58 reconstruction and Pier 63 removal have the potential to disturb or displace marine mammals and cause auditory

injury (PTS). Specifically, the project activities may result in take, in the form of Level A and Level B harassment, from underwater sounds generated from pile driving. Potential takes could occur if individuals are present in the ensonified zone when these activities are underway.

The takes from Level A and Level B harassment would be due to potential behavioral disturbance, TTS, and PTS. Serious injury or mortality are not anticipated or authorized given the nature of the activities and measures designed to minimize the possibility of injury to marine mammals. The potential for harassment is minimized through the construction method and the implementation of the required mitigation measures (see Mitigation section).

To avoid repetition, the majority of our analysis applies to all the species listed in Table 3, and to both the Pier 58 and Pier 63 IHAs, given that the anticipated effects of the City's two projects on these different marine mammal stocks are expected to be relatively similar in nature. Where there are special circumstances for a species or stock (e.g., gray whales), they are included as a separate subsection below. Similarly, where there are differences between the two IHAs, they are highlighted below.

NMFS has identified key factors which may be employed to assess the level of analysis necessary to conclude whether potential impacts associated with a specified activity should be considered negligible. These include (but are not limited to) the type and magnitude of taking, the amount and importance of the available habitat for the species or stock that is affected, the duration of the anticipated effect to the species or stock, and the status of the species or stock. The following factors support negligible impact determinations for all affected stocks.

No take by Level A harassment is anticipated or authorized incidental to the Pier 63 Removal Project. For the Pier 58 Reconstruction Project, take by Level A harassment is authorized for three species (harbor seals, harbor porpoise, and Dall's porpoise) to account for the possibility that an animal could enter a Level A harassment zone prior to detection, and remain within that zone for a duration long enough to incur PTS before being observed and the City shutting down pile driving activity. Any take by Level A harassment is expected to arise from, at most, a small degree of PTS, *i.e.*, minor degradation of hearing capabilities within regions of hearing that align most completely with the energy produced by impact pile driving

(*i.e.* the low-frequency region below 2 kHz), not severe hearing impairment or impairment within the ranges of greatest hearing sensitivity. Animals would need to be exposed to higher levels and/or longer duration than are expected to occur here in order to incur any more than a small degree of PTS. Two of the 3 species for which Level A harassment is authorized are high-frequency cetaceans (harbor porpoise and Dall's porpoise), and the hearing ability of the third species for which Level A harassment is authorized (harbor seal) below 2 kHz is also poor (NMFS, 2018). Given the hearing ranges of these 3 species, PTS incurred at the low frequencies of pile driving noise would not interfere either with conspecific communication or echolocation, and therefore would not be expected to impact on the survival or reproductive abilities of the affected individuals, let alone the stock or population.

Additionally, the amount of authorized take by Level A harassment is very low for all marine mammal stocks and species. For the Pier 58 Reconstruction Project, for 10 of 13 stocks, NMFS anticipates and authorizes no Level A harassment take over the duration of the IHA period; for the other three stocks, NMFS authorizes no more than 40 takes by Level A harassment for any species or stock. These low numbers of takes of individuals by Level A harassment (and involving only a small degree of PTS) are not expected to affect the reproductive success or survival of any individuals, much less result in adverse impacts on the species or stock.

As described above, NMFS expects that marine mammals would likely move away from an aversive stimulus, especially at levels that would be expected to result in PTS, given sufficient notice through use of soft start. The City is also required to shut down pile driving activities if marine mammals approach within hearing group-specific zones that encompass the Level A harassment zones (see Tables 12 and 13), further minimizing the likelihood and degree of PTS that would be incurred. Even absent mitigation, no serious injury or mortality from construction activities is anticipated or authorized.

Effects on individuals that are taken by Level B harassment in the form of behavioral disruption, on the basis of reports in the literature as well as monitoring from other similar activities, will likely be limited to reactions such as avoidance, increased swimming speeds, increased surfacing time, or decreased foraging (if such activity were occurring) (e.g., Thorson and Reyff

2006). Most likely, individuals would simply move away from the sound source and temporarily avoid the area where pile driving is occurring. If sound produced by project activities is sufficiently disturbing, animals are likely to simply avoid the area while the activities are occurring, particularly as the project is located on a busy waterfront with high amounts of vessel traffic. We expect that any avoidance of the project areas by marine mammals would be temporary in nature and that any marine mammals that avoid the project areas during construction would not be permanently displaced. Short-term avoidance of the project areas and energetic impacts of interrupted foraging or other important behaviors is unlikely to affect the reproduction or survival of individual marine mammals, and the effects of behavioral disturbance on individuals is not likely to accrue in a manner that would affect the rates of recruitment or survival of any affected stock.

Additionally, and as noted previously, some subset of the individuals that are behaviorally harassed could also simultaneously incur some small degree of TTS for a short duration of time. However, since the hearing sensitivity of individuals that incur TTS is expected to recover completely within minutes to hours, it is unlikely that the brief hearing impairment would affect the individual's long-term ability to forage and communicate with conspecifics, and would therefore not likely impact reproduction or survival of any individual marine mammal, let alone adversely affect rates of recruitment or survival of the species or stock.

The projects are also not expected to have significant adverse effects on affected marine mammals' habitats. The project activities will not modify existing marine mammal habitat for a significant amount of time. The activities may cause some fish to leave the area of disturbance, thus temporarily impacting marine mammals' foraging opportunities in a limited portion of the foraging range; but, because of the short duration of the activities and the relatively small area of the habitat that may be affected (with no known particular importance to marine mammals), the impacts to marine mammal habitat are not expected to cause significant or long-term negative consequences. Aside from the biologically important area (BIA) for gray whales described below, there are no known areas of importance for other marine mammals, such as feeding or pupping areas, in the project area.

For all species and stocks, and both project areas (Pier 58 and 63), take would occur within a limited, relatively confined area (Elliott Bay within central Puget Sound) of the stocks' ranges. Given the availability of suitable habitat nearby, any displacement of marine mammals from the project areas is not expected to affect marine mammals' fitness, survival, and reproduction due to the limited geographic area that will be affected in comparison to the much larger habitat for marine mammals in Puget Sound. Level A harassment and Level B harassment will be reduced to the level of least practicable adverse impact to the marine mammal species or stocks and their habitat through use of mitigation measures described herein. Some individual marine mammals in the project areas may be present and be subject to repeated exposure to sound from pile driving on multiple days. However, these individuals would likely return to normal behavior during gaps in pile driving activity. The Seattle Waterfront is a busy industrial area and monitoring reports from previous in-water pile driving activities in the area (e.g., WSDOT, 2022; Anchor QEA, 2019) indicate that marine mammals continue to remain in the greater project area throughout pile driving activities. Therefore, any behavioral effects of repeated or long duration exposures are not expected to negatively affect survival or reproductive success of any individuals. Thus, even repeated Level B harassment of some small subset of an overall stock is unlikely to result in any effects on rates of reproduction and survival of the stock.

#### Gray Whales

Puget Sound is part of a BIA for migrating gray whales (Calambokidis *et al.*, 2015). While Elliott Bay is included in the BIA, gray whales typically remain further north in Puget Sound, primarily in the waters around Whidbey Island (Calambokidis *et al.*, 2018). Gray whales are rarely observed in Elliott Bay. Therefore, even though the project areas overlap with the BIA, the infrequent occurrence of gray whales suggests that the projects would have minimal, if any, impact on the migration of gray whales in the BIA, and would therefore not affect reproduction or survival.

There is an ongoing UME for gray whales (see the Description of Marine Mammals in the Area of Specified Activities section in the notice of proposed IHAs (87 FR 12089; March 3, 2022)). However, we do not expect the authorized takes to exacerbate or compound upon this ongoing UME. As noted previously, no Level A harassment, serious injury, or mortality

is expected or authorized, and any Level B harassment takes of gray whales would most likely be in the form of behavioral disturbance. Preliminary findings from necropsied gray whales that are considered part of the ongoing UME have shown evidence of emaciation, suggesting that impacts to feeding would be of most concern. However, the project areas have not been identified as important for feeding of gray whales. Additionally, the project areas are not considered important for breeding gray whales. Therefore the projects are unlikely to disrupt any critical behaviors (e.g., feeding, mating) or have any effect on the reproduction or survival of gray whales, even in light of the ongoing UME.

In summary and as described above, the following factors primarily support our determination that the impacts resulting from this activity are not expected to adversely affect any of the species or stocks through effects on annual rates of recruitment or survival:

- No mortality or serious injury is anticipated or authorized for either project;
- No take of any species by Level A harassment is anticipated or authorized for the Pier 63 Removal Project;
- For the Pier 58 Reconstruction Project, Level A harassment is not anticipated or authorized for 8 of the 11 species. For the other 3 species (2 high-frequency cetaceans and 1 phocid pinniped), the amount of Level A harassment is low and would be in the form of a slight degree of PTS in limited low frequency ranges (<2 kHz) which are not the most sensitive primary hearing ranges for these species and would not interfere with conspecific communication or echolocation;
- For both projects, Level B harassment would be in the form of behavioral disturbance, primarily resulting in avoidance of the project areas around where impact or vibratory pile driving is occurring, and some low-level TTS that may limit the detection of acoustic cues for relatively brief amounts of time in relatively confined footprints of the activities;
- Nearby areas of similar habitat value within Puget Sound are available for marine mammals that may temporarily vacate the project areas during construction activities for both projects;
- Effects on species that serve as prey for marine mammals from the activities are expected to be short-term and, therefore, any associated impacts on marine mammal feeding are not expected to result in significant or long-term consequences for individuals, or to

accrue to adverse impacts on their populations from either project;

- The number of anticipated takes by Level B harassment is relatively low for all stocks for both projects;
  - The ensonified areas from both projects are very small relative to the overall habitat ranges of all species and stocks, and will not adversely affect ESA-designated critical habitat, or cause more than minor impacts in any BIAs or any other areas of known biological importance;
  - The lack of anticipated significant or long-term negative effects to marine mammal habitat from either project;
  - The efficacy of the mitigation measures in reducing the effects of the specified activities on all species and stocks for both projects;
  - The enhanced mitigation measures (e.g., shutdown zones equivalent to the Level B harassment zones) to eliminate the potential for any take of unauthorized species; and
  - Monitoring reports from similar work in Puget Sound that have documented little to no behavioral effect on individuals of the same species that could be impacted by the specified activities from both projects, suggesting the degree/intensity of behavioral harassment would be minimal.
- Based on the analysis contained herein of the likely effects of the specified activities on marine mammals and their habitat, and taking into consideration the implementation of the monitoring and mitigation measures, NMFS finds that the total marine mammal take from the Pier 58 Reconstruction Project will have a negligible impact on all affected marine mammal species or stocks. NMFS also finds that the total marine mammal take from the Pier 63 Removal project will have a negligible impact on all affected marine mammal species or stocks.

#### Small Numbers

As noted above, only small numbers of incidental take may be authorized under sections 101(a)(5)(A) and (D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers and so, in practice, where estimated numbers are available, NMFS compares the number of individuals taken to the most appropriate estimation of abundance of the relevant species or stock in our determination of whether an authorization is limited to small numbers of marine mammals. When the predicted number of individuals to be taken is fewer than one-third of the species or stock abundance, the take is considered to be of small numbers. Additionally, other qualitative factors

may be considered in the analysis, such as the temporal or spatial scale of the activities.

The authorized take for each project is below one third of the population for all marine mammal stocks (Tables 10 and 11).

Based on the analysis contained herein of the proposed activities (including the proposed mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS finds that small numbers of marine mammals would be taken relative to the population size of the affected species or stocks for the Pier 58 Reconstruction Project. NMFS also finds that small numbers of marine mammals would be taken relative to the population size of the affected species or stocks for the Pier 63 Removal Project.

#### Unmitigable Adverse Impact Analysis and Determination

There are no relevant subsistence uses of the affected marine mammal stocks or species implicated by this action. Therefore, NMFS has determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

#### Endangered Species Act

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally whenever we propose to authorize take for endangered or threatened species.

No incidental take of ESA-listed species is authorized or expected to result from these activities. Therefore, NMFS has determined that consultation under section 7 of the ESA is not required for this action.

#### National Environmental Policy Act

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 must review our proposed action (*i.e.*, the issuance of two IHAs) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (IHAs with no

anticipated serious injury or mortality) of the Companion Manual for NOAA Administrative Order 216-6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has determined that the issuance of the IHAs qualifies to be categorically excluded from further NEPA review.

#### Authorizations

As a result of these determinations, NMFS has issued two IHAs to the City, one each for their Pier 58 Reconstruction Project and their Pier 63 Removal Project on the Seattle Waterfront in Seattle, Washington (both effective from August 1, 2022 through July 31, 2023), with the previously discussed mitigation, monitoring, and reporting requirements incorporated.

Dated: May 20, 2022.

**Kimberly Damon-Randall,**

*Director, Office of Protected Resources,  
National Marine Fisheries Service.*

[FR Doc. 2022-11280 Filed 5-25-22; 8:45 am]

**BILLING CODE 3510-22-P**

#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

[RTID 0648-XC060]

#### Permanent Advisory Committee To Advise the U.S. Commissioners to the Western and Central Pacific Fisheries Commission; Meeting Announcement

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

**ACTION:** Notice; update.

**SUMMARY:** NMFS announces the public meeting of the Permanent Advisory Committee (PAC) to advise the U.S. Commissioners to the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC) on June 8, 2022. This notice replaces an earlier document in the **Federal Register** on April 1, 2022 since the time for this meeting has changed.

**DATES:** The meeting of the PAC will be held via web conference on June 8, 2022, from 10 a.m. to 12 p.m. Hawaii Standard Time (HST) (or until business is concluded). Members of the public may submit written comments on meeting topics or materials; comments must be received by June 3, 2022.

**ADDRESSES:** The public meeting will be conducted via web conference. For details on how to call in to the web conference or to submit comments, please contact Emily Reynolds, NMFS Pacific Islands Regional Office; telephone: 808-725-5039; email: [emily.reynolds@noaa.gov](mailto:emily.reynolds@noaa.gov). Documents to be considered by the PAC will be sent out via email in advance of the conference call. Please submit contact information to Emily Reynolds (telephone: 808-725-5039; email: [emily.reynolds@noaa.gov](mailto:emily.reynolds@noaa.gov)) at least 2 days in advance of the call to receive documents via email.

Participants and public commenters are urged not to provide Personally Identifiable Information (PII) BII or Business Identifiable Information (BII) during this meeting, as any public comments are made publicly available. The audio portion of this meeting may be recorded for the purposes of generating notes of the meeting and participation in the meeting constitutes consent to the audio recording.

**FOR FURTHER INFORMATION CONTACT:** Emily Reynolds, NMFS Pacific Islands Regional Office; 1845 Wasp Blvd. Bldg. 176, Honolulu, HI 96818; telephone: 808-725-5039; facsimile: 808-725-5215; email: [emily.reynolds@noaa.gov](mailto:emily.reynolds@noaa.gov).

**SUPPLEMENTARY INFORMATION:** This notice replaces a notice published in the **Federal Register** on April 1, 2022 (87 FR 19079) announcing the June 8, 2022, PAC meeting because of a change in start time. In accordance with the Western and Central Pacific Fisheries Convention Implementation Act (16 U.S.C. 6901 *et seq.*), the PAC, has been formed to advise the U.S.

Commissioners to the WCPFC. The PAC is composed of: (i) Not less than 15 nor more than 20 individuals appointed by the Secretary of Commerce in consultation with the U.S.

Commissioners to the WCPFC; (ii) the chair of the Western Pacific Fishery Management Council's Advisory Committee (or the chair's designee); and (iii) officials from the fisheries management authorities of American Samoa, Guam, and the Northern Mariana Islands (or their designees). The PAC supports the work of the U.S. National Section to the WCPFC in an advisory capacity. The U.S. National Section is made up of the U.S.

Commissioners and the Department of State. NMFS Pacific Islands Regional Office provides administrative and technical support to the PAC in cooperation with the Department of State. More information on the WCPFC, established under the Convention on the Conservation and Management of



Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, can be found on the WCPFC website: <http://www.wcpfc.int>.

### Meeting Topics

The purpose of the June 8, 2022 meeting is to discuss outcomes of the 2021 regular session of the WCPFC (WCPFC18), U.S. priorities leading up to the 2022 regular session of the WCPFC (WCPFC19) and potential management measures for tunas and other issues of interest.

### Special Accommodations

The web conference is accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids were requested to be directed to Emily Reynolds at 808-725-5039 by May 25, 2022.

*Authority:* 16 U.S.C. 6902 *et seq.*

Dated: May 20, 2022.

**Jennifer M. Wallace,**

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

[FR Doc. 2022-11345 Filed 5-25-22; 8:45 am]

BILLING CODE 3510-22-P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Charter Renewal of Department of Defense Federal Advisory Committees—Board of Regents, Uniformed Services University of the Health Sciences

**AGENCY:** Department of Defense (DoD).  
**ACTION:** Charter renewal of Federal Advisory Committee.

**SUMMARY:** The DoD is publishing this notice to announce that it is renewing the charter for the Board of Regents, Uniformed Services of the Health Sciences (BoR USUHS).

**FOR FURTHER INFORMATION CONTACT:** Jim Freeman, DoD Advisory Committee Management Officer, 703-692-5952.

**SUPPLEMENTARY INFORMATION:** The BoR USUHS' charter is being renewed in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C., appendix) and 41 CFR 102-3.50(a). The charter and contact information for the BoR USUHS' Designated Federal Officer (DFO) are found at <https://www.facadatabase.gov/FACA/apex/FACAPublicAgencyNavigation>.

The BoR USUHS will provide independent advice and recommendations on academic and administrative matters critical to the full accreditation and successful operation of the Uniformed Services University of

the Health Sciences ("the University") and carrying out the Secretary's responsibility to conduct the business of the University.

Pursuant to 10 U.S.C. 2113a(b), the BoR USUHS shall consist of 16 members appointed by the Secretary of Defense and the Deputy Secretary of Defense ("the DoD Appointing Authority"), as follows: (a) Nine persons outstanding in the fields of health care, higher education administration, or public policy, who shall be appointed from civilian life by the DoD Appointing Authority; (b) the Secretary of Defense, or his or her designee, who shall be an ex officio member; (c) the Director of the Defense Health Agency, who shall be an ex officio member; (d) the Surgeons General of the Uniformed Services, who shall be ex officio members; and (e) the President of the University, who shall be a non-voting, ex officio member.

BoR USUHS members who are not ex officio members shall be appointed by the DoD Appointing Authority pursuant to 10 U.S.C. 2113a(b)(1) and (c) for a six-year term of service except that: (a) Any member appointed to fill a vacancy occurring before the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of such term; and, (b) any member whose term of office has expired shall continue to serve until his or her successor is appointed.

Appointments for BoR USUHS members who are not ex officio members shall be renewed on an annual basis in accordance with DoD policy and procedures. No member, unless approved by the DoD Appointing Authority, may serve on more than two DoD Federal advisory committees at one time.

BoR USUHS members who are not full-time or permanent part-time Federal civilian officers or employees, or active duty members of the Uniformed Services, shall be appointed as experts or consultants pursuant to 5 U.S.C. 3109 to serve as special government employee members. BoR USUHS members who are full-time or permanent part-time Federal civilian officers or employees, or active duty members of the Uniformed Services, shall be designated pursuant to 41 CFR 102-3.130(a) to serve as regular government employee (RGE) members.

Pursuant to 10 U.S.C. 2113a(d), the DoD Appointing Authority shall appoint the BoR USUHS Chair for a term of service of one-to-two years, with annual renewal which shall not exceed the member's approved BoR USUHS appointment, in accordance with DoD policy and procedures.

All BoR USUHS members are appointed to exercise their own best judgment on behalf of the DoD, without representing any particular points of view, and to discuss and deliberate in a manner that is free from conflicts of interest.

Pursuant to 10 U.S.C. 2113a(e), BoR USUHS members (other than ex officio members) shall be entitled to receive compensation at a rate determined by the DoD Appointing Authority, for each day of attendance at the BoR USUHS meetings, in addition to travel and other necessary expenses connected with their official duties on the BoR USUHS, in accordance with the provision of 5 U.S.C. 5703(b), (d) and 5707. RGE members shall only be reimbursed for official BoR USUHS-related travel and per diem.

The public or interested organizations may submit written statements to the BoR USUHS about the BoR USUHS' mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meeting of the BoR USUHS. All written statements shall be submitted to the DFO for the BoR USUHS, and this individual will ensure that the written statements are provided to the membership for their consideration.

Dated: May 20, 2022.

**Aaron T. Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2022-11295 Filed 5-25-22; 8:45 am]

BILLING CODE 5001-06-P

## DEPARTMENT OF EDUCATION

#### Applications for New Awards; Education Research and Special Education Research Grant Programs

**AGENCY:** Institute of Education Sciences, Department of Education.

**ACTION:** Notice.

**SUMMARY:** The Department of Education (Department) is issuing a notice inviting applications for new awards for fiscal year (FY) 2023 for the Education Research and Special Education Research Grant Programs, Assistance Listing Numbers (ALNs) 84.305B, 84.305S, 84.324A, and 84.324B. This notice relates to the approved information collection under OMB control number 4040-0001.

**DATES:** The dates when applications are available and the deadlines for transmittal of applications invited under this notice are indicated in the chart at the end of this notice and in the

Requests for Applications (RFAs) that are posted at the following website: <https://ies.ed.gov/funding>.

**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:** The contact person associated with a particular research competition is listed in the chart at the end of this notice, as well as in the relevant RFA and application package.

If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7-1-1.

**SUPPLEMENTARY INFORMATION:**

**Full Text of Announcement**

**I. Funding Opportunity Description**

*Purpose of Program:* In awarding the research grants, the Institute of Education Sciences (IES) intends to provide national leadership in expanding knowledge and understanding of (1) developmental and school readiness outcomes for infants and toddlers with or at risk for a disability, (2) education outcomes for all learners from early childhood education through postsecondary and adult education, and (3) employment and wage outcomes when relevant (such as for those engaged in career and technical, postsecondary, or adult education). The IES research grant programs are designed to provide interested individuals and the general public with reliable and valid information about education practices that support learning and improve academic achievement and access to education opportunities for all learners. These interested individuals include parents, educators, learners, researchers, and policymakers. In carrying out its grant programs, IES provides support for programs of research in areas of demonstrated national need. In

awarding research training grant programs, IES aims to prepare individuals to conduct rigorous and relevant education and special education research that advances knowledge within the field and addresses issues important to education policymakers and practitioners.

*Competitions in This Notice:* IES is announcing four research competitions through two of its centers:

The IES National Center for Education Research (NCER) is announcing two competitions—one competition in each of the following areas: Education research training and using longitudinal data to support State education policymaking.

The IES National Center for Special Education Research (NCSE) is announcing two competitions—one competition in each of the following areas: Special education research and special education research training.

*NCER Competitions*

*The Research Training Programs in the Education Sciences Competition (ALN 84.305B).* Under this competition, NCER will consider only applications that address one of the following topics:

- Early Career Mentoring Program for Faculty at Minority-Serving Institutions (MSIs).<sup>1</sup>

- Methods Training in Data Science for Education Researchers.

*Using Longitudinal Data to Support State Education Policymaking (ALN 84.305S).* Under this competition, NCER will only consider applications that address State agencies' use of their State's education longitudinal data systems to identify and reduce opportunity- and achievement gaps for learners from prekindergarten through adult education.

NCER will not compete the Education Research (ALN 84.305A), Statistical and Research Methodology in Education (ALN 84.305D), or Systematic Replication in Education Research (ALN

<sup>1</sup> To qualify as an MSI for the purpose of the Early Career Mentoring Program, the institution must be eligible to receive assistance under sections 316 through 320 of part A of title III, under part B of title III, or under title V of the HEA. Information on eligibility under these authorities is available on the FY 2022 Eligibility Matrix at this link. MSIs include Alaska Native and Native Hawaiian-Serving Institutions (ANNH), American Indian Tribally Controlled Colleges and Universities (TCCU), Asian American and Native American Pacific Islander-Serving Institutions (AANAPISI), Hispanic-Serving Institutions (HSI), Historically Black Colleges and Universities (HBCU), Predominantly Black Institutions (PBI), and Native American-Serving, Nontribal Institutions (NASNTI). Please note that institutions eligible only for the Department's Title III Part A Strengthening Institutions program (SIP) are not considered MSIs for the purpose of this competition unless they also meet the eligibility requirements for a specific MSI category.

84.305R) grant programs in FY 2023. If funding is available in FY 2023, the Director intends to use the grant slate developed in FY 2022 for the Education Research (ALN 84.305A) and the Systematic Replication in Education Research (ALN 84.305R) grant programs to make new awards to high-quality applications that remain unfunded on this slate.

*NCSE Competitions*

*The Special Education Research Competition (ALN 84.324A).* Under this competition, NCSE encourages a broad range of research, including studies that may have more than one research focus (such as reading and behavior) and may focus broadly on students with disabilities or on a particular disability (such as autism spectrum disorders). The range of research supported through this program includes, but is not limited to, programs to improve child development and school readiness; academic and/or behavioral interventions; instructional practices and/or professional development programs for teachers and other school-based personnel; strategies for improving the family support and engagement critical to the success of students with disabilities; policies and systems-level interventions and programs to address school finance, school-community collaborations, or school structures that affect educational progress for students with disabilities; transition from secondary school to postsecondary education, career, and/or independent living; as well as access to, persistence in, and completion of postsecondary education.

*The Research Training Programs in Special Education Competition (ALN 84.324B).* Under this competition, NCSE will consider only applications that address Early Career Development and Mentoring.

*Exemption from Proposed Rulemaking:* Under section 191 of the Education Sciences Reform Act, 20 U.S.C. 9581, IES is not subject to section 437(d) of the General Education Provisions Act, 20 U.S.C. 1232(d), and is therefore not required to offer interested parties the opportunity to comment on matters relating to grants.

*Program Authority:* 20 U.S.C. 9501 *et seq.*

*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 77, 81, 82, 84, 86, 97, 98, and 99.

In addition, the regulations in 34 CFR part 75 are applicable, except for the provisions in 34 CFR 75.100, 75.101(b), 75.102, 75.103, 75.105, 75.109(a), 75.200, 75.201, 75.209, 75.210, 75.211, 75.217(a)–(c), 75.219, 75.220, 75.221, 75.222, 75.230, 75.250(a), and 75.708. (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.

*Note:* The regulations in 34 CFR part 86 apply to institutions of higher education only.

*Note:* The open licensing requirement in 2 CFR 3474.20 does not apply to these competitions.

## II. Award Information

*Types of Awards:* Discretionary grants and cooperative agreements.

*Fiscal Information:* Although Congress has not yet enacted an appropriation for FY 2023, IES is inviting applications for these competitions now so that applicants can have adequate time to prepare their applications. The actual level of funding, if any, depends on final congressional action. IES may announce additional competitions later in 2022.

*Estimated Range of Awards:* See chart at the end of this notice. The size of the awards will depend on the scope of the projects proposed.

*Estimated Number of Awards:* The number of awards made under each competition will depend on the quality of the applications received for that competition and the availability of funds.

For all competitions, contingent on the availability of funds and the quality of applications, we may make additional awards in FY 2024 from the list of highly-rated unfunded applications submitted in response to the FY 2023 competition announcement.

*Note:* The Department is not bound by any estimates in this notice.

*Project Period:* See chart at the end of this notice.

## III. Eligibility Information

1. *Eligible Applicants:* For the Special Education Research (ALN 84.324A) grant competition, applicants that have the ability and capacity to conduct scientifically valid research are eligible to apply. Eligible applicants include, but are not limited to, nonprofit and for-

profit organizations and public and private agencies and institutions of higher education, such as colleges and universities.

For the Early Career Development and Mentoring Program under the Research Training Programs in Special Education (ALN 84.324B), applicants must be an institution of higher education in the United States and its territories.

For the Early Career Mentoring Program under the Research Training Programs in the Education Sciences (ALN 84.305B), applicants must be a minority-serving institution of higher education located in the territorial United States.

For the Methods Training in Data Science for Education Researchers program (ALN 84.305B), applicants must have the ability and capacity to conduct training in data science methods and be located in the territorial United States.

For the Using Longitudinal Data to Support State Education Policymaking (ALN 84.305S) grant program, eligible applications must include the eligible State agency or State postsecondary system responsible for the education issue, program, or policy to be examined. Eligible State agencies include the State education agency (SEA) responsible for the State's K–12 sector as well as State agencies responsible for other specific education sectors such as prekindergarten, career and technical education, postsecondary education, and adult education. In addition, a State postsecondary system may serve as the State agency. State agencies may apply alone, or in conjunction with research organizations such as universities and research firms, and/or with other appropriate organizations (such as other State agencies or local education agencies).

2. *Cost Sharing or Matching:* These programs do not require cost sharing or matching.

3. *Subgrantees:* Under 34 CFR 75.708(b) and (c) a grantee under this competition may award subgrants—to directly carry out project activities described in its application—to the following types of entities: Nonprofit and for-profit organizations and public and private agencies and institutions of higher education. The grantee may award subgrants to entities it has identified in an approved 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 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. *Other Information:* Information regarding program and application requirements for the competitions will be contained in the currently available IES Application Submission Guide and in the NCER and NCSER RFAs, which will be available on or before June 30, 2022, on the IES website at: <https://ies.ed.gov/funding/>. The dates on which the application packages for these competitions will be available are indicated in the chart at the end of this notice.

3. *Content and Form of Application Submission:* Requirements concerning the content of an application are contained in the RFA for the specific competition. The forms that must be submitted are in the application package for the specific competition.

4. *Submission Dates and Times:* The deadline date for transmittal of applications for each competition is indicated in the chart at the end of this notice and in the RFAs for the competitions.

We do not consider an application that does not comply with the deadline requirements.

5. *Intergovernmental Review:* These competitions are not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

6. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

## V. Application Review Information

1. *Selection Criteria:* For all of its grant competitions, IES uses selection criteria based on a peer review process that has been approved by the National Board for Education Sciences. The Peer Review Procedures for Grant Applications can be found on the IES website at [https://ies.ed.gov/director/sro/peer\\_review/application\\_review.asp](https://ies.ed.gov/director/sro/peer_review/application_review.asp).

For the 84.324A competition, peer reviewers will be asked to evaluate the significance of the application, the quality of the research plan, the

qualifications and experience of the personnel, the resources of the applicant to support the proposed activities, and the quality of the dissemination history and dissemination plan. These criteria will be described in greater detail in the RFAs.

For the 84.324B competition, peer reviewers for the early career development and mentoring program will be asked to evaluate the significance of the application, the quality of the research plan, the quality of the career development plan, the qualifications and experience of the personnel, the resources of the applicant to support the proposed activities, and the quality of the dissemination plan. These criteria are described in greater detail in the RFA.

For the 84.305B early career mentoring program competition, peer reviewers will be asked to evaluate the significance of the application, the quality of the research plan, the quality of the career development plan, the qualifications and experience of the personnel, the resources of the applicant to support the proposed activities, and the quality of the dissemination plan.

For the 84.305B methods training program competition, peer reviewers will be asked to evaluate the significance of the application, the quality of the research training plan, the qualifications and experience of the personnel, the resources of the applicant to support the proposed activities, and the quality of the dissemination plan. These criteria are described in greater detail in the RFA.

For the 84.305S competition, peer reviewers will be asked to evaluate the significance of the application, the quality of the research plan, the applicability and availability of the data to be analyzed, and the quality of the plans to disseminate and use the findings in State decision-making. These criteria are described in greater detail in the RFA.

For all IES competitions, applications must include budgets no higher than the relevant maximum award as set out in the relevant RFA. IES will not make an award exceeding the maximum award amount as set out in the relevant RFA.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, IES 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, compliance with the IES policy regarding public access to research, and compliance with grant

conditions. IES 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, IES also 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 these competitions, the Department conducts a review of the risks posed by applicants. Under 2 CFR 200.208, IES 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 these competitions 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 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 also notify you informally.

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. *Grant Administration:* Applicants should budget for an annual meeting of up to three days for project directors to be held in Washington, DC.

4. *Reporting:* (a) If you apply for a grant under one of the competitions announced in this notice, 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 IES. 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 IES under 34 CFR 75.118. IES 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:* To evaluate the overall success of its education research and special education research grant programs, IES annually assesses the percentage of projects that result in peer-reviewed publications and the number of IES-supported interventions with evidence of efficacy in improving learner education outcomes. In addition, NCSER annually assesses the number of newly developed or modified interventions with evidence of promise for improving learner education outcomes. School readiness outcomes include pre-reading, reading, pre-writing, early mathematics, early science, and social-emotional skills that prepare young children for school. Student academic outcomes include learning and achievement in academic content areas, such as reading, writing, math, and science, as well as outcomes that reflect students' successful progression through the education system, such as course and grade completion; high school graduation; and postsecondary enrollment, progress, and completion. Social and behavioral competencies include social and emotional skills, attitudes, and behaviors that are important to

academic and post-academic success. Employment and earnings outcomes include hours of employment, job stability, and wages and benefits, and may be measured in addition to student academic outcomes. Additional education outcomes for students with or at risk of a disability (as defined in the relevant RFA) include developmental outcomes for infants and toddlers (birth to age three) pertaining to cognitive, communicative, linguistic, social, emotional, adaptive, functional, or physical development; and developmental and functional outcomes that improve education outcomes, transition to employment, independent living, and postsecondary education; and employment and earning outcomes for students with disabilities.

6. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, IES 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; whether a grantee is in compliance with the IES policy regarding public access to research; and if IES 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, IES 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 relevant program contact person listed in the chart at the end of this notice, as well as in the relevant RFA and application package, individuals with disabilities can obtain this document and a copy of the RFA 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.

**Mark Schneider,**  
*Director, Institute of Education Sciences.*

ALN and name	Application package available	Deadline for transmittal of applications	Estimated range of awards*	Project period	For further information contact
<b>National Center for Education Research (NCER)</b>					
84.305B Research Training Programs in the Education Sciences. <ul style="list-style-type: none"> <li>▪ Early Career Mentoring Program for MSI Faculty.</li> <li>▪ Methods Training in Data Science for Education Researchers.</li> </ul>	June 30, 2022	September 8, 2022 ....	\$80,000 to \$266,000 .....	Up to 4 years .....	Katina Stapleton, <i>Katina.Stapleton@ed.gov.</i>
84.305S Using Longitudinal Data to Support State Education Policymaking.	June 30, 2022	September 8, 2022 ....	\$100,000 to \$333,000 ....	Up to 3 years .....	Allen Ruby, <i>Allen.Ruby@ed.gov.</i>
<b>National Center for Special Education Research (NCSER)</b>					
84.324A Special Education Research ....	June 30, 2022	September 8, 2022 ....	\$200,000 to \$760,000 ....	Up to 5 years .....	Emily Weaver, <i>Emily.Weaver@ed.gov.</i>
84.324B Research Training Programs in Special Education. <ul style="list-style-type: none"> <li>▪ Early Career Development and Mentoring.</li> </ul>	June 30, 2022	September 8, 2022 ....	\$100,000 to \$200,000 ....	Up to 4 years .....	Katherine Taylor, <i>Katherine.Taylor@ed.gov.</i>

\* These estimates are annual amounts.

**Note:** The Department is not bound by any estimates in this notice.

**Note:** If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7-1-1.

[FR Doc. 2022–11355 Filed 5–25–22; 8:45 am]

BILLING CODE 4000–01–P

**DEPARTMENT OF EDUCATION****Applications for New Awards; Fund for the Improvement of Postsecondary Education—Open Textbooks Pilot Program****AGENCY:** Office of Postsecondary 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 Open Textbooks Pilot program conducted under the Fund for the Improvement of Postsecondary Education (FIPSE), Assistance Listing Number (ALN) 84.116T. This notice relates to the approved information collection under OMB control number 1894–0006.

**DATES:** *Applications Available:* May 26, 2022.

*Deadline for Transmittal of Applications:* July 25, 2022.

*Deadline for Intergovernmental Review:* September 23, 2022.

**ADDRESSES:** For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grants 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:** Kurrinn Abrams, U.S. Department of Education, 400 Maryland Avenue SW, 2nd floor, Washington, DC 20202. Telephone: (202) 987–1920. Email: [kurrinn.abrams2@ed.gov](mailto:kurrinn.abrams2@ed.gov).

If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7–1–1.

**SUPPLEMENTARY INFORMATION:****Full Text of Announcement****I. Funding Opportunity Description**

*Purpose of Program:* The Open Textbooks Pilot program supports projects at eligible institutions of higher education (IHEs) that create new open textbooks (as defined in this notice) and expand the use of open textbooks and course materials in courses that are part of a degree-granting program, particularly those with high enrollments. Applicants are encouraged to develop projects that demonstrate the greatest potential to achieve the highest level of savings for students through sustainable, expanded use of open educational resources in high-enrollment courses (as defined in this notice) or in programs that prepare individuals for in-demand fields.

*Background:* The cost of attending college has steadily increased over the last ten years, driven in part by the increased cost of college textbooks. College textbook costs increased 41 percent between 2011 and 2018.<sup>1</sup> Although they decreased slightly between 2019 and 2021, the cost of college textbooks was still 36 percent higher in 2021 than in 2011.<sup>2</sup>

Increasing textbook costs introduce an additional barrier to college access and completion, particularly for low-income students. In recent years, the development of open textbooks and other open educational resources has emerged as a potential solution. In fact, in a study conducted by the Open Textbook Alliance, switching from textbooks to open educational resources nationwide in the ten introductory core-curriculum courses surveyed in the study would save students an estimated \$1.5 billion per year on course materials.<sup>3</sup>

In addition to the cost-saving benefits of open resources, there are additional benefits for students and faculty. Open textbooks and open educational resources increase equity because institutions are able to freely distribute these resources and provide students access to high-quality, up-to-date, and relevant content and materials; and access to open resources can empower faculty to customize learning materials to better meet the needs of their

students. Open textbooks and open educational resources can further provide students the opportunity to reallocate financial aid money to other important educational resources and necessary costs of attending college.<sup>4</sup>

While open textbooks often are available for general education or introductory courses, the Department seeks to promote degree completion by supporting the development of open textbooks at all levels within an academic program. This program therefore emphasizes expanding the use of existing open textbooks in general education or introductory courses, as well as developing open textbooks for several required courses in one or more high-enrollment majors to ensure that students will benefit from cost savings throughout their programs.

*Priorities:* These priorities are from the Notice of Final Priorities, Requirements, and Definitions (NFP) for this program published in the **Federal Register** on September 15, 2020 (85 FR 57138).

*Absolute 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 absolute priorities. Under 34 CFR 75.105(c)(3), we consider only applications that meet each of these priorities.

These priorities are:

*Absolute Priority 1—Improving Collaboration and Dissemination.*

To meet this priority, an eligible applicant must propose to lead and carry out projects that involve a consortia of institutions, instructors, and subject matter experts, including no less than three IHEs, along with relevant employers, workforce stakeholders (as defined in this notice), and/or trade or professional associations (as defined in this notice). Applicants must explain how the members of the consortium will work together to develop and implement open textbooks that: (a) Reduce the cost of college for large numbers of students through a variety of cost saving measures; and (b) contain instructional content and ancillary instructional materials that align student learning objectives with the skills or knowledge required by large numbers of students (at a given institution or nationally), or in the case of a career and technical postsecondary program, meet industry standards in in-demand industry sectors or in-demand occupations (as defined in this notice).

<sup>1</sup> Bureau of Labor Statistics, U.S. Dept. of Labor, *The Economics Daily*, “Cost of college tuition has remained stable since September 2019” (Aug. 31, 2021), available at <https://www.bls.gov/pub/ted/2021/cost-of-college-tuition-has-remained-stable-since-september-2019.htm>.

<sup>2</sup> *Ibid.*

<sup>3</sup> Student Public Interest Research Groups, “Open 101: An Action Plan for Affordable Textbooks” (Jan. 25, 2018), available at <https://studentpirgs.org/2018/01/25/open-101-action-plan-affordable-textbooks/>.

<sup>4</sup> U.S. Department of Education, Office of Educational Technology, “Open Education: Why Use Openly Licensed Educational Resources?”, available at <https://tech.ed.gov/open/>.

*Absolute Priority 2—Addressing Gaps in the Open Textbook Marketplace and Bringing Solutions to Scale.*

To meet this priority, an applicant must identify the gaps in the open textbook marketplace in courses that are part of a degree-granting program that it seeks to address and propose how to close such gaps. An applicant must propose a comprehensive plan to: (a) Identify and assess existing open educational resources in the proposed subject area before creating new ones, such as by identifying any existing open textbooks that could potentially be used as models for the design of the project or ancillary learning resources that would support the development of courses that use open textbooks; (b) focus on the creation and expansion of education and training materials that can be scaled, within and beyond the participating consortium members, to reach a broad range of students participating in high-enrollment courses or preparing for in-demand industry sectors or in-demand occupations; (c) create and disseminate protocols to review any open textbooks created or adapted through the project for accuracy, rigor, and accessibility for students with disabilities; (d) disseminate information about the results of the project to other IHEs, including promoting the adoption of any open textbooks created or adapted through the project, or adopting open standard protocols and processes that support the interoperability for any digital assets created; (e) include professional development to build capacity of faculty, instructors, and other staff to adapt and use open textbooks; and (f) describe the courses for which open textbooks and ancillary materials are being developed.

*Absolute Priority 3—Promoting Student Success.*

To meet this priority, an applicant must propose to build upon existing open textbook materials and/or develop new open textbooks for high-enrollment courses or high-enrollment programs in order to achieve the highest level of savings for students.

Additionally, this priority requires the applicant to include plans for: (a) Promoting and tracking the use of open textbooks in postsecondary courses across participating members of the consortium, including an estimate of the projected direct cost savings for students that will be reported during the annual performance review; (b) monitoring the impact of open textbooks on instruction, learning outcomes, course outcomes, and educational costs; (c) investigating and disseminating evidence-based practices associated

with using open textbooks that improve student outcomes; and (d) updating the open textbooks beyond the funded period.

*Competitive Preference 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 a competitive preference priority. 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 this priority.

This priority is:

*Using Technology-Based Strategies for Personalized Learning and Continuous Improvement* (up to 5 points).

To meet this priority, an applicant must propose a project that focuses on improving instruction and student learning outcomes by integrating technology-based strategies, such as personalized learning, and providing support to faculty, instructors, and other staff who are delivering courses using these techniques. The project must enable students to tailor and monitor their own learning and/or allow instructors to monitor the individual performance of each student in the classes or courses for which the applicant proposes to develop open textbooks. In addition, online and technology-enabled content and courses developed under this project must incorporate the principles of universal design in order to ensure that they are readily accessible by all students, including students with disabilities. The openly licensed resources that are developed should support traditional, text-based materials, including through such tools as adaptive learning modules, digital simulations, and tools to assist student engagement.

*Invitational 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 invitational priority. Under 34 CFR 75.105(c)(1), we do not give an application that meets this invitational priority a competitive or absolute preference over other applications.

This priority is:

*Participation by Minority-Serving Institutions and Community Colleges.*

An application from a Minority-Serving Institution (MSI) (as defined in this notice) or community college (as defined in this notice) that leads the activities of the consortium and serves as the fiscal agent; or an application from a consortium in which an MSI or community college is a member of the consortium but not the lead applicant.

For the purpose of this priority, the definition of “minority-serving institution” is from the Supplemental Priorities and section 437(d)(1) of GEPA. The definition of “community college” is from section 312(f) of the Higher Education Act of 1965, as amended (HEA) (20 U.S.C 1058(f)). These definitions apply to this competition for FY 2022 and any subsequent year in which we make awards from the list of unfunded applicants from this competition.

*Community college* means an institution that meets the definition in section 312(f) of the Higher Education Act (HEA) (20 U.S.C. 1058(f)).

*Minority-Serving Institution* means an institution that is eligible to receive assistance under sections 316 through 320 of part A of title III, under part B of title III, or under title V of the HEA.

*Note:* The list of institutions currently designated as eligible under title III and title V is available at: [www2.ed.gov/about/offices/list/ope/idades/eligibility.html#el-inst](http://www2.ed.gov/about/offices/list/ope/idades/eligibility.html#el-inst).

*Requirements:* These requirements are from the NFP and apply to this competition for FY 2022 and any subsequent year in which we make awards from the list of unfunded applications from this competition.

*Accessibility:* All digital content developed under this grant program must incorporate the principles of universal design (<https://udlguidelines.cast.org/>) to ensure that they are accessible to individuals with disabilities. The content and courses must be in full compliance with the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, as amended, and the Web Content Accessibility Guidelines 2.1, Level AA ([www.w3.org/TR/WCAG/](http://www.w3.org/TR/WCAG/)).

*Technical Standards for Interoperability:* All digital assets developed under this grant program must be produced to maximize interoperability, exchange, and reuse and must conform to industry-recognized open standards and specifications. Applicants must identify the industry standard they will use. All digital assets created in whole or in part under this grant program must be licensed for free, attributed public use and distribution as required under 2 CFR 3474.20.

*Definitions:* The following definitions are from the NFP and apply to this competition for FY 2022 and any subsequent year in which we make awards from the list of unfunded applications from this competition.

*High-enrollment courses* means courses that are required for a degree-granting program offered by an eligible

IHE that either have total student enrollments within the top third of courses: (a) At the lead institution, if applicable, or at one or more of the consortia partner institutions; (b) in the State; or (c) nationally as compared to other academic or career and technical education courses.

*High-enrollment program* means a program that yields a postsecondary degree that either has total student enrollments within the top third of programs: (a) At the lead institution, if applicable, or at one or more of the consortia partner institutions; (b) in the State; or (c) nationally as compared to other academic or career and technical education programs.

*In-demand industry sector* means an industry sector that has a substantial current or potential impact (including through jobs that lead to economic self-sufficiency and opportunities for advancement) on the State, regional, or local economy, as appropriate, and that contributes to the growth or stability of other supporting businesses, or the growth of other industry sectors.

*In-demand occupation* means an occupation that currently has or is projected to have a number of positions (including positions that lead to economic self-sufficiency and opportunities for advancement) in an industry sector so as to have a significant impact on the State, regional, or local economy, as appropriate.

*Open textbook* means a textbook that is licensed under a worldwide, nonexclusive, royalty-free, perpetual, and irrevocable license to the public to exercise any of the rights under copyright conditioned only on the requirement that attribution be given as directed by the copyright owner. An open textbook may also include a variety of open educational resources or materials used by instructors in the development of a course and those learning activities necessary for successful completion of a course by students. These include any learning exercises, technology-enabled experiences (e.g., simulations), and adaptive support and assessment tools.

*Sector partner* means a member of a workforce collaborative, convened by or acting in partnership with a State board or local board, that organizes key stakeholders interconnected by labor markets, technologies, and worker skill needs into a working group that focuses on shared goals and resource needs.

*Trade or professional association* means a membership organization that inspects employers or practitioners, or leads credentialing programs, in a specific industry or sector.

*Workforce stakeholder* means an individual or organization with an interest in the employability of others either for self-interest or the interest of other employers.

*Program Authority:* 20 U.S.C. 1138–1138d; the Explanatory Statement accompanying Division H of the Consolidated Appropriations Act, 2022 (Pub. L. 117–103).

*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, 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 NFP. (e) The Supplemental Priorities.

*Note:* The regulations in 34 CFR part 86 apply to IHEs only.

## II. Award Information

*Type of Award:* Discretionary grants.  
*Estimated Available Funds:* \$2,627,000.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in subsequent years from the list of unfunded applications for this competition.

*Estimated Range of Awards:* \$500,000–\$2,000,000.

*Estimated Average Size of Awards:* \$1,000,000.

*Maximum Award:* We will not make an award exceeding \$2,000,000 for the entire project period of 36 months.

*Estimated Number of Awards:* 1–5.

*Note:* The Department is not bound by any estimates in this notice.

*Project Period:* Up to 36 months.

## III. Eligibility Information

1. *Eligible Applicants:* Eligible applicants are IHEs as defined in section 101 of the HEA (20 U.S.C. 1001), or State higher education agencies that:

(a) Lead the activities of a consortium that is comprised of at least:

(i) Three IHEs as defined in section 101 of the HEA;

(ii) An educational technology or electronic curriculum design expert

(which may include such experts that are employed by one or more of the consortium institutions); and

(iii) An advisory group of at least three employers, workforce organizations, or sector partners; and

(b) Have demonstrated experience in the development and implementation of open educational resources.

2. a. *Cost Sharing or Matching:* This program 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 Cost Principles described in 2 CFR part 200 subpart E of the Uniform Guidance.

3. *Subgrantees:* Under 34 CFR 75.708(b) and (c) a grantee under this competition may award subgrants—to directly carry out project activities described in its application—to entities listed in the grant 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 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/ocfo/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 Open Textbook Pilot program, 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 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 competition 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 program.

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 60 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 all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions.
- Use a readable 12-point font such as Times New Roman, Courier, Courier New, or Arial.

The recommended 60-page limit applies only to the application narrative and does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. We recommend that any application addressing the competitive preference priority include no more than three additional pages for the priority, if the priority is addressed.

6. *Program Profile*: Applicants must indicate in the recommended one-page abstract and on the FY 2022 Open Textbook Pilot program profile form in the application package all of the IHEs that comprise the consortium, and whether they addressed the competitive

preference priority and the invitational priority.

## V. Application Review Information

1. *Selection Criteria*: The selection criteria for this competition are from 34 CFR 75.210. The maximum score for all of the selection criteria is 100 points. The maximum score for each criterion is included in parentheses following the title of the specific selection criterion. Each criterion also includes the factors that reviewers will consider in determining the extent to which an applicant meets the criterion.

Points awarded under the competitive preference priority are in addition to any points an applicant earns for all of the selection criteria in this notice. The maximum score that an application may receive under the competitive preference priority and the selection criteria is 105. The selection criteria are as follows:

a. *Significance*. (up to 20 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 (up to 10 points).

(2) The potential replicability of the proposed project or strategies, including, as appropriate, the potential for implementation in a variety of settings (up to 10 points).

b. *Quality of the Project Design*. (up to 16 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 (up to 4 points).

(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 (up to 4 points).

(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 (up to 4 points).

(4) The extent to which the proposed project represents an exceptional approach to the priority or priorities established for the competition (up to 4 points).

c. *Quality of Project Services*. (up to 15 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 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. In addition, the Secretary considers the following factors:

(1) The likelihood that the services to be provided by the proposed project will lead to improvements in the achievement of students as measured against rigorous academic standards (up to 5 points).

(2) The extent to which the services to be provided by the proposed project involve the collaboration of appropriate partners for maximizing the effectiveness of project services (up to 5 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 (up to 5 points).

d. *Quality of Project Personnel*. (up to 9 points)

The Secretary considers the quality of the personnel who will carry out the proposed project. 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. In addition, the Secretary considers the following factors:

(1) The qualifications, including relevant training and experience, of the project director or principal investigator (up to 5 points).

(2) The qualifications, including relevant training and experience, of key project personnel (up to 4 points).

e. *Adequacy of Resources*. (up to 20 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 following factors:

(1) The relevance and demonstrated commitment of each partner in the proposed project to the implementation and success of the project (up to 10 points).

(2) The extent to which the costs are reasonable in relation to the objectives,

design, and potential significance of the proposed project (up to 10 points).

f. *Quality of the Management Plan.* (up to 10 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 (up to 5 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 (up to 5 points).

g. *Quality of the Project Evaluation.* (up to 10 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 following factors:

(1) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project (up to 5 points).

(2) The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible (up to 5 points).

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).

For this competition, a panel of external reviewers will read, prepare a written evaluation of, and score all eligible applications using the selection

criteria and the competitive preference priority, if applicable, provided in this notice. The individual scores of the reviewers will be added and the sum divided by the number of reviewers to determine the peer review score. The Department may use more than one tier of reviews in evaluating grantees. The Department will prepare a rank order of applications based solely on the evaluation of their quality according to the selection criteria and competitive preference priority points.

In the event there are two or more applications with the same final score in the rank order listing, and there are insufficient funds to fully support each of these applications, the Department will apply the following procedure to determine which application or applications will receive an award:

*First Tiebreaker:* The first tiebreaker will be the highest average score for the selection criterion "Quality of the Project Design." If a tie remains, the second tiebreaker will be utilized.

*Second Tiebreaker:* The second tiebreaker will be the highest average score for the selection criterion "Significance." If a tie remains, the third tiebreaker will be utilized.

*Third Tiebreaker:* The third tiebreaker will be the highest average score for the competitive preference priority. If a tie remains, the fourth tiebreaker will be utilized.

*Fourth Tiebreaker:* The fourth tiebreaker will be the applicant that proposes the highest projected savings for students in response to Absolute Priority 3.

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 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 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 will 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 will 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, we have established the following set of performance measures

for the Open Textbooks Pilot program grants:

- a. The number of students who enrolled in courses that use open textbooks and/or ancillary materials developed through the grant;
- b. The number of students who completed courses that used open textbooks and/or ancillary materials developed through the grant;
- c. The failure rate or withdrawal rate in courses that use open textbooks and/or ancillary materials compared with equivalent courses that used commercial textbooks;
- d. The average grade of students who completed a course that used open textbooks and/or ancillary materials developed through the grant compared with the equivalent average grade of students who used commercial textbooks;
- e. The number of faculty/instructors that use open textbooks and/or ancillary materials developed through the grant;
- f. The number of institutions within the consortium, and the number of institutions outside of the consortium, that adopted the open textbooks and/or ancillary materials developed through the grant;
- g. The number of courses among consortium members that adopted the open textbooks and/or ancillary materials developed through the grant, compared to those that continued to use commercial textbooks;
- h. The number of faculty/instructors or institutions that use tools for revising and remixing open educational resources content to facilitate adoption of open textbooks and/or ancillary materials developed through the grant;
- i. The average cost savings per student; and
- j. The total cost savings for students who used open textbooks and/or ancillary materials developed through the grant compared to students in the same course of study who used traditional textbooks.

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:* Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotope, 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.

**Michelle Asha Cooper,**

*Acting Assistant Secretary for the Office of Postsecondary Education.*

[FR Doc. 2022-11343 Filed 5-25-22; 8:45 am]

**BILLING CODE 4000-01-P**

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Notice of Designation of Commission Staff as Non-Decisional

Under Section 319 of the Federal Power Act, 16 U.S.C. 825q-1, the primary mission of the Commission's Office of Public Participation ("OPP") is to coordinate assistance to the public with respect to authorities exercised by the Commission. The Director shall also coordinate assistance available to persons intervening or participating or proposing to intervene or participate in proceedings before the Commission.

In furtherance of this mission, each employee of the Office of Public Participation (OPP) is being designated as a non-decisional employee of the

Commission effective on the day of this notice. As such, pursuant to 18 CFR 385.2202 (2021), no OPP employee shall participate or advise as to the findings, conclusion or decision of the Commission in a proceeding covered by such rule. OPP staff will not be involved in such Commission decisional processes and will not advocate positions or conduct investigations for the Commission.

Given the non-decisional status of each OPP employee as stated herein, communications between employees of OPP and parties or members of the public as to the merits of a contested on-the-record proceeding will not constitute *ex parte* communications, 18 CFR 385.2201 (2021). However, no OPP employee may share the contents of such communications with any decisional employee of the Commission, unless an established regulatory exception applies.

This designation will remain in effect until withdrawn or modified by a subsequent notice.

Dated: May 20, 2022.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2022-11331 Filed 5-25-22; 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 in Existing Proceedings

*Docket Numbers:* RP22-696-000.  
*Applicants:* Trailblazer Pipeline Company LLC.

*Description:* Refund Report: TPC 2022 Annual L&U Cash-Out Refund Report to be effective N/A.

*Filed Date:* 5/19/22.

*Accession Number:* 20220519-5141.

*Comment Date:* 5 pm ET 5/31/22.

Any person desiring to protest in any the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system (<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,

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: May 20, 2022.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2022-11332 Filed 5-25-22; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 77-311]

#### Pacific Gas and Electric Company; Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Application for Temporary Variance of Flow Requirements.

b. *Project No:* 77-311.

c. *Date Filed:* May 16, 2022.

d. *Applicant:* Pacific Gas and Electric Company (licensee).

e. *Name of Project:* Potter Valley Hydroelectric Project.

f. *Location:* The project is located on the Eel River and East Fork of the Russian River in Lake and Mendocino counties, California.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a-825r.

h. *Applicant Contact:* Jackie Pope, License Coordinator; Pacific Gas and Electric Company; Mail Code N11D, P.O. Box 770000, San Francisco, CA 94177; Phone: (530) 245-4007.

i. *FERC Contact:* Alicia Burtner, (202) 502-8038, [Alicia.Burtner@ferc.gov](mailto:Alicia.Burtner@ferc.gov).

j. *Deadline for filing comments, motions to intervene, and protests:* June 9, 2022.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), (866) 208-3676 (toll free), or (202) 502-8659

(TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include the docket number P-77-311. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Request:* The licensee requests a temporary variance of its minimum flow requirements in the East Fork of the Russian River and the maximum irrigation releases to the Potter Valley Irrigation District (PVID). Due to ongoing drought conditions and operating restrictions, the storage in Lake Pillsbury is severely depleted and is expected to reach critical levels by late fall, whereby bank sloughing in the vicinity of the outlet works and impaired flow releases could occur. In order to conserve water and ensure project operability, the licensee is proposing to reclassify the water year type to reduce flow releases to Eel River below Scott Dam from the current normal water year requirement of 60 cfs to a critical water year flow floor set by the minimum opening of the low-level outlet of approximately 35 cubic feet per second (cfs); flow releases to the East Fork of the Russian River from normal water year requirements of 75 cfs to between 5 and 25 cfs based on storage projections; and flow releases to the PVID from 50 cfs to a demand-based schedule not to exceed 50 cfs. The licensee additionally requests that compliance with flow requirements to the East Fork of the Russian River be measured as a target flow with no buffer versus a minimum flow with a buffer. The licensee would operate the project to maintain at least 30,000 acre-feet of storage in Lake Pillsbury to limit the depletion of the cold-water pool for salmonid protection. The May 16, 2022

filing includes provisions for regular water monitoring and consultation throughout implementation of the proposed variance. The licensee requests that the drought-related variance conclude when Lake Pillsbury storage exceeds 36,000 acre-feet following October 1, 2022 or is superseded by another variance.

l. *Locations of the Application:* This filing may be viewed on the Commission's website at <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. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. 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, call 1-866-208-3676 or email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), for TTY, call (202) 502-8659. Agencies may obtain copies of the application directly from the applicant.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE" as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must

set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: May 20, 2022.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2022-11329 Filed 5-25-22; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

*Docket Numbers:* EG22-125-000.

*Applicants:* Jackpot Holdings LLC.

*Description:* Jackpot Holdings LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

*Filed Date:* 5/20/22.

*Accession Number:* 20220520-5080.

*Comment Date:* 5 p.m. ET 6/10/22.

*Docket Numbers:* EG22-126-000.

*Applicants:* Fence Post Solar Project, LLC.

*Description:* Fence Post Solar Project, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

*Filed Date:* 5/20/22.

*Accession Number:* 20220520-5135.

*Comment Date:* 5 p.m. ET 6/10/22.

*Docket Numbers:* EG22-127-000.

*Applicants:* Ganado Solar, LLC.

*Description:* Ganado Solar, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

*Filed Date:* 5/20/22.

*Accession Number:* 20220520-5136.

*Comment Date:* 5 p.m. ET 6/10/22.

*Docket Numbers:* EG22-128-000.

*Applicants:* Stampede Solar Project, LLC.

*Description:* Stampede Solar Project, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

*Filed Date:* 5/20/22.

*Accession Number:* 20220520-5137.

*Comment Date:* 5 p.m. ET 6/10/22.

Take notice that the Commission received the following Complaints and Compliance filings in EL Dockets:

*Docket Numbers:* EL19-58-013.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* Compliance filing: Compliance filing to May 13, 2022 Order in EL19-58 with 5 Day Comment Period to be effective 9/29/2021.

*Filed Date:* 5/20/22.

*Accession Number:* 20220520-5098.

*Comment Date:* 5 p.m. ET 5/27/22.

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER18-194-004; ER18-195-004.

*Applicants:* American Electric Power Service Corporation, Southwest Power Pool, Inc., American Electric Power Service Corporation, Southwest Power Pool, Inc.

*Description:* Compliance Filing to March 24, 2022 Order of American Electric Power Service Corporation.

*Filed Date:* 5/19/22.

*Accession Number:* 20220519-5172.

*Comment Date:* 5 p.m. ET 6/9/22.

*Docket Numbers:* ER22-1089-001.

*Applicants:* Jackson Generation, LLC.

*Description:* Compliance filing: Compliance Filing to be effective N/A.

*Filed Date:* 5/20/22.

*Accession Number:* 20220520-5139.

*Comment Date:* 5 p.m. ET 6/10/22.

*Docket Numbers:* ER22-1409-001.

*Applicants:* Midcontinent Independent System Operator, Inc., Ameren Transmission Company of Illinois.

*Description:* Tariff Amendment: Midcontinent Independent System Operator, Inc. submits tariff filing per 35.17(b): 2022-05-20\_ATXI Amendment Attachment O Transmission Formula Rate to be effective 6/1/2022.

*Filed Date:* 5/20/22.

*Accession Number:* 20220520-5081.

*Comment Date:* 5 p.m. ET 6/10/22.

*Docket Numbers:* ER22-1517-001.

*Applicants:* Mid-Atlantic Interstate Transmission, LLC, PJM Interconnection, L.L.C.

*Description:* Tariff Amendment: Mid-Atlantic Interstate Transmission, LLC submits tariff filing per 35.17(b): MAIT's Amendment revising SA No. 6341 in Docket No. ER22-1517 to be effective 5/31/2022.

*Filed Date:* 5/20/22.

*Accession Number:* 20220520-5121.

*Comment Date:* 5 p.m. ET 6/10/22.

*Docket Numbers:* ER22-1571-001.

*Applicants:* NextEra Energy Transmission New York, Inc., New York Independent System Operator, Inc.

*Description:* Tariff Amendment: NextEra Energy Transmission New York, Inc. submits tariff filing per 35.17(b): Amendment to NextEra formula rate filing of new depreciation rate to be effective 6/1/2022.

*Filed Date:* 5/20/22.

*Accession Number:* 20220520-5071.

*Comment Date:* 5 p.m. ET 6/10/22.

*Docket Numbers:* ER22–1917–000.  
*Applicants:* Midcontinent Independent System Operator, Inc., Ameren Transmission Company of Illinois.

*Description:* § 205(d) Rate Filing: Midcontinent Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii): 2022–05–20\_SA 3826 ATXI–AECI TIA to be effective 5/21/2022.

*Filed Date:* 5/20/22.

*Accession Number:* 20220520–5063.

*Comment Date:* 5 p.m. ET 6/10/22.

*Docket Numbers:* ER22–1918–000.

*Applicants:* ISO New England Inc., New England Power Company.

*Description:* Compliance filing: ISO New England Inc. submits tariff filing per 35: NEP; Compliance to Submit Conformed & Executed 3rd Rev. TSA–NEP–83 & TSA–NEP–86 to be effective 1/1/2022.

*Filed Date:* 5/20/22.

*Accession Number:* 20220520–5066.

*Comment Date:* 5 p.m. ET 6/10/22.

*Docket Numbers:* ER22–1919–000.

*Applicants:* Long Beach Peak LLC.  
*Description:* Tariff Amendment: Notice of Cancellation to be effective 5/21/2022.

*Filed Date:* 5/20/22.

*Accession Number:* 20220520–5074.

*Comment Date:* 5 p.m. ET 6/10/22.

*Docket Numbers:* ER22–1920–000.

*Applicants:* West Penn Power Company, PJM Interconnection, L.L.C.

*Description:* § 205(d) Rate Filing: West Penn Power Company submits tariff filing per 35.13(a)(2)(iii): West Penn Power Submits revised IA No. 5327 to be effective 7/20/2022.

*Filed Date:* 5/20/22.

*Accession Number:* 20220520–5083.

*Comment Date:* 5 p.m. ET 6/10/22.

*Docket Numbers:* ER22–1921–000.

*Applicants:* Aragonne Wind LLC.  
*Description:* Tariff Amendment: Notices of Cancellation and Withdrawal of Rate Schedule for Aragonne Wind to be effective 5/21/2022.

*Filed Date:* 5/20/22.

*Accession Number:* 20220520–5084.

*Comment Date:* 5 p.m. ET 6/3/22.

*Docket Numbers:* ER22–1922–000.

*Applicants:* Tri-State Generation and Transmission Association, Inc.

*Description:* § 205(d) Rate Filing: Amendment to Rate Schedule FERC No. 61 to be effective 7/19/2022.

*Filed Date:* 5/20/22.

*Accession Number:* 20220520–5086.

*Comment Date:* 5 p.m. ET 6/10/22.

*Docket Numbers:* ER22–1923–000.

*Applicants:* Midcontinent Independent System Operator, Inc.

*Description:* § 205(d) Rate Filing: 2022–05–20\_Attachment X\_Shared

Interconnection Facilities to be effective 7/20/2022.

*Filed Date:* 5/20/22.

*Accession Number:* 20220520–5103.

*Comment Date:* 5 p.m. ET 6/10/22.

*Docket Numbers:* ER22–1924–000.

*Applicants:* Alabama Power Company, Georgia Power Company, Mississippi Power Company.

*Description:* § 205(d) Rate Filing: Alabama Power Company submits tariff filing per 35.13(a)(2)(iii): Cooperative Energy NITSA Amendment Filing (Contract Demand Reduction) to be effective 4/21/2022.

*Filed Date:* 5/20/22.

*Accession Number:* 20220520–5113.

*Comment Date:* 5 p.m. ET 6/10/22.

*Docket Numbers:* ER22–1925–000.

*Applicants:* Midcontinent Independent System Operator, Inc., Ameren Illinois Company.

*Description:* § 205(d) Rate Filing: Midcontinent Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii): 2022–05–20\_SA 3028 Ameren IL–Prairie Power 1st Rev Project#16–A Monmouth to be effective 5/21/2022.

*Filed Date:* 5/20/22.

*Accession Number:* 20220520–5119.

*Comment Date:* 5 p.m. ET 6/10/22.

*Docket Numbers:* ER22–1926–000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* § 205(d) Rate Filing: Amendment to WMPA, SA No. 4841; Queue No. AC2–136 (amend) to be effective 10/25/2017.

*Filed Date:* 5/20/22.

*Accession Number:* 20220520–5143.

*Comment Date:* 5 p.m. ET 6/10/22.

*Docket Numbers:* ER22–1927–000.

*Applicants:* Bracewell LLP, Sunnybrook Farm Solar, LLC.

*Description:* Baseline eTariff Filing: Bracewell LLP submits tariff filing per 35.12: Application for Market-Based Rate Authorization, Request for Related Waivers to be effective 8/1/2022.

*Filed Date:* 5/20/22.

*Accession Number:* 20220520–5156.

*Comment Date:* 5 p.m. ET 6/10/22.

*Docket Numbers:* ER22–1928–000.

*Applicants:* Bracewell LLP, Salt City Solar LLC.

*Description:* Baseline eTariff Filing: Bracewell LLP submits tariff filing per 35.12: Application for Market-Based Rate Authorization, Request for Related Waivers to be effective 8/1/2022.

*Filed Date:* 5/20/22.

*Accession Number:* 20220520–5158.

*Comment Date:* 5 p.m. ET 6/10/22.

*Docket Numbers:* ER22–1929–000.

*Applicants:* Bracewell LLP, ENGIE Solidago Solar LLC.

*Description:* Baseline eTariff Filing: Bracewell LLP submits tariff filing per 35.12: Application for Market-Based Rate Authorization, Request for Related Waivers to be effective 8/1/2022.

*Filed Date:* 5/20/22.

*Accession Number:* 20220520–5162.

*Comment Date:* 5 p.m. ET 6/10/22.

*Docket Numbers:* ER22–1930–000.

*Applicants:* Quintessence, LLC, Bracewell LLP.

*Description:* Baseline eTariff Filing: Quintessence, LLC submits tariff filing per 35.12: Application for Market-Based Rate Authorization, Request for Related Waivers to be effective 7/20/2022.

*Filed Date:* 5/20/22.

*Accession Number:* 20220520–5164.

*Comment Date:* 5 p.m. ET 6/10/22.

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: May 20, 2022.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2022–11337 Filed 5–25–22; 8:45 am]

**BILLING CODE 6717–01–P**

## ENVIRONMENTAL PROTECTION AGENCY

[Petition IV–2021–6; FRL–9888–01–R4]

### Clean Air Act Operating Permit Program; Petition for Objection to State Operating Permit for UOP Mobile Plant (Mobile County, Alabama)

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of final order on petition to object to state operating permit.

**SUMMARY:** The Environmental Protection Agency (EPA) Administrator signed an Order, dated April 27, 2022, granting in part and denying in part the petition

submitted by Greater-Birmingham Alliance to Stop Pollution (Petitioner) objecting to a proposed Clean Air Act (CAA) title V operating permit issued to UOP LLC for its Mobile Plant located in Mobile County, Alabama. The Order responds to an April 2, 2021, petition requesting that EPA object to the final operating permit No. 503–8010. This permitting action was issued by the Alabama Department of Environmental Management (ADEM). The Order constitutes a final action on the petition addressed therein.

**ADDRESSES:** Copies of the Order, the petition, and all pertinent information relating thereto are on file at the following location: EPA Region 4; Air and Radiation Division; 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. The Order is also available electronically at the following address: [https://www.epa.gov/system/files/documents/2022-05/UOP%20Order\\_4-27-22.pdf](https://www.epa.gov/system/files/documents/2022-05/UOP%20Order_4-27-22.pdf).

**FOR FURTHER INFORMATION CONTACT:** Art Hofmeister, Air Permits Section, Air Planning Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. The telephone number is (404) 562–9115. Mr. Hofmeister can also be reached via electronic mail at [hofmeister.art@epa.gov](mailto:hofmeister.art@epa.gov).

**SUPPLEMENTARY INFORMATION:** The CAA affords EPA a 45-day period to review and, as appropriate, the authority to object to operating permits proposed by state permitting authorities under title V of the CAA, 42 U.S.C. 7661–7661f. Section 505(b)(2) of the CAA and 40 CFR 70.8(d) authorize any person to petition the EPA Administrator to object to a title V operating permit within 60 days after the expiration of 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 the grounds for the issues arose after this period. Pursuant to sections 307(b) and 505(b)(2) of the CAA, a petition for judicial review of those parts of the Order that deny issues in the petition may be filed in the United States Court of Appeals for the appropriate circuit within 60 days from the date this notice is published in the **Federal Register**.

Petitioner submitted a petition requesting that EPA object to the proposed CAA title V operating permit

no. 503–8010 issued by ADEM to the UOP Mobile Plant. Petitioner claims: The statement of basis lacks substantive information for adequate public review; ADEM failed to demonstrate that monitoring requirements are consistent with respect to applicable requirements; ADEM failed to demonstrate the source is entitled to a permit shield; the permit fails to include underlying citations of authority with respect to applicable permit conditions; the permit includes synthetic minor limits that are not practically enforceable; and ADEM failed to adequately respond to Petitioner’s comments.

On April 27, 2022, the Administrator issued an Order granting in part and denying in part the petition. The Order explains EPA’s bases for granting in part and denying in part the petition.

Dated: May 20, 2022.

**Daniel Blackman,**

*Regional Administrator, Region 4.*

[FR Doc. 2022–11292 Filed 5–25–22; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2021–0303; 9890–01–OMS]

### Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Methylene Chloride; Regulation of Paint and Coating Removal for Consumer Use Under TSCA Section 6(a) (Renewal)

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), “Methylene Chloride; Regulation of Paint and Coating Removal for Consumer Use under Toxic Substances Control Act (TSCA) Section 6(a),” (EPA ICR Number 2556.03, OMB Control Number 2070–0204) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through May 31, 2022. Public comment were previously requested via the **Federal Register** on August 31, 2021 during a 60-day comment period. This notice allows for an additional 30 days for public comment. 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 received on or before June 27, 2022.

**ADDRESSES:** Submit your comments to EPA, referencing Docket ID No.: EPA–HQ–OPPT–2021–0303, 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:

Katherine Sleasman, Regulatory Support Branch (7101M), Office of Chemical Safety and Pollution Prevention, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 566–1204; email address: [sleasman.katherine@epa.gov](mailto:sleasman.katherine@epa.gov).

### SUPPLEMENTARY INFORMATION:

Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at [www.regulations.gov](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>.

**Abstract:** The manufacture, processing, and distribution in commerce of methylene chloride for consumer paint and coating removal is prohibited under EPA regulations in 40 CFR part 751, as promulgated under the TSCA, 15 U.S.C. 2601 *et seq.* Manufacturers, processors, or distributors in commerce for non-prohibited uses are required to notify companies to whom methylene chloride is shipped of the prohibitions under 40 CFR 751 through the Safety Data Sheet

(SDS). It also requires manufacturers, processors, or distributors in commerce (except for retailers) to retain methylene chloride in one location at the headquarters of the company, or the facility for which the records were generated, documentation showing: (i) The name, address, contact, and telephone number of companies to whom methylene chloride was shipped; (ii) a copy of the notification provided to companies to whom the methylene chloride was shipped; and (iii) the amount of methylene chloride shipped. This information must be retained for three years from the date of shipment. EPA established these requirements under TSCA Section 6(a) in response to a final determination that the consumer use of paint and coating removal presents an unreasonable risk of injury to health. This ICR consists of the downstream notification of the prohibitions and the recordkeeping requirement.

*Form Numbers:* None.

*Respondents/affected Entities:*

Respondents affected by this activity may include those that engage in the manufacture, processing and distribution in commerce of methylene chloride for consumer paint and coating removal. The ICR provides a list of the North American Industrial Classification System codes that might apply to entities that may be affected by the activities described in this ICR.

*Respondent's obligation to respond:* Mandatory per 40 CFR 751 and TSCA section 6(a).

*Frequency of response:* On occasion.

*Estimated number of potential respondents:* 14 (total).

*Total Estimated burden:* 7 hours (per year). Burden is defined at 5 CFR 1320.03(b).

*Total estimated cost:* \$298 (per year), which includes no annualized capital or operation & maintenance costs.

*Changes in the estimates:* There is a decrease in the estimated total annual burden and costs compared with that identified in the ICR currently approved by OMB. Burden decreased from 69 hours to 7 hours. This decrease is due a decrease in the number of respondents.

**Courtney Kerwin,**

*Director, Regulatory Support Division, Office of Mission Support.*

[FR Doc. 2022-11353 Filed 5-25-22; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2021-0098; FRL-9894-01-OMS]

### Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for the Surface Coating of Large Household and Commercial Appliances (Renewal)

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), "NESHAP for the Surface Coating of Large Household and Commercial Appliances (EPA ICR Number 1954.10, OMB Control Number 2060-0457), 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 May 31, 2022. Public comments were previously requested, via the **Federal Register**, on April 13, 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 June 27, 2022.

**ADDRESSES:** Submit your comments, referencing Docket ID Number EPA-HQ-OAR-2021-0098, to EPA online using <https://www.regulations.gov/> (our preferred method), or by email to [docket.oeca@epa.gov](mailto:docket.oeca@epa.gov), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460. EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](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:* Owners and operators of large household and commercial appliance surface coating facilities are required to comply with reporting and record keeping requirements for the General Provisions (40 CFR part 63, subpart A), as well as for the applicable specific standards in 40 CFR part 63 subpart NNNN. This includes submitting initial notifications, performance tests and periodic reports and results, maintaining records of materials usage, and any period during which the add-on control system is inoperative. These reports are used by EPA to determine compliance with these standards.

*Form Numbers:* 5900-564.

*Respondents/affected entities:*

Existing and new facilities that perform surface coating of large household and commercial appliances.

*Respondent's obligation to respond:* Mandatory (40 CFR part 63, subpart NNNN).

*Estimated number of respondents:* 10 (total).

*Frequency of response:* Initially, semiannually.

*Total estimated burden:* 4,380 hours (per year). Burden is defined at 5 CFR 1320.3(b).

*Total estimated cost:* \$524,000 (per year), which includes \$6,350 in annualized capital/startup and/or operation & maintenance costs.

*Changes in the Estimates:* There is an increase in burden from the most-recently approved ICR as currently identified in the OMB Inventory of Approved Burdens. This ICR



incorporates the incremental burden from recent amendments to the rule as part of a Risk and Technology Review (RTR) in July 8, 2020 (85 FR 41100). The prior RTR amendments removed the excess emission and SSM reporting requirements, resulting in a small decrease in burden hours. The prior RTR amendments also adjusted an error in the previously approved ICR and corrected the burden hours to record and disclose information to two hours per week, which is reflected in this ICR as an increase in burden. The growth rate for this industry is non-existent, with no new respondents expected.

**Courtney Kerwin,**

*Director, Regulatory Support Division.*

[FR Doc. 2022-11386 Filed 5-25-22; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2021-0126; FRL-9862-01-OMS]

### Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Polyvinyl Chloride and Copolymers Production Area Sources (Renewal)

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NESHAP for Polyvinyl Chloride and Copolymers Production Area Sources (EPA ICR Number 2454.05, OMB Control Number 2060-0684), 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 May 31, 2022. Public comments were previously requested via the **Federal Register** (86 FR 19256) on April 13, 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 June 27, 2022.

**ADDRESSES:** Submit your comments, referencing Docket ID Number EPA-HQ-OAR-2021-0126, online using

<https://www.regulations.gov/> (our preferred method), by email to [docket.oeca@epa.gov](mailto:docket.oeca@epa.gov), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460. EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](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 National Emission Standards for Hazardous Air Pollutants (NESHAP) for Polyvinyl Chloride and Copolymers Production Area Sources (40 CFR part 63, subpart DDDDDD) apply to existing facilities and new PVC and copolymer production facilities that are an area source of hazardous air pollutants (HAP). This ICR includes burden estimates for area sources only. Major sources are regulated under NESHAP Subpart HHHHHHH and their burdens are included in a separate ICR (OMB Control Number 2060-0666). New facilities include those that either commenced construction or reconstruction after the date of proposal. In general, all NESHAP standards require initial notifications,

performance tests, and periodic reports by the owners/operators of the affected facilities. They are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance, and are required of all affected facilities subject to the NESHAP. This information is being collected to assure compliance with 40 CFR part 63, subpart DDDDDD.

**Form Numbers:** None.

**Respondents/affected entities:**

Polyvinyl chloride and copolymer production area source facilities.

**Respondent's obligation to respond:** Mandatory (40 CFR 63, Subpart DDDDDD).

**Estimated number of respondents:** 3 (total).

**Frequency of response:** Initially, occasionally, and semiannually.

**Total estimated burden:** 73,300 hours (per year). Burden is defined at 5 CFR 1320.3(b).

**Total estimated cost:** \$9,670,000 (per year), which includes \$1,000,000 in annualized capital/startup and/or operation & maintenance costs.

**Changes in the Estimates:** The decrease in burden from the most-recently approved ICR is due to three adjustments. There is an adjustment decrease in the total estimated burden as currently identified in the OMB Inventory of Approved Burdens. The adjustment decrease in burden from the most-recently approved ICR is due to a decrease in the number of respondents. The most-recently approved ICR estimated 4 area source facilities; however, one facility has ceased operations, as reflected in the ICR for the most recent proposed rule (85 FR 71490, November 9, 2020), which was previously submitted to OMB for approval. Therefore, this ICR renewal considers there to be 3 area source facilities.

The adjustment decrease is offset by corrections to burden estimates for resin sampling, PRD electronic monitor review, gasholders, storage vessels, and ongoing inspections of bypasses and to the number of occurrences per year for recordkeeping requirements to more accurately reflect facility activities as shown in Table 1: Annual Respondent Burden and Cost—NESHAP for Polyvinyl Chloride and Copolymers Production Area Sources (40 CFR part 63, subpart DDDDDD) (Renewal).

There is a decrease in the operation and maintenance (O&M) costs as calculated in section 6(b)(iii) compared

with the costs in the previous ICR. This decrease in costs is due to a decrease in the number of respondents and corrections made to the annual O&M costs for VC ambient monitoring and resin sampling and monitoring to more accurately reflect the number of monitors per facility and cost of monthly maintenance and service of a lab GC. The decrease is offset somewhat by corrections made to the cost estimates for uncontrolled wastewater testing and uncontrolled wastewater Non-VC TOHAP testing to more accurately reflect the number of waste streams sampled per facility.

**Courtney Kerwin,**

*Director, Regulatory Support Division.*

[FR Doc. 2022–11348 Filed 5–25–22; 8:45 am]

BILLING CODE 6560–50–P

## ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2017–0319; FRL–9891–01–OMS]

### Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Asbestos-Containing Materials in Schools and Asbestos Model Accreditation Plans (Renewal)

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Asbestos-Containing Materials in Schools and Asbestos Model Accreditation Plans (EPA ICR Number 1365.12, OMB Control Number 2070–0091), 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 May 31, 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:** Additional comments may be submitted on or before June 27, 2022.

**ADDRESSES:** Submit your comments to EPA, referencing Docket ID No. EPA–HQ–OPPT–2017–0319, 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:

Katherine Sleasman, Regulatory Support Branch (7101M), Office of Chemical Safety and Pollution Prevention, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 566–1204; email address: [sleasman.katherine@epa.gov](mailto:sleasman.katherine@epa.gov).

#### SUPPLEMENTARY INFORMATION:

Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at [www.regulations.gov](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>.

**Abstract:** This ICR addresses reporting and recordkeeping requirements found in the Asbestos-Containing Materials in Schools Rule promulgated under section 203 of the Asbestos Hazard Emergency Response Act (AHERA, 15 U.S.C. 2641–2656); and the Asbestos Model Accreditation Plan (MAP) Rule under AHERA section 206. As set forth in 40 CFR part 763, subpart E the local education agency (LEA) is required to conduct inspections, develop management plans, and design or conduct response actions. Records must be maintained by all LEAs on inspections and response action activity, and current management plans must be provided upon request to EPA and state reviewers for examination. In addition, 40 CFR part 763, subpart E, describes a model accreditation plan (MAP) for states. The MAP provides

accreditation criteria for persons who inspect for asbestos, develop management plans, and design or conduct response actions. States are required to adopt an accreditation plan at least as stringent as the EPA model plan. The accreditation requirements apply to persons who work in public and commercial buildings as well as schools. Accreditation of laboratories that analyze asbestos bulk samples and asbestos air samples is also required by AHERA.

This ICR estimates the paperwork burden for LEAs to inspect for asbestos and update management plans to protect all school building occupants from exposure to asbestos. This collection also estimates the paperwork burden for the accreditation of persons who inspect for asbestos, develop management plans, and design or conduct response actions and the paperwork burden associated with state accreditation programs.

*Form Numbers:* None.

*Respondents/affected entities:*

Elementary and secondary school districts in North American Industrial Classification System (NAICS) code 61111, all states (NAICS code 92311), MAP training providers (NAICS code 61143), and the State Asbestos Accreditation Programs (NAICS code 92312).

*Respondent's obligation to respond:* Mandatory, per AHERA and 40 CFR part 763.

*Estimated number of respondents:* 137,621 (total).

*Frequency of response:* On occasion.

*Total estimated burden:* 2,600,679 hours (per year). Burden is defined at 5 CFR 1320.3(b).

*Total estimated cost:* \$106,858,607 (per year), which includes no in annualized capital or operation & maintenance costs.

*Changes in the Estimates:* There is an increase of 45,766 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. While the number schools with friable ACMs is steadily declining, the associated burden reductions are counteracted by the larger increase in schools with no or non-friable ACM (which includes newly constructed schools that are certified through an exclusionary statement not to have specified asbestos-containing building materials in construction). This change is an adjustment.

**Courtney Kerwin,**

*Director, Regulatory Support Division.*

[FR Doc. 2022–11351 Filed 5–25–22; 8:45 am]

BILLING CODE P

**ENVIRONMENTAL PROTECTION AGENCY**

[EPA-HQ-OAR-2004-0501; FRL-9892-01-OMS]

**Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Green Power Partnership and Combined Heat and Power Partnership (Renewal)****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Green Power Partnership and Combined Heat and Power Partnership (EPA ICR Number 2173.08, OMB Control Number 2060-0578) 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 May 31, 2022. Public comments were previously requested via the **Federal Register** on September 23, 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 June 27, 2022.

**ADDRESSES:** Submit your comments, referencing Docket ID Number EPA-HQ-OAR-2004-0501, 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:**

Rebecca Taylor, Climate Protection Partnerships Division, Office of Atmospheric Programs, MC 6202A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202-564-5211; email address: [taylor.rebecca@epa.gov](mailto:taylor.rebecca@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>.

*Abstract:* In 2002, EPA's Energy Supply and Industry Branch (ESIB) launched two partnership programs with industry and other stakeholders: The Green Power Partnership (GPP) and the Combined Heat and Power Partnership (CHPP). These voluntary partnership programs encourage organizations to invest in renewable energy and combined heat and power.

EPA has developed this ICR to obtain authorization to collect information from organizations participating in the GPP, CHPP, and other ESIB programs. Organizations that join these programs voluntarily agree to the following respective actions: (1) Designating a GPP or CHPP liaison and filling out a Partnership Agreement; (2) for the CHPP, information from stakeholders that download Partnership tools and for the GPP, (3), reporting to EPA, on an annual basis, their progress toward their green power commitment. EPA uses the data obtained from its Partners to assess the success of these programs in achieving their national energy and greenhouse gas (GHG) reduction goals. Partners are organizational entities that have volunteered to participate in either Partnership program.

EPA needs to collect the information in the Partnership Agreements to formally establish participation in the GPP or CHPP program and to obtain general information about new Partners. Additional information collected through information forms is needed to allow EPA to track Partner progress toward meeting their GPP commitments, to enable GPP to facilitate and encourage green power use, to assess whether actions are worthy of recognition, and to determine progress in meeting GPP's national energy and

GHG reduction goals. EPA uses the information submitted in additional forms to monitor the progress of current participation and projects and identify new opportunities. EPA also uses the data submitted by GPP and CHPP Partners to prepare reports on GPP progress and determine the GHG reductions achieved by the program. General information on the Partners, green power, and CHP is also provided on the respective websites, making it available to other Partners and the public.

*Form Numbers:* EPA-430-K-05-013, 5900-583, 5900-584, 5900-585.

*Respondents/affected entities:* Companies, institutional and public-sector organizations that voluntarily participate in the EPA's Green Power Partnership (GPP) or Combined Heat and Power Partnership (CHPP). These include both service and goods providing industries, educational institutions and non-governmental organizations, commercial and industrial organizations, and local, state, or federal government agencies.

*Respondent's obligation to respond:* Voluntary.

*Estimated number of respondents:* 761 (total).

*Frequency of response:* Annually, on occasion, one time.

*Total estimated burden:* 1,445 hours (per year). Burden is defined at 5 CFR 1320.03(b).

*Total estimated cost:* \$81,314 (per year), which includes no annualized capital or operation & maintenance costs.

*Changes in the Estimates:* There is a decrease of 5,635 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease results from both the GPP and CHPP having updated their program requirements to reduce program burden and simplified collection forms into pre-populated spreadsheets or documents. As a result of these changes, the average number of hours per Partner has decreased from 2.87 hours to 1.89 hours. Additionally, the total number of partners was significantly reduced in both programs. The number of respondents has declined from 1,959 to 761. The decrease in cost is due to O&M cost being mistakenly included in the past ICR. This ICR does not include O&M due to them not being relevant.

**Courtney Kerwin,**

*Director, Regulatory Support Division.*

[FR Doc. 2022-11352 Filed 5-25-22; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

[EPA-R10-OW-2022-0418; FRL-9860-01-R10]

**Proposed Determination To Prohibit and Restrict the Use of Certain Waters Within Defined Areas as Disposal Sites; Pebble Deposit Area, Southwest Alaska****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice of availability and public hearing.

**SUMMARY:** Pursuant to Section 404(c) of the Clean Water Act (CWA), the Environmental Protection Agency (EPA) Region 10 is requesting public comments on its 2022 Proposed Determination to prohibit and restrict the use of certain waters in the South Fork Koktuli River (SFK), North Fork Koktuli River (NFK), and Upper Talarik Creek (UTC) watersheds as disposal sites for the discharge of dredged or fill material associated with mining the Pebble deposit, a copper-, gold-, and molybdenum-bearing ore body located in Southwest, Alaska. EPA Region 10 also is announcing public hearings on this proposed determination.

**DATES:** Submit comments on the proposed determination on or before July 5, 2022. See PUBLIC HEARING section below for public hearing dates and related information.

**ADDRESSES:**

*I. How to Obtain a Copy of the Proposed Determination:* The proposed determination is available primarily via the internet on the EPA Region 10 Bristol Bay site at [www.epa.gov/bristolbay](http://www.epa.gov/bristolbay).

*II. How to Submit Comments to the Docket at [www.regulations.gov](http://www.regulations.gov):* Submit your comments, identified by Docket ID No. EPA-R10-OW-2022-0418, by one of the following methods:

*Federal eRulemaking Portal (recommended method of comment submission):* Follow the online instructions at <http://www.regulations.gov> for submitting comments.

*Email:* [ow-docket@epa.gov](mailto:ow-docket@epa.gov). Include the docket number EPA-R10-OW-2022-0418 in the subject line of the message.

*Mail and Hand Delivery/Courier:* Send your original comments and three copies to: Water Docket, Environmental Protection Agency, Mail Code 2822T, 1200 Pennsylvania Avenue NW, Washington, DC 20460, Attention: Docket ID No. EPA-R10-OW-2022-0418.

*Hand Delivery/Courier:* Deliver your comments to EPA Docket Center, EPA West, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20460, Attention: Docket ID No. EPA-R10-OW-2022-0418. Such deliveries are accepted only during the Docket's normal hours of operation, 8:30 a.m. to 4:30 p.m. ET, Monday through Friday (excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The telephone number for the Water Docket is (202) 566-2426.

*Submit at Public Hearing:* see PUBLIC HEARINGS section below.

*Instructions:* EPA's policy is that all comments received will be included in the public docket without change and will be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information disclosure of which is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected information through <http://www.regulations.gov> or email. The <http://www.regulations.gov> website is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through <http://www.regulations.gov>, your email address will be captured automatically and included as part of the comment that is placed in the public docket and made publicly available on the internet. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

*III. Public Hearings:* In accordance with EPA regulations at 40 CFR 231.4, the Regional Administrator determined that public hearings on this CWA Section 404(c) proposed determination are in the public interest. Give the continued uncertainty related to COVID, EPA intends to host a virtual hearing in addition to in-person hearings. The

hearing dates and locations are as follows:

June 16, 2022—9am to 12pm, AKDT, Dillingham, Alaska

June 16, 2022—5pm to 8pm, AKDT, Virtual

June 17, 2022—2pm to 5pm, AKDT, Iliamna, Alaska

Additional hearing details and any changes to the schedule are available at [www.epa.gov/bristolbay](http://www.epa.gov/bristolbay). The purpose of the public hearings is to obtain public testimony and comment on EPA Region 10's CWA Section 404(c) proposed determination to prohibit and restrict the use of certain waters in the Bristol Bay watershed for disposal of dredged or fill material associated with mining the Pebble deposit. The Regional Administrator will designate the official who will preside at the public hearing (the Presiding Officer). Any person may appear at the hearing and submit oral and/or written statements or data and may be represented by counsel or other authorized representatives. If you would like to submit written comments, you may do so at the public hearings or by one of the methods described in the section of this public notice entitled: *How to Submit Comments to the Docket at [www.regulations.gov](http://www.regulations.gov).*

Registration is required to participate in the public hearings. Please visit [www.epa.gov/bristolbay](http://www.epa.gov/bristolbay) for information on how to register. Online preregistration is available and includes an option to register to speak during the public hearing. The last day to preregister is June 13, 2022.

Members of the public can also sign up to make a comment at the venue on the day of the meeting. The following information will be requested for each commenter: First name, last name, organization and title (if applicable), city, state, email address, and phone number. Tribal elders and elected officials will be invited to comment first. The facilitator will then use a random number system to select individuals who signed up to determine speaking order. Audio-visual equipment will not be provided.

To maximize the number of individuals who are able to speak at the hearing, oral statements may be limited to three minutes per person. EPA encourages commenters to provide the agency with a copy of their oral testimony electronically by emailing it to [r10bristolbay@epa.gov](mailto:r10bristolbay@epa.gov). EPA also recommends submitting the text of your oral comments as written comments to the docket.

EPA may ask clarifying questions during the oral presentations but there will be no cross examination of any hearing participant.

EPA Region 10 will not respond to questions/comments during the hearing. EPA Region 10 will consider the oral and written statements received at the public hearings and other written comments submitted pursuant to the instructions set forth in the section of this public notice entitled: How to Submit Comments to the Docket at [www.regulations.gov](http://www.regulations.gov). Any person may present written statements for the hearing file, including rebuttals to other commenter statements, prior to the time the hearing file is closed to public submissions.

Please note that any updates made to any aspect of the hearing will be posted online at [www.epa.gov/bristolbay](http://www.epa.gov/bristolbay). While the agency expects the hearing to go forward as set forth above, please monitor our website to determine if there are any updates. EPA does not intend to publish a document in the **Federal Register** announcing updates.

**FOR FURTHER INFORMATION CONTACT:** For information on the public comment period, contact the Water Docket; telephone: (202) 566-2426 or email: [owdocket@epa.gov](mailto:owdocket@epa.gov). For information concerning the proposed determination, contact Erin Seyfried; telephone (206) 553-0040 or email: [r10bristolbay@epa.gov](mailto:r10bristolbay@epa.gov). For more information about EPA's efforts in Bristol Bay, copies of the Section 404(c) proposed determination, see <http://www.epa.gov/bristolbay>.

#### SUPPLEMENTARY INFORMATION:

### I. Clean Water Act Section 404(c) Review Process

EPA's mission is to protect human health and the environment. The CWA, the objective of which is to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters," 33 U.S.C. 1251(a), is essential to EPA's mission and establishes the basic structure for regulating discharges of pollutants into waters of the United States. To advance this overall objective, Section 301(a) of the CWA, 33 U.S.C. 1311(a), prohibits the discharge of any pollutant by any person into waters of the United States except as authorized by specific provisions of the Act, including a permit issued pursuant to Sections 402 or 404, 33 U.S.C. 1342; 33 U.S.C. 1344. Section 404(a) of the CWA authorizes the United States Army Corps of Engineers (USACE) to issue permits for the discharge of dredged or fill material into waters of the United States. 33 U.S.C. 1344(a). Section 404(c) of the CWA authorizes EPA to prohibit the specification (including the withdrawal of specification) of any defined area as a disposal site, and to

deny or restrict the use of any defined area for specification (including the withdrawal of specification) as a disposal site, "whenever" it determines, after notice and opportunity for public hearings, that the discharge of such materials into such area will have an unacceptable adverse effect on municipal water supplies, shellfish beds and fishery areas (including spawning and breeding areas), wildlife, or recreational areas. 33 U.S.C. 1344(c). EPA's regulations at 40 CFR part 231 govern the Agency's exercise of its CWA Section 404(c) authority.

### II. 2014 Proposed Determination

In July 2014, after careful consideration of available information, including the findings of EPA's Bristol Bay Watershed Assessment and consultation with PLP and the State of Alaska, EPA Region 10 published a Proposed Determination under Section 404(c) of the CWA to restrict the use of certain waters in the SFK, NFK, and UTC watersheds as disposal sites for dredged or fill material associated with mining the Pebble deposit (2014 Proposed Determination) for public comment.

On November 25, 2014, the U.S. District Court for the District of Alaska, in litigation brought by PLP, issued a preliminary injunction against EPA that halted EPA Region 10's CWA Section 404(c) review process until the case was resolved. Order Granting Preliminary Injunction at 1–2, *Pebble Limited Partnership v. EPA*, No. 3:14–cv–00171 (D. Alaska Nov. 25, 2014). On May 11, 2017, EPA and PLP settled that lawsuit and the court subsequently dissolved the injunction and dismissed the case with prejudice. As part of that settlement agreement, EPA Region 10 agreed to "initiate a process to propose to withdraw the [2014] Proposed Determination" and ultimately withdrew it in August 2019.<sup>1</sup> In October 2019, twenty tribal, fishing, environmental, and conservation groups challenged EPA's withdrawal of the 2014 Proposed Determination in the U.S. District Court for the District of Alaska. This litigation ultimately resulted in an October 29, 2021 District Court decision to vacate EPA's 2019 decision to withdraw the 2014 Proposed Determination and remand the action to the Agency for reconsideration.

The District Court's vacatur of EPA's 2019 decision to withdraw the 2014 Proposed Determination had the effect

<sup>1</sup> On January 26, 2018, EPA Region 10 announced a "suspension" of the proceeding to withdraw the 2014 Proposed Determination at that time. This action was published in the **Federal Register** on February 28, 2018 (83 FR 8668, February 28, 2018).

of reinstating the 2014 Proposed Determination and reinitiating EPA's CWA Section 404(c) review process. The next step in the CWA Section 404(c) review process required the Region 10 Regional Administrator to decide whether to withdraw the 2014 Proposed Determination or prepare a recommended determination within 30 days. On November 23, 2021, EPA Region 10 published in the **Federal Register** a notice extending the applicable time requirements through May 31, 2022, to provide sufficient time for the Agency to consider information that has become available since EPA issued the 2014 Proposed Determination and determine the appropriate next step in the CWA Section 404(c) review process.

### III. Proposed Mine at the Pebble Deposit

The Pebble deposit is a large, low-grade copper-, gold-, and molybdenum-bearing ore body deposit located at the headwaters of the pristine Bristol Bay watershed that underlies portions of the SFK, NFK, and UTC watersheds. The SFK, NFK, and UTC watersheds drain to two of the largest rivers in the Bristol Bay watershed, the Nushagak and Kvichak Rivers.

In December 2017, the PLP submitted a CWA Section 404 permit application to USACE to develop a mine at the Pebble deposit that triggered the development of an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). In response to the CWA Section 404 permit review and NEPA processes, PLP submitted a revised permit application to USACE in June 2020 (*i.e.*, the 2020 Mine Plan).

On July 24, 2020, USACE published a Notice of Availability for the Final EIS (FEIS) in the **Federal Register** and on November 20, 2020, USACE issued its Record of Decision (ROD) denying PLP's CWA Section 404 permit application on the basis that the 2020 Mine Plan would not comply with the CWA Section 404(b)(1) Guidelines and would be contrary to the public interest. By letter dated November 25, 2020, USACE notified PLP that the proposed project failed to comply with the CWA Section 404(b)(1) Guidelines because "the proposed project would cause unavoidable adverse impacts to aquatic resources which would result in Significant Degradation to aquatic resources."

### IV. Summary of Factual Basis for the 2022 Proposed Determination

The Bristol Bay watershed is an area of unparalleled ecological value,

boasting salmon diversity and productivity unrivaled anywhere in North America. The watershed provides intact, connected habitats—from headwaters to ocean—that support abundant, genetically diverse wild Pacific salmon populations. The Bristol Bay watershed supports the world's largest runs of Sockeye Salmon, producing approximately half of the world's Sockeye Salmon, as well as significant Chinook, Coho, Chum, and Pink salmon populations. Bristol Bay's salmon populations support world-class, economically important commercial and sport fisheries, as well as a more than 4,000-year-old subsistence-based way of life for Alaska Natives.

EPA Region 10 has considered the information that has become available since EPA issued the 2014 Proposed Determination, including the more than 670,000 public comments EPA received on the 2014 Proposed Determination; technical information contained in PLP's CWA Section 404 permit application and updated mine plan; analysis developed during the NEPA process and contained in USACE's FEIS and its permit denial; as well as new and potentially relevant science and technical information produced through other contemporaneous efforts. As a result of its review, EPA Region 10 has determined that the appropriate next step in this CWA Section 404(c) review process is to revise the 2014 Proposed Determination.

Construction and routine operation of the mine proposed in the 2020 Mine Plan would result in discharge of dredged or fill material into waters of the United States, including streams, wetlands, lakes, and ponds overlying the Pebble deposit and within adjacent watersheds. The direct and certain secondary effects of such discharges would result in the total loss of aquatic habitats important to anadromous fishes. These losses are the result of the construction and routine operation of the various components of the mine site, including the open pit, bulk tailings storage facility, pyritic tailings storage facility, power plant, water management ponds, water treatment plants, milling/processing facilities, and supporting infrastructure. According to the FEIS and ROD, discharges of dredged or fill material to construct and operate the mine site proposed in the 2020 Mine Plan would result in the total loss of approximately 99.7 miles (160.5 km) of stream habitat, representing approximately 8.5 miles (13.7 km) of streams with documented anadromous fish occurrence and 91.2 miles (146.8 km) of additional stream habitat. Such

discharges of dredged or fill material would also result in the total loss of approximately 2,113 acres (8.6 km<sup>2</sup>) of wetlands and other waters at the mine site.

Additional secondary effects of the proposed discharges of dredged or fill material at the mine site would degrade anadromous fishery areas downstream of the mine site. Specifically, the stream, wetland, and other aquatic resource losses from the footprint of the 2020 Mine Plan would reverberate downstream, depriving downstream anadromous fish habitats of nutrients, groundwater inputs, and other ecological subsidies from lost upstream aquatic resources. Further, streamflow alterations from water capture, withdrawal, storage, treatment, or release at the mine site are another secondary effect of the discharge of dredged or fill material associated with the construction and routine operation of the 2020 Mine Plan. Such streamflow alterations would adversely impact at least 29 miles (46.7 km) of anadromous fish streams downstream of the mine site due to greater than 20 percent changes in average monthly streamflows. These streamflow alterations would result in major changes in ecosystem structure and function and would reduce both the extent and quality of anadromous fish habitat downstream of the mine. All instances of complete loss of aquatic habitat and most impairment to fish habitat function would be permanent.

EPA Region 10 believes that the discharge of dredged or fill material associated with mining the Pebble deposit within the mine site footprint for the 2020 Mine Plan could result in unacceptable adverse effects on anadromous fishery areas in the SFK and NFK watersheds due to losses of documented anadromous fish habitat and degradation of downstream anadromous fish habitat.

Based on the same record, including information about the pristine condition and productivity of the SFK, NFK, and UTC watersheds and the documented anadromous fish habitat throughout the watersheds, EPA Region 10 has reason to believe that discharges of dredged or fill material for the construction and routine operation of a mine at the Pebble deposit anywhere in the SFK, NFK, and UTC watersheds could result in unacceptable adverse effects on anadromous fishery areas in these watersheds if the effects of such discharges are similar or greater in nature and magnitude to the adverse effects of the 2020 Mine Plan.

Accordingly, consistent with 40 CFR 231.3(a)(2), EPA Region 10 is providing

public notice of and requesting public comment on the 2022 Proposed Determination to prohibit and restrict the use of certain waters in the NFK, SFK, and UTC watersheds for disposal of dredged or fill material associated with mining the Pebble deposit. The Defined Area for Prohibition is the mine site footprint for the 2020 Mine Plan. The Defined Area for Restriction encompasses certain headwaters of the SFK, NFK, and UTC watersheds where discharges associated with mining the Pebble deposit are likely.

#### **V. Solicitation of Comments on the 2022 Proposed Determination**

EPA Region 10 is soliciting comments on all matters and issues discussed in the 2022 Proposed Determination. Please see the section entitled **ADDRESSES** (above) for information about how to obtain a copy of the 2022 Proposed Determination and how to submit comments.

Any interested persons may submit written comments on the proposed determination. All relevant data, studies, or informal observations are appropriate. The Regional Administrator will fully consider all such comments as she decides whether to withdraw the proposed determination or forward to EPA Headquarters a recommended determination to prohibit/restrict the use of certain waters in the SFK, NFK, and UTC watersheds in southwest Alaska as disposal sites for the discharge of dredged or fill material associated with mining the Pebble deposit.

#### **VI. Additional Background on EPA's CWA Section 404(c) Review Process for the Pebble Deposit Area**

*A. How to Obtain a Copy of the Bristol Bay Watershed Assessment:* The Bristol Bay Watershed Assessment is available via the internet on the EPA Region 10 Bristol Bay site at [www.epa.gov/bristolbay](http://www.epa.gov/bristolbay).

*B. How to Obtain a Copy of the 2014 Proposed Determination:* The July 2014 Proposed Determination is available via the internet on the EPA Region 10 Bristol Bay site at [www.epa.gov/bristolbay](http://www.epa.gov/bristolbay).

*C. How to Obtain a Copy of the Settlement Agreement:* The May 11, 2017 settlement agreement is available via the internet on the EPA Region 10 Bristol Bay site at [www.epa.gov/bristolbay](http://www.epa.gov/bristolbay).

*D. How to Obtain a Copy of the Proposal to Withdraw the 2014 Proposed Determination:* The July 2017 proposal to withdraw the 2014 Proposed Determination is available via the internet on the EPA Region 10 Bristol

Bay site at [www.epa.gov/bristolbay](http://www.epa.gov/bristolbay). Information regarding the proposal to withdraw can also be found in the docket for this effort at [www.regulations.gov](http://www.regulations.gov), see docket ID No. EPA-R10-OW-2017-0369 or via the following website located at <https://www.regulations.gov/docket?D=EPA-R10-OW-2017-0369>.

E. *How to Obtain a Copy of Notification of Suspension:* The February 2018 notice announcing EPA's decision to suspend the proceeding to withdraw the 2014 Proposed Determination at that time is available via the internet on the EPA Region 10 Bristol Bay site at [www.epa.gov/bristolbay](http://www.epa.gov/bristolbay). Information regarding the suspension can also be found in the docket for this effort at [www.regulations.gov](http://www.regulations.gov), see docket ID No. EPA-R10-OW-2017-0369 or via the following website located at <https://www.regulations.gov/docket?D=EPA-R10-OW-2017-0369>.

F. *How to Obtain a Copy of the Notice of Withdrawal of the 2014 Proposed Determination:* The August 2019 notice of withdrawal of the 2014 Proposed Determination is available via the internet on the EPA Region 10 Bristol Bay site at [www.epa.gov/bristolbay](http://www.epa.gov/bristolbay). Information regarding the proposal to withdraw can also be found in the docket for this effort at [www.regulations.gov](http://www.regulations.gov), see docket ID No. EPA-R10-OW-2017-0369 or via the following website located at <https://www.regulations.gov/docket?D=EPA-R10-OW-2017-0369>.

Dated: May 17, 2022.

**Casey Sixkiller,**

*Regional Administrator, Region 10.*

[FR Doc. 2022-10976 Filed 5-25-22; 8:45 am]

BILLING CODE 6560-50-P

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**FEDERAL COMMUNICATIONS COMMISSION**

**Federal Advisory Committee Act; Technological Advisory Council; Meeting**

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice of public meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, this notice advises interested persons that the Federal Communications Commission's (FCC) Technological Advisory Council will hold a meeting on Thursday June 9, 2022 via conference call and available to the public via the internet at <http://www.fcc.gov/live>, beginning at 10:00 a.m.

**DATES:** Thursday June 9, 2022.

**ADDRESSES:** Federal Communications Commission, 45 L Street NE, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Michael Ha, Deputy Chief, Policy and Rules Division 202-418-2099; [michael.ha@fcc.gov](mailto:michael.ha@fcc.gov).

**SUPPLEMENTARY INFORMATION:** At the June 9th meeting, the TAC consider and advise the Commission on topics such as 6G, artificial intelligence, advanced spectrum sharing technologies, and emerging wireless technologies, including new tools to restore internet access during shutdowns and other disruptions. This agenda may be modified at the discretion of the TAC Chair and the Designated Federal Officer (DFO).

Meetings are broadcast live with open captioning over the internet from the FCC Live web page at <http://www.fcc.gov/live/>. The public may submit written comments before the meeting to Michael Ha, the FCC's Designated Federal Officer for Technological Advisory Council by email: [michael.ha@fcc.gov](mailto:michael.ha@fcc.gov) or U.S. Postal Service Mail (Michael Ha, Federal Communications Commission, 45 L Street NE, Washington, DC 20554). Open captioning will be provided for this event. Other reasonable accommodations for people with disabilities are available upon request. Requests for such accommodations should be submitted via email to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or by calling the Office of Engineering and Technology at 202-418-2470 (voice), (202) 418-1944 (fax). Such requests should include a detailed description of the accommodation needed. In addition, please include your contact information. Please allow at least five days advance notice; last minute requests will be accepted but may not be possible to fill.

Federal Communications Commission.

**Ronald T. Repasi,**

*Acting Chief, Office of Engineering and Technology.*

[FR Doc. 2022-11303 Filed 5-25-22; 8:45 am]

BILLING CODE 6712-01-P

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**FEDERAL MEDIATION AND CONCILIATION SERVICE**

**Arbitrator's Report and Fee Statement**

**AGENCY:** Federal Mediation and Conciliation Service (FMCS).

**ACTION:** 30-Day notice and request for comments.

**SUMMARY:** The Federal Mediation and Conciliation Service (FMCS), invites the

public and other Federal Agencies to take this opportunity to comment on the following information collection request, Arbitrator's Report and Fee Statement, FMCS Form R-19. This information collection request was previously approved by the Office of Management Budget (OMB) but has expired. FMCS is requesting a reinstatement without change. The Arbitrator's Report and Fee Statement, FMCS Form R-19, allows FMCS to comply with its statutory obligation to make governmental facilities available for voluntary arbitration. To carry out this policy, FMCS has issued regulations which provide for the operation and maintenance of a roster of professional arbitrators. The FMCS Form R-19, which arbitrators file with the Agency following each decision rendered, allows FMCS to monitor the work of the arbitrator and to collect arbitration information, such as median arbitrator fees and days spent on each case, for the Agency's annual report.

**DATES:** Comments must be submitted on or before June 27, 2022.

**ADDRESSES:** You may submit comments, identified by Arbitrator's Report and Fee Statement (FMCS Form R-19), through one of the following methods:

- *Email:* Arthur Pearlstein, [apearlstein@fmcs.gov](mailto:apearlstein@fmcs.gov);
- *Mail:* Arthur Pearlstein, HQ Office of Arbitration, One Independence Square, 250 E St. SW, Washington, DC 20427. Please note that at this time, FMCS mail is sometimes delayed. Therefore, we encourage emailed comments.

**FOR FURTHER INFORMATION CONTACT:** Arthur Pearlstein, 202-606-8103, [apearlstein@fmcs.gov](mailto:apearlstein@fmcs.gov).

**SUPPLEMENTARY INFORMATION:** Copies of the agency form are available here. Paper copies are available from the Office of Arbitration Services by emailing Arthur Pearlstein at the email address above. Please ask for the Arbitrator's Report and Fee Statement (FMCS Form R-19).

**I. Information Collection Request**

*Agency:* Federal Mediation and Conciliation Service.

*Form Number:* OMB No. 3076-0003.

*Type of Request:* Reinstatement without change of a previously approved collection.

*Affected Entities:* Individual arbitrators who render decisions under FMCS Arbitration policies and procedures.

*Frequency:* This form is completed each time an Arbitrator hears an arbitration case and issues a decision.

*Abstract:* Pursuant to 29 U.S.C. 171(b) and 29 CFR part 1404, FMCS assumes responsibility to monitor the work of the arbitrators who serve on its Roster. This is satisfied by requiring the completion and submission of a Report and Fee Statement, which indicates when the arbitration award was rendered, the file number, the company and union, the issues, whether briefs were filed and transcripts taken, if there were any waivers by parties on the date the award was due, and the fees and days for services of the arbitrator. FMCS publishes this information in the agency's annual report, to inform the public about the arbitration services program and certain national trends in arbitration.

*Burden:* FMCS receives approximately 2,000 responses per year. The form is filled out each time an arbitrator hears a case and the time required is approximately five minutes. FMCS uses this form to review arbitrator conformance with its fee and expense reporting requirements.

## II. Request for Comments

FMCS solicits comments to:

i. Evaluate whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.

ii. Enhance the accuracy of the agency's estimates of the burden of the proposed collection of information.

iii. Enhance the quality, utility, and clarity of the information to be collected.

iv. Minimize the burden of the collections of information on those who are to respond, including the use of appropriate automated, electronic collection technologies or other forms of information technology.

## III. 60-Day Comment Period

This information was previously published in the **Federal Register** on March 22, 2022, allowing for a 60-day public comment period under Document 2022-06070 at 87 FR 16186. FMCS received no comments.

## IV. The Official Record

The official records are electronic records.

### List of Subjects

Labor-Management Relations.

Dated: May 23, 2022.

**Anna Davis,**

*Acting General Counsel.*

[FR Doc. 2022-11341 Filed 5-25-22; 8:45 am]

BILLING CODE 6732-01-P

## FEDERAL MEDIATION AND CONCILIATION SERVICE

### Arbitrators' Personal Data Questionnaire

**AGENCY:** Federal Mediation and Conciliation Service (FMCS).

**ACTION:** 30-day notice and request for comments.

**SUMMARY:** The Federal Mediation and Conciliation Service (FMCS), invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection request, Arbitrator's Personal Data Questionnaire, (FMCS Form R-22). This information collection request was previously approved by the Office of Management Budget (OMB) but has expired. FMCS is requesting a reinstatement without change. The Arbitrator's Personal Data Questionnaire, (FMCS Form R-22), allows FMCS to comply with its statutory obligation to make governmental facilities available for voluntary arbitration. To carry out this policy, FMCS has issued regulations which provide for the operation and maintenance of a roster of professional arbitrators. The arbitrators are private citizens, not employees of FMCS, and are paid by the parties for hearing and deciding the issues submitted under a collective bargaining agreement and in other circumstances. Applicants for the roster submit an Arbitrator's Personal Data Questionnaire (FMCS Form R-22) which is used by FMCS to evaluate their qualifications. This allows FMCS to restrict its roster to qualified individuals only.

**DATES:** Comments must be submitted on or before June 27, 2022.

**ADDRESSES:** You may submit comments, identified by Arbitrator's Personal Data Questionnaire (FMCS Form R-22), through one of the following methods:

- *Email:* Arthur Pearlstein, [apearlstein@fmcs.gov](mailto:apearlstein@fmcs.gov).
- *Mail:* Arthur Pearlstein, HQ Office of Arbitration, One Independence Square, 250 E St. SW, Washington, DC 20427. Please note that at this time, FMCS mail is sometimes delayed. Therefore, we encourage emailed comments.

**FOR FURTHER INFORMATION CONTACT:** Arthur Pearlstein, 202-606-8103, [apearlstein@fmcs.gov](mailto:apearlstein@fmcs.gov).

**SUPPLEMENTARY INFORMATION:** Copies of the agency form are available here. Paper copies are available from the Office of Arbitration Services by emailing Arthur Pearlstein at the email address above. Please ask for the

Arbitrator's Personal Data Questionnaire (FMCS Form R-22).

### I. Information Collection Request

*Agency:* Federal Mediation and Conciliation Service.

*Form Number:* OMB No. 3076-0001.

*Type of Request:* Reinstatement without change of a previously approved collection.

*Affected Entities:* Individual who apply for admission to the FMCS Roster of Arbitrators.

*Frequency:* This form is completed once: At the time of application to the FMCS Roster of Arbitrators.

*Abstract:* Title II of the Labor Management Relations Act of 1947, 29 U.S.C. 171(b), provides that "the settlement of issues between employers and employees through collective bargaining may advance by making available full and adequate governmental facilities for conciliation, mediation, and voluntary arbitration . . ." Pursuant to the statute and 29 CFR part 1404, FMCS has long maintained a roster of qualified, private labor arbitrators to hear disputes arising under collective bargaining agreements and provide fact finding and interest arbitration. The existing regulation establishes the policy and administrative responsibility for the FMCS roster, criteria, procedures for listing and removing arbitrators, and procedures for using arbitration services.

*Burden:* The number of respondents is approximately 50 individuals per year, which is the approximate number of individuals who request membership on the FMCS Roster. The time required to complete this questionnaire is approximately two hours. Each respondent is required to respond only once per application and to update the information as necessary.

### II. Request for Comments

FMCS solicits comments to:

i. Evaluate whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.

ii. Enhance the accuracy of the agency's estimates of the burden of the proposed collection of information.

iii. Enhance the quality, utility, and clarity of the information to be collected.

iv. Minimize the burden of the collections of information on those who are to respond, including the use of appropriate automated, electronic collection technologies or other forms of information technology.



### III. 60-Day Comment Period

This information was previously published in the **Federal Register** on March 22, 2022, allowing for a 60-day public comment period under Document 2022–06071 at 87 FR 16186. FMCS received no comments.

### IV. The Official Record

The official records are electronic records.

#### List of Subjects

Labor-Management Relations.

Dated: May 23, 2022.

**Anna Davis,**

*Acting General Counsel.*

[FR Doc. 2022–11344 Filed 5–25–22; 8:45 am]

**BILLING CODE 6732–01–P**

## FEDERAL RESERVE SYSTEM

### Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at <https://www.federalreserve.gov/foia/request.htm>. Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington DC 20551–0001, not later than June 9, 2022.

*A. Federal Reserve Bank of Kansas City* (Jeffrey Imgarten, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *The Aston McNeill Armstrong 2018 GST Exempt Trust, Sloan Armstrong Hart 2018 GST Exempt Trust, Aston*

*McNeill Armstrong Living Trust, and Sloan Walker Armstrong Living Trust, all of Vian, Oklahoma; and Kelsi Farmer, as trustee of the aforementioned trusts, New York, New York;* members of the Armstrong Family Group, a group acting in concert, to acquire additional voting shares of Ironhorse Financial Group, Inc., and thereby indirectly acquire additional voting shares of Armstrong Bank, both of Muskogee, Oklahoma.

*The Lea Ann Bumpers 2022 Irrevocable Trust, Lea Ann Bumpers, as trustee, both of Little Rock, Arkansas;* to join the Armstrong Family Group, to retain voting shares of Ironhorse Financial Group, Inc., and thereby indirectly retain voting shares of Armstrong Bank.

Board of Governors of the Federal Reserve System.

**Margaret McCloskey Shanks,**

*Deputy Secretary of the Board.*

[FR Doc. 2022–11284 Filed 5–25–22; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

[30Day–22–1354]

#### Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled “Airline and Vessel and Traveler Information Collection (42 CFR part 71.4(d))” to the Office of Management and Budget (OMB) for review and approval. CDC previously published a “Proposed Data Collection Submitted for Public Comment and Recommendations” notice on November 22, 2021] to obtain comments from the public and affected agencies. CDC received one comment related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570. Comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](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. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

#### Proposed Project

Airline and Vessel and Traveler Information Collection (42 CFR part 71.4(d)) (OMB Control No. 0920–1354, Exp. 5/31/2022)—Extension—National Center for Emerging Zoonotic and Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

#### Background and Brief Description

The Centers for Disease Control and Prevention (CDC), a component of the Department of Health and Human Services (HHS), has the regulatory authority to collect contact information from airlines under 42 CFR 71. CDC exercises this authority to ensure that public health agencies across the United States can provide appropriate public health follow-up to travelers who may be ill or exposed to a communicable disease.

CDC announces the requirement for all airlines and operators to collect and/or maintain passenger and crew contact information (designated information), and for passengers to provide such

information to airlines and operators, on flights arriving into the United States. This includes flights with intermediate stops in the United States between the flight's foreign point of origin and the final destination. Unless otherwise transmitted to the U.S. Government via established U.S. Department of

Homeland Security (DHS) data systems, airlines and operators are required to retain the designated information for 30 days and transmit it within 24 hours of a request from CDC. Accurate and complete contact information is needed to protect the health of travelers and

U.S. communities and for the purposes of public health follow-up.

CDC seeks an Extension for Airline and Vessel and Traveler Information Collection (42 CFR part 71.4(d)) (OMB Control No. 0920-1354) and requests approval for an estimated 6,191,023 burden hours.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Passenger providing information to airline staff (call centers).	Passenger "Acknowledgement" and collection of information from passengers.	12,300,000	1	2/60
Passenger providing information to airline staff (airport check-in or gate agent).	Passenger "Acknowledgement" and collection of information from passengers.	6,150,000	1	2/60
Passenger providing information to travel agents.	Passenger "Acknowledgement" and collection of information from passengers.	44,280,000	1	2/60
Passenger entering information electronically	Passenger "Acknowledgement" and collection of information from passengers.	60,270,000	1	2/60
Airline staff (call centers) .....	Passenger "Acknowledgement" and collection of information from passengers.	12,300,000	1	2/60
Airline staff (airport check-in or gate agent) ...	Passenger "Acknowledgement" and collection of information from passengers.	6,150,000	1	2/60
Travel Agents .....	Passenger "Acknowledgement" and collection of information from passengers.	44,280,000	1	2/60
Database administrator—Set up SAMS account.	No Form .....	22	1	5/60
Database administrator—Transmit JSON or .cvs data via SAMS or SFTP.	No Form .....	25	5	10/60

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2022-11324 Filed 5-25-22; 8:45 am]

BILLING CODE 4163-18-P

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Medicare & Medicaid Services**

[Document Identifiers: CMS-10401]

**Agency Information Collection Activities: Submission for OMB Review; Comment Request**

**AGENCY:** Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

**ACTION:** Notice.

**SUMMARY:** The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing

collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

**DATES:** Comments on the collection(s) of information must be received by the OMB desk officer by June 27, 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.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in

this notice, you may make your request using one of following:

1. Access CMS' website address at website address at: <https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html>.

**FOR FURTHER INFORMATION CONTACT:** William Parham at (410) 786-4669.

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501-3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term "collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes

the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Reinstatement with change of a previously approved collection; *Title of Information Collection:* Standards Related to Reinsurance, Risk Corridors, and Risk Adjustment; *Use:* The data collection and reporting requirements will be used by HHS to run the permanent risk adjustment program, including validation of data submitted by issuers, on behalf of States that requested HHS to run it for them. Risk adjustment is one of three market stability programs established by the Patient Protection and Affordable Care Act and is intended to mitigate the impact of adverse selection in the individual and small group health insurance markets inside and outside of the Health Insurance Exchanges.

HHS will also use this data to adjust the payment transfer formula for risk associated with high-cost enrollees. State regulators can use the reporting requirements outlined in this collection to request a reduction to the statewide average premium factor of the risk adjustment transfer formula, beginning for the 2019 benefit year, and thereby avoid having to establish their own programs. Issuers and providers can use the alternative reporting requirements for mental and behavioral health records described herein to comply with State privacy laws. *Form Number:* CMS-10401 (OMB control number: 0938-1155); *Frequency:* Annually; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 650; *Total Annual Responses:* 173,918; *Total Annual Hours:* 4,126,850. (For policy questions regarding this collection contact Jacqueline Wilson at [jacqueline.wilson1@cms.hhs.gov](mailto:jacqueline.wilson1@cms.hhs.gov).)

Dated: May 23, 2022.

**William N. Parham, III,**

*Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.*

[FR Doc. 2022-11302 Filed 5-25-22; 8:45 am]

**BILLING CODE 4120-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

[Document Identifiers CMS-10065/10066, CMS-10611, CMS-10464, CMS-10430 and CMS-10492]

#### 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 July 25, 2022.

**ADDRESSES:** When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to <http://www.regulations.gov>. Follow the instructions for "Comment or Submission" or "More Search Options" to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs Division of Regulations Development Attention: Document Identifier/OMB Control Number: \_\_\_\_, Room C4-26-05,

7500 Security Boulevard, Baltimore, Maryland 21244-1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at website address at <https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing>.

**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-10065/10066 Hospital Notices:

IM/DND

CMS-10611 Medicare Outpatient Observation Notice (MOON)

CMS-10464 Agent/Broker Data Collection in Federally-Facilitated Health Insurance Exchanges

CMS-10430 Compliance with Individual and Group Market Reforms under Title XXVII of the Public Health Service Act

CMS-10492 Data Submission Requirements to Receive the Federally-facilitated Exchange User Fee Adjustment

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:* Hospital Notices: IM/DND; *Use:* The purpose of

the IM is to inform beneficiaries and enrollees of their rights as hospital inpatients and how to request a discharge appeal by a Quality Improvement Organization (QIO) and how to file a request. For all Medicare beneficiaries, hospitals must deliver valid, written notice of a beneficiary's rights as a hospital inpatient, including discharge appeal rights. The hospital must use a standardized notice, as specified by CMS. This is satisfied by IM delivery.

Consistent with 42 CFR 405.1205 for Original Medicare and 422.620 for Medicare health plans, hospitals must provide the initial IM within 2 calendar days of admission. A follow-up copy of the signed IM is given no more than 2 calendar days before discharge. The follow-up copy is not required if the first IM is provided within 2 calendar days of discharge. In accordance with 42 CFR 405.1206 for Original Medicare and 422.622 for Medicare health plans, if a beneficiary/enrollee appeals the discharge decision, the beneficiary/enrollee and the QIO must receive a detailed explanation of the reason's services should end. This detailed explanation is provided to the beneficiary/enrollee using the DND, the second notice included in this renewal package. *Form Number:* CMS–10065/10066 (OMB control number: 0938–1019); *Frequency:* Yearly; *Affected Public:* Private Sector (Business or other for-profits, Not-for-Profit Institutions); *Number of Respondents:* 14,087,086; *Total Annual Responses:* 14,087,086; *Total Annual Hours:* 2,385,107. (For policy questions regarding this collection contact Janet Miller at [Janet.Miller@cms.hhs.gov](mailto:Janet.Miller@cms.hhs.gov).)

**2. Type of Information Collection Request:** Extension without change of a currently approved collection; **Title of Information Collection:** Medicare Outpatient Observation Notice (MOON); **Use:** The Medicare Outpatient Observation Notice (MOON) serves as the written notice component of this mandatory notification process. The standardized content of the MOON includes all informational elements required by statute, in language understandable to beneficiaries, and fulfills the regulatory requirements at 42 CFR part 489.20(y).

The MOON is a standardized notice delivered to persons entitled to Medicare benefits under Title XVIII of the Act who receive more than 24 hours of observation services, informing them that their hospital stay is outpatient and not inpatient, and the implications of being an outpatient. This information collection applies to beneficiaries in Original Medicare and enrollees in

Medicare health plans. *Form Number:* CMS–10611 (OMB control number: 0938–1308); *Frequency:* Yearly; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 4,312; *Total Annual Responses:* 683,222; *Total Annual Hours:* 170,806. (For policy questions regarding this collection contact Janet Miller at [Janet.Miller@cms.hhs.gov](mailto:Janet.Miller@cms.hhs.gov).)

**3. Type of Information Collection Request:** Extension of a currently approved information collection; **Title of Information Collection:** Agent/Broker Data Collection in Federally-Facilitated Health Insurance Exchanges; **Use:** The Patient Protection and Affordable Care Act, Public Law 111–148, enacted on March 23, 2010, and the Health Care and Education Reconciliation Act, Public Law 111–152, enacted on March 30, 2010 (collectively, “Affordable Care Act”), expands access to health insurance for individuals and employees of small businesses through the establishment of new Affordable Insurance Exchanges (Exchanges), also called Marketplaces, including the Small Business Health Options Program (SHOP).

The Centers for Medicare & Medicaid Services (CMS) recognizes the longstanding role that agents/brokers have played in connecting individuals and small businesses with health insurance products. Section 1312(e) of the Affordable Care Act and 45 CFR 155.220(a)(1) expands the role of agents/brokers by permitting them to enroll qualified individuals or small employers/employees in qualified health plans (QHPs) through the Exchanges, and assist individuals in applying for Advance Premium Tax Credits (APTCs) and Cost Sharing Reductions (CSRs). To participate as facilitators to enrollment, agents/brokers must register with the FFE, complete a training course covering eligibility and enrollment criteria for assisting in QHP enrollment, and sign agreements that formalize their understanding and commitment to adhere to the rules of the program. This requirement is specific to the FFE and does not automatically apply to State-based Exchanges (SBEs). This ICR serves as the formal request for renewal of the existing data collection. *Form Number:* CMS–10464 (OMB control number: 0938–1204); *Frequency:* Annually; *Affected Public:* Private Sector (Business or other for-profits) *Number of Respondents:* 64,000; *Number of Responses:* 64,000; *Total Annual Hours:* 15,360. (For questions regarding this collection contact Madeline Pellish at 301–492–4390).

**4. Type of Information Collection Request:** Extension of a currently approved collection; **Title of Information Collection:** Information Collection Requirements for Compliance with Individual and Group Market Reforms under Title XXVII of the Public Health Service Act; **Use:** Sections 2723 and 2761 of the Public Health Service Act (PHS Act) direct the Centers for Medicare and Medicaid Services (CMS) to enforce a provision (or provisions) of title XXVII of the PHS Act (including the implementing regulations in parts 144, 146, 147, and 148 of title 45 of the Code of Federal Regulations) with respect to health insurance issuers when a state has notified CMS that it has not enacted legislation to enforce or that it is not otherwise enforcing a provision (or provisions) of the group and individual market reforms with respect to health insurance issuers, or when CMS has determined that a state is not substantially enforcing one or more of those provisions. Section 2723 of the PHS Act directs CMS to enforce an applicable provision (or applicable provisions) of title XXVII of the PHS Act (including the implementing regulations in parts 146 and 147 of title 45 of the Code of Federal Regulations) with respect to group health plans that are non-Federal governmental plans. This collection of information includes requirements that are necessary for CMS to conduct compliance review activities. *Form Number:* CMS–10430 (OMB control number: 0938–0702); *Frequency:* Annually; *Affected Public:* Private Sector, State, Local, or Tribal Governments; *Number of Respondents:* 794; *Total Annual Responses:* 51,385; *Total Annual Hours:* 1,786. (For policy questions regarding this collection contact Usree Bandyopadhyay at 410–786–6650.)

**5. Type of Information Collection Request:** Extension of a currently approved collection; **Title of Information Collection:** Data Submission for the Federally-facilitated Exchange User Fee Adjustment; **Use:** Section 2713 of the Public Health Service Act requires coverage without cost sharing of certain preventive health services, including certain contraceptive services, in non-exempt, non-grandfathered group health plans and health insurance coverage. The final regulations establish rules under which the third party administrator of the plan would provide or arrange for a third party to provide separate contraceptive coverage to plan participants and beneficiaries without cost sharing, premium, fee, or other charge to plan participants or beneficiaries or to the

eligible organization or its plan. Eligible organizations are required to self-certify that they are eligible for this accommodation and provide a copy of such self-certification to their third party administrators. The final rules also set forth processes and standards to fund the payments for the contraceptive services that are provided for participants and beneficiaries in self-insured plans of eligible organizations under the accommodation described previously, through an adjustment in the FFE user fee payable by an issuer participating in an FFE.

CMS will use the data collections from participating issuers and third party administrators to verify the total dollar amount for such payments for contraceptive services provided under this accommodation for the purpose of determining a participating issuer's user fee adjustment. The attestation that the payments for contraceptive services were made in compliance with 26 CFR 54.9815-2713A(b)(2) or 29 CFR 2590.715-2713A(b)(2) will help ensure that the user fee adjustment is being utilized to provide contraceptive services for the self-insured plans in accordance with the previously noted accommodation. *Form Number:* CMS-10492 (OMB control number: 0938-1285); *Frequency:* Annually; *Affected Public:* Private sector (Business or other for-profits and Not-for-profit institutions); *Number of Respondents:* 861; *Total Annual Responses:* 861; *Total Annual Hours:* 12,930. (For policy questions regarding this collection contact Jacqueline Wilson at [jacqueline.wilson1@cms.hhs.gov](mailto:jacqueline.wilson1@cms.hhs.gov).)

**William N. Parham, III,**

*Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.*

[FR Doc. 2022-11301 Filed 5-25-22; 8:45 am]

**BILLING CODE 4120-01-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Administration for Children and Families**

**Proposed Information Collection Activity; Sexual Risk Avoidance Education National Evaluation: Nationwide Study of the National Descriptive Study (New Collection)**

**AGENCY:** Office of Planning, Research and Evaluation; Administration for Children and Families; HHS.

**ACTION:** Request for public comment.

**SUMMARY:** The Office of Planning, Research and Evaluation (OPRE), Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS), proposes survey and focus group data collection activities for the Sexual Risk Avoidance Education National Evaluation (SRAENE) Nationwide Study (NWS) of the National Descriptive Study.

**DATES:** *Comments due within 60 days of publication.* In compliance with the Paperwork Reduction Act of 1995, ACF is soliciting public comment on the specific aspects of the information collection described above.

**ADDRESSES:** You can obtain copies of the proposed collection of information and submit comments by emailing [OPREinfocollection@acf.hhs.gov](mailto:OPREinfocollection@acf.hhs.gov). Identify all requests by the title of the information collection.

**SUPPLEMENTARY INFORMATION:**

*Description:* OPRE/ACF/HHS proposes to conduct the NWS, a sub-study under the National Descriptive Study (NDS) of the SRAENE, to learn about Sexual Risk Avoidance Education (SRAE) program implementation experiences and outcomes of the SRAE grant program. The NWS builds on the Early Implementation Study, the first sub-study of the NDS, which was designed to tell the story about SRAE grant program plans (OMB Control #0970-0530). The NWS, which supports Congress's reauthorization in February 2018 of title V, section 510 of the Social Security Act (Pub. L. 115-123) and extended by the Coronavirus Aid, Relief, and Economic Security (CARES) ACT of 2020 (Pub. L. 116-136), will use a mixed-methods approach of surveys and focus groups to tell the story of the

SRAE grant program, collecting detailed information on grantee program implementation experiences from grant recipients, SRAE program providers and facilitators, and youth program recipients. The NWS will also make use of extant data from grant-recipient performance measures on program outputs and outcomes. Combined with data on program implementation, the NWS will examine associations between implementation, outputs, and outcomes. The survey and focus group data are key to fully understanding program implementation experiences from all levels that bring the SRAE programs to youth from grant administrators to program supervisors to the facilitators who interact directly with the youth themselves.

The study is being undertaken by ACF and its contractor Mathematica. The study research questions driving the need for data collection are as follows:

1. What are grant recipients' and providers' experiences with delivering SRAE curricular content? What are youth's experiences with receiving the SRAE curricular content?

2. How did grant recipients and providers interpret, understand, and address the A to F topics in the SRAE legislation?

3. Are some features of implementation more strongly associated with youth outcomes than others?

4. What provider characteristics are associated with a greater number of youth served and with youth outcomes?

To support these efforts, ACF proposes the following data collection activities: (1) A web-based survey of all grant recipient Directors who are not also providers, (2) a web-based survey of all SRAE program providers, (3) a web-based survey of all SRAE program facilitators, and (4) in-person (or virtual if necessary) focus groups with youth recipients of SRAE programming across five geographic regions of the United States.

*Respondents:* Respondents to the surveys will be SRAE program grant Directors, SRAE program providers, and SRAE program facilitators. Focus group participants will be youth recipients of SRAE programming. The focus group participants will be recruited from middle and high school across five U.S. Geographic regions: West, Midwest, Southwest, Southeast, and Northeast.

## ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents (total over request period)	Number of responses per respondent (total over request period)	Avg. burden per response (in hours)	Total/annual burden (in hours)
(1) NWS Grantee Survey .....	40	1	.17	7
(2) NWS Provider Survey .....	500	1	.75	375
(3) NWS Facilitator Survey .....	1,600	1	.5	800
(4)SRAE Program Youth Focus Group Discussion Guide .....	200	1	.75	150

*Estimated Total Annual Burden Hours: 1,332.*

*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.

*Authority:* The Title V Competitive SRAE Program was authorized and funded by section 510 of the Social Security Act (42 U.S.C. 710), as amended by section 50502 of the Bipartisan Budget Act of 2018 (Pub. L. 115–123) and extended by the CARES Act of 2020 (Pub. L. 116–136).

See [https://www.ssa.gov/OP\\_Home/ssact/title05/0510.htm](https://www.ssa.gov/OP_Home/ssact/title05/0510.htm).

**Mary B. Jones,**  
*ACF/OPRE Certifying Officer.*

[FR Doc. 2022–11364 Filed 5–25–22; 8:45 am]

**BILLING CODE 4184–83–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. FDA–2022–N–0850]

#### **Gilead Sciences, Inc.; Withdrawal of Approval of Indications for Relapsed Follicular Lymphoma and Relapsed Small Lymphocytic Lymphoma for ZYDELIG (Idelalisib) Tablets**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA or Agency) is

announcing that it is withdrawing approval of the indications for relapsed follicular lymphoma and relapsed small lymphocytic lymphoma for ZYDELIG (idelalisib) Tablets, approved under new drug application (NDA) 205858, held by Gilead Sciences, Inc., 333 Lakeside Dr., Foster City, CA 94404 (Gilead). Gilead voluntarily requested that the Agency withdraw approval of these indications and waived its opportunity for a hearing.

**DATES:** Approval is withdrawn as of May 26, 2022.

**FOR FURTHER INFORMATION CONTACT:**

Kimberly Lehrfeld, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6226, Silver Spring, MD 20993–0002, 301–796–3137, [Kimberly.Lehrfeld@fda.hhs.gov](mailto:Kimberly.Lehrfeld@fda.hhs.gov).

**SUPPLEMENTARY INFORMATION:** On July 23, 2014, FDA approved NDA 205858 for ZYDELIG (idelalisib) Tablets for the treatment of patients with relapsed follicular B-cell non-Hodgkin lymphoma in patients who have received at least two prior systemic therapies (the follicular lymphoma indication). On that same day, FDA also approved NDA 205858 for ZYDELIG (idelalisib) Tablets for the treatment of patients with relapsed small lymphocytic lymphoma in patients who have received at least two prior systemic therapies (the SLL indication). FDA approved both the follicular lymphoma indication and the SLL indication under the Agency's accelerated approval regulations, 21 CFR part 314, subpart H. As a condition of accelerated approval of ZYDELIG (idelalisib) Tablets for the follicular lymphoma indication and the SLL indication, the applicant was required to conduct postmarketing trials to verify the clinical benefit of idelalisib for the follicular lymphoma and SLL indications.

On November 22, 2021, FDA met with Gilead to discuss the status of ZYDELIG (idelalisib) Tablet's accelerated approval for the follicular lymphoma indication and the SLL indication, including the

continued need for postmarketing trials intended to verify clinical benefit in follicular lymphoma and small lymphocytic lymphoma. FDA raised withdrawal of approval during this discussion, explaining its intent to consult the Oncologic Drugs Advisory Committee (ODAC) on whether FDA should pursue withdrawal of the follicular lymphoma indication and the SLL indication. Subsequently, on December 17, 2021, following further communication with Gilead, FDA advised Gilead that voluntary withdrawal of approval for these indications would be appropriate under § 314.150(d) (21 CFR 314.150(d)). On January 10, 2022, Gilead submitted a letter requesting withdrawal of the follicular lymphoma indication and the SLL indication for ZYDELIG (idelalisib) Tablets and waiving its opportunity for a hearing. Gilead subsequently clarified, on February 23, 2022, that they were requesting the Agency withdraw approval of the follicular lymphoma indication and the SLL indication pursuant to § 314.150(d).

Therefore, under § 314.150(d), approvals of the follicular lymphoma indication and the SLL indication for ZYDELIG (idelalisib) Tablets are withdrawn as of May 26, 2022. Withdrawal of approval of these indications does not affect any other approved indication for ZYDELIG (idelalisib) Tablets.

Dated: May 19, 2022.

**Lauren K. Roth,**  
*Associate Commissioner for Policy.*

[FR Doc. 2022–11277 Filed 5–25–22; 8:45 am]

**BILLING CODE 4164–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### **National Center for Complementary & Integrative Health; 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 Center for Complementary and Integrative Health Special Emphasis Panel; Exploratory Clinical Trials of Mind and Body Interventions (MB).

*Date:* June 21–22, 2022.

*Time:* 12:00 p.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Center for Complementary and Integrative Health, Democracy II, 6707 Democracy Blvd., Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Sushmita Purkayastha, Ph.D., Scientific Review Officer, Office of Scientific Review, Division of Extramural Activities, NCCIH/NIH, 6707 Democracy Boulevard, Suite 401, Bethesda, MD 20892–5475, [sushmita.purkayastha@nih.gov](mailto:sushmita.purkayastha@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: May 23, 2022.

**Victoria E. Townsend,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2022–11340 Filed 5–25–22; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Eunice Kennedy Shriver National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which

would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Child Health and Human Development Initial Review Group Reproduction, Andrology, and Gynecology Study Section.

*Date:* June 28, 2022.

*Time:* 9:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Eunice Kennedy Shriver National Institute of Child Health and Human Development, National Institutes of Health, 6710B Rockledge Drive, Room 2125D, Bethesda, MD 20892 (Video Assisted Meeting).

*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. 93.865, Research for Mothers and Children, National Institutes of Health, HHS).

Dated: May 23, 2022.

**David W. Freeman,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2022–11334 Filed 5–25–22; 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 RFA: Age-related Macular Degeneration (AMD) Integrative Biology Initiative: Discovery of AMD Pathobiology using Patient-Derived Induced Pluripotent Stem Cell-derived Retinal Pigment Epithelium.

*Date:* May 26, 2022.

*Time:* 10:00 a.m. to 2:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Eye Institute, National Institutes of Health, 6700B Rockledge Drive, Suite 3400, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Jennifer C. Schiltz, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, National Eye Institute, National Institutes of Health, 6700B Rockledge Drive, Suite 3400, Bethesda, MD 20892, 240–276–5864, [jennifer.schiltz@nih.gov](mailto:jennifer.schiltz@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. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: May 22, 2022.

**Victoria E. Townsend,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2022–11335 Filed 5–25–22; 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 RFA: Ocular Surface Innervation from Cell Types to Circuit Functions (U01).

*Date:* June 8, 2022.

*Time:* 11:00 a.m. to 4:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Eye Institute, National Institutes of Health, 6700B Rockledge Drive, Suite 3400, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Ashley Fortress, Ph.D., Designated Federal Official Division of Extramural Activities, National Eye Institute, National Institutes of Health, 6700B Rockledge Drive, Suite 3400, Bethesda, MD 20892, (301) 827–8613, [ashley.fortress@nih.gov](mailto:ashley.fortress@nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: May 22, 2022.

**Victoria E. Townsend,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2022-11328 Filed 5-25-22; 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:* Musculoskeletal, Oral and Skin Sciences Integrated Review Group; Skeletal Biology Structure and Regeneration Study Section.

*Date:* June 15-17, 2022.

*Time:* 9:30 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:* Yanming Bi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4214, MSC 7814, Bethesda, MD 20892, (301) 451-0996, [ybi@csr.nih.gov](mailto:ybi@csr.nih.gov).

*Name of Committee:* Biobehavioral and Behavioral Processes Integrated Review Group; Human Complex Mental Function Study Section.

*Date:* June 16-17, 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:* Joanna Szczepanik, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institute of Health, 6701 Rockledge Drive, Room 1000D, Bethesda, MD 20892, (301) 827-2242, [szczepaj@csr.nih.gov](mailto:szczepaj@csr.nih.gov).

*Name of Committee:* Population Sciences and Epidemiology Integrated Review Group;

Biostatistical Methods and Research Design Study Section.

*Date:* June 21-22, 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:* Victoriya Volkova, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3140, Bethesda, MD 20892, (301) 594-7781, [victoriya.volkova@nih.gov](mailto:victoriya.volkova@nih.gov).

*Name of Committee:* Genes, Genomes, and Genetics Integrated Review Group; Genetic Variation and Evolution Study Section.

*Date:* June 21-22, 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:* Guoqin Yu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 435-1276, [guoqin.yu@nih.gov](mailto:guoqin.yu@nih.gov).

*Name of Committee:* Oncology 1-Basic Translational Integrated Review Group; Cancer Etiology Study Section.

*Date:* June 21-22, 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:* Sarita Kandula Sastry, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20782, 301-402-4788, [sarita.sastry@nih.gov](mailto:sarita.sastry@nih.gov).

*Name of Committee:* Cardiovascular and Respiratory Sciences Integrated Review Group; Integrative Myocardial Physiology/ Pathophysiology A Study Section.

*Date:* June 22-23, 2022.

*Time:* 9:00 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:* Abdelouahab Aitouche, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4222, MSC 7814, Bethesda, MD 20892, 301-435-2365, [aitouchea@csr.nih.gov](mailto:aitouchea@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Small Business: Cardiovascular Sciences Activities.

*Date:* June 23, 2022.

*Time:* 9:00 a.m. to 9:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Dmitri V. Gnatenko, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of

Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 867-5309, [gnatenkod2@nih.gov](mailto:gnatenkod2@nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Fellowships: Brain Disorders and Related Neurosciences.

*Date:* June 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:* Vilen A. Movsesyan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4040M, MSC 7806, Bethesda, MD 20892, 301-402-7278, [movsesyanv@csr.nih.gov](mailto:movsesyanv@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Small Business: Infectious, Foodborne and Waterborne Disease Diagnostics and Methods in Microbial Sterilization and Disinfection.

*Date:* June 23-24, 2022.

*Time:* 9:30 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:* Gagan Pandya, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, RM 3200, MSC 7808, Bethesda, MD 20892, (301) 435-1167, [pandyaga@mail.nih.gov](mailto:pandyaga@mail.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Small Business: Instrumentation, Environmental, and Occupational Safety.

*Date:* June 23-24, 2022.

*Time:* 9:30 a.m. to 8:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Joonil Seog, SCD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301-402-9791, [joonil.seog@nih.gov](mailto:joonil.seog@nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; RFA-OD-22-005: RADx-UP: Social, Ethical, and Behavioral Implications Research on Disparities in COVID-19 Testing.

*Date:* June 23, 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:* Randolph Christopher Capps, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1009J, Bethesda, MD 20892, (301) 435-1042, [cappsrac@mail.nih.gov](mailto:cappsrac@mail.nih.gov).

*Name of Committee:* Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Neuroscience of Interoception and Chemosensation Study Section.



*Date:* June 23–24, 2022.

*Time:* 10:00 a.m. to 4:00 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 Bishop, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5182, MSC 7844, Bethesda, MD 20892, (301) 408–9664, [bishopj@csr.nih.gov](mailto:bishopj@csr.nih.gov).

*Name of Committee:* Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Synthetic and Biological Chemistry B Study Section.

*Date:* June 23–24, 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:* Michael Eissenstat, Ph.D., Scientific Review Officer, BCMB IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4166, MSC 7806, Bethesda, MD 20892, (301) 435–1722, [eissenstatma@csr.nih.gov](mailto:eissenstatma@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflict: Cell Biology, Signaling, and Development.

*Date:* June 23, 2022.

*Time:* 10:00 a.m. to 5:00 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:* Zubaida Rangwalla Saifudeen, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20817, 301.827.3029, [zubaida.saifudeen@nih.gov](mailto:zubaida.saifudeen@nih.gov).

*Name of Committee:* Biology of Development and Aging Integrated Review Group; Radiation Therapeutics and Biology Study Section.

*Date:* June 27–28, 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:* Bo Hong, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6194, MSC 7804, Bethesda, MD 20892, 301–996–6208, [hongb@csr.nih.gov](mailto:hongb@csr.nih.gov).

*Name of Committee:* Cell Biology Integrated Review Group; Cellular Signaling and Regulatory Systems Study Section.

*Date:* June 27–28, 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:* David Balasundaram, Ph.D., Scientific Review Officer, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5189, MSC 7840, Bethesda, MD 20892, 301–435–1022, [balasundaramd@csr.nih.gov](mailto:balasundaramd@csr.nih.gov).

*Name of Committee:* Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Maximizing Investigators' Research Award B Study Section.

*Date:* June 28–29, 2022.

*Time:* 10:00 a.m. to 8:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Sudha Veeraraghavan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4166, MSC 7846, Bethesda, MD 20892, (301) 827–5263, [sudha.veeraraghavan@nih.gov](mailto:sudha.veeraraghavan@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: May 23, 2022.

**Victoria E. Townsend,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2022–11339 Filed 5–25–22; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Eunice Kennedy Shriver National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Child Health and Human Development Initial Review Group; Pediatrics Study Section.

*Date:* June 16, 2022.

*Time:* 11:00 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 2137B, Bethesda, MD 20892 (Video Assisted Meeting).

*Contact Person:* Joanna Kubler-Kielb, 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 2137B, Bethesda, MD 20892, (301) 435–6916, [kielbj@mail.nih.gov](mailto:kielbj@mail.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.865, Research for Mothers and Children, National Institutes of Health, HHS).

Dated: May 23, 2022.

**David W. Freeman,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2022–11327 Filed 5–25–22; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Eunice Kennedy Shriver National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Board of Scientific Counselors, NICHD.

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 intramural programs and projects conducted by the EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF CHILD HEALTH & HUMAN DEVELOPMENT, 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, NICHD.

*Date:* June 3, 2022.

*Time:* 10:00 a.m. to 5:00 p.m.

*Agenda:* A report by the Acting Scientific Director, NICHD, on the status of the NICHD Division of Intramural Research; current organizational structure; to review and evaluate personnel qualifications and performance, and competence of individual investigators.

*Place:* Eunice Kennedy Shriver National Institute of Child Health and Human Development, National Institutes of Health, 10 Center Drive, Room 10D39, Bethesda, MD 20892 (Video-Assisted Meeting).

*Contact Person:* Chris J. McBain, Ph.D., Acting Scientific Director, Eunice Kennedy

Shriver, National Institute of Child Health and Human Development, National Institutes of Health, 10 Center Drive, Room 10D39, Bethesda, MD 20892, (301) 594-5984, [mcbainc@mail.nih.gov](mailto:mcbainc@mail.nih.gov).

This notice is being published less than 15 days prior to the meeting due to the urgent need to meet timing limitations imposed by the intramural research review cycle.

Information is also available on the Institute's/Center's home page: <https://www.nichd.nih.gov/about/advisory/bsc>, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.865, Research for Mothers and Children, National Institutes of Health, HHS)

Dated: May 23, 2022.

**David W. Freeman,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2022-11330 Filed 5-25-22; 8:45 am]

**BILLING CODE 4140-01-P**

Institute of Environmental Health Science, 530 Davis Drive, Keystone Building, Room 3094, Durham, NC 27713, 984-287-3288, [Varsha.shukla@nih.gov](mailto:Varsha.shukla@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. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: May 23, 2022.

**David W. Freeman,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2022-11347 Filed 5-25-22; 8:45 am]

**BILLING CODE 4140-01-P**

*Contact Person:* Jolanta Maria Topczewska, 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, Rm. 2131B, Bethesda, MD 20892, (301) 451-0000, [jolanta.topczewska@nih.gov](mailto:jolanta.topczewska@nih.gov).

*Name of Committee:* National Institute of Child Health and Human Development Special Emphasis Panel; NICHD FRN.

*Date:* July 18, 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 2137C, Bethesda, MD 20892 (Video Assisted Meeting).

*Contact Person:* Kimberly L. Houston, MD, Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health & Human Development, NIH, 6710B Rockledge Drive, Rm 2137C, Bethesda, MD 20892, (301) 827-4902, [kimberly.houston@nih.gov](mailto:kimberly.houston@nih.gov).

*Name of Committee:* National Institute of Child Health and Human Development Special Emphasis Panel; Adolescent Medicine Trials Network for HIV/AIDS Interventions.

*Date:* July 20, 2022.

*Time:* 10:00 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 2137B, Bethesda, MD 20892 (Video Assisted Meeting).

*Contact Person:* Joanna Kubler-Kielb, 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 2137B, Bethesda, MD 20892, (301) 435-6916, [kielbj@mail.nih.gov](mailto:kielbj@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.

(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: May 23, 2022.

**David W. Freeman,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2022-11326 Filed 5-25-22; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Environmental Health Sciences; 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 Environmental Health Sciences Special Emphasis Panel; Mechanism for Time-Sensitive Research Opportunities in Environmental Health Sciences (R21).

*Date:* May 31, 2022.

*Time:* 12:00 p.m. to 12:45 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institute of Environmental Health Science, Keystone Building, 530 Davis Drive, Durham, NC 27709 (Virtual Meeting).

*Contact Person:* Varsha Shukla, Ph.D., Scientific Review Branch, Division of Extramural Research and Training, National

## 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 Initial Review Group; Developmental Biology Study Section.

*Date:* June 24, 2022.

*Time:* 9:00 a.m. to 3:00 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 2131B, Bethesda, MD 20892 (Video Assisted Meeting).

**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; NCCIH Training and Education Review Panel (CT).

*Date:* June 23–24, 2022.

*Time:* 10:00 a.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:* Patrick Colby Still, Ph.D., Scientific Review Officer, Office of Scientific Review, Division of Extramural Activities, NCCIH/NIH, 6707 Democracy Boulevard, Suite 401, Bethesda, MD 20892–5475, [patrick.still@nih.gov](mailto:patrick.still@nih.gov).

*Name of Committee:* National Center for Complementary and Integrative Health Special Emphasis Panel; Pilot Projects Increasing the Impact of the NIH Centers for Advancing Research on Botanicals and Other Natural Products.

*Date:* June 24, 2022.

*Time:* 2:00 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:* Patrick Colby Still, Ph.D., Scientific Review Officer, Office of Scientific Review, Division of Extramural Activities, NCCIH/NIH, 6707 Democracy Boulevard, Suite 401, Bethesda, MD 20892–5475, [patrick.still@nih.gov](mailto:patrick.still@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: May 23, 2022.

**Victoria E. Townsend,**  
*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2022–11342 Filed 5–25–22; 8:45 am]

**BILLING CODE 4140–01–P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Substance Abuse and Mental Health Services Administration**

**Agency Information Collection Activities: Proposed Collection; Comment Request**

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer on (240) 276–0361.

*Comments are invited on:* (a) Whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

**Proposed Project: Application for the Reviewer Contact Information Form (OMB No. 0930–0255)**

Section 501(h) of the Public Health Service (PHS) Act (42 U.S.C. 290aa) directs the Assistant Secretary of SAMHSA to establish such peer review groups as are needed to carry out the requirements of Title V of the PHS Act. SAMHSA administers a large discretionary grants program under authorization of Title V, and, for many years, SAMHSA has funded grants to provide prevention and treatment services related to substance abuse and mental health.

In support of its grant peer review efforts, SAMHSA desires to continue to expand the number and types of reviewers it uses on these grant review committees. To accomplish that end,

SAMHSA has determined that it is important to proactively seek the inclusion of new and qualified representatives on its peer review groups. Accordingly, SAMHSA has developed an application form for use by individuals who wish to apply to serve as peer reviewers.

The application form has been developed to capture the essential information about the individual applicants. The most consistent method to accomplish this is through completion of a standard form by all interested persons which captures information about knowledge, education, and experience in a consistent manner from all interested applicants. SAMHSA will use the information provided on the form to identify appropriate peer grant reviewers. Depending on their experience and qualifications, applicants may be invited to serve as grant reviewers.

The following changes are proposed in the form:

1. Added Federally Qualified Health Centers (FQHC), Technical Training Centers (TTC) and Certified Community Behavioral Health Clinics (CCBHC) in the Affiliations Section—Office of Behavioral Health Equity (OBHE) Recommendation
2. Changed to “Prefer not to Answer” in the Gender section—OBHE Recommendation
3. Added High School and Certificate to Education section—OBHE Recommendation
4. Changed Alaskan Native/American Indian to American Indian/Alaskan Native and added “Mixed Race” in the Race section—OBHE and Tribal Office Recommendation
5. Added “No License” in the License section—OBHE Recommendation
6. Added “Tribal Health System” and “Screening/Prevention/Emergency Preparedness” in the Secondary Expertise section—OBHE and Tribal Office Recommendation
7. Added “Peer Experience/Lived Experience” in the Secondary Expertise section—OBHE Recommendation
8. Added “Junior Reviewer” and “Community Reviewer” to Grant Review Experience section—OBHE Recommendation
9. Added the SAMHSA Values Statement at the end of the form—OBHE Recommendation

The following table shows the annual response burden estimate.

Number of respondents	Responses/ respondent	Burden/ responses (hours)	Total burden hours
500 .....	1	1.5	750

Send comments to Carlos Graham, SAMHSA Reports Clearance Officer, 5600 Fishers Lane, Room 15E57-A, Rockville, Maryland 20857, *OR* email a copy to [carlos.graham@samhsa.hhs.gov](mailto:carlos.graham@samhsa.hhs.gov). Written comments should be received by July 25, 2022.

**Carlos Graham,**  
*Reports Clearance Officer.*  
[FR Doc. 2022-11313 Filed 5-25-22; 8:45 am]  
**BILLING CODE 4162-20-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

[Docket ID FEMA-2022-0002]

**Final Flood Hazard Determinations**

**AGENCY:** Federal Emergency Management Agency, Department of Homeland Security.

**ACTION:** Notice.

**SUMMARY:** Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below.

The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP).

**DATES:** The date of September 15, 2022 has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

**ADDRESSES:** The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at <https://msc.fema.gov> by the date indicated above.

**FOR FURTHER INFORMATION CONTACT:** Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646-7659, or (email) [patrick.sacbibit@fema.dhs.gov](mailto:patrick.sacbibit@fema.dhs.gov); or visit the FEMA Mapping and Insurance eXchange (FMIX) online at [https://www.floodmaps.fema.gov/fhm/fmx\\_main.html](https://www.floodmaps.fema.gov/fhm/fmx_main.html).

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency

(FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at <https://msc.fema.gov>.

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below. (Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

**Michael M. Grimm,**  
*Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.*

Community	Community map repository address
<b>Greene County, Arkansas and Incorporated Areas</b> <b>Docket No.: FEMA-B-2069</b>	
Unincorporated Areas of Greene County .....	Greene County Office of Emergency Management, 320 West Court Street, Suite 107, Paragould, AR 72450.
<b>Athens-Clarke County, Georgia (All Jurisdictions)</b> <b>Docket No.: FEMA-B-2131</b>	
Athens-Clarke County .....	Athens-Clarke County Planning Department Building, 120 West Dougherty Street, Athens, GA 30601.
City of Winterville .....	City Hall, 125 North Church Street, Winterville, GA 30683.
<b>Oconee County, Georgia and Unincorporated Areas</b> <b>Docket No.: FEMA-B-2131</b>	
City of Watkinsville .....	City Hall, 191 VFW Drive, Watkinsville, GA 30677.
Town of North High Shoals .....	North High Shoals Town Hall, 260 Hillsboro Road, Bishop, GA 30621.
Unincorporated Areas of Oconee County .....	Oconee County Code Enforcement, 1291 Greensboro Highway, Room A108, Watkinsville, GA 30677.

Community	Community map repository address
<b>Charlevoix County, Michigan (All Jurisdictions)</b> <b>Docket No.: FEMA-B-2111</b>	
City of Charlevoix .....	City Hall, 210 State Street, Charlevoix, MI 49720.
Little Traverse Bay Bands of Odawa Indians .....	Little Traverse Bay Bands of Odawa Indians Government Center, 7500 Odawa Circle, Harbor Springs, MI 49740.
Township of Charlevoix .....	Township Hall, 12491 Waller Road, Charlevoix, MI 49720.
Township of Hayes .....	Hayes Township Hall, 9195 Old U.S. 31 Highway North, Charlevoix, MI 49720.
Township of Norwood .....	Charlevoix County Building, 301 State Street, Charlevoix, MI 49720.
Township of Peaine .....	Peaine Township Hall, 36825 Kings Highway, Beaver Island, MI 49782.
Township of St. James .....	St. James Governmental Center, 37830 Kings Highway, Beaver Island, MI 49782.
<b>Lyon County, Minnesota and Incorporated Areas</b> <b>Docket No.: FEMA-B-2126</b>	
City of Marshall .....	City Hall, 344 West Main Street, Marshall, MN 56258.
City of Minneota .....	City Hall, 129 East 1st Street, Minneota, MN 56264.
Unincorporated Areas of Lyon County .....	Market Street Office Complex, 1424 East College Drive, #600, Marshall, MN 56258.
<b>Davis County, Utah and Incorporated Areas</b> <b>Docket Nos.: FEMA-B-1418, FEMA-B-2017, and FEMA-B-2155</b>	
City of Bountiful .....	City Hall, 795 South Main Street, Bountiful, UT 84010.
City of Centerville .....	Community Development Department, 655 North 1250 West, Centerville, UT 84014.
City of Farmington .....	City Hall, 160 South Main Street, Farmington, UT 84025.
City of Fruit Heights City .....	City Hall, 910 South Mountain Road, Fruit Heights City, UT 84037.
City of Kaysville .....	City Hall, 23 East Center Street, Kaysville, UT 84037.
City of Layton .....	City Hall, 437 North Wasatch Drive, Layton, UT 84041.
City of South Weber .....	City Hall, 1600 East South Weber Drive, South Weber, UT 84405.
City of West Bountiful .....	City Hall, 550 North 800 West, West Bountiful, UT 84087.
City of Woods Cross .....	City Hall, 1555 South 800 West, Woods Cross, UT 84087.
Unincorporated Areas of Davis County .....	Davis County Administration Building, 61 South Main Street, Farmington, UT 84025.

[FR Doc. 2022-11363 Filed 5-25-22; 8:45 am]  
BILLING CODE 9110-12-P

**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

[Docket ID FEMA-2022-0002]

**Changes in Flood Hazard Determinations**

**AGENCY:** Federal Emergency Management Agency, Department of Homeland Security.

**ACTION:** Notice.

**SUMMARY:** New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance

Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities.

**DATES:** Each LOMR was finalized as in the table below.

**ADDRESSES:** Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at <https://msc.fema.gov>.

**FOR FURTHER INFORMATION CONTACT:** Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646-7659, or (email) [patrick.sacbibit@fema.dhs.gov](mailto:patrick.sacbibit@fema.dhs.gov); or visit the FEMA Mapping and Insurance eXchange (FMIX) online at [https://www.floodmaps.fema.gov/fhm/fmx\\_main.html](https://www.floodmaps.fema.gov/fhm/fmx_main.html).

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been

published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65. The currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community

must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the

floodplain management requirements of the NFIP. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA

Map Service Center at <https://msc.fema.gov>.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

**Michael M. Grimm,**  
Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
<b>Colorado:</b>					
Arapahoe (FEMA Docket No.: B-2214).	City of Aurora (21-08-0828P).	The Honorable Mike Coffman, Mayor, City of Aurora, 15151 East Alameda Parkway, Aurora, CO 80012.	Public Works Department, 15151 East Alameda Parkway, Aurora, CO 80012.	Apr. 8, 2022 .....	080002
Routt (FEMA Docket No.: B-2214).	City of Steamboat Springs (21-08-0824P).	Mr. Gary Suiter, Manager, City of Steamboat Springs, P.O. Box 775088, Steamboat Springs, CO 80477.	City Hall, 137 10th Street, Steamboat Springs, CO 80477.	Apr. 18, 2022 .....	080159
<b>Delaware:</b>					
Sussex (FEMA Docket No.: B-2178).	Town of South Bethany (22-03-0643P, formerly 21-03-0951P).	The Honorable Tim Saxton, Mayor, Town of South Bethany, 402 Evergreen Road, South Bethany, DE 19930.	Town Hall, 402 Evergreen Road, South Bethany, DE 19930.	Apr. 5, 2022 .....	100051
Sussex (FEMA Docket No.: B-2178).	Unincorporated areas of Sussex County (22-03-0643P, formerly 21-03-0951P).	The Honorable Michael H. Vincent, President, Sussex County Council, P.O. Box 589, Georgetown, DE 19947.	Sussex County Administrative Building, 2 The Circle, Georgetown, DE 19947.	Apr. 5, 2022 .....	100029
<b>Florida:</b>					
Collier (FEMA Docket No.: B-2209).	City of Marco Island (21-04-4573P).	Mr. Mike McNees, Manager, City of Marco Island, 50 Bald Eagle Drive, Marco Island, FL 34145.	Building Services Department, 50 Bald Eagle Drive, Marco Island, FL 34145.	Apr. 12, 2022 .....	120426
Collier (FEMA Docket No.: B-2209).	City of Naples (21-04-4309P).	The Honorable Teresa Heitmann, Mayor, City of Naples, 735 8th Street South, Naples, FL 34102.	Building Department, 295 Riverside Circle, Naples, FL 34102.	Apr. 12, 2022 .....	125130
Lake (FEMA Docket No.: B-2203).	Unincorporated areas of Lake County (20-04-5238P).	Ms. Jennifer Barker, Interim Manager, Lake County, 315 West Main Street, Tavares, FL 32778.	Lake County Public Works Department, 323 North Sinclair Avenue, Tavares, FL 32778.	Apr. 8, 2022 .....	120421
Monroe (FEMA Docket No.: B-2209).	Unincorporated areas of Monroe County (21-04-4717P).	The Honorable David Rice, Mayor, Monroe County Board of Commissioners, 1100 Simonton Street, Key West, FL 33040.	Monroe County Building Department, 2798 Overseas Highway, Suite 300, Marathon, FL 33050.	Apr. 18, 2022 .....	125129
Monroe (FEMA Docket No.: B-2203).	Village of Islamorada (21-04-5529P).	The Honorable Buddy Pinder, Mayor, Village of Islamorada, 86800 Overseas Highway, Islamorada, FL 33036.	Building Department, 86800 Overseas Highway, Islamorada, FL 33036.	Apr. 11, 2022 .....	120424
Orange (FEMA Docket No.: B-2203).	Unincorporated areas of Orange County (20-04-5238P).	The Honorable Jerry L. Demings, Mayor, Orange County, 201 South Rosalind Avenue, 5th Floor, Orlando, FL 32801.	Orange County Stormwater Division, 4200 South John Young Parkway, Orlando, FL 32839.	Apr. 8, 2022 .....	120179

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Pasco (FEMA Docket No.: B-2203).	Unincorporated areas of Pasco County (20-04-2814P).	The Honorable Kathryn Starkey, Chair, Pasco County Board of Commissioners, 37918 Meridian Avenue, Dade City, FL 33525.	Pasco County Department of Public Works, 4454 Grand Boulevard, New Port Richey, FL 34652.	Apr. 11, 2022 .....	120230
Maryland: Dorchester (FEMA Docket No.: B-2203).	Unincorporated areas of Dorchester County (21-03-1511P).	The Honorable Jay L. Newcomb, President, Dorchester County Council, P.O. Box 107, Cambridge, MD 21613.	Dorchester County Planning and Zoning Department, 501 Court Lane, Room 111, Cambridge, MD 21613.	Apr. 11, 2022 .....	240026
Frederick (FEMA Docket No.: B-2214).	Unincorporated areas of Frederick County (21-03-0980P).	The Honorable Jan H. Gardner, Frederick County Executive, 12 East Church Street, Frederick, MD 21701.	Frederick County Division of Planning and Permitting, 30 North Market Street, Frederick, MD 21701.	Apr. 11, 2022 .....	240027
Howard (FEMA Docket No.: B-2209).	Unincorporated areas of Howard County (22-03-0019P).	The Honorable Calvin Ball, Howard County Executive, 3430 Court House Drive, Ellicott City, MD 21043.	Howard County Department of Public Works, Bureau of Environmental Services, 9801 Broken Land Parkway, Columbia, MD 21046.	Apr. 15, 2022 .....	240044
Massachusetts: Essex (FEMA Docket No.: B-2214).	Town of Nahant (21-01-1078P).	The Honorable Josh Antrim, Chairman, Town of Nahant Board of Selectmen, 334 Nahant Road, Nahant, MA 01908.	Public Works Department, 334 Nahant Road, Nahant, MA 01908.	Apr. 13, 2022 .....	250095
Montana: Gallatin (FEMA Docket No.: B-2209).	City of Belgrade (21-08-0464P).	Mr. Neil Cardwell, City of Belgrade Manager, 91 East Central Avenue, Belgrade, MT 59714.	Planning Department, 91 East Central Avenue, Belgrade, MT 59714.	Apr. 11, 2022 .....	300105
Gallatin (FEMA Docket No.: B-2209).	Unincorporated areas of Gallatin County (21-08-0464P).	The Honorable Scott MacFarlane, Chairman, Gallatin County Commission, 311 West Main Street, Room 306, Bozeman, MT 59715.	Gallatin County Department of Planning and Community Development, 311 West Main Street, Room 108, Bozeman, MT 59715.	Apr. 11, 2022 .....	300027
North Carolina: Davie (FEMA Docket No.: B-2216).	Unincorporated areas of Davie County (21-04-2539P).	The Honorable Terry Renegar, Chairman, Davie County Board of Commissioners, 123 South Main Street, Mocksville, NC 27028.	Davie County Development Services Department, 172 Clement Street, Mocksville, NC 27028	Apr. 15, 2022 .....	370308
Tennessee: Shelby (FEMA Docket No.: B-2214).	City of Millington (21-04-1321P).	The Honorable Terry Jones, Mayor, City of Millington, 4715 Oak Harbour Trace, Millington, TN 38053.	Planning and Economic Development Department, 7930 Nelson Road, Millington, TN 38053.	Apr. 15, 2022 .....	470178
Texas: Collin (FEMA Docket No.: B-2209).	City of McKinney (21-06-2216P).	The Honorable George Fuller, Mayor, City of McKinney, P.O. Box 517, McKinney, TX 75070.	Engineering Department, 221 North Tennessee Street, McKinney, TX 75069.	Apr. 11, 2022 .....	480135
Collin (FEMA Docket No.: B-2209).	City of Plano (21-06-2054P).	The Honorable John B. Muns, Mayor, City of Plano, 1520 K Avenue, Plano, TX 75074.	Engineering Department, 1520 K Avenue, Plano, TX 75074.	Apr. 11, 2022 .....	480140
Harris (FEMA Docket No.: B-2214).	Unincorporated areas of Harris County (19-06-2368P).	The Honorable Lina Hidalgo, Harris County Judge, 1001 Preston Street, Suite 911, Houston, TX 77002.	Harris County Permit Office, 10555 Northwest Freeway, Suite 120, Houston, TX 77092.	Apr. 18, 2022 .....	480287
Montgomery (FEMA Docket No.: B-2214).	Unincorporated areas of Montgomery County (19-06-2368P).	The Honorable Mark Keough, Montgomery County Judge, 501 North Thompson Street, Suite 401, Conroe, TX 77301.	Montgomery County Engineering Department, 501 North Thompson Street, Suite 103, Conroe, TX 77301.	Apr. 18, 2022 .....	480483

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Potter (FEMA Docket No.: B-2209).	City of Amarillo (20-06-3803P).	The Honorable Ginger Nelson, Mayor, City of Amarillo, P.O. Box 1971, Amarillo, TX 79105.	City Hall, 808 South Buchanan Street, Amarillo, TX 79105.	Apr. 15, 2022 .....	480529
Webb (FEMA Docket No.: B-2214).	City of Laredo (21-06-1239P).	The Honorable Pete Saenz, Mayor, City of Laredo, 1110 Houston Street, 3rd Floor, Laredo, TX 78040.	Planning and Zoning Department, 1413 Houston Street, Laredo, TX 78040.	Apr. 8, 2022 .....	480651

[FR Doc. 2022-11358 Filed 5-25-22; 8:45 am]

BILLING CODE 9110-12-P

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

[Docket ID FEMA-2022-0002; Internal Agency Docket No. FEMA-B-2233]

#### Proposed Flood Hazard Determinations

**AGENCY:** Federal Emergency Management Agency, Department of Homeland Security.

**ACTION:** Notice.

**SUMMARY:** Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**DATES:** Comments are to be submitted on or before August 24, 2022.

**ADDRESSES:** The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location <https://hazards.fema.gov/femaportal/prelimdownload> and the respective Community Map Repository address

listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at <https://msc.fema.gov> for comparison.

You may submit comments, identified by Docket No. FEMA-B-2233, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646-7659, or (email) [patrick.sacbibit@fema.dhs.gov](mailto:patrick.sacbibit@fema.dhs.gov).

**FOR FURTHER INFORMATION CONTACT:** Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646-7659, or (email) [patrick.sacbibit@fema.dhs.gov](mailto:patrick.sacbibit@fema.dhs.gov); or visit the FEMA Mapping and Insurance eXchange (FMIX) online at [https://www.floodmaps.fema.gov/fhm/fmx\\_main.html](https://www.floodmaps.fema.gov/fhm/fmx_main.html).

**SUPPLEMENTARY INFORMATION:** FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report

that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at [https://www.floodsrp.org/pdfs/srp\\_overview.pdf](https://www.floodsrp.org/pdfs/srp_overview.pdf).

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location <https://hazards.fema.gov/femaportal/prelimdownload> and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at <https://msc.fema.gov> for comparison. (Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

**Michael M. Grimm,**

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.



Community	Community map repository address
<b>Jackson County, Missouri and Incorporated Areas</b> <b>Project: 17-07-1363S Preliminary Date: September 30, 2021</b>	
City of Independence .....	City Hall, 111 East Maple Avenue, Independence, MO 64050.
City of Kansas City .....	City Planning and Development Department, 414 East 12th Street, 5th Floor, Kansas City, MO 64106.
City of Levasy .....	City Hall, 103 Pacific Street, Levasy, MO 64066.
City of Sugar Creek .....	City Hall, 103 South Sterling Avenue, Sugar Creek, MO 64054.
Unincorporated Areas of Jackson County .....	Jackson County Department of Public Works Technology Center, 303 West Walnut Street, Independence, MO 64050.
<b>Shelby County, Missouri and Incorporated Areas</b> <b>Project: 21-07-0047S Preliminary Date: October 15, 2021</b>	
City of Shelbina .....	City Hall, 116 East Walnut Street, Shelbina, MO 63468.
Unincorporated Areas of Shelby County .....	Shelby County Courthouse, 100 East Main Street, Shelbyville, MO 63469.
<b>Wright County, Missouri and Incorporated Areas</b> <b>Project: 21-07-0048S Preliminary Date: December 4, 2021</b>	
City of Hartville .....	City Hall, 200 South Main Avenue, Hartville, MO 65667.
City of Mansfield .....	City Hall, 122 North Business 60, Mansfield, MO 65704.
City of Mountain Grove .....	City Hall, 100 East State Street, Mountain Grove, MO 65711.
Unincorporated Areas of Wright County .....	Wright County Courthouse, 125 Court Square, Hartville, MO 65667.

[FR Doc. 2022-11360 Filed 5-25-22; 8:45 am]  
 BILLING CODE 9110-12-P

**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

[Docket ID FEMA-2022-0002; Internal Agency Docket No. FEMA-B-2234]

**Proposed Flood Hazard Determinations**

**AGENCY:** Federal Emergency Management Agency, Department of Homeland Security.

**ACTION:** Notice.

**SUMMARY:** Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt

or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**DATES:** Comments are to be submitted on or before August 24, 2022.

**ADDRESSES:** The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location <https://hazards.fema.gov/femaportal/prelimdownload> and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at <https://msc.fema.gov> for comparison.

You may submit comments, identified by Docket No. FEMA-B-2234, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646-7659, or (email) [patrick.sacbibit@fema.dhs.gov](mailto:patrick.sacbibit@fema.dhs.gov).

**FOR FURTHER INFORMATION CONTACT:** Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646-7659, or (email) [patrick.sacbibit@fema.dhs.gov](mailto:patrick.sacbibit@fema.dhs.gov); or visit the FEMA Mapping and Insurance eXchange (FMIX) online at [https://www.floodmaps.fema.gov/fhm/fmx\\_main.html](https://www.floodmaps.fema.gov/fhm/fmx_main.html).

**SUPPLEMENTARY INFORMATION:** FEMA proposes to make flood hazard determinations for each community

listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after

FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at [https://www.floodsrp.org/pdfs/srp\\_overview.pdf](https://www.floodsrp.org/pdfs/srp_overview.pdf).

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each

community are available for inspection at both the online location <https://hazards.fema.gov/femaportal/prelimdownload> and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current

effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at <https://msc.fema.gov> for comparison. (Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

**Michael M. Grimm,**  
Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
<b>Dent County, Missouri and Incorporated Areas Project: 21-07-0045S Preliminary Date: October 31, 2021</b>	
City of Salem .....	City Administration Building, 400 North Iron Street, Salem, MO 65560.
Unincorporated Areas of Dent County .....	Dent County Courthouse, 400 North Main Street, Salem, MO 65560.

[FR Doc. 2022-11361 Filed 5-25-22; 8:45 am]  
BILLING CODE 9110-12-P

**DEPARTMENT OF HOMELAND SECURITY**  
**Federal Emergency Management Agency**

[Docket ID FEMA-2022-0002]

**Final Flood Hazard Determinations**

**AGENCY:** Federal Emergency Management Agency, Department of Homeland Security.

**ACTION:** Notice.

**SUMMARY:** Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below. The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal

Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP).

**DATES:** The date of September 1, 2022 has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

**ADDRESSES:** The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at <https://msc.fema.gov> by the date indicated above.

**FOR FURTHER INFORMATION CONTACT:** Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646-7659, or (email) [patrick.sacbibit@fema.dhs.gov](mailto:patrick.sacbibit@fema.dhs.gov); or visit the FEMA Mapping and Insurance eXchange (FMIX) online at [https://www.floodmaps.fema.gov/fhm/fmx\\_main.html](https://www.floodmaps.fema.gov/fhm/fmx_main.html).

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified

flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at <https://msc.fema.gov>.

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below. (Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

**Michael M. Grimm,**  
Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
<b>Mendocino County, California and Incorporated Areas</b> <b>Docket No.: FEMA-B-2135</b>	
City of Willits .....	City Hall, 111 East Commercial Street, Willits, CA 95490.
Unincorporated Areas of Mendocino County .....	Mendocino County Planning and Building Services Department, 860 North Bush Street, Ukiah, CA 95482.

<b>McLean County, Kentucky and Incorporated Areas</b> <b>Docket No.: FEMA-B-2134</b>	
City of Calhoun .....	McLean County Courthouse, 210 Main Street, Calhoun, KY 42327.

Community	Community map repository address
City of Livermore .....	City Hall, 105 West 3rd Street, Livermore, KY 42352.
Unincorporated Areas of McLean County .....	McLean County Courthouse, 210 Main Street, Calhoun, KY 42327.
<b>Ohio County, Kentucky and Incorporated Areas</b> <b>Docket No.: FEMA-B-2134</b>	
Unincorporated Areas of Ohio County .....	Ohio County Community Center, 130 East Washington Street, Hartford, KY 42347.
<b>Webster County, Kentucky and Incorporated Areas</b> <b>Docket No.: FEMA-B-2134</b>	
City of Sebree .....	Municipal Building, 36 Veterans Way, Sebree, KY 42455.
Unincorporated Areas of Webster County .....	Webster County Courthouse, 25 U.S. Highway 41-A South, Dixon, KY 42409.
<b>Erie County, Ohio and Incorporated Areas</b> <b>Docket No.: FEMA B-1806 and FEMA-B-2031</b>	
City of Huron .....	Municipal Building, 417 Main Street, Huron, OH 44839.
City of Sandusky .....	City Hall, 240 Columbus Avenue, Sandusky, OH 44870.
Unincorporated Areas of Erie County .....	Erie Regional Planning Commission, 2900 Columbus Avenue, Sandusky, OH 44870.
Village of Bay View .....	Village Hall, 304 East Bay View Drive, Bay View, OH 44870.
Village of Kelleys Island .....	Municipal Building, 121 Addison Street, Kelleys Island, OH 43438.
<b>Deuel County, South Dakota and Incorporated Areas</b> <b>Docket No.: FEMA-B-2127</b>	
City of Clear Lake .....	City Auditor, 125 3rd Avenue South, Clear Lake, SD 57226.
City of Gary .....	City Hall, 1113 Summit Street, Gary, SD 57237.
Unincorporated Areas of Deuel County .....	Deuel County Courthouse, 408 4th Street West, Clear Lake, SD 57226.
<b>Grayson County, Texas and Incorporated Areas</b> <b>Docket No.: FEMA-B-2101</b>	
City of Sherman .....	Engineering Department, 220 West Mulberry Street, Sherman, TX 75090.
Unincorporated Areas of Grayson County .....	Grayson County Courthouse, 100 West Houston Street, Sherman, TX 75090.

[FR Doc. 2022-11362 Filed 5-25-22; 8:45 am]  
BILLING CODE 9110-12-P

**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

[Docket ID FEMA-2022-0002; Internal Agency Docket No. FEMA-B-2237]

**Changes in Flood Hazard Determinations**

**AGENCY:** Federal Emergency Management Agency, Department of Homeland Security.

**ACTION:** Notice.

**SUMMARY:** This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood

Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Federal Regulations. The currently effective community number is shown in the table below and must be used for all new policies and renewals.

**DATES:** These flood hazard determinations will be finalized on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in

which to request through the community that the Deputy Associate Administrator for Insurance and Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

**ADDRESSES:** The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at <https://msc.fema.gov> for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

**FOR FURTHER INFORMATION CONTACT:** Rick Sacbabit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472,

(202) 646-7659, or (email) [patrick.sacbibit@fema.dhs.gov](mailto:patrick.sacbibit@fema.dhs.gov); or visit the FEMA Mapping and Insurance eXchange (FMIX) online at [https://www.floodmaps.fema.gov/fhm/fmx\\_main.html](https://www.floodmaps.fema.gov/fhm/fmx_main.html).

**SUPPLEMENTARY INFORMATION:** The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105,

and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other

Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at <https://msc.fema.gov> for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

**Michael M. Grimm,**  
Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Arizona:						
Pinal .....	City of Maricopa (21-09-0921P)	The Honorable Christian Price, Mayor, City of Maricopa, 39700 West Civic Center Plaza, Maricopa, AZ 85138.	City Hall, 39700 West Civic Center Plaza, Maricopa, AZ 85138.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Aug. 12, 2022 ....	040052
Pinal .....	Unincorporated Areas of Pinal County (21-09-0921P).	The Honorable Jeffrey McClure, Chairman, Board of Supervisors, Pinal County, P.O. Box 827, Florence, AZ 85132.	Pinal County Engineering Division, 31 North Pinal Street, Building F, Florence, AZ 85132.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Aug. 12, 2022 ....	040077
Yavapai .....	Town of Prescott Valley (21-09-1013P).	The Honorable Kell Palguta, Mayor, Town of Prescott Valley, Civic Center, 7501 East Skoog Boulevard, 4th Floor, Prescott Valley, AZ 86314.	Town Hall, Engineering Division, 7501 East Civic Circle, Prescott Valley, AZ 86314.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Jul. 20, 2022 .....	040121
California:						
Fresno .....	City of Clovis (21-09-1313P).	The Honorable Jose Flores Mayor, City of Clovis, 1033 5th Street, Clovis, CA 93612.	City Clerk's Office Civic Center, 1033 5th Street, Clovis, CA 93612.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Jul. 25, 2022 .....	060044
San Diego .....	Unincorporated Areas of San Diego County (20-09-1857P)	The Honorable Nathan Fletcher, Chairman, Board of Supervisors, San Diego County, 1600 Pacific Highway, Room 335, San Diego, CA 92101.	San Diego County Flood Control District, Department of Public Works, 5510 Overland Avenue, Suite 410, San Diego, CA 92123.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Aug. 19, 2022 ....	060284
Yolo .....	City of Davis, (20-09-2115P)	The Honorable Gloria Partida, Mayor, City of Davis, 23 Russell Boulevard, Suite 1, Davis, CA 95616.	City Hall, 23 Russell Boulevard, Davis, CA 95616.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Aug. 15, 2022 ....	060424
Florida:						
Orange .....	City of Orlando, (21-04-2426P)	The Honorable Buddy Dyer, Mayor, City of Orlando, P.O. Box 4990, Orlando, FL 32802.	City Hall, 400 South Orange Avenue, 1st Floor, Orlando, FL 32801.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Aug. 26, 2022 ....	120186
Orange .....	Unincorporated Areas of Orange County (21-04-2426P)	The Honorable Jerry L. Demings, Mayor, Orange County, 201 South Rosalind Avenue, 5th Floor, Orlando, FL 32801.	Orange County, Stormwater Management Division, 4200 South Young Parkway, Orlando, FL 32839.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Aug. 26, 2022 ....	120179
Idaho:						
Ada .....	Unincorporated Areas of Ada County (21-10-1055P).	Mr. Rod Beck, Chairman, Ada County Board of Commissioners, 200 West Front Street, 3rd Floor, Boise, ID 83702.	Ada County Courthouse, 200 West Front Street, Boise, ID 83702.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Aug. 5, 2022 .....	160001

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Bonneville .....	Unincorporated Areas of Bonneville County (22-10-0131P)	Mr. Roger Christensen, Chairman, Bonneville County, Board of Commissioners, 605 North Capital Avenue, Idaho Falls, ID 83402.	Bonneville County Courthouse, 605 North Capital Avenue, Idaho Falls, ID 83402.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Jul. 28, 2022 .....	160027
Fremont .....	Unincorporated Areas of Fremont County (21-10-1438P)	Mr. Jordan Stoddard, Member, Board of County Commissioners, 151 West 1st North, Room 10, St. Anthony, ID 83445.	Fremont County Court House, 151 West 1st North, St. Anthony, ID 83445.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Aug. 1, 2022 .....	160061
Illinois:						
Randolph .....	Unincorporated Areas of Randolph County (22-05-0587P)	The Honorable Marc Kiehna, Chairman, Board of Commissioners, Randolph County Courthouse, 1 Taylor Street, Chester, IL 62233.	Randolph County Courthouse, 1 Taylor Street, Chester, IL 62233.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Aug. 19, 2022 ....	170575
Will .....	City of Naperville (21-05-0302P).	The Honorable Steve Chirico, Mayor, City of Naperville, Municipal Center, 400 South Eagle Street, Naperville, IL 60540.	Municipal Center, 400 South Eagle Street, Naperville, IL 60540.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Jul. 28, 2022 .....	170213
Will .....	Unincorporated Areas of Will County (21-05-0302P).	The Honorable Jennifer Bertino-Tarrant, Will County Executive, Will County Office Building, 302 North Chicago Street, Joliet, IL 60432.	Will County Land Use Department, 58 East Clinton Street, Suite 100, Joliet, IL 60432.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Jul. 28, 2022 .....	170695
Will .....	Village of Bolingbrook (21-05-4669P)	The Honorable Mary Alexander-Basta, Mayor, Village of Bolingbrook, 375 West Briarcliff Road, Bolingbrook, IL 60440.	Village Hall, 375 West Briarcliff Road, Bolingbrook, IL 60440.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Aug. 3, 2022 .....	170812
Indiana:						
Hendricks .....	Town of Danville (21-05-2756P)	Mr. David Winters, President, Danville Town Council, 49 North Wayne Street, Danville, IN 46122.	Town of Danville Planning Department, 147 West Main Street, Danville, IN 46122.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Aug. 12, 2022 ....	180088
Hendricks .....	Unincorporated Areas of Hendricks County (21-05-2756P)	Ms. Phyllis Palmer, President, Hendricks County Board of Commissioners, 49 North Wayne Street, Danville, IN 46122.	Hendricks County Government Center, 355 South Washington Street, Danville, IN 46122.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Aug. 12, 2022 ....	180415
Lake .....	Town of Cedar Lake (21-05-4556P).	The Honorable Randy Niemeyer, Town Council President, Town of Cedar Lake, 7408 Constitution Avenue, Cedar Lake, IN 46303.	Town Hall, 7408 Constitution Avenue, Cedar Lake, IN 46303.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Jul. 27, 2022 .....	180127
Kansas: Johnson ..	City of Olathe (21-07-0765P)	The Honorable John Bacon, Mayor, City of Olathe, 100 East Santa Fe Street, Olathe, KS 66061.	City Hall, 100 West Santa Fe Drive, Olathe, KS 66061.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Aug. 4, 2022 .....	200173
Michigan: St. Clair	City of St. Clair (22-05-0188P)	The Honorable William Cedar, Jr., Mayor, City of St. Clair, 547 North Carney Drive, St. Clair, MI 48079.	City Hall, 547 North Carney Drive, St. Clair, MI 48079.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Jun. 1, 2022 .....	260279
New Jersey: Mercer.	Township of Ewing (21-02-0942P).	The Honorable Bert Steinmann, Mayor, Township of Ewing, 2 Jake Garzio Drive, Ewing, NJ 08628.	Construction Office, 2 Jake Garzio Drive, Ewing, NJ 08628.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Aug. 18, 2022 ....	345294
New York: Westchester.	Town of North Castle (21-02-1100P).	Mr. Michael J. Schiliro, Supervisor, Town of North Castle, 15 Bedford Road, Armonk, NY 10504.	North Castle Town Engineer, 200 South Greeley Avenue, Chappaqua, NY 10514.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Oct. 13, 2022 .....	360923
Ohio:						

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Erie .....	Unincorporated Areas of Erie County (22-05-0959P).	Mr. Patrick Shenigo, Commissioner, Erie County Board of Commissioners, 2900 Columbus Avenue, Sandusky, OH 44870.	Erie County Regional Planning Commission, 2900 Columbus Avenue, Sandusky, OH 44870.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Sep. 2, 2022 .....	390153
Warren .....	City of Mason (21-05-3113P)	The Honorable Kathy Grossmann, Mayor, City of Mason, 6000 Mason Montgomery Road, Mason, OH 45040.	Municipal Building, 6000 Mason Montgomery Road, Mason, OH 45040.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Aug. 22, 2022 ...	390559
South Carolina: Jasper .....	City of Hardeeville (21-04-0577P)	The Honorable Harry Williams, Mayor, City of Hardeeville, P.O. Box 609, Hardeeville, SC 29927.	City Hall, 205 Main Street, Hardeeville, SC 29927.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Jul. 28, 2022 .....	450113
Jasper .....	Unincorporated Areas of Jasper County (21-04-0577P)	Mrs. Barbara Clark, Chairperson, Jasper County, P.O. Box 1659, Ridgeland, SC 29936.	Jasper County Planning and Building Services, 358 3rd Avenue, Room 202, Ridgeland, SC 29936.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Jul. 28, 2022 .....	450112
Wisconsin: Kenosha.	Village of Pleasant Prairie (21-05-4480P)	Mr. John P. Steinbrink, Village President, Village of Pleasant Prairie, 9915 39th Avenue, Pleasant Prairie, WI 53158.	Village Hall, 9915 39th Avenue, Pleasant Prairie, WI 53158.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Aug. 4, 2022 .....	550613

[FR Doc. 2022-11359 Filed 5-25-22; 8:45 am]

BILLING CODE 9110-12-P

## DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS-2022-0029]

### Homeland Security Advisory Council New Projects

**AGENCY:** The Office of Partnership and Engagement (OPE), The Department of Homeland Security (DHS).

**ACTION:** Notice of initial projects for the Homeland Security Advisory Council.

**SUMMARY:** The Secretary of the Department of Homeland Security (DHS), Alejandro N. Mayorkas, directed his Homeland Security Advisory Council (HSAC) to establish a subcommittee entitled Assessment of Disinformation Best Practices and Safeguards on May 18, 2022. The Disinformation Best Practices and Safeguards subcommittee will provide findings and recommendations to the HSAC on how the Department can most effectively and appropriately address disinformation that poses a threat to the homeland, while increasing transparency and protecting free speech, civil rights, civil liberties, and privacy.

The Secretary also directed the HSAC to establish a subcommittee entitled Assessment of Customer Experience and Service Delivery on May 18, 2022. The Customer Experience and Service Delivery subcommittee will provide findings and recommendations to the

HSAC on how the Department can improve its customer experience and service delivery mechanisms to meet customer and community needs, including by leveraging technology and other innovations and increasing efficiency.

This notice is not a solicitation for membership.

**FOR FURTHER INFORMATION CONTACT:** Michael J. Miron, Deputy Executive Director of the Homeland Security Advisory Council, The Office of Partnership and Engagement, U.S. Department of Homeland Security at 202-282-8000 or [HSAC@hq.dhs.gov](mailto:HSAC@hq.dhs.gov).

**SUPPLEMENTARY INFORMATION:** The HSAC provides organizationally independent, strategic, timely, specific, and actionable advice and recommendations for the consideration of the Secretary of the Department of Homeland Security on matters related to homeland security. The HSAC is comprised of leaders in local law enforcement, first responders, public health, State, local and tribal government, national policy, the private sector, and academia.

*Tasking (1):* The Disinformation Best Practices and Safeguards subcommittee will provide findings and recommendations to the HSAC on how the Department can most effectively and appropriately address disinformation that poses a threat to the homeland, while increasing transparency and protecting free speech, civil rights, civil liberties, and privacy.

The subcommittee's assessment will include, but need not be limited to, the following:

1. Recommendations for how the Department can most effectively and appropriately address disinformation that poses a threat to the homeland, while protecting free speech, civil rights, civil liberties, and privacy, including through proposed unified principles to guide the Department's disinformation-related work; and,

2. Recommendations for how to achieve greater transparency across our disinformation-related work, including to increase trust with the public and other key stakeholders, in a way that could serve as a model for achieving transparency in other mission areas.

*Tasking (2):* As noted above, the Customer Experience and Service Delivery subcommittee will provide findings and recommendations to the HSAC on how the Department can improve our customer experience and service delivery mechanisms to meet customer and community needs, including by leveraging technology and other innovations and increasing efficiency.

DHS interacts with the public on a daily basis more than any other federal agency. It is among our top priorities to ensure we are effectively meeting the needs of the diverse communities we serve. To this end, we are focused on facilitating lawful trade and travel more efficiently, modernizing our ports of entry and border processing, increasing equity in disaster assistance programs,

streamlining the process to deliver legal immigration benefits, increasing our transparency and openness with the public, strengthening the cybersecurity of public and private sector partners, and much more.

The assessment of our customer experience and service delivery mechanisms will include, but need not be limited to, the following:

1. Recommendations for how to better design the Department's delivery of services to meet customer and community needs, including by (a) leveraging technology and other innovations to reduce burdens on the public, and (b) increasing the adoption of best practices to maximize efficiency and improve the customer experience across relevant mission areas;

2. Recommendations for how the Department can measure customer experience and service delivery effectiveness, establish targets for improvement, and ensure that our programs, policies, and operations improve equity and protect privacy, civil rights, and civil liberties; and,

3. Recommendations for how the Department can better exchange with the private sector the knowledge, talent, and best practices around customer experience and service delivery, such as through executives-in-residence and public sector leave programs.

*Schedule (1):* The Disinformation Best Practices and Safeguards subcommittee's findings and recommendations will be submitted to the HSAC for its deliberation and vote during a public meeting. Once the report is voted on by the HSAC, it will be sent to the Secretary for his review and acceptance. Disinformation Best Practices and Safeguards subcommittee findings and recommendations should be submitted to the HSAC by August 1, 2022.

*Schedule (2):* The Customer Experience and Service Delivery subcommittee's findings and recommendations will be submitted to the Homeland Security Advisory Council for its deliberation and vote during a public meeting. Once the report is voted on by the HSAC, it will be sent to the Secretary for his review and acceptance. Customer Experience and Service subcommittee findings and recommendations should be submitted to the Homeland Security Advisory Council by October 19, 2022.

Dated: May 20, 2022.

**Michael J. Miron,**

*Deputy Executive Director, Homeland Security Advisory Council, Department of Homeland Security.*

[FR Doc. 2022-11279 Filed 5-25-22; 8:45 am]

**BILLING CODE 9112-FN-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

[223A2100DD/AAKC001030/  
A0A501010.999900]

#### Land Acquisitions; Ho-Chunk Nation of Wisconsin, Keecak Site, City of Beloit, Rock County, Wisconsin

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice.

**SUMMARY:** The Assistant Secretary—Indian Affairs made a final agency determination to acquire in trust 32.06 acres, more or less, of land known as the Keecak Site in the City of Beloit, Rock County, Wisconsin, (Site) for the Ho-Chunk Nation of Wisconsin, (Tribe) for gaming and other purposes.

**DATES:** This final determination was made on May 12, 2022.

**FOR FURTHER INFORMATION CONTACT:** Ms. Paula L. Hart, Director, Office of Indian Gaming, Mailstop 3543, 1849 C Street NW, Washington, DC 20240, telephone (202) 219-4066, [paula.hart@bia.gov](mailto:paula.hart@bia.gov).

**SUPPLEMENTARY INFORMATION:** On the date listed in the **DATES** section of this notice, the Assistant Secretary—Indian Affairs made a final agency determination to acquire the Site, consisting of 32.06 acres, more or less, in trust for the Tribe under the authority of the Indian Reorganization Act of June 18, 1934, 25 U.S.C. 5108.

The Assistant Secretary—Indian Affairs, on behalf of the Secretary of the Interior, will immediately acquire title to Site in the name of the United States of America in trust for Tribe upon fulfillment of all Departmental requirements. The 32.06 acres, more or less, are described as follows:

#### Legal Description of Property

Part of the Northwest Quarter (NW ¼) of Section Thirty-two (32), Township One (1) North, Range Thirteen (13) East of the Fourth Principal Meridian, in the City of Beloit, Rock County, Wisconsin, described as follows:

Commencing at a Rock County Aluminum Monument marking the West ¼ corner of said Section 32; thence South 89 deg. 18 min. 37 sec. East, along the South line of the NW ¼

of said section a distance of 264.00 feet to a ¾ inch Iron Rod marking the Southeast corner of Lot 2 of Certified Survey Map No. 1077681 as recorded in Volume 13, Pages 341–344, said rod also marks the point of beginning; thence leaving said Quarter Line, North 00 deg. 52 min. 18 sec. West along the East line of said Lot 2 and the extension thereof, 1368.78 feet to a Cotton Gin Spike in the centerline of Colley Road; thence North 88 deg. 54 min. 11 sec. East along the centerline of said road, 1312.7 feet, more or less, to a P.K. Nail on the extended West line of land conveyed by Warranty Deed dated September 21, 1960 and recorded in Volume 560 on page 479; thence leaving said centerline, South 01 deg. 37 min. 40 sec. East 396.68 feet to the Southerly corner of said Warranty Deed and the Westerly right of way line of Interstate 90; thence South 37 deg. 33 mi. 08 sec. West along said Westerly right of way line, 1265.30 feet to a ¾ inch Iron Rod on the South line of said NW ¼ of said section; thence leaving said right of way line, North 89 deg. 18 min. 37 sec. West along said Quarter line, 524.90 feet to the point of beginning.

*Excepting therefrom* Parcel 1 of Transportation Project Plat No. 1003-10-22-4.01 recorded in TPP-128 of Transportation Project Plats as Doc. No. 2009518.

*Authority:* This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 Departmental Manual 8.1, and is published to comply with the requirements of 25 CFR 151.12 (c)(2)(ii) that notice of the decision to acquire land in trust be promptly provided in the **Federal Register**.

**Bryan Newland,**

*Assistant Secretary—Indian Affairs.*

[FR Doc. 2022-11368 Filed 5-25-22; 8:45 am]

**BILLING CODE 4337-15-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[LLWY926000-XXX-L19100000-BJ0000-LRCSK2103400]

#### Filing of Plat of Survey, Wyoming

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of official filing.

**SUMMARY:** The Bureau of Land Management (BLM) is scheduled to file a plat of survey 30 calendar days from the date of this publication in the BLM Wyoming State Office, Cheyenne,

Wyoming. This survey, which was executed at the request of the United States Air Force is necessary for the management of these lands.

**DATES:** Protests must be received by the BLM prior to the scheduled date of official filing by June 27, 2022.

**ADDRESSES:** You may submit written protests to the Wyoming State Director at WY926, Bureau of Land Management, 5353 Yellowstone Road, Cheyenne, Wyoming 82009.

**FOR FURTHER INFORMATION CONTACT:** Sonja S. Sparks, BLM Wyoming Chief Cadastral Surveyor, by telephone at (307) 775-6225 or by email at [s75spark@blm.gov](mailto:s75spark@blm.gov). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service at 1-800-877-8339 to contact this office during normal business hours. The Service is available 24 hours a day, 7 days a week, to leave a message or question with this office. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** The plat of survey of the following described land is scheduled to be officially filed in the BLM Wyoming State Office, Cheyenne, Wyoming.

#### Sixth Principal Meridian, Wyoming

T. 32 N., R. 107 W., Group No. WY1041, dependent resurvey and survey, accepted May 20, 2022

A person or party who wishes to protest the plat of survey identified in this notice must file a written notice of protest within 30 calendar days from the date of this publication with the Wyoming State Director at the above address. Any notice of protest received after the scheduled date of official filing will be untimely and will not be considered. A written statement of reasons in support of a protest, if not filed with the notice of protest, must be filed with the State Director within 30 calendar days after the notice of protest is filed. If a notice of protest against a plat of survey is received prior to the scheduled date of official filing, the official filing of the plat of survey identified in the notice of protest will be stayed pending consideration of the protest. A plat of survey will not be officially filed until the next business day following dismissal or resolution of all protests of the plat.

Before including your address, phone number, email address, or other personal identifying information in your protest, you should be aware that your entire protest—including your personal identifying information—may be made publicly available at any time. While you can ask us to withhold your

personal identifying information from public review, we cannot guarantee that we will be able to do so.

Copies of the preceding described plat and field notes are available to the public at a cost of \$4.20 per plat and \$0.15 per page of field notes. Requests can be made to [blm\\_wy\\_survey\\_records@blm.gov](mailto:blm_wy_survey_records@blm.gov) or by telephone at 307-775-6222.

(Authority: 43 U.S.C., chapter 3)

Dated: May 20, 2022.

**Sonja S. Sparks,**

*Chief Cadastral Surveyor of Wyoming.*

[FR Doc. 2022-11291 Filed 5-25-22; 8:45 am]

**BILLING CODE 4310-22-P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

**[NPS-WASO-NRNL-DTS#-33945; PPWOCRADIO, PCU00RP14.R50000]**

### National Register of Historic Places; Notification of Pending Nominations and Related Actions

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** The National Park Service is soliciting electronic comments on the significance of properties nominated before May 14, 2022, for listing or related actions in the National Register of Historic Places.

**DATES:** Comments should be submitted electronically by June 10, 2022.

**ADDRESSES:** Comments are encouraged to be submitted electronically to [National\\_Register\\_Submissions@nps.gov](mailto:National_Register_Submissions@nps.gov) with the subject line "Public Comment on <property or proposed district name, (County) State>." If you have no access to email you may send them via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C Street NW, MS 7228, Washington, DC 20240.

**FOR FURTHER INFORMATION CONTACT:** Sherry A. Frear, Chief, National Register of Historic Places/National Historic Landmarks Program, 1849 C Street NW, MS 7228, Washington, DC 20240, [sherry\\_frear@nps.gov](mailto:sherry_frear@nps.gov), 202-913-3763.

**SUPPLEMENTARY INFORMATION:** The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before May 14, 2022. Pursuant to Section 60.13 of 36 CFR part 60, comments are being accepted concerning the significance of

the nominated properties under the National Register criteria for evaluation.

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.

Nominations submitted by State or Tribal Historic Preservation Officers:

## ALABAMA

### Dallas County

Northern Heights Presbyterian Church (Civil Rights Movement in Selma, Alabama MPS), 1575 Marie Foster St., Selma, MP100007813

## CALIFORNIA

### Contra Costa County

ROBERT GRAY (hydrographic survey vessel), 800 Wharf St., Richmond, SG100007817

### San Mateo County

Timby, Henry, House, 621 Knoll Dr., San Carlos, SG100007818

### Solano County

Wednesday Club of Suisun, 225 Sacramento St., Suisun, SG100007819

## MISSISSIPPI

### Union County

B.F. Ford School, 507 Oak St., New Albany, SG100007845

## MISSOURI

### Cape Girardeau County

Shady Grove Cemetery, 502 Cty. Rd. 211, Gordonville vicinity, SG100007826

### Jackson County

Kellogg-Mackay Company Buildings (Railroad Related Historic Commercial and Industrial Resources in Kansas City, MO MPS), 2020-2030 Walnut St., Kansas City, MP100007816

### Lafayette County

Machpelah Cemetery, 900 South 20th St., Lexington, SG100007825

### Mississippi County

Russell Hotel, 200 East Commercial St., Charleston, SG100007832

## OHIO

### Cuyahoga County

Euclid Avenue Historic District (Boundary Increase), 1835 to 1937 Prospect Ave. East, Cleveland, BC100007815

Monmouth Building (Apartment Buildings in Ohio Urban Centers, 1870-1970 MPS), 11619 Euclid Ave., Cleveland, MP100007831

Baldwin-Wallace College South Campus Historic District (Boundary Increase), 84,



114, 115, 125, 144 Tressel and 191 East Center Sts., 275 Eastland Rd., Berea, BC100007833

#### Hamilton County

Evanston Historic District, Montgomery Rd. between Brewster and Rutland Aves., Cincinnati, SG100007811

#### Montgomery County

O. P. Boyer's and Sons Funeral Home, 609 West Riverview Ave., Dayton, SG100007812

#### VERMONT

##### Chittenden County

Sloop Island Canal Boat (Canal Boat Wrecks of Lake Champlain in Vermont and New York MPS), L. Champlain, Charlotte, MP100007843

##### Lamoille County

Valley Hall, 5503 VT 100, Hyde Park, SG100007829

##### Windsor County

Bridgewater Village School (Educational Resources of Vermont MPS), 76 Southgate Loop, Bridgewater, MP100007830

A request for removal has been made for the following resources:

#### TENNESSEE

##### Benton County

Rushing, John, Farm, 5760 North TN 69A, Camden vicinity, OT99001587

##### Carroll County

Hillsman House, Old Hinkledale-McKenzie Rd., Trezevant vicinity, OT82003955

##### Dickson County

Shule, Peter Paul, Barn, Denny Rd., Sylvia vicinity, OT82003967

##### Maury County

Derryberry House, New Lasea Rd. east of jct. with I 65, Spring Hill vicinity, OT90001656

##### Shelby County

LeMoyne Gardens Public Housing Project (Public Housing Projects in Memphis MPS), Walker, Porter, Provine, and Neptune Sts., Memphis, OT96000820

##### Williamson County

Liberty Hill School (Williamson County MRA), Crow Cut Rd., Liberty Hill, OT88000315

Scales, Joseph, House (Williamson County MRA), Off Cox Rd. 1 mi. west of US Alt. 41, Triune vicinity, OT88000351

Additional documentation has been received for the following resources:

#### ALABAMA

##### Perry County

Marion Courthouse Square Historic District (Additional Documentation), 210, 301 Pickens St., Marion, AD96000111

#### VIRGINIA

##### Winchester Independent City

Winchester Historic District, US 522, US 11 and U.S. 50/17, Winchester, AD80004318 (Authority: Section 60.13 of 36 CFR part 60)

Dated: May 17, 2022.

##### Sherry A. Frear,

Chief, National Register of Historic Places/ National Historic Landmarks Program.

[FR Doc. 2022-11306 Filed 5-25-22; 8:45 am]

BILLING CODE 4312-52-P

#### DEPARTMENT OF THE INTERIOR

##### Office of Natural Resources Revenue

[Docket No. ONRR-2012-0006; DS63644000 DRT000000.CH7000 223D1113RT; OMB Control Number 1012-0005]

##### Agency Information Collection Activities: Federal Oil and Gas Valuation

**AGENCY:** Office of Natural Resources Revenue (“ONRR”), Interior.

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (“PRA”), ONRR is proposing to renew an information collection. Through this Information Collection Request (“ICR”), ONRR seeks renewed authority to collect information necessary to (1) verify proper reporting and payment of royalties and other amounts due pursuant to Federal oil and gas leases; (2) determine requests for prepayment or accounting and auditing relief for certain marginal properties; and (3) determine requests to exceed transportation and processing allowance limits. ONRR uses form ONRR-4393 (Request to Exceed Regulatory Allowance Limitation) as part of these information collection requirements.

**DATES:** You must submit your written comments on or before July 25, 2022.

**ADDRESSES:** All comment submissions must (1) reference “OMB Control Number 1012-0005” in the subject line; (2) be sent to ONRR before the close of the comment period listed under **DATES**; and (3) be sent through one of the following two methods:

- *Electronically via the Federal eRulemaking Portal:* Please visit <https://www.regulations.gov>. In the Search Box, enter the Docket ID Number for this ICR renewal (“ONRR-2012-0006”) and click “search” to view the publications associated with the docket folder. Locate the document with an open comment period and click the “Comment Now!” button. Follow the

prompts to submit your comment prior to the close of the comment period.

- *Email Submissions:* Please submit your comments to [ONRR\\_regulationsmailbox@onrr.gov](mailto:ONRR_regulationsmailbox@onrr.gov) with the OMB Control Number (“OMB Control Number 1012-0005”) listed in the subject line of your email. Email submissions must be postmarked on or before the close of the comment period.

**Docket:** To access the docket folder to view the ICR **Federal Register** publications, go to <https://www.regulations.gov> and search “ONRR-2012-0006” to view renewal notices recently published in the **Federal Register**, publications associated with prior renewals, and applicable public comments received for this ICR. ONRR will make the comments submitted in response to this notice available for public viewing at <https://www.regulations.gov>.

**OMB ICR Data:** OMB also maintains information on ICR renewals and approvals. You may access this information at <https://www.reginfo.gov/public/do/PRASearch>. Please use the following instructions: Under the “OMB Control Number” heading enter “1012-0005” and click the “Search” button located at the bottom of the page. To view the ICR renewal or OMB approval status, click on the latest entry (based on the most recent date). On the “View ICR—OIRA Conclusion” page, check the box next to “All” to display all available ICR information provided by OMB.

**FOR FURTHER INFORMATION CONTACT:** To request additional information about this ICR, please contact Peter Christnacht, Royalty Valuation, ONRR, by email at [Peter.Christnacht@onrr.gov](mailto:Peter.Christnacht@onrr.gov) or by telephone at (303) 231-3651. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

**SUPPLEMENTARY INFORMATION:** Pursuant to the PRA, 44 U.S.C. 3501, *et seq.*, and 5 CFR 1320.5, all information collections, as defined in 5 CFR 1320.3, require approval by OMB. ONRR 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 ONRR’s continuing effort to reduce paperwork and respondent burdens, ONRR is inviting the public and other Federal agencies to comment on new, proposed, revised, and

continuing collections of information in accordance with the PRA and 5 CFR 1320.8(d)(1). This helps ONRR to assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand ONRR's information collection requirements and provide the requested data in the desired format.

ONRR is especially interested in public comments addressing the following:

(1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.

(2) The accuracy of ONRR's 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. ONRR will include or summarize each comment in its 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 ONRR in your comment to withhold your personal identifying information from public review, ONRR cannot guarantee that it will be able to do so.

**Abstract:** (a) *General Information:* ONRR reviews and audits the reporting and payment of royalties and other amounts due to the United States pursuant to Federal oil and gas leases. See U.S. Department of the Interior Departmental Manual, 112 DM 34.1 (Sept. 9, 2020). ONRR's responsibilities include valuing oil and gas for royalty purposes, evaluating claimed transportation and processing allowances, and granting royalty prepayment, accounting, and other relief for marginal properties in appropriate circumstances. ONRR collects the information covered by this ICR for these purposes. ONRR shares information with the Bureau of Land Management, Bureau of Indian Affairs,

Bureau of Safety and Environmental Enforcement, Bureau of Ocean Energy Management, and State governments for their land and lease management responsibilities.

(b) *Federal Oil and Gas Royalties and Valuation:* Title 30 CFR part 1202—Royalties, subparts B and C, and 30 CFR part 1206—Product Valuation, subparts C and D, require a lessee to provide certain information necessary to calculate royalties due to the United States. Information collected under these subparts is used for oil and gas valuation, calculating and allocating transportation and processing allowances, determining location and quality differentials, and allocating residue gas and gas plant products to leases. See §§ 1206.102, 1206.108, 1206.110, 1206.113, 1206.141, 1206.142, 1206.148, 1206.150, 1206.152 to 1206.154, 1206.160, and 1206.161.

Some information collected under parts 1202 and 1206 is submitted on form ONRR-2014 (Report of Sales and Royalty Remittance). This ICR does not include burden hours for submitting information on form ONRR-2014 because those burden hours are addressed in ONRR's ICR 1012-0004 (Royalty and Production Reporting). See Agency Information Collection Activities; Royalty and Production Reporting, 87 FR 3300 (January 21, 2022).

(c) *Accounting and Auditing Relief for Marginal Properties:* Title 30 CFR part 1204 allows ONRR or a State that receives a statutorily prescribed portion of the royalties from a Federal lease to grant certain relief for marginal properties. This relief includes allowing a lessee to make a lump-sum advance payment of royalties instead of monthly royalty payments and various accounting and auditing relief options. See 30 CFR 1204.3. Lessees must submit information to ONRR for this relief. See §§ 1204.202, 1204.203, 1204.205, 1204.206, and 1204.209 to 1204.211.

(d) *Requests to Exceed Allowance Limits:* Title 30 CFR part 1206—Product Valuation, subparts C and D, prior to their amendment effective January 1, 2017, permitted a Federal oil and gas lessee to request to exceed certain caps that ONRR's regulations place on transportation and processing allowances by filing form ONRR-4393. (Request to Exceed Regulatory Allowance Limitation), with supporting documentation. See §§ 1206.109(c)(2) (2016), 1206.153(c)(3) (2016), and 1206.158(c)(3) (2016). Subject to the statute of limitations, a lessee may file this form to request to exceed the caps for oil and gas produced prior to January 1, 2017.

This ICR does not include burden hours for submitting information on form ONRR-4393 for Indian leases because those burden hours are addressed in ONRR's ICR 1012-0002 (Indian Oil and Gas Valuation).

(e) *Information Collections:* This ICR covers the paperwork requirements under 30 CFR parts 1202, 1204, and 1206.

*Title of Collection:* Federal Oil and Gas Valuation—30 CFR parts 1202, 1204 and 1206.

*OMB Control Number:* 1012-0005.

*Form Number:* ONRR-4393.

*Type of Review:* Extension of a currently approved collection.

*Respondents/Affected Public:* Businesses.

*Total Estimated Number of Annual Respondents:* 120 Federal lessees/designees and 7 States for Federal oil and gas.

*Total Estimated Number of Annual Responses:* 139.

*Estimated Completion Time per Response:* The average completion time is 71.32 hours per response. The average completion time is calculated by dividing the total estimated burden hours (9,913) by the estimated annual responses (139).

*Estimated Number of Annual Burden Hours:* 9,913 hours.

For this renewal cycle, the burden hours have decreased 105 hours in part 1206 due to the Consolidated Federal and Indian Oil & Gas and Federal & Indian Coal Valuation Reform Final Reform Rule published on July 1, 2016 (81 FR 43337), and effective January 1, 2017.

*Respondent's Obligation:* The information that a lessee must submit pursuant to 30 CFR parts 1202 and 1206 for calculating royalties and other payment obligations for Federal oil and gas leases is mandatory. The information that a lessee must submit to obtain prepayment, accounting, or auditing relief for qualifying Federal marginal properties or to exceed the transportation and processing regulatory caps for oil and gas produced prior to 2017 is required to obtain or retain a benefit.

*Frequency of Collection:* Annually and on occasion.

*Estimated Annual Nonhour Burden Cost:* ONRR has identified no "nonhour" cost burden associated with the collection of information.

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.

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

**Howard Cantor,**

*Acting Director, Office of Natural Resources Revenue.*

[FR Doc. 2022–11380 Filed 5–25–22; 8:45 am]

**BILLING CODE 4335–30–P**

## INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–457 A–D (Fifth Review)]

### Heavy Forged Hand Tools From China; 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 each of the antidumping duty orders on heavy forged hand tools from China 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 December 1, 2021 (86 FR 68265) and determined on March 7, 2022 that it would conduct expedited reviews (87 FR 22577, April 15, 2022). 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 May 20, 2022. The views of the Commission are contained in USITC Publication 5326 (May 2022), entitled *Heavy Forged Hand Tools from China: Investigation Nos. 731–TA–457 A–D (Fifth Review)*.

By order of the Commission.

Issued: May 20, 2022.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2022–11283 Filed 5–25–22; 8:45 am]

**BILLING CODE 7020–02–P**

## DEPARTMENT OF JUSTICE

### Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–0073]

#### Agency Information Collection Activities; Proposed eCollection of eComments Requested; Furnishing of Samples

**AGENCY:** Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

**ACTION:** 30-Day notice.

**SUMMARY:** The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Department of Justice (DOJ) will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

**DATES:** Comments are encouraged and will be accepted for an additional 30 days until June 27, 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.

**SUPPLEMENTARY INFORMATION:** Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and, if so, how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic,

mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

#### Overview of This Information Collection

(1) *Type of Information Collection:* Extension without Change of a Currently Approved Collection.

(2) *The Title of the Form/Collection:* Furnishing of Samples.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form number: None.

*Component:* Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

*Primary:* Business or other for-profit.

*Other:* None.

*Abstract:* This information collection requires that licensed manufacturers, importers, and persons who manufacture or import explosive materials or ammonium nitrate submit samples at the request of the Director, Bureau of Alcohol, Tobacco, Firearms and Explosives.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 100 respondents will respond to this collection once annually, and it will take each respondent approximately 30 minutes to complete their responses.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 50 hours, which is equal to 100 (total respondents) \* 1 (# of response per respondent) \* .5 (30 minutes or the time taken to prepare each response).

*If additional information is required contact:* Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, Mail Stop 3.E–405A, Washington, DC 20530.

Dated: May 23, 2022.

**Melody Braswell,**

*Department Clearance Officer for PRA, U.S. Department of Justice.*

[FR Doc. 2022–11307 Filed 5–25–22; 8:45 am]

**BILLING CODE 4410–FY–P**

<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)).

**DEPARTMENT OF JUSTICE****Bureau of Alcohol, Tobacco, Firearms and Explosives**

[OMB 1140–0094]

**Agency Information Collection Activities; Proposed eCollection of eComments Requested; Certification of Qualifying State Relief From Disabilities Program—ATF Form 3210.12**

**AGENCY:** Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

**ACTION:** 60-Day notice.

**SUMMARY:** The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Department of Justice (DOJ), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection (IC) is also being published to obtain comments from the public and affected agencies.

**DATES:** Comments are encouraged and will be accepted for 60 days until July 25, 2022.

**FOR FURTHER INFORMATION CONTACT:** If you have additional comments regarding the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, contact: Jennifer Scott, Firearms Industry Programs Branch, Firearms and Explosives Industry Division, by mail at 99 New York Avenue NE, Washington, DC 20226, email at [fipbinformationcollection@atf.gov](mailto:fipbinformationcollection@atf.gov), or telephone at 202–648–7190.

**SUPPLEMENTARY INFORMATION:** Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and, if so, how the quality, utility, and clarity of the

information to be collected can be enhanced; and

- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

**Overview of This Information Collection**

(1) *Type of Information Collection* (check justification or form 83): Extension without Change of a Currently Approved Collection.

(2) *The Title of the Form/Collection:* Certification of Qualifying State Relief from Disabilities Program.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form number (if applicable): ATF Form 3210.12.

*Component:* Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

*Primary:* State, Local or Tribal Government.

*Other* (if applicable): None.

*Abstract:* The Certification of Qualifying State Relief from Disabilities Program—ATF Form 3210.12 is used by a State official to certify to the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) that it has established a qualifying mental health relief from firearms disabilities program that satisfies certain minimum criteria established by the NICS Improvement Amendment Act of 2007 (NIAA), Public Law 110–180.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 50 respondents will respond to this collection once annually, and it will take each respondent approximately 15 minutes to complete their responses.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 12.5 or 13 hours, which is equal to 50 (total respondents) \* 1 (# of response per respondent) \* .25 (15 minutes or the time taken to prepare each response).

*If additional information is required contact:* Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution

Square, 145 N Street NE, Mail Stop 3.E–405A, Washington, DC 20530.

Dated: May 23, 2022.

**Melody Braswell,**

*Department Clearance Officer for PRA, U.S. Department of Justice.*

[FR Doc. 2022–11309 Filed 5–25–22; 8:45 am]

**BILLING CODE 4410–FY–P**

**DEPARTMENT OF JUSTICE****Federal Bureau of Investigation**

[OMB Number 1110–0026]

**Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Currently Approved Collection**

**AGENCY:** Criminal Justice Information Services Division, Federal Bureau of Investigation, Department of Justice.

**ACTION:** 60-Day notice.

**SUMMARY:** The Department of Justice (DOJ), Federal Bureau of Investigation (FBI), Criminal Justice Information Services (CJIS) Division, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies.

**DATES:** Comments are encouraged and will be accepted for 60 days until July 25, 2022.

**FOR FURTHER INFORMATION CONTACT:** If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Natalie N. Goff, Management and Program Analyst, Federal Bureau of Investigation, Criminal Justice Information Services Division, National Instant Criminal Background Check System Section, Module A–3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306, phone 304–625–7468, or email [NICS@fbi.gov](mailto:NICS@fbi.gov). Attention: OMB PRA 1110–0026. Written comments and/or suggestions can also be sent to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted via email to [OIRA\\_submission@omb.eop.gov](mailto:OIRA_submission@omb.eop.gov).

**SUPPLEMENTARY INFORMATION:** This process is conducted in accordance with

5 CFR 1320.10. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

#### Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a currently approved collection.

(2) *Title of the Form/Collection:* Federal Firearms Licensee (FFL) Enrollment/National Instant Criminal Background Check System (NICS) E-Check Enrollment Form, Federal Firearms Licensee (FFL) Officer/Employee Acknowledgment of Responsibilities under the NICS Form, Responsibilities of a Federal Firearms Licensee (FFL) under the National Instant Criminal Background Check System (NICS) Form.

(3) *Agency Form Number:* 1110-0026.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

*Primary:* Any Federal Firearms Licensee (FFL) or State Point of Contact (POC) requesting access to conduct National Instant Criminal Background Check System (NICS) checks telephonically or by the internet through the NICS E-Check.

*Brief Abstract:* The Brady Handgun Violence Prevention Act of 1993 required the United States Attorney General to establish a national instant criminal background check system that any Federal Firearms Licensee (FFL) may contact, by telephone or other electronic means, for information to be supplied immediately on whether receipt of a firearm to a prospective

purchaser would violate state or federal law. Information pertaining to FFLs who may contact the NICS is being collected to manage and control access to the NICS and to the NICS Electronic (E-Check), to ensure appropriate resources are available to support the NICS, and also to ensure the privacy and security of NICS information. More information can be obtained at <https://www.fbi.gov/services/cjis/nics>.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:*

It is estimated that 380 FFLs enroll with the NICS per month for a total of 4,560 enrollments per year. The average response time for reading the directions for the National Instant Criminal Background Check System (NICS) Federal Firearms Licensee (FFL) Enrollment/NICS E-Check Enrollment Form is estimated to be two minutes; time to complete the form is estimated to be three minutes; and the time it takes to assemble, mail, or fax the form to the FBI is estimated to be three minutes, for a total of eight minutes. The average hour burden for this specific form is  $4,560 \times 8 \text{ minutes}/60 = 608 \text{ hours}$ .

The FFL Officer/Employee Acknowledgment of Responsibilities Form under the NICS takes approximately three minutes to read the responsibilities and two minutes to complete the form, for a total of five minutes. The average hour burden for this specific form is  $4,560 \times 5 \text{ minutes}/60 = 380 \text{ hours}$ .

The Responsibilities of an FFL under the NICS Form takes an additional two minutes to read which would be  $4,560 \times 2 \text{ minutes}/60 = 152 \text{ hours}$ .

The entire process of reading the material and completing both forms would take 15 minutes per respondent. The average hour burden for completing both forms and reading the material would be  $4,560 \times 15/60 = 1,140 \text{ hours}$ .

(6) *An estimate of the total public burden (in hours) associated with the collection:* The entire process of reading the material and completing both forms would take 15 minutes per respondent. The average hour burden would be  $4,560 \times 15/60 = 1,140 \text{ hours}$ .

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, Suite 3E.405B, Washington, DC 20530.

Dated: May 23, 2022.

**Melody Braswell,**

*Department Clearance Officer, PRA, U.S. Department of Justice.*

[FR Doc. 2022-11308 Filed 5-25-22; 8:45 am]

BILLING CODE 4410-02-P

## DEPARTMENT OF JUSTICE

[OMB Number 1117-0029]

### Agency Information Collection Activities; Proposed eCollection, eComments Requested; Extension Without Change of a Previously Approved Collection; Annual Reporting Requirement for Manufacturers of Listed Chemicals

**AGENCY:** Drug Enforcement Administration, Department of Justice.

**ACTION:** 30-Day notice.

**SUMMARY:** The Department of Justice, Drug Enforcement Administration (DEA), is submitting the following information collection request to the Office of Management and Budget for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register** on May 6, 2022, allowing for a 60 day comment period. No comments were received.

**DATES:** Comments are encouraged and will be accepted for 30 days until June 27, 2022.

#### FOR FURTHER INFORMATION CONTACT:

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.

**SUPPLEMENTARY INFORMATION:** Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

- Evaluate whether and if so how the quality, utility, and clarity of the information proposed to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

**Overview of This Information Collection**

1. *Type of Information Collection:* Extension of a currently approved collection.
2. *Title of the Form/Collection:* Annual Reporting Requirement for Manufacturers of Listed Chemicals.
3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form number: N/A. The applicable component within the Department of Justice is the Drug Enforcement Administration, Diversion Control Division.
4. *Affected public who will be asked or required to respond, as well as a brief abstract:*  
*Affected public (Primary):* Business or other for-profit.  
*Affected public (Other):* None.  
*Abstract:* Pursuant to 21 U.S.C. 830(b)(2) and 21 CFR 1310.05(d), manufacturers of listed chemicals must file annual reports of manufacturing, inventory, and use data for the listed chemicals they manufacture. These reports allow DEA to monitor the volume and availability of domestically manufactured listed chemicals, which may be subject to diversion for the illicit production of controlled substances.
5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* Each respondent for this information collection completes one response per year. DEA estimates there are 50 respondents, and that each response takes 0.25 hours to complete.
6. *An estimate of the total public burden (in hours) associated with the proposed collection:* DEA estimates this collection takes a total of 12.5 annual burden hours.

If additional information is required, please contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, Suite 3E.405B, Washington, DC 20530.

Dated: May 23, 2022.  
**Melody Braswell,**  
*Department Clearance Officer for PRA, U.S. Department of Justice.*  
 [FR Doc. 2022-11310 Filed 5-25-22; 8:45 am]  
**BILLING CODE 4410-09-P**

**DEPARTMENT OF JUSTICE**

**[OMB Number 1117-0033]**

**Agency Information Collection Activities; Proposed eCollection, eComments Requested; Extension Without Change of a Previously Approved Collection Report of Mail Order Transactions**

**AGENCY:** Drug Enforcement Administration, Department of Justice.  
**ACTION:** 60-Day notice.

**SUMMARY:** The Department of Justice, Drug Enforcement Administration (DEA), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

**DATES:** Comments are encouraged and will be accepted for 60 days until July 25, 2022.

**FOR FURTHER INFORMATION CONTACT:** If you have comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Scott A. Brinks, Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701 Morrisette Drive, Springfield, Virginia 22152; Telephone: (571) 776-2265.

**SUPPLEMENTARY INFORMATION:** Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information proposed to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other forms of information technology, e.g., permitting electronic submission of responses.

**Overview of This Information Collection**

1. *Type of Information Collection:* Extension of a currently approved collection.
2. *Title of the Form/Collection:* Report of Mail Order Transactions.
3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form Number: None. The Department of Justice component is the Drug Enforcement Administration, Diversion Control Division.
4. *Affected public who will be asked or required to respond, as well as a brief abstract:* *Affected public (Primary):* Business or other for-profit. *Affected public (Other):* None.  
*Abstract:* The Drug Enforcement Administration (DEA) collects information regarding mail order transactions conducted between a person regulated by the agency and a nonregulated person (that is, someone who does not further distribute the product) involving the chemicals ephedrine, pseudoephedrine, and phenylpropanolamine. Transactions must use, or attempt to use, the United States Postal Service or any private or commercial carrier.
5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:*

	Number of annual respondents	Number of responses per year	Number of annual responses	Average time per response (hours)	Total annual hours
Mail Order Reports .....	22	12	264	1	264
Total .....	22	N/A	264	N/A	264

6. *An estimate of the total public burden (in hours) associated with the proposed collection:* The DEA estimates that this collection takes 264 annual burden hours.

*If additional information is required, please contact:* Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, Suite 3E.405B, Washington, DC 20530.

Dated: May 23, 2022.

**Melody Braswell,**

*Department Clearance Officer for PRA, U.S. Department of Justice.*

[FR Doc. 2022–11320 Filed 5–25–22; 8:45 am]

**BILLING CODE 4410–09–P**

## DEPARTMENT OF JUSTICE

[OMB Number 1117–0008]

### Agency Information Collection Activities; Proposed eCollection, eComments Requested; Extension Without Change of a Previously Approved Collection; Application for Procurement Quota for Controlled Substance and for Ephedrine, Pseudoephedrine, and Phenylpropanolamine; DEA Form 250

**AGENCY:** Drug Enforcement Administration, Department of Justice.

**ACTION:** 30-Day notice.

**SUMMARY:** The Department of Justice, Drug Enforcement Administration (DEA), will be submitting the following information collection request to the Office of Management and Budget for review and approval in accordance with the Paperwork Reduction Act of 1995.

**DATES:** Comments are encouraged and will be accepted for an additional 30 days until June 27, 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.

**SUPPLEMENTARY INFORMATION:** Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the

functions of the agency, including whether the information will have practical utility;

- Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information proposed to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

### Overview of This Information Collection

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *Title of the Form/Collection:* Application for Procurement Quota for Controlled Substance and for Ephedrine, Pseudoephedrine, and Phenylpropanolamine.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* DEA Form 250. The applicable component within the Department of Justice is the Drug Enforcement Administration, Diversion Control Division.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

*Affected public (Primary):* Business or other for-profit.

*Affected public (Other):* None.

*Abstract:* Pursuant to 21 U.S.C. 826 and 21 CFR 1303.12(b) and 1315.32, any person who desires to use, during the next calendar year, any basic class of controlled substances listed in schedules I or II, or the List I chemicals ephedrine, pseudoephedrine, or phenylpropanolamine for purposes of manufacturing must apply on DEA Form 250 for a procurement quota for such class or List I chemical.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The DEA estimates 344 respondents complete 3,066 DEA Form 250 applications annually, and that each form requires 0.5 hours to complete.

6. *An estimate of the total public burden (in hours) associated with the proposed collection:* The DEA estimates this collection takes a total of 1,533 annual burden hours.

*If additional information is required, please contact:* Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, Suite 3E.405B, Washington, DC 20530.

Dated: May 23, 2022.

**Melody Braswell,**

*Department Clearance Officer for PRA, U.S. Department of Justice.*

[FR Doc. 2022–11318 Filed 5–25–22; 8:45 am]

**BILLING CODE 4410–09–P**

## DEPARTMENT OF JUSTICE

[OMB Number 1117–0047]

### Agency Information Collection Activities; Proposed eCollection, eComments Requested; Extension Without Change of a Previously Approved Collection; Application for Import Quota for Ephedrine, Pseudoephedrine, and Phenylpropanolamine; DEA Form 488

**AGENCY:** Drug Enforcement Administration, Department of Justice.

**ACTION:** 30-Day notice.

**SUMMARY:** The Department of Justice, Drug Enforcement Administration (DEA), will be submitting the following information collection request to the Office of Management and Budget for review and approval in accordance with the Paperwork Reduction Act of 1995.

**DATES:** Comments are encouraged and will be accepted for an additional 30 days until June 27, 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.

**SUPPLEMENTARY INFORMATION:** Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information,

- including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information proposed to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

### Overview of This Information Collection

1. *Type of Information Collection:* Extension of a currently approved collection.
2. *Title of the Form/Collection:* Application for Import Quota for Ephedrine, Pseudoephedrine, and Phenylpropanolamine.
3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* DEA Form 488. The applicable component within the Department of Justice is the Drug Enforcement Administration, Diversion Control Division.
4. *Affected public who will be asked or required to respond, as well as a brief abstract:*  
*Affected public (Primary):* Business or other for-profit.  
*Affected public (Other):* Not-for-profit institutions; Federal, State, local, and tribal governments.  
*Abstract:* Pursuant to 21 U.S.C. 952 and 21 CFR 1315.34, any person who desires to import the List I chemicals Ephedrine, Pseudoephedrine, or Phenylpropanolamine during the next calendar year must apply on DEA Form 488 for an import quota for each such List I chemical.
5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The DEA estimates 49 respondents complete 126 DEA Form 488 applications annually, and that each form takes 0.5 hours to complete. Respondents complete a separate DEA Form 488 for each List I chemical for which quota is sought.
6. *An estimate of the total public burden (in hours) associated with the proposed collection:* The DEA estimates this collection takes a total of 63 annual burden hours.  
 If additional information is required, please contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and

Planning Staff, Two Constitution Square, 145 N Street NE, Suite 3E.405B, Washington, DC 20530.

Dated: May 23, 2022.

**Melody Braswell,**

*Department Clearance Officer for PRA, U.S. Department of Justice.*

[FR Doc. 2022–11319 Filed 5–25–22; 8:45 am]

**BILLING CODE 4410–09–P**

## DEPARTMENT OF JUSTICE

[OMB Number 1117–0038]

### Agency Information Collection Activities; Proposed eCollection, eComments Requested; Extension Without Change of a Previously Approved Collection; Reporting and Recordkeeping for Digital Certificates

**AGENCY:** Drug Enforcement Administration, Department of Justice.  
**ACTION:** 60-Day notice.

**SUMMARY:** The Department of Justice, Drug Enforcement Administration (DEA), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

**DATES:** Comments are encouraged and will be accepted for 60 days until July 25, 2022.

**FOR FURTHER INFORMATION CONTACT:** If you have comments on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Scott A. Brinks, Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701 Morrisette Drive, Springfield, Virginia 22152; Telephone: (571) 776–2265.

**SUPPLEMENTARY INFORMATION:** Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the

- information proposed to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other forms of information technology, *e.g.*, permitting electronic submission of responses.

### Overview of This Information Collection

1. *Type of Information Collection:* Extension of a currently approved collection.
2. *Title of the Form/Collection:* Reporting and Recordkeeping for Digital Certificates.
3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*  
*Form Number:*  
*DEA Form 251:* CSOS DEA Registrant Certificate Application.  
*DEA Form 252:* CSOS Principal Coordinator/Alternate Coordinator Certificate Application.  
*DEA Form 253:* CSOS Power of Attorney Certificate Application.  
*DEA Form 254:* CSOS Certificate Application Registrant List Addendum.  
 The Department of Justice component is the Drug Enforcement Administration, Diversion Control Division.
4. *Affected public who will be asked or required to respond, as well as a brief abstract:*  
*Affected public (Primary):* Business or other for-profit.  
*Affected public (Other):* None.  
*Abstract:* DEA collects information in regards to reporting and recordkeeping for digital certificates. The application for a digital certificate is required to ensure that the person applying for the certificate is either a DEA registrant or someone who has power of attorney from a DEA registrant to sign orders for Schedule I and II substances. The DEA Certification Authority uses the information to verify the person's identity and eligibility to hold a DEA-issued digital certificate.
5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The DEA estimates a total of 94,011 respondents. *The average time to respond:* 2 hours.
6. *An estimate of the total public burden (in hours) associated with the proposed collection:* The DEA estimates that this collection takes 93,516 annual burden hours.  
 If additional information is required please contact: Melody Braswell, Department Clearance Officer, United



States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, Suite 3E.405B, Washington, DC 20530.

Dated: May 23, 2022.

**Melody Braswell,**

*Department Clearance Officer for PRA, U.S. Department of Justice.*

[FR Doc. 2022–11317 Filed 5–25–22; 8:45 am]

**BILLING CODE 4410–09–P**

## DEPARTMENT OF JUSTICE

[OMB Number 1117–0006]

### Agency Information Collection Activities; Proposed eCollection, eComments Requested; Extension Without Change of a Previously Approved Collection; Application for Individual Manufacturing Quota for a Basic Class of Controlled Substance and for Ephedrine, Pseudoephedrine, and Phenylpropanolamine; DEA Form 189

**AGENCY:** Drug Enforcement Administration, Department of Justice.

**ACTION:** 30-Day notice.

**SUMMARY:** The Department of Justice, Drug Enforcement Administration (DEA), will be submitting the following information collection request to the Office of Management and Budget for review and approval in accordance with the Paperwork Reduction Act of 1995.

**DATES:** Comments are encouraged and will be accepted for an additional 30 days until June 27, 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.

**SUPPLEMENTARY INFORMATION:** Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information,

- including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information proposed to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

### Overview of This Information Collection

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *Title of the Form/Collection:* Application for Individual Manufacturing Quota for a Basic Class of Controlled Substance and for Ephedrine, Pseudoephedrine, and Phenylpropanolamine.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* DEA Form 189. The applicable component within the Department of Justice is the Drug Enforcement Administration, Diversion Control Division.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

*Affected public (Primary):* Business or other for-profit.

*Affected public (Other):* None.  
*Abstract:* Pursuant to 21 U.S.C. 826(c) and 21 CFR 1303.22 and 1315.22, any person who is registered to manufacture any basic class of controlled substances listed in Schedule I or II, or the List I chemicals ephedrine, pseudoephedrine, or phenylpropanolamine, and who desires to manufacture a quantity of such class or such List I chemical, must apply on DEA Form 189 for a manufacturing quota for such quantity of such class or List I chemical.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The DEA estimates 33 respondents complete 859 DEA Form 189 applications annually, and that each form takes 0.5 hours to complete.

6. *An estimate of the total public burden (in hours) associated with the proposed collection:* The DEA estimates this collection takes a total of 430 annual burden hours.

*If additional information is required, please contact:* Melody Braswell, Department Clearance Officer, United

States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, Suite 3E.405B, Washington, DC 20530.

Dated: May 23, 2022.

**Melody Braswell,**

*Department Clearance Officer for PRA, U.S. Department of Justice.*

[FR Doc. 2022–11316 Filed 5–25–22; 8:45 am]

**BILLING CODE 4410–09–P**

## DEPARTMENT OF JUSTICE

[OMB Number 1110–0011]

### Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Previously Approved Collection

**AGENCY:** Federal Bureau of Investigation, Department of Justice Violent Criminal Apprehension Program (ViCAP).

**ACTION:** 60-Day Notice.

**SUMMARY:** The Department of Justice, Federal Bureau of Investigation, Critical Incident Response Group will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with established review procedures of the Paperwork Reduction Act of 1995.

**DATES:** The Department of Justice encourages public comment and will accept input until July 25, 2022.

**FOR FURTHER INFORMATION CONTACT:** All comments, suggestions, or questions regarding additional information, to include obtaining a copy of the proposed information collection instrument with instructions, should be directed to Nathan Graham, Program Manager, Federal Bureau of Investigation, Critical Incident Response Group, ViCAP, FBI Academy, Quantico, Virginia 22135; facsimile (703) 632–4239.

**SUPPLEMENTARY INFORMATION:** Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- > Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;
- > Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information,

including the validity of the methodology and assumptions used;

> Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

> Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

### Overview of This Information Collection

1. *Type of Information Collection:* Revision of a currently approved collection.

2. *The Title of the Form/Collection:* ViCAP Case Submission Form.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number is FD-676. The applicable component within the Department of Justice is the Federal Bureau of Investigation.

4. *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Federal, state, local, and tribal government law enforcement agencies charged with the responsibility of investigating violent crimes.

*Abstract:* Established by the Department of Justice in 1985, ViCAP serves as the national repository for violent crimes; specifically; Homicides (and attempts) that are known or suspected to be part of a series and/or are apparently random, motiveless, or sexually oriented. Sexual assaults that are known or suspected to be part of a series and/or are committed by a stranger. Missing persons where the circumstances indicate a strong possibility of foul play and the victim is still missing. Unidentified human remains where the manner of death is known or suspected to be homicide. Comprehensive case information submitted to ViCAP is maintained in the ViCAP National Crime Database and is automatically compared to all other cases in the databases to identify potentially related cases.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* Of the approximately 18,000 government law enforcement agencies that are eligible to submit cases, it is estimated that thirty to fifty percent will actually submit cases to ViCAP. The time burden of the respondents is less than 60 minutes per form.

6. *An estimate of the total public burden (in hours) associated with the collection:* 5,000 annual burden hours.

*If additional information is required contact:* Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: May 23, 2022.

**Melody Braswell,**

*Department Clearance Officer, PRA, U.S. Department of Justice.*

[FR Doc. 2022-11311 Filed 5-25-22; 8:45 am]

**BILLING CODE 4410-02-P**

## DEPARTMENT OF JUSTICE

[OMB Number 1122-0023]

### Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Currently Approved Collection

**AGENCY:** Office on Violence Against Women, Department of Justice.

**ACTION:** 60-Day notice.

**SUMMARY:** The Department of Justice, Office on Violence Against Women (OVW) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

**DATES:** Comments are encouraged and will be accepted for 60 days until July 25, 2022.

**FOR FURTHER INFORMATION CONTACT:**

Written comments and/or suggestion regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to Cathy Poston, Office on Violence Against Women, at 202-514-5430 or [Catherine.poston@usdoj.gov](mailto:Catherine.poston@usdoj.gov).

**SUPPLEMENTARY INFORMATION:** Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information,

including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

### Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Semi-Annual Progress Report for Grantees from the Sexual Assault Services Program—Grants to Culturally Specific Programs (SASP-Culturally Specific Program).

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form Number:* 1122-0023. U.S. Department of Justice, Office on Violence Against Women.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* The affected public includes the approximately 11 grantees of the SASP Culturally Specific Program. This program supports projects that create, maintain and expand sustainable sexual assault services provided by culturally specific organizations, which are uniquely situated to respond to the needs of sexual assault victims within culturally specific populations.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that it will take the approximately 11 respondents (SASP-Culturally Specific Program grantees) approximately one hour to complete a semi-annual progress report. The semi-annual progress report is divided into sections that pertain to the different types of activities in which grantees may engage. A SASP-Culturally Specific Program grantee will only be required to complete the sections of the form that pertain to its own specific activities.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total annual hour burden to complete the data collection forms is 22 hours, that is 11 grantees completing a form twice a year with an estimated completion time for the form being one hour.

If additional information is required contact: Melody Braswell, Deputy Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E, 405B, Washington, DC 20530.

Dated: May 23, 2022.

**Melody Braswell,**

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2022-11314 Filed 5-25-22; 8:45 am]

**BILLING CODE 4410-FX-P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

On May 19, 2022, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Southern District of Ohio in *United States v. Chemical Waste Management, et al.*, Civil Action No. 3:22-cv-132 (S.D. Ohio).

The United States filed this lawsuit under Section 106, 107, and 113 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9607, to recover its past response costs, declaratory judgment, and injunctive relief at the Tremont Barrel Fill Superfund Site in German Township, Ohio ("Site"). The Consent Decree requires Defendants to clean up contamination at the Site, at an estimated cost of \$27.7 million. The Consent Decree also requires Defendants to reimburse the United States' past response costs at the Site and compensate the United States for any future oversight costs.

The publication of this notice opens a period for public comment on the Fifth Modification to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. Chemical Waste Management, et al.*, D.J. Ref. No. 90-11-3-10605/1. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	Send them to:
By email .....	<a href="mailto:pubcomment-ees.enrd@usdoj.gov">pubcomment-ees.enrd@usdoj.gov</a>
By mail .....	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

During the public comment period, the proposed Fifth Modification to the Consent Decree may be examined and downloaded at this Justice Department website: <https://www.justice.gov/enrd/consent-decrees>.

We will provide a paper copy of the proposed Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

Please enclose a check or money order for \$7.00 (25 cents per page reproduction cost) payable to the United States Treasury.

**Patricia Mckenna,**

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2022-11305 Filed 5-25-22; 8:45 am]

**BILLING CODE 4410-15-P**

## DEPARTMENT OF LABOR

### Agency Information Collection Activities; Submission for OMB Review; Comment Request; Acrylonitrile Standard (29 CFR 1910.1045)

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** The Department of Labor (DOL) is submitting this Occupational Safety & Health Administration (OSHA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

**DATES:** The OMB will consider all written comments that the agency receives on or before June 27, 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.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

**FOR FURTHER INFORMATION CONTACT:**

Nicole Bouchet by telephone at 202-693-0213, or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**SUPPLEMENTARY INFORMATION:** The Occupational Safety and Health Act of 1970 (OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the OSH Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of effort in obtaining information (29 U.S.C. 657). The information collection requirements specified in the Acrylonitrile (AN) Standard (29 CFR 1910.1045) protect workers from the adverse health effects that may result from their exposure to AN. The major information collection requirements of the AN Standard include notifying workers of their AN exposures, implementing a written compliance program, providing examining physicians with specific information, ensuring that workers receive a copy of their medical examination results, maintaining worker's exposure monitoring and medical records for specific periods, and providing access to these records by OSHA, the National Institute for Occupational Safety and Health, the affected workers, and designated representatives. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on February 15, 2022 (87 FR 8611).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection

of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

*Agency:* DOL–OSHA.

*Title of Collection:* Pilot Study and Prospective Analysis of the Draft Revised Form 33, Safety and Health Program Assessment Worksheet.

*OMB Control Number:* 1218–0126.

*Affected Public:* Private Sector—Businesses or other for-profits.

*Total Estimated Number of Respondents:* 139.

*Total Estimated Number of Responses:* 38,082.

*Total Estimated Annual Time Burden:* 14,706 hours.

*Total Estimated Annual Other Costs Burden:* \$1,164,653.

(Authority: 44 U.S.C. 3507(a)(1)(D))

**Nicole Bouchet,**

*Senior PRA Analyst.*

[FR Doc. 2022–11384 Filed 5–25–22; 8:45 am]

**BILLING CODE 4510–26–P**

## DEPARTMENT OF LABOR

### Agency Information Collection Activities; Submission for OMB Review; Comment Request; Request for a Medical or Religious Exception or Delay to the COVID–19 Vaccination Requirement

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** The Department of Labor (DOL) is submitting this Office of the Assistant Secretary for Administration and Management (OASAM)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

**DATES:** The OMB will consider all written comments that the agency receives on or before June 27, 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.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency’s estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

**FOR FURTHER INFORMATION CONTACT:** Mara Blumenthal by telephone at 202–693–8538, or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**SUPPLEMENTARY INFORMATION:** Section 2 of Executive Order 14043, Requiring Coronavirus Disease 2019 Vaccination for Federal Employees, mandates that each agency “implement, to the extent consistent with applicable law, a program to require COVID–19 vaccination for all of its Federal employees, with exceptions only as required by law.” The Rehabilitation Act of 1973, as amended, requires federal agencies to provide reasonable accommodations to qualified employees with disabilities unless that reasonable accommodation would impose an undue hardship on the employee’s agency. The Department of Labor is proposing to add student volunteers as respondents who may be requesting a medical exception or delay to the COVID–19 vaccination requirement. Additionally, the Department is proposing to add the form, Request for a Religious Exception or Delay to the COVID–19 Vaccination Requirement, to the ICR. This religious exemption form is necessary for DOL to determine legal exemptions to the vaccine requirement from student volunteers under Title VII of the Civil Rights Act of 1964. As student volunteers are not considered to be Federal employees, the Department must account for the burden for student volunteers to complete the form. For additional substantive information

about this ICR, see the related notice published in the **Federal Register** on March 8, 2022 (87 FR 13004).

### A Notice Regarding Injunctions

The vaccination requirement issued pursuant to E.O. 14043, is currently the subject of a nationwide preliminary injunction. While that injunction remains in place, DOL will not process requests for a medical or religious exceptions from the COVID–19 vaccination requirement pursuant to E.O. 14043. DOL will also not request the submission of any medical or religious information related to a request for an exception from the vaccination requirement pursuant to E.O. 14043 while the injunction remains in place. But DOL may nevertheless receive information regarding a medical exception. That is because, if DOL were to receive a request for an exception from the COVID–19 vaccination requirement pursuant to E.O. 14043 during the pendency of the injunction, DOL will accept the request, hold it in abeyance, and notify the volunteer who submitted the request that implementation and enforcement of the COVID–19 vaccination requirement pursuant to E.O. 14043 is currently enjoined and that an exception therefore is not necessary so long as the injunction is in place. In other words, during the pendency of the injunction, any information collection related to requests for medical or religious exceptions from the COVID–19 vaccination requirement pursuant to E.O. 14043 will not be undertaken to implement or enforce the COVID–19 vaccination requirement.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

*Agency:* DOL–OASAM.

*Title of Collection:* Request for a Medical or Religious Exception or Delay

to the COVID-19 Vaccination Requirement.

*OMB Control Number:* 1225-0092.

*Affected Public:* Individuals or Households.

*Total Estimated Number of Respondents:* 270.

*Total Estimated Number of Responses:* 270.

*Total Estimated Annual Time Burden:* 48 hours.

*Total Estimated Annual Other Costs Burden:* \$0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Dated: May 20, 2022.

**Mara Blumenthal,**

*Senior PRA Analyst.*

[FR Doc. 2022-11381 Filed 5-25-22; 8:45 am]

**BILLING CODE 4510-23-P**

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. OSHA-2022-0001]

#### Advisory Committee on Construction Safety and Health (ACCSH): Notice of Appointment and Meetings

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

**ACTION:** Notice of ACCSH member appointment; notice of ACCSH committee and workgroup meetings.

**SUMMARY:** On May 16, 2022, the Secretary of Labor (Secretary) appointed a new member to ACCSH. This notice also includes the announcement of ACCSH and ACCSH Workgroup meetings.

#### **DATES:**

*ACCSH meeting:* ACCSH will meet from 10:00 a.m. to 4:00 p.m., ET, Wednesday, June 15, 2022.

*ACCSH Workgroup meetings:* ACCSH Workgroups will meet June 14, 2022. (See ACCSH Workgroup Meetings in the **SUPPLEMENTARY INFORMATION** section of this notice for ACCSH Workgroup meetings scheduled times.)

**ADDRESSES:** *Submission of comments and requests to speak:* Submit comments and requests to speak at the ACCSH meeting by Thursday, June 9, 2022, identified by the docket number for this **Federal Register** notice (Docket No. OSHA-2022-0001), using the following method:

*Electronically:* Comments and requests to speak, including attachments, must be submitted electronically at: <http://www.regulations.gov>, the Federal eRulemaking Portal.

Follow the online instructions for submitting comments.

*Requests for special accommodations:* Please submit requests for special accommodations for this ACCSH meeting by Thursday, June 9, 2022, to Ms. Gretta Jameson, OSHA, Directorate of Construction, U.S. Department of Labor; telephone: (202) 693-2020; email: [jameson.gretta@dol.gov](mailto:jameson.gretta@dol.gov).

#### **FOR FURTHER INFORMATION CONTACT**

*For press inquiries:* Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor; telephone (202) 693-1999; email: [meilinger.francis2@dol.gov](mailto:meilinger.francis2@dol.gov).

*For general information about ACCSH:* Mr. Damon Bonneau, OSHA, Directorate of Construction, U.S. Department of Labor; telephone (202) 693-2183; email: [bonneau.damon@dol.gov](mailto:bonneau.damon@dol.gov).

*Telecommunication requirements:* For additional information about the telecommunication requirements for the meeting, please contact Ms. Gretta Jameson, OSHA, Directorate of Construction, U.S. Department of Labor; telephone: (202) 693-2020; email: [jameson.gretta@dol.gov](mailto:jameson.gretta@dol.gov).

*For copies of this Federal Register Notice:* Electronic copies of this **Federal Register** Notice are available at: <http://www.regulations.gov>. This notice, as well as news releases and other relevant information, are also available at OSHA's web page at [www.osha.gov](http://www.osha.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

The Advisory Committee on Construction Safety and Health (ACCSH) advises the Secretary of Labor and the Assistant Secretary of Labor for Occupational Safety and Health (Assistant Secretary) in the formulation of standards affecting the construction industry, and on policy matters arising in the administration of the safety and health provisions under the Contract Work Hours and Safety Standards Act (Construction Safety Act (CSA)) (40 U.S.C. 3701 *et seq.*) and the Occupational Safety and Health Act of 1970 (OSH Act) (29 U.S.C. 651 *et seq.*) (see also 29 CFR 1911.10 and 1912.3). In addition, the CSA and OSHA regulations require the Assistant Secretary to consult with ACCSH before the agency proposes any occupational safety and health standard affecting construction activities (40 U.S.C. 3704; 29 CFR 1911.10).

ACCSH operates in accordance with the Federal Advisory Committee Act (FACA), as amended (5 U.S.C. app. 2), and its implementing regulations (41 CFR 102-3 *et seq.*); and Department of

Labor Manual Series Chapter 1-900 (8/31/2020). ACCSH generally meets two to four times a year.

##### **II. Announcement of ACCSH Appointment**

The Secretary appointed Mr. Kenneth G. Seal, Industrial Specialist/Safety and Health Representative for the International Union of Painters and Allied Trades, to serve on ACCSH as an Employee Representative. Mr. Seal replaces Ms. Cheryl Ambrose who resigned. Mr. Seal, like Ms. Ambrose, represents employee interests and will serve the remainder of Ms. Ambrose's term, which ends May 14, 2023.

##### **III. Meetings**

###### *ACCSH Meeting*

ACCSH will meet from 10:00 a.m. to 4:00 p.m., ET, Wednesday, June 15, 2022. The meeting is open to the public.

*Meeting agenda:* The tentative agenda for this meeting includes:

- Assistant Secretary's agency update and remarks;
- Occupational Exposure to COVID-19 in Healthcare Settings;
- Directorate of Construction industry update;
- ACCSH Workgroup reports;
- Discussion of OSHA's Construction Focus Four Hazards and Infrastructure; and,
- Public comment period.

###### *ACCSH Workgroup Meetings*

In conjunction with the ACCSH meeting, the following ACCSH Work Groups will meet on June 14, 2022. ACCSH Workgroup meetings are open to the public.

- Infrastructure—10:00 a.m. to 12:00 p.m.
- Education and Training—1:00 p.m. to 3:00 p.m.
- Emerging and Current Issues—3:10 to 5:10 p.m.

##### **III. Meeting Information**

Public attendance at the ACCSH Committee and Workgroup meetings will be virtual only. Meeting information will be posted in the Docket (Docket No. OSHA-2022-0001) and on the ACCSH web page, <https://www.osha.gov/advisorycommittee/accsh>, prior to the meeting.

*Requests to speak and speaker presentations:* Attendees who wish to address ACCSH must submit a request to speak, as well as any written or electronic presentation, by Thursday, June 9, 2022, using the method listed in the **ADDRESSES** section of this notice. The request must state:

- The amount of time requested to speak;

- The interest you represent (e.g., business, organization, affiliation), if any; and

- A brief outline of your presentation. PowerPoint presentations and other electronic materials must be compatible with PowerPoint 2010 and other Microsoft Office 2010 formats.

Alternately, you may request to address ACCSH briefly during the public-comment period. At her discretion, the ACCSH Chair may grant requests to address ACCSH as time and circumstances permit.

*Docket:* OSHA will place comments, requests to speak, and speaker presentations, including any personal information you provide, in the public docket without change, and those documents may be available online at: <http://www.regulations.gov>. Therefore, OSHA cautions interested parties about submitting personal information such as Social Security Numbers and birthdates. OSHA also places in the public docket the meeting transcript, meeting minutes, documents presented at the meeting, and other documents pertaining to the ACCSH meeting. These documents are available online at: <http://www.regulations.gov>. To read or download documents in the public docket for this ACCSH meeting, go to Docket No. OSHA-2022-0001 at: <http://www.regulations.gov>. All documents in the public docket are listed in the index; however, some documents (e.g., copyrighted material) are not publicly available to read or download through <http://www.regulations.gov>. All submissions are available for inspection and copying, when permitted, at the OSHA Docket Office. For information on using <http://www.regulations.gov> to make submissions or to access the docket, click on the “Help” tab at the top of the homepage. Contact the OSHA Docket Office at (202) 693-2350, (TTY) (877) 889-5627 for information about materials not available through that website and for assistance in using the internet to locate submissions and other documents in the docket.

#### Authority and Signature

Douglas L. Parker, Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice pursuant to 29 U.S.C. 655, 40 U.S.C. 3704, Secretary of Labor’s Order No. 8-2020 (85 FR 58393), 5 U.S.C. app. 2, and 29 CFR part 1912.

Signed at Washington, DC.

#### Douglas L. Parker,

*Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 2022-11385 Filed 5-25-22; 8:45 am]

BILLING CODE 4510-26-P

## OFFICE OF MANAGEMENT AND BUDGET

### Construction Materials Used in Federal Financial Assistance Projects for Infrastructure and End Products Manufactured in the United States Under the Build America, Buy America Act; Request for Information

**AGENCY:** Office of Management and Budget.

**ACTION:** Request for information; extension of comment period.

**SUMMARY:** On April 21, 2022, OMB issued a request for information seeking input concerning requirements that any infrastructure projects funded with Federal financial assistance under the Build America, Buy America Act (“the Act”), enacted as part of the Infrastructure Investment and Jobs Act (IIJA) on November 15, 2021, only use construction materials “produced in the United States.” The notice also sought input on behalf of the Federal Acquisition Regulatory Council (FAR Council) on a definition for “end product manufactured in the United States,” for incorporation into the Federal Acquisition Regulation (FAR). The deadline for submitting comments is being extended from May 23, 2022 to June 6, 2022 to provide additional time for interested parties to provide comments.

**DATES:** For the RFI published on April 21, 2022, submit comments on or before 11:59 p.m. June 6, 2022.

**ADDRESSES:** Please submit any written comments electronically through the Federal eRulemaking Portal at <https://www.regulations.gov>. Go to <http://www.regulations.gov> and select “Office of Management and Budget” from the agency menu to submit or view public comments. Please note that all public comments received are subject to the Freedom of Information Act and will be posted in their entirety, including any personal and/or business confidential information provided. Do not include any information you would not like to be made publicly available. All statements received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. You should submit only information that you wish to make available publicly.

**FOR FURTHER INFORMATION CONTACT:** For questions about this RFI, please contact Tim Soltis, Office of Management and Budget, 202-395-7587, or via email (preferred) at [Timothy.F.Soltis@omb.eop.gov](mailto:Timothy.F.Soltis@omb.eop.gov).

**SUPPLEMENTARY INFORMATION:** OMB published an RFI in the **Federal Register** at 87 FR 23888 on April 21, 2022 (Docket No. 2022-08491). The comment period is extended to June 6, 2022 to allow additional time for interested parties to develop comments in response to the questions posed in the RFI that will be used to further inform future guidance by OMB and future regulatory actions by the FAR Council.

**Celeste Drake,**

*Director, Made in America Office.*

[FR Doc. 2022-11296 Filed 5-25-22; 8:45 am]

BILLING CODE 3110-01-P

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: 22-040]

### NASA Planetary Science Advisory Committee; Meeting

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, as amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the Planetary Science Advisory Committee. The meeting will be held for the purpose of soliciting, from the scientific community and other persons, scientific and technical information relevant to program planning.

**DATES:** Tuesday, June 21, 2022, 12:00 p.m. to 6:00 p.m.; Wednesday, June 22, 2022, 10:00 a.m. to 6:00 p.m.; and Thursday, June 23, 2022, 10:00 a.m. to 6:00 p.m. Note: All times listed are Eastern Time.

**ADDRESSES:** NASA Headquarters, Room 8R40, 300 E Street SW, Washington DC 20546.

**FOR FURTHER INFORMATION CONTACT:** Ms. KarShelia Kinard, Science Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358-2355 or [karshelia.kinard@nasa.gov](mailto:karshelia.kinard@nasa.gov).

**SUPPLEMENTARY INFORMATION:** The meeting will be open to the public up to the capacity of the room. The meeting will also be available telephonically and via WebEx. For Tuesday, June 21, the WebEx information for attendees is: [https://nasaevents.webex.com/j\\_nasaevents/j.php?MTID=mda51ad787d5b7783fca775b4e68c3f80](https://nasaevents.webex.com/j_nasaevents/j.php?MTID=mda51ad787d5b7783fca775b4e68c3f80). The WebEx number is: 2762 055 5578 and the password is XJgRNbNB353 (95476262 from phones). To join by telephone call, use US Toll: +1-415-

527–5035 (Access Code: 276 205 55578). For Wednesday, June 22, the WebEx information for attendees is: <https://nasaevents.webex.com/nasaevents/j.php?MTID=m70025abdb5bbacc34d2e6981bbc504>. The WebEx number is: 2762 423 0318 and the password is kiNQPeF4V52 (54677334 from phones). To join by telephone call, use US Toll: +1–415–527–5035 (Access Code: 276 242 30318). For Thursday, June 23, the WebEx information for attendees is: <https://nasaevents.webex.com/nasaevents/j.php?MTID=m03f1b23e28838670f76363f664819fa0>.

The WebEx number is: 2762 920 8201 and the password is 8yiSPwY3MM2 (89477993 from phones). To join by telephone call, use US Toll: +1–415–527–5035 (Access Code: 276 292 08201).

**Accessibility:** Captioning will be provided for this meeting. We are committed to providing equal access to this meeting for all participants. If you need alternative formats or other reasonable accommodations, please contact Ms. KarShelia Kinard, Science Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358–2355 or [karshelia.kinard@nasa.gov](mailto:karshelia.kinard@nasa.gov).

The agenda for the meeting includes the following topics:

- Planetary Science Division Update
- Planetary Science Division Research and Analysis Program Update

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants.

**Patricia Rausch,**

*Advisory Committee Management Officer,  
National Aeronautics and Space  
Administration.*

[FR Doc. 2022–11315 Filed 5–25–22; 8:45 am]

**BILLING CODE 7510–13–P**

## NATIONAL SCIENCE FOUNDATION

### Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978

**AGENCY:** National Science Foundation.

**ACTION:** Notice of permit applications received.

**SUMMARY:** The National Science Foundation (NSF) is required to publish a notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act in the Code of Federal Regulations. This is the required notice of permit applications received.

**DATES:** Interested parties are invited to submit written data, comments, or views with respect to this permit application by June 27, 2022. This application may be inspected by interested parties at the Permit Office, address below.

**ADDRESSES:** Comments should be addressed to Permit Office, Office of Polar Programs, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, Virginia 22314 or [ACApermits@nsf.gov](mailto:ACApermits@nsf.gov).

**FOR FURTHER INFORMATION CONTACT:** Andrew Titmus, ACA Permit Officer, at the above address, 703–292–4479.

**SUPPLEMENTARY INFORMATION:** The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95–541, 45 CFR 671 as amended by the Antarctic Science, Tourism and Conservation Act of 1996, has developed regulations for the establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas as requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas.

#### Application Details

*Permit Application: 2023–003*

1. *Applicant:* Birgitte McDonald, Moss Landing Marine Labs, 8272 Moss Landing Rd., Moss Landing, CA 95039

#### Activity for Which Permit Is Requested

Take, Harmful Interference, Enter in Antarctic Special Protected Area, Import to USA. The applicant requests authorization to enter Antarctic Specially Protected Area (ASP) No. 124, Cape Crozier, to conduct physiological and ecological studies on emperor penguins (*Aptenodytes forsteri*). The two-part project aims to address fundamental information gaps about the foraging ecology and habitat use of emperor penguins at two stages of their life history. During phase one of the research, the applicant proposes capturing up to 48 adult emperor penguins as they depart colonies to forage during late chick-rearing. Captured penguins will undergo morphological and physiological sampling and will be fitted with instrumentation used for collecting foraging data. During the second phase of research, the applicant proposes capturing up to 44 adult emperor penguins during early reproduction phases, this second group of individuals will be fitted with satellite-linked instrumentation and tissue samples will

be collected. Some of the data loggers will be retrieved from individuals at the end of the study, while others will detach during subsequent molting.

#### Location

Cape Crozer, ASPA No. 124; Eastern Ross Sea, Antarctica

#### Dates of Permitted Activities

October 1, 2022–May 30, 2023

**Erika N. Davis,**

*Program Specialist, Office of Polar Programs.*

[FR Doc. 2022–11300 Filed 5–25–22; 8:45 am]

**BILLING CODE 7555–01–P**

## OFFICE OF SCIENCE AND TECHNOLOGY POLICY

### Call for Public Comment on the Draft U.S. Global Change Research Program (USGCRP) Decadal Strategic Plan, 2022–2031

**AGENCY:** Office of Science and Technology Policy (OSTP).

**SUMMARY:** The U.S. Global Change Research Program (USGCRP), in collaboration with the Office of Science and Technology Policy (OSTP), requests comment from the public on its draft Decadal Strategic Plan.

**DATES:** Interested persons and organizations are invited to submit comments before 11:59 p.m. ET, 15 July 2022.

**ADDRESSES:** Submit comments electronically via the USGCRP R&C System (<https://review.globalchange.gov>) by the deadline. Due to time constraints, mailed paper submissions will not be accepted. The review system will be taken off-line at close of the review window, so there will be no means to submit late comments.

**Instructions:** Response to this notice is voluntary. Responses to this notice may be used by the government for program planning on a non-attribution basis. OSTP therefore requests that no business proprietary information or copyrighted information be submitted in response to this notice. Please note that the U.S. Government will not pay for response preparation, or for the use of any information contained in the response.

**FOR FURTHER INFORMATION CONTACT:** Direct technical questions to David Dokken (Senior Program Officer) at [ddokken@usgcrp.gov](mailto:ddokken@usgcrp.gov). Process concerns should be addressed to Michael Kuperberg (USGCRP Executive Director) at [mkuperberg@usgcrp.gov](mailto:mkuperberg@usgcrp.gov).

**SUPPLEMENTARY INFORMATION:** With the implementation phase of USGCRP's

previous plan winding down (<https://downloads.globalchange.gov/strategic-plan/2012/usgcrp-strategic-plan-2012.pdf>), work began on a successor in the spring of 2021. The National Science and Technology Council provided USGCRP with guidance to produce a plan that was short (30 pages) and accessible to an informed lay reader. In pursuit of a high-level, non-technical narrative, over the past year, inputs were solicited from USGCRP member agencies and interagency working groups, as well as external organizations such as the National Academies of Sciences, Engineering, and Medicine (NASEM). Listening sessions were conducted within the Federal community and via NASEM external outreach on the Program's behalf. Public comment on a draft prospectus was sought (22 November 2021–11 January 2022) to determine if the overall vision resonated with intended audiences and if the identified strategic pillars adequately established near-term priorities while providing the flexibility to address longer term challenges. The draft narrative is now being provided both to the public and to NASEM to seek input.

USGCRP seeks feedback on program priorities and accompanying narrative in the strategic pillar sections. Respondents should consider (i) ideas on emerging, large-scale scientific questions related to global change and/or response, especially those where interagency collaboration will be critical; (ii) specific information on how science is or is not being used to inform societal response to climate change, and why; and (iii) knowledge gaps and obstacles to implementing scientific tools or knowledge.

Individuals wishing to participate in the public review of the draft 2022–2031 USGCRP Strategic Plan are encouraged to register via the USGCRP Review and Comment (R&C) System (<https://review.globalchange.gov>). The document and instructions are available from 20 May to 15 July 2022.

The U.S. Global Change Research Program (USGCRP) coordinates research across 13 Federal agencies to understand the human-induced and natural processes that influence the total Earth system—the atmosphere, land, water, ecosystems, and people. USGCRP was established by Presidential Initiative in 1989 and mandated by Congress in the Global Change Research Act (GCRA) of 1990 (Sec 104, Pub. L. 101–606; <https://www.globalchange.gov/about/legal-mandate>). The GCRA calls for a 10-year plan with periodic

updates. More detail on USGCRP strategic planning processes to date can be found at <https://www.globalchange.gov/engage/process-products/strategic-planning>. USGCRP builds on a foundation of Federal investments in research and development to ensure that America leads in basic and applied global change research.

The draft Plan was prepared and vetted by Federal agency officials comprising the Subcommittee on Global Change Research (SGCR), which provides overall direction and executive oversight of the Program. SGCR, whose membership includes representatives of scientific and implementing agencies, is a standing body of the Committee on Environment, a component of the National Science and Technology Council.

Dated: May 19, 2022.

**Stacy Murphy,**

*Operations Manager.*

[FR Doc. 2022–11108 Filed 5–25–22; 8:45 am]

**BILLING CODE 3270–F1–P**

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## SECURITIES AND EXCHANGE COMMISSION

**[Investment Company Act Release No. 34590; File No. 812–15208]**

**Lafayette Square Empire BDC, Inc., et al**

May 20, 2022.

**AGENCY:** Securities and Exchange Commission (“Commission” or “SEC”).

**ACTION:** Notice.

Notice of application for an order (“Order”) under sections 17(d) and 57(i) of the Investment Company Act of 1940 (the “Act”) and rule 17d–1 under the Act to permit certain joint transactions otherwise prohibited by sections 17(d) and 57(a)(4) of the Act and rule 17d–1 under the Act.

*Summary of Application:* Applicants request an order to permit certain business development companies (“BDCs”) and closed-end management investment companies to co-invest in portfolio companies with each other and with certain affiliated investment entities.

*Applicants:* Lafayette Square Empire BDC, Inc., Lafayette Square Mid-Atlantic BDC, Inc., Lafayette Square Far West BDC, Inc., Lafayette Square Gulf Coast BDC, Inc., and LS BDC Adviser, LLC.

*Filing Dates:* The application was filed on March 11, 2021 and amended

on September 16, 2021, December 21, 2021, and April 8, 2022.

*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 Applicants 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 June 14, 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 at [Secretarys-Office@sec.gov](mailto:Secretarys-Office@sec.gov).

**ADDRESSES:** The Commission: [Secretarys-Office@sec.gov](mailto:Secretarys-Office@sec.gov). Applicants: David Kraut, [kraut@lafayettesquare.com](mailto:kraut@lafayettesquare.com).

**FOR FURTHER INFORMATION CONTACT:** Jill Ehrlich, Senior Counsel, or Lisa Reid Ragen, Branch Chief, at (202) 551–6825 (Division of Investment Management, Chief Counsel’s Office).

**SUPPLEMENTARY INFORMATION:** For Applicants’ representations, legal analysis, and conditions, please refer to Applicants’ third amended and restated application, dated April 8, 2022, which may be obtained via the Commission’s website by searching for the file number at the top of this document, or for an Applicant using the Company name search field, on the SEC’s EDGAR system. The SEC’s EDGAR system may be searched at, <http://www.sec.gov/edgar/searchedgar/legacy/companysearch.html>. You may also call the SEC’s Public Reference Room at (202) 551–8090.

For the Commission, by the Division of Investment Management, under delegated authority.

**J. Matthew DeLesDernier,**  
*Assistant Secretary.*

[FR Doc. 2022–11285 Filed 5–25–22; 8:45 am]

**BILLING CODE 8011–01–P**



## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-94957; File No. SR-MEMX-2021-22]

### Self-Regulatory Organizations; MEMX LLC; Notice of Withdrawal of a Proposed Rule Change To Amend Its Fee Schedule To Adopt Connectivity Fees

May 20, 2022.

On December 30, 2021, MEMX LLC (“MEMX”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> a proposed rule change to amend its Fee Schedule to adopt Connectivity Fees. The proposed rule change was immediately effective upon filing with the Commission pursuant to Section 19(b)(3)(A) of the Act.<sup>3</sup> The proposed rule change was published for comment in the **Federal Register** on January 14, 2022.<sup>4</sup> On February 28, 2022, the Commission temporarily suspended the proposed rule change and instituted proceedings to determine whether to approve or disapprove the proposed rule change.<sup>5</sup> On May 6, 2022, MEMX withdrew the proposed rule change (SR-MEMX-2021-22).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>6</sup>

**J. Matthew DeLesDernier,**  
Assistant Secretary.

[FR Doc. 2022-11287 Filed 5-25-22; 8:45 am]

BILLING CODE 8011-01-P

## DEPARTMENT OF STATE

[Public Notice: 11728]

### Notice of Imposition of Sanctions on Two Individuals and One Entity

**ACTION:** Determination.

**SUMMARY:** “Blocking Property of Weapons of Mass Destruction Proliferators and Their Supporters” and delegated authority, the Under Secretary

of State for Arms Control and International Security, in consultation with the Secretary of the Treasury and the Attorney General, has determined that O Yong Ho, Roman Anatolyevich Alar, and Parsek LLC have engaged, or attempted to engage, in activities or transactions that have materially contributed to, or pose a risk of materially contributing to, the proliferation of weapons of mass destruction or their means of delivery.

**Applicable Dates:** The determination regarding the two individual and one entity, and imposition of sanctions on the individuals and entity and vessels identified in the **SUPPLEMENTARY INFORMATION** section of this notice were applicable on January 12, 2022.

**FOR FURTHER INFORMATION CONTACT:** Thomas Zarzecki, Director, Office of Counterproliferation Initiatives, Bureau of International Security and Nonproliferation, Department of State, Washington, DC 20520, tel.: 202-647-5193.

**SUPPLEMENTARY INFORMATION:** On June 28, 2005, the President, invoking the authority, *inter alia*, of the International Emergency Economic Powers Act (50 U.S.C. 1701-1706) (“IEEPA”), issued E.O. 13382 (70 FR 38567, July 1, 2005) (the “Order”), effective at 12:01 a.m. eastern daylight time on June 30, 2005. In the Order the President took additional steps with respect to the national emergency described and declared in E.O. 12938 of November 14, 1994, regarding the proliferation of weapons of mass destruction and the means of delivering them.

Section 1 of the Order blocks, with certain exceptions, all property and interests in property that are in the United States, or that hereafter come within the United States or that are or hereafter come within the possession or control of United States persons, of: (1) The persons listed in the Annex to the Order; (2) any foreign person determined by the Secretary of State, in consultation with the Secretary of the Treasury, the Attorney General, and other relevant agencies, to have engaged, or attempted to engage, in activities or transactions that have materially contributed to, or pose a risk of materially contributing to, the proliferation of weapons of mass destruction or their means of delivery (including missiles capable of delivering such weapons), including any efforts to manufacture, acquire, possess, develop, transport, transfer or use such items, by any person or foreign country of proliferation concern; (3) any person determined by the Secretary of the Treasury, in consultation with the

Secretary of State, the Attorney General, and other relevant agencies, to have provided, or attempted to provide, financial, material, technological or other support for, or goods or services in support of, any activity or transaction described in clause (2) above or any person whose property and interests in property are blocked pursuant to the Order; and (4) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General, and other relevant agencies, to be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to the Order.

Pursuant to the authority in section 1(a)(ii) of E.O. 13382 and delegated authority, the Under Secretary of State for Arms Control and International Security, in consultation with the Secretary of the Treasury and the Attorney General, has determined that O Yong Ho, Roman Anatolyevich Alar, and Parsek LLC have engaged, or attempted to engage, in activities or transactions that have materially contributed to, or pose a risk of materially contributing to, the proliferation of weapons of mass destruction or their means of delivery.

Identifying information on the two individuals and one entity is as follows:

**Name: O Yong Ho**

- **Nationality:** DPRK
- **Location:** Russia
- **Gender:** Male
- **Date of Birth:** December 25, 1961
- **Passport Number:** 108410041 (DPRK)
- **Passport Issue Date:** October 13, 2018
- **Passport Expiration Date:** October 13, 2023

**Name: Roman Anatolyevich ALAR**

- **Nationality:** Russian
- **Location:** Moscow, Russia
- **Gender:** Male
- **Date of Birth:** January 17, 1973
- **Passport Number:** 719869648 (Russia)
- **Passport Expiration Date:** June 25, 2022

**Parsek LLC**

- **Address:** SH. ENTUZIASTOV D. 54, CHE 0 POM.VII CH K 9 111123 MOSCOW, Russia
- **Phone:** (+7) 926 7980856
- **Russian Government Registration Number:** 1097746565366
- **Russian Tax Identification Number:** 7714789249
- **Russian National Classifier of Enterprises and Organizations Number:** 62817585

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A). A proposed rule change may take effect upon filing with the Commission if it is designated by the exchange as “establishing or changing a due, fee, or other charge imposed by the self-regulatory organization on any person, whether or not the person is a member of the self-regulatory organization.” 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>4</sup> See Securities Exchange Act Release No. 93937 (January 10, 2022), 87 FR 2466.

<sup>5</sup> See Securities Exchange Act Release No. 94332, 87 FR 12513 (March 4, 2022).

<sup>6</sup> 17 CFR 200.30-3(a)(12).

The two individuals and the entity above have been added to the list of Specially Designated Nationals and Blocked Persons. All of their property and interests in property that are in the United States or in the possession or control of U.S. persons are blocked.

**Bonnie D. Jenkins,**

*Under Secretary of State, Bureau of Arms Control & International Security, Department of State.*

[FR Doc. 2022–10582 Filed 5–25–22; 8:45 am]

BILLING CODE 4710–27–P

## STATE JUSTICE INSTITUTE

### SJI Board of Directors Meeting, Notice

**AGENCY:** State Justice Institute.

**ACTION:** Notice of meeting.

**SUMMARY:** The SJI Board of Directors will be meeting on Monday, June 13, 2022 at 10:00 a.m. ET. The purpose of this meeting is to consider grant applications for the 3rd quarter of FY 2022, and other business.

**ADDRESSES:** State Justice Institute Headquarters, 12700 Fair Lakes Circle, Suite 340, Fairfax, VA, 22033.

**FOR FURTHER INFORMATION CONTACT:**

Jonathan Mattiello, Executive Director, State Justice Institute, 12700 Fair Lakes Circle, Suite 340, Fairfax, VA 22033, 703–660–4979, [contact@sjj.gov](mailto:contact@sjj.gov).

*Authority:* 42 U.S.C. 10702(f)

**Jonathan D. Mattiello,**

*Executive Director.*

[FR Doc. 2022–11366 Filed 5–25–22; 8:45 am]

BILLING CODE 6820–SC–P

## SURFACE TRANSPORTATION BOARD

[Docket No. FD 36599]

### Great Walton Railroad Company d/b/a Hartwell Railroad Company—Acquisition Exemption; Hartwell Railroad Company

By petition filed on March 17, 2022, Great Walton Railroad Company d/b/a Hartwell Railroad Company (GWRC) seeks an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 11323 to acquire ownership and control of Hartwell Railroad Company (HRC). As discussed below, the Board will grant the exemption.

#### Background

HRC, a Class III carrier, owns a rail line that extends between milepost 0.5 at Toccoa, Ga., and milepost 48.8 at Elberton, Ga. (the Toccoa-Elberton

Line). (Pet. 2; *id.* at Attach. A.) GWRC, a Class III carrier, owns and operates a rail line that extends between Hartwell, Ga. and Bowersville, Ga. (the Hartwell Line) and connects to the Toccoa-Elberton Line at milepost 24.5 in Bowersville. (Pet., Attach. C.)<sup>1</sup> In 1995, HRC granted GWRC trackage rights to operate over the Toccoa-Elberton Line. (Pet. 3; *id.* at Attach. C.)

In support of the petition, GWRC asserts that the proposed transaction will not result in any changes in service levels, operational changes, or changes in the competitive balance with other rail carriers.<sup>2</sup> (Pet. 5.) GWRC states that the proposed transaction would perpetuate operations by GWRC that have been in place since 1995 and that, therefore, no shippers will be impacted. (*Id.*) GWRC states that the purposes of the proposed transaction are to preserve the existing operations and future viability of the Hartwell Line and Toccoa-Elberton Line, and to facilitate their orderly disposition in the future. (*Id.* at 6.) On April 1, 2022, GWRC filed a certification that the proposed transaction does not involve any provision or agreement that may limit future interchange with a third-party connecting carrier.

#### Discussion and Conclusions

Under 49 U.S.C. 11323(a)(3), the acquisition of control of a rail carrier by any number of rail carriers requires prior Board approval. Under 49 U.S.C. 10502(a), however, the Board must exempt a transaction or service from regulation if it finds that: (1) Regulation is not necessary to carry out the rail transportation policy (RTP) of 49 U.S.C. 10101; and (2) either the transaction or service is limited in scope, or regulation is not needed to protect shippers from the abuse of market power.

In this case, an exemption from the prior approval requirements of 49 U.S.C. 11323–25 is consistent with the standards of 10502. Detailed scrutiny of the proposed transaction through an application for review and approval under 11323–25 is not necessary here to carry out the RTP. An exemption would promote the RTP by minimizing the need for federal regulatory control over the transaction, 10101(2); ensuring the development and continuation of a sound rail transportation system that would continue to meet the needs of the public, 10101(4); fostering sound economic conditions in transportation,

10101(5); encouraging efficient management, 10101(9); and providing for the expeditious resolution of this proceeding, 10101(15). Other aspects of the RTP would not be adversely affected.

Regulation of the transaction is not needed to protect shippers from an abuse of market power.<sup>3</sup> The record indicates that no shipper would lose an existing rail service option as a result of the proposed transaction. GWRC states that, since it would continue to operate the Toccoa-Elberton Line as it has since 1995, the proposed transaction would not result in any service level or operational changes. Accordingly, the transaction would not result in any shippers losing access to rail service or foreclose any transportation options currently available to shippers. Moreover, no shipper (or any other entity) has objected to the proposed transaction.

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. However, 49 U.S.C. 11326(c) does not provide for labor protection for transactions under 11324 and 11325 that involve only Class III rail carriers. Accordingly, the Board may not impose labor protective conditions here because all carriers involved are Class III carriers.

The proposed transaction is exempt from environmental reporting requirements under 49 CFR 1105.6(c)(1)(i) because it would not result in any significant change in carrier operations. The transaction is also exempt from the historic reporting requirements under 49 CFR 1105.8(b)(3), because it would not substantially change the level of maintenance of railroad properties.

GWRC states that the proposed transaction would be consummated on or shortly after the effective date of the exemption. The exemption will be effective June 22, 2022, and petitions to stay will be due by June 2, 2022. Petitions for reconsideration or petitions to reopen will be due by June 13, 2022.

It is ordered:

1. Under 49 U.S.C. 10502, the Board exempts from the prior approval requirements of 49 U.S.C. 11323–25 the transaction described above.

2. Notice of the exemption will be published in the **Federal Register**.

3. The exemption will become effective on June 22, 2022. Petitions to stay must be filed by June 2, 2022.

<sup>1</sup> GWRC provides a map with the petition at Attachment D.

<sup>2</sup> GWRC notes that the proposed transaction does not qualify for the class exemption under 49 CFR 1180.2(d)(2) because the Hartwell Line and Toccoa-Elberton Line connect in Bowersville. (Pet. 4.)

<sup>3</sup> Given this finding, the Board need not determine whether the transaction is limited in scope. See 10502(a).

Petitions for reconsideration or petitions to reopen must be filed by June 13, 2022.

By the Board, Board Members Fuchs, Hedlund, Oberman, Primus, and Schultz.

**Aretha Laws-Byrum,**

*Clearance Clerk.*

[FR Doc. 2022-11289 Filed 5-25-22; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Public Notice of Airport Improvement Program Property Release Portland-Hillsboro Airport, Hillsboro, Oregon

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

**ACTION:** Notice of Request to Release Airport Improvement Program Property.

**SUMMARY:** Notice is being given that the FAA is considering a request from the Port of Portland, Oregon to waive the property requirements for approximately .78 acres of airport property and the release from aeronautical to non-aeronautical for approximately .30 acres of airport property located at Hillsboro Airport, in Hillsboro, Oregon.

**DATES:** Comments are due within 30 days of the date of the publication of this notice in the **Federal Register**. Emailed comments can be provided to Ms. Mandi M. Lesauis, Program Specialist, Seattle Airports District Office, [mandi.lesauis@faa.gov](mailto:mandi.lesauis@faa.gov).

**FOR FURTHER INFORMATION CONTACT:** Mandi M. Lesauis, Program Specialist, Seattle Airports District Office, [mandi.lesauis@faa.gov](mailto:mandi.lesauis@faa.gov), (206) 231-4140.

**SUPPLEMENTARY INFORMATION:** The subject properties are located in the south and northeast section of the airport. This release will allow the Port to sell .78 acres of Tax Lots 1N232AD02100, 1N232AD02200, 1N232AB00500, 1N232AB00100, 1N232AB00102 and 1N2280001550 to the City of Hillsboro to facilitate Cornell Road and NE 25th Avenue and Cornell Road and NE Brookwood Parkway road expansion and safety improvements. This release will also allow .30 acres of Tax Lots 1N232AD02100, 1N232AD02200, 1N232AB00100 and 1N232AB00102 to be designated as non-aeronautical easements for public utility and traffic control device purposes. There will be proceeds generated from the proposed release of this property for capital improvements at the airport. The Port will receive not less than fair

market value for the property and the revenue generated from the sale will be used for airport purposes. It has been determined through study that the subject partial parcel will not be needed for aeronautical purposes.

**Authority:** Title 49, U.S.C. Section 47153(c).

Issued in Des Moines, Washington, on May 20, 2022.

**Warren D. Ferrell,**

*Acting Manager, Seattle Airports District Office.*

[FR Doc. 2022-11272 Filed 5-25-22; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

**[Docket Number FRA-2016-0108]**

#### Petition for Extension of Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that on April 29, 2022, Union Pacific Railroad (UPRR) petitioned the Federal Railroad Administration (FRA) to extend a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR 236.566, *Locomotive of each train operating in train stop, train control, or cab signal territory: Equipped*. The relevant FRA Docket Number is FRA-2016-0108.

Specifically, UPRR requests a temporary extension of relief from § 236.566 to allow it to comply with a condition of FRA's decision letter dated April 6, 2022, primarily concerning Docket Number FRA-2021-0011.<sup>1</sup> The condition concerns slide detector fences, where existent, being fully integrated with positive train control (PTC) via wayside signal systems. UPRR states that four of its subdivision line segments (Portland, Evanston, Rawlins, and Laramie) require additional interconnections with PTC to be fully compliant with the condition in the April 6, 2022, letter. UPRR requests an extension of the relief in Docket Number FRA-2016-0108 for 12 months to complete the work, which consists of modifications to signaling appliances and the construction of communications infrastructure in some cases. Additionally, UPRR requests modification of two conditions of the June 9, 2020, decision letter in Docket

Number FRA-2016-0108<sup>2</sup> to allow UPRR to immediately begin to decommission its locomotives' onboard automatic train control and automatic cab signal systems.

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 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 July 25, 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](http://www.regulations.gov).

Issued in Washington, DC.

**John Karl Alexy,**

*Associate Administrator for Railroad Safety, Chief Safety Officer.*

[FR Doc. 2022-11372 Filed 5-25-22; 8:45 am]

**BILLING CODE 4910-06-P**

<sup>1</sup> See <https://www.regulations.gov/document/FRA-2016-0108-0018>.

<sup>2</sup> <https://www.regulations.gov/document/FRA-2016-0108-0017>.

**DEPARTMENT OF TRANSPORTATION****Federal Transit Administration****FY 2022 Competitive Funding Opportunity: Pilot Program for Transit-Oriented Development Planning**

**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 \$13,160,021 in Fiscal Year (FY) 2021 and FY 2022 funding under the Pilot Program for Transit-Oriented Development Planning (TOD Pilot Program). As required by Federal public transportation law and subject to funding availability, funds will be awarded competitively to support comprehensive planning or site-specific planning associated with new fixed guideway and core capacity improvement projects. FTA may award additional funding that is made available to the TOD Pilot 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. July 25, 2022. Any applicant intending to apply should initiate the process by registering on the *Grants.Gov* website immediately to ensure completion of registration before the submission deadline. Instructions for applying can be found on FTA's website at <https://www.transit.dot.gov/TODPilot> and in the "FIND" module of *GRANTS.GOV*. The *GRANTS.GOV* funding opportunity ID is FTA-2022-004-TPE-TODP. Mail and fax submissions will not be accepted.

**FOR FURTHER INFORMATION CONTACT:** April McLean-McCoy, FTA Office of Planning and Environment, (202) 366-7429, or [April.McLeanMcCoy@dot.gov](mailto:April.McLeanMcCoy@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**

Section 20005(b) of the Moving Ahead for Progress in the 21st Century Act

(MAP-21; Pub. L. 112-141, July 6, 2012), with funding authorized by 49 U.S.C. 5338(a)(2)(B), and section 30009 of the Bipartisan Infrastructure Law, enacted as the Infrastructure Investment and Jobs Act (Pub. L. 117-58), authorizes FTA to award grants under the TOD Pilot Program. This funding opportunity is occurring under Federal Assistance Listing number 20.500.

This program supports FTA's strategic goals and objectives through the timely and efficient investment in public transportation. The TOD Pilot Program grants are competitively awarded to local communities to integrate land use and transportation planning with a new fixed guideway or core capacity improvement transit capital project as defined in Federal public transportation law (49 U.S.C. 5309(a)). (See Section C of this NOFO for more information about eligibility.) The TOD Pilot Program supports the President's efforts to mobilize American ingenuity to build a modern infrastructure and an equitable future. In addition, through promotion of increased transportation access to environmental justice populations, equity-focused community outreach and public engagement of underserved communities and adoption of equity-focused policies, reduction of greenhouse gas emissions, and addressing the effects of climate change, the TOD Program and this NOFO advance the goals of Executive Order 13985: Advancing Racial Equity and Support for Underserved Communities Through the Federal Government; Executive Order 13900: Protecting Public Health and the Environment and Restoring Science to Tackle Climate Crisis; and Executive Order 14008: Tackling the Climate Crisis at Home and Abroad. Additionally, in support of the Federal House America Initiative led by the Department of Housing and Urban Development, DOT, through this NOFO, is reviewing opportunities to prioritize TOD planning grants in areas of high incidence rates of homelessness, in the hope of providing opportunities for localities to address homelessness holistically through their planning processes.

The TOD Pilot Program intends to fund comprehensive planning that supports economic development, increased transit ridership and value capture multimodal connectivity, accessibility, increased transit access for pedestrian and bicycle traffic, and mixed-use and mixed-income development near transit stations; delivers 40 percent of the overall benefits of the planning work to Historically Disadvantaged Communities (defined below); and

addresses climate change, challenges facing environmental justice populations, and homelessness. The TOD Pilot Program also encourages the identification of infrastructure needs and engagement with the private sector.

FTA is seeking comprehensive or site-specific planning projects that cover an entire transit capital project corridor. To ensure that any proposed planning work both reflects the needs and aspirations of the local community and results in concrete, specific deliverables and outcomes, transit project sponsors must partner with entities with land use planning authority in the transit project corridor to conduct the planning work.

**B. Federal Award Information**

FTA intends to award all available funding in the form of grants to selected applicants responding to this NOFO. A total of \$13,160,021 will be made available through this NOFO. The authorized funding level in the Bipartisan Infrastructure Law is \$13,157,184 in Fiscal Year (FY) 2022 funds and \$2,837 remaining from the FY 2021 appropriation. Additional funds made available prior to project selection may be allocated to eligible projects. 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 and are thus encouraged to identify a scaled funding request in their application.

In response to the last NOFO that closed on June 21, 2021, the TOD Pilot Program received applications for 24 eligible projects requesting a total of \$16,401,500. Of the 24 eligible applications received, (20) projects were funded at a total of \$11,026,500.

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 four 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**

Applicants to the TOD Pilot Program must be a State or States, U.S. Territory, or local governmental authorities and FTA grant recipient (*i.e.*, existing direct or designated recipients) as of the publication date of this NOFO. An applicant must be the project sponsor of an eligible transit capital project as

defined below in Section C, subsection 3, or an entity with land use planning authority in the project corridor of an eligible transit capital project. Except in cases where an applicant is both the sponsor of an eligible transit project and has land use authority in at least a portion of the transit project corridor, the applicant must partner with the relevant transit project sponsor or at least one entity in the project corridor with land use planning authority. Documentation of this partnership must be included with the application; see Section D, subsection 2 of this NOFO for further information.

Only one application per transit capital project corridor may be submitted to FTA. Multiple applications submitted for a single transit capital project corridor indicate that partnerships are not in place, and FTA may reject all of the applications. FTA will accept multiple applications for the same corridor if each application is a site-specific application, the applications are submitted by separate applicants with different land-use authorities, and a given application does not overlap with any other application that would cover the same site.

## 2. Cost Sharing or Matching

The maximum Federal funding share is 80 percent.

Eligible sources of non-Federal match include the following: Cash from non-Federal 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; or new funding. In-kind contributions are permitted. Transportation Development Credits (formerly referred to as Toll Revenue Credits) may not be used to satisfy the non-Federal match requirement.

## 3. Other Eligibility Criteria

### i. Eligible Transit Projects

Any comprehensive or site-specific planning work proposed for funding under the TOD Pilot Program must be associated with an eligible transit capital project. To be eligible, the proposed transit capital project must be a new fixed guideway project or a core capacity improvement project, as defined by Federal public transportation law (49 U.S.C. 5302(8)).

A fixed guideway is a public transportation facility:

- (A) Using and occupying a separate right-of-way for the exclusive use of public transportation;
- (B) using rail;
- (C) using a fixed catenary system;
- (D) for a passenger ferry system; or
- (E) for a bus rapid transit system.

A new fixed guideway capital project is defined in (49 U.S.C. 5309(a)) to be:

(A) A new fixed guideway project that is a minimum operable segment or extension to an existing fixed guideway system; or

(B) a fixed guideway bus rapid transit project that is a minimum operable segment or an extension to an existing bus rapid transit system.

A fixed guideway bus rapid transit project is defined in (49 U.S.C. 5309(a)) as a bus capital project:

(A) In which the majority of the project operates in a separated right-of-way dedicated for public transportation use during peak periods;

(B) that represents a substantial investment in a single route in a defined corridor or subarea; and

(C) that includes features that emulate the services provided by rail fixed guideway public transportation systems, including:

- (i) Defined stations;
- (ii) traffic signal priority for public transportation vehicles;
- (iii) short headway bidirectional services for a substantial part of weekdays and weekend days; and
- (iv) any other features the Secretary may determine are necessary to produce high-quality public transportation services that emulate the services provided by rail fixed guideway public transportation systems.

A core capacity improvement project is defined by 49 U.S.C. 5309(a) to mean a substantial corridor-based capital investment in an existing fixed guideway system that increases the capacity of the corridor by not less than 10 percent. The term does not include project elements designed to maintain a state of good repair of the existing fixed guideway system.

Comprehensive or site-specific planning work in a corridor for a transit capital project that does not meet the statutory definitions above of either a new fixed guideway project or a core capacity improvement project is not eligible under the TOD Pilot Program.

### ii. Eligible Activities

As outlined in the Application Review Information section below, any comprehensive or site-specific planning funded under the TOD Pilot Program must address all six factors set forth set

in Section 20005(b)(2) of MAP-21, as amended by section 30009 of the Bipartisan Infrastructure Law. Additionally, the comprehensive or site-specific planning effort must advance the metropolitan planning organization's metropolitan transportation plan. Applicants must establish performance criteria for the planning effort.

The following are examples of the types of substantial deliverables that may result from the comprehensive or site-specific planning work. Substantial deliverables are reports, plans and other materials that represent the key accomplishments of the comprehensive planning effort and that must be submitted to FTA as each is completed. Substantial deliverables may include, but are not restricted to, the following:

- i. A comprehensive plan report that includes corridor development policies and station development plans comprising the corridor or the specific site, a proposed timeline, and recommended financing strategies for these plans;
  - ii. A strategic plan report that includes corridor specific planning strategies and program recommendations to support comprehensive planning;
  - iii. Revised TOD-focused zoning codes and/or resolutions;
  - iv. A report evaluating and recommending financial tools to encourage TOD implementation such as land banking, value capture, and development financing;
  - v. Policies to encourage TOD, including actions that reduce regulatory barriers that unnecessarily raise the costs of housing development or impede the development of affordable housing;
  - vi. Policies to encourage TOD, including actions that increase access to environmental justice populations, reduces greenhouse gas emissions, and the effects of climate change, or
  - vii. Local or regional resolutions to implement TOD plans and/or establish TOD funding mechanisms;
  - viii. Policies to prioritize TOD in areas with high incidence rates of homelessness for localities to address homelessness holistically through their planning processes;
- iii. Ineligible Activities

FTA will not make awards for the following activities:

- i. Transit project development activities that would be reimbursable under an FTA capital grant, such as project planning, the design and engineering of stations and other facilities, environmental analyses needed for the transit capital project, or

costs associated with specific joint development activities; and

ii. Capital projects, such as land acquisition, construction, and utility relocation.

#### D. Application and Submission Information

##### 1. Address To Request Application Package

Applications must be submitted electronically through *GRANTS.GOV*. The application is only available on *Grants.gov* and must be submitted electronically through *grants.gov*. General information for submitting applications through *GRANTS.GOV* can be found at <https://www.transit.dot.gov/howtoapply> along with specific instructions for the forms and attachments required for submission. The Standard Form (SF) 424, Application for Federal Assistance, which must be included with every application, can be downloaded from *GRANTS.GOV*. The supplemental form for the FY 2022 TOD Pilot Program can be downloaded from *GRANTS.GOV* or the FTA website at <https://www.transit.dot.gov/TODPilot>.

##### 2. Content and Form of Application Submission

Failure to submit information as requested can delay review or disqualify the application. Proposals must include a completed SF-424 Mandatory form and the following attachments to the completed SF-424:

i. A completed Applicant and Proposal Profile supplemental form for the TOD Pilot Program (supplemental form) found on the FTA website at <https://www.transit.dot.gov/TODPilot>. 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 part E of this notice;

ii. A map of the proposed study area showing the transit project alignment and stations, major roadways, major landmarks, and the geographic boundaries of the proposed comprehensive planning activities;

iii. Documentation of a partnership between the transit project sponsor and an entity in the project corridor with land use planning authority to conduct the comprehensive planning work, if the applicant does not have both of these responsibilities. Documentation may consist of a memorandum of agreement or letter of intent signed by all parties that describes the parties' roles and responsibilities in the proposed comprehensive planning project; and

iv. Documentation of any funding commitments for the proposed comprehensive or site-specific planning work.

Information such as the applicant's name, Federal amount requested, local match amount, and description of the study area, are requested in varying degrees of detail on both the SF-424 form and supplemental form. Applicants must fill in all fields unless stated otherwise on the forms. Applicants should use both the "Check Package for Errors" and the "Validate Form" buttons on both forms to check all required fields and ensure that the Federal and local amounts specified are consistent. In the event of errors with the supplemental form, FTA recommends saving the form on your computer and ensuring that JavaScript is enabled in your PDF reader. The information listed below must be included on the SF-424 and supplemental forms for TOD Pilot Program funding applications.

The SF-424 and supplemental form will prompt applicants to address the following items:

1. Provide the name of the lead applicant and, if applicable, the specific co-sponsors submitting the application.

2. Provide the applicant's Dun and Bradstreet Data Universal Numbering System (DUNS) number.

3. Provide contact information including: Contact name, title, address, phone number, and email address.

4. Specify the Congressional district(s) where the planning project will take place.

5. Identify the project title and project scope to be funded, including anticipated substantial deliverables and the milestones at when they will be provided to FTA.

6. Identify and describe an eligible transit project that meets the requirements of Section C, subsection 3 of this notice.

7. Provide evidence of a partnership between the transit project sponsor and at least one agency with land use authority in the transit capital project corridor, as described earlier in this subsection.

8. Address the six factors set forth in MAP-21 Section 20005(b)(2).

9. Address each evaluation criterion separately, demonstrating how the project responds to each criterion as described in Section E.

10. Provide a line-item budget for the total planning effort, with enough detail to indicate the various key components of the comprehensive planning project.

11. Identify the Federal amount requested.

12. Document the matching funds, including amount and source of the match (may include local or private sector financial participation in the project). Describe whether the matching funds are committed or planned and include documentation of the commitments.

13. Provide explanation of the scalability of the project.

14. Address whether other Federal funds have been sought or received for the comprehensive or site-specific planning project.

15. Provide a schedule and process for the development of the comprehensive plan that includes anticipated dates for incorporating the planning work effort into the region's unified planning work program, completing major tasks and substantial deliverables, and completing the overall planning effort.

16. Describe how the comprehensive or site-specific planning work advances the metropolitan transportation plan of the metropolitan planning organization.

17. Propose performance criteria for the development and implementation of the comprehensive or site-specific planning work.

18. Identify potential State, local or other impediments to the implementation of the comprehensive plan or site-specific plan, and how the work will address them.

19. Describe how the comprehensive or site-specific planning work addresses climate change and elevates challenges facing environmental justice populations.

20. Describe how the comprehensive or site-specific planning work allows 40 percent of the overall benefits to flow to Historically Disadvantaged Communities (defined below).

21. Describe how the comprehensive or site-specific planning work prioritizes TOD plans in areas with high incidence rates of homelessness and addresses homelessness holistically through their planning processes.

22. Describe how the comprehensive or site-specific planning work addresses the historic displacement of historically disadvantaged populations and how it seeks to mitigate the displacement or improve the conditions for populations at risk of displacement, if possible. In addition, how will local residents surrounding the comprehensive or site-specific planning work will include community engagement, especially those that have been historically excluded.

23. Describe how the comprehensive or site-specific planning work includes value capture elements.

24. Describe the community input process for your comprehensive or site-

specific planning work, and identify infrastructure needs associated with the eligible project.

25. Describe how the comprehensive or site-specific planning work incorporates affordable housing or other mixed-income elements.

### 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. 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. These requirements do not apply if the applicant is exempted from registration per 2 CFR 25.110. SAM registration takes approximately 3–5 business days, but 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 [www.sam.gov](http://www.sam.gov).

### 4. Submission Dates and Times

Project proposals must be submitted electronically through <http://www.GRANTS.GOV> by 11:59 p.m. Eastern Time July 25, 2022. *GRANTS.GOV* attaches a time stamp to each application at the time of submission. 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, email, and fax submissions will not be accepted.

Within 48 hours after submitting an electronic application, the applicant should receive two email messages from *GRANTS.GOV*: (1) Confirmation of successful transmission to *GRANTS.GOV*; and (2) confirmation of successful validation by *GRANTS.GOV*. FTA will then validate the application and will attempt to notify any applicants whose applications could not be validated. If the applicant does not receive confirmation of successful validation or a notice of failed

validation or incomplete materials, 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. An application that is submitted at the deadline and cannot be validated will be marked as incomplete, and such applicants will not receive additional time to re-submit.

FTA urges applicants to submit their applications at least 96 hours prior to the due date to allow time to receive the validation messages and to correct any problems that may have caused a rejection notification. *GRANTS.GOV* scheduled maintenance and outage times are announced on the *GRANTS.GOV* website at <http://www.GRANTS.GOV>. Deadlines will not be extended due to scheduled maintenance or outages.

Applicants are encouraged to begin the registration process on the *GRANTS.GOV* site well in advance of the submission deadline. Registration is a multi-step process, which 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: (1) Registration in 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

See Section C of this NOFO for detailed eligibility requirements. FTA emphasizes that any comprehensive or site-specific planning projects funded through the TOD Pilot Program must be associated with an eligible transit project, specifically a new fixed guideway project or a core capacity improvement project as defined in Federal transit statute, 49 U.S.C. 5309(a). Projects are not required to be funded through the Capital Investment Grant Program. Funds must be used only for the specific purposes requested in the application. Funds under this NOFO cannot be used to reimburse projects for otherwise eligible expenses incurred prior to FTA's announcement of project selections and issuance of pre-award authority. 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 Government-wide Uniform Administrative Requirements and Cost Principles (2 CFR part 200) and FTA Circular 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 and Section D.4., Submission Dates and Times.

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). The application should describe what specific climate change or environmental justice activities have been incorporated, including whether a project supports a Climate Action Plan, whether an equitable development plan has been prepared, and whether tools such as the Environmental Protection Agency's (EPA) EJSCREEN at: <https://www.epa.gov/ejscreen> or DOT's Historically Disadvantaged Community tool at: <https://usdot.maps.arcgis.com/apps/dashboards/d6f90dfcc8b44525b04c7ce748a3674a> have been applied in project planning. Applicants could also address how a project is related to housing or land use reforms to increase density to reduce climate impacts. The application should also describe specific and direct ways the project will mitigate or reduce climate change impacts including any components that reduce emissions, promote energy efficiency, incorporate electrification or low emission or zero emission vehicle infrastructure, increase resiliency, recycle or redevelop existing infrastructure or if located in a floodplain be constructed or upgraded

consistent with the Federal Flood Risk Management Standard, to the extent consistent with current law.

Applicants should identify any Environmental Justice (EJ) populations located within the proposed service area and describe anticipated benefits to that population(s) should the applicant receive a grant under this program. A formal EJ analysis that is typically included in transportation planning or environmental reviews is not requested.

## E. Application Review Information

### 1. Criteria

Project proposals 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.

#### a. Project Factors

Whether the project funded under the TOD Pilot Program addresses all six factors set forth in Section 20005(b)(2) of MAP-21, as amended by section 30009 of the Bipartisan Infrastructure Law:

- i. Enhances economic development, ridership, and other goals established during the project development and engineering processes;
- ii. facilitates multimodal connectivity and accessibility;
- iii. increases access to transit hubs for pedestrian and bicycle traffic;
- iv. enables mixed-use development;
- v. identifies infrastructure needs associated with the eligible project; and
- vi. includes private sector participation.

#### b. Demonstrated Need

FTA will evaluate each project to determine the need for funding based on the following factors:

- i. How the proposed work will advance TOD implementation in the corridor and region;
- ii. Justification as to why Federal funds are needed for the proposed work;
- iii. Extent to which the transit project corridor could benefit from TOD planning.
- iv. Extent to which TOD planning will address climate change and challenges facing environmental justice populations.

#### c. Strength of the Work Plan, Schedule and Process

FTA will evaluate the strength of the work plan, schedule and process included in an application based on the following factors:

- i. Potential state, local or other impediments to the implementation of the comprehensive or site-specific plan, and how the workplan will address them;
- ii. Extent to which the schedule contains sufficient detail, identifies all steps needed to implement the work proposed, and is achievable;
- iii. The proportion of the project corridor covered by the work plan;
- iv. Extent of partnerships, including how community stakeholders will engage and consider the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services.
- v. The partnerships' technical capability to develop, adopt and implement the comprehensive plans, based on FTA's assessment of the applicant's description of the policy formation, implementation, and financial roles of the partners, and the roles and responsibilities of proposed staff;
- vi. Extent to which this TOD planning effort increases access for environmental justice populations and allows them to participate in this TOD planning effort;
- vii. Extent to which the comprehensive planning work will reduce greenhouse gas emissions and the effects of climate change;
- viii. How the performance measures identified in the application relate to the goals of the comprehensive planning work.

#### d. Funding Commitments

FTA will assess the status of local matching funds for the planning work. Applications demonstrating that matching funds for the proposed comprehensive planning work are already committed will receive higher ratings from FTA on this factor. Proposed comprehensive planning projects for which matching funding sources have been identified, but are not yet committed, will be given lower ratings under this factor by FTA, as will proposed comprehensive planning projects for which in-kind contributions constitute the primary or sole source of match.

### 2. Review and Selection Process

A technical evaluation committee will verify each proposal's eligibility and

evaluate proposals based on the published evaluation criteria. FTA may request additional information from applicants, if necessary. Taking into consideration the findings of the technical evaluation committee, the FTA Administrator will determine the final selection of projects for program funding.

After applying the above criteria, in support of the President's January 20, 2021, Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis, the FTA Administrator will consider applications that may provide other air quality benefits as part of the application review. Applicants should identify any nonattainment or maintenance areas under the Clean Air Act in the proposed service area. Nonattainment or maintenance areas should be limited to the following applicable National Ambient Air Quality Standards criteria pollutants: Carbon monoxide, ozone, and particulate matter 2.5 and 10. The EPA's Green Book (available at <https://www.epa.gov/green-book>) is a publicly-available resource for nonattainment and maintenance area data. This consideration will further the goals of the Executive Order, including the goal to prioritize environment justice and historically disadvantaged communities.

In further support of Executive Order 14008, FTA will give priority consideration to applications that create significant community benefits relating to the environment, including those projects that 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). The application should describe what specific climate change or environmental justice activities have been incorporated, including whether a project supports a Climate Action Plan, whether an equitable development plan has been prepared, and whether tools such as EPA's EJSCREEN at: <https://www.epa.gov/ejscreen> or DOT's Historically Disadvantaged Community tool at: <https://usdot.maps.arcgis.com/apps/dashboards/d6f90dfcc8b44525b04c7ce748a3674a> have been applied in project planning. Applicants should also address how a project is related to housing or land use reforms to increase density to reduce climate impacts. The application should also describe specific and direct ways the



project will mitigate or reduce climate change impacts including any components that reduce emissions, promote energy efficiency, incorporate electrification or low emission or zero emission vehicle infrastructure, increase resiliency, recycle or redevelop existing infrastructure or if located in a floodplain be constructed or upgraded consistent with the Federal Flood Risk Management Standard, to the extent consistent with current law.

In addition, FTA will consider benefits to EJ communities when reviewing applications received under this program. Applicants should identify any EJ populations located within the proposed service area and describe anticipated benefits to that population(s) should the applicant receive a grant under this program. A formal EJ analysis that is typically included in transportation planning or environmental reviews is not requested. Among the factors, in determining the allocation of program funds FTA may consider geographic diversity, diversity in the size of the grantees receiving funding, or the applicant's receipt of other competitive awards. Respectively, FTA will evaluate the proposals to determine the extent that the proposed project will address affordable housing needs, provide equitable housing choices for environmental justice populations, and avoid displacement of low-income households and existing small businesses.

In support of Executive Order 14008, and consistent with OMB's Interim Guidance for the Justice40 Initiative, Historically Disadvantaged Communities include (a) certain qualifying census tracts, (b) any Tribal land, or (c) any territory or possession of the United States. DOT is providing a mapping tool to assist applicants in identifying whether a project is located in a Historically Disadvantaged Community at: <https://usdot.maps.arcgis.com/apps/dashboards/d6f90dfcc8b44525b04c7ce748a3674a>. Use of this map tool is optional; applicants may provide an image of the map tool outputs, or alternatively, consistent with OMB's Interim Guidance, applicants can supply quantitative, demographic data of their ridership demonstrating the percentage of their ridership that meets the criteria described in Executive Order 14008 for disadvantage. Examples of Historically Disadvantaged Communities that an applicant could address using geographic or demographic information include low income, high and/or persistent poverty, high unemployment and underemployment, racial and ethnic residential segregation, linguistic

isolation, or high housing cost burden and substandard housing. Additionally, in support of the Justice40 Initiative, the applicant also should provide evidence of strategies that the applicant has used in the planning process to seek out and consider the needs of those traditionally disadvantaged and underserved by existing transportation systems. For technical assistance using the mapping tool, please contact [GMO@dot.gov](mailto:GMO@dot.gov).

Prior to making an award, FTA is required to review and consider any information about the applicant that is in the Federal Awardee Performance and Integrity Information Systems (FAPIS) accessible through SAM. An applicant may review and comment on information about itself that a Federal awarding agency previously entered. FTA will consider any comments by the applicant, in addition to the other information in the designated integrity and performance system, 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 Office of Management and Budget's Uniform Requirements for Federal Awards (2 CFR 200.205).

## F. Federal Award Administration Information

### 1. Federal Award Notices

(a) The FTA Administrator will announce the final project selections on the FTA website. Project recipients should contact their FTA Regional Offices for additional information regarding allocations for projects under the TOD Pilot Program.

#### i. 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. Funds under this NOFO cannot be used to reimburse applicants for otherwise eligible expenses incurred prior to FTA award of a Grant Agreement until FTA has issued pre-award authority for selected projects, or unless FTA has issued a "Letter of No Prejudice" for the project before the expenses 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>.

#### ii. Grant Requirements

If selected, awardees will apply for a grant through FTA's Transit Award Management System (TrAMS). Recipients of TOD Pilot Program funds are subject to the grant requirements of the Section 5303 Metropolitan Planning program, including those of FTA Circular 8100.1C and Circular 5010.1E. All competitive grants, regardless of award amount, will be subject to the Congressional Notification and release process. Technical assistance regarding these requirements is available from each FTA regional office.

## 2. Administrative and National Policy Requirements

### i. Planning

FTA encourages applicants to notify the appropriate metropolitan planning organizations in areas likely to be served by the funds made available under this program. Selected projects must be incorporated into the unified planning work programs of metropolitan areas before they are eligible for FTA funding or pre-award authority.

#### ii. 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 recent 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.

#### iii. Disadvantaged Business Enterprise

FTA requires that its recipients receiving planning, capital, and/or operating assistance that will award prime contracts exceeding \$250,000 in FTA funds in a Federal fiscal year comply with Department of Transportation Disadvantaged Business Enterprise (DBE) program regulations (49 CFR part 26). Applicants should expect to include any funds awarded, excluding those to be used for vehicle

procurements, in setting their overall DBE goal.

**3. Reporting**

Post-award reporting requirements include submission of Federal Financial Reports and Milestone Progress Reports in FTA’s electronic grants management system on a quarterly basis. Applicants should include any goals, targets, and indicators referenced in their application to the project in the Executive Summary of the TrAMS application. Awardees must also submit copies of the substantial deliverables identified in the work plan to the FTA regional office at the corresponding milestones.

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 exceeds \$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 program-specific questions, please contact April McLean-McCoy, Office of Planning and Environment, (202) 366-7429, email: [April.McLeanMcCoy@dot.gov](mailto:April.McLeanMcCoy@dot.gov). A TDD is available at 1-800-877-8339 (TDD/FIRS). Any addenda that FTA releases on the application process will be posted at <https://www.transit.dot.gov/TODPilot>. To ensure applicants receive accurate information about eligibility or the program, the applicant is encouraged to contact FTA directly, rather than through intermediaries or third parties. FTA staff may also conduct briefings on the FY 2022 competitive grants selection and award process upon request. Contact information for FTA’s regional offices can be found on FTA’s website at <http://www.transit.dot.gov>.

For issues with GRANTS.GOV, please contact GRANTS.GOV by phone at 1-800-518-4726 or by email at [support@grants.gov](mailto:support@grants.gov). Contact information for FTA’s regional offices can be found on FTA’s website at <http://www.fta.dot.gov>.

**H. Other Program Information**

This program is not subject to Executive Order 12372,

“Intergovernmental Review of Federal Programs.”

**Nuria I. Fernandez,**

*Administrator.*

[FR Doc. 2022-11336 Filed 5-25-22; 8:45 am]

**BILLING CODE 4910-57-P**

**DEPARTMENT OF VETERANS AFFAIRS**

**Veterans and Community Oversight and Engagement Board, Notice of Meeting**

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act (FACA), 5 U.S.C. app. 2, that the Veterans and Community Oversight and Engagement Board (the Board) will meet on June 21-22, 2022, at 11301 Wilshire Boulevard, Building 500, Room 1281, Los Angeles, CA. The meeting sessions will begin and end as follows:

Date(s)	Time(s)
June 21, 2022 .....	8:30 a.m. to 5:30 p.m.— Pacific Standard Time (PST).
June 22, 2022 .....	8:30 a.m. to 5:30 p.m.— PST.

Sessions are open to the public, except during the time the Board is conducting tours of VA facilities, participating in off-site events, and participating in workgroup sessions. Tours of VA facilities are closed, to protect Veterans’ privacy and personal information, in accordance with 5 U.S.C. 552b(c)(6).

The Board was established by the West Los Angeles Leasing Act of 2016 on September 29, 2016. The purpose of the Board is to provide advice and make recommendations to the Secretary of Veterans Affairs on identifying the goals of the community and Veteran partnership; improving services and outcomes for Veterans, members of the Armed Forces, and the families of such Veterans and members; and on the implementation of the Draft Master Plan approved by the Secretary on January 28, 2016, and on the creation and implementation of any successor master plans.

On Tuesday, June 21, 2022, from 8:30 a.m. to 11:45 a.m. PST, the Board will meet in open session with key staff of the VA Greater Los Angeles Healthcare System (VAGLAHS). The Advisory Committee Management Office will present FACA 101 training. The agenda will include opening remarks from the Committee Chair, Executive Sponsor, and other VA officials. There will be a

general update from the Director of the Veterans Administration Greater Los Angeles Healthcare System (VAGLAHS). From 12:30 p.m. to 5:00 p.m. PST, the Board will convene with a closed tour of the VA Greater Los Angeles Healthcare System. Tours of VA facilities are closed to protect Veterans’ privacy and personal information, in accordance with 5 U.S.C. 552b(c)(6).

On Wednesday, June 22, 2022, the Board will reconvene in open session at 11301 Wilshire Boulevard, Building 500, Room 1281, Los Angeles, CA, and receive a comprehensive presentation from the Community Engagement and Reintegration Services (CERS) team from VAGLAHS. The Office of Strategic, Facility & Master Planning, VAGLAHS will provide a Master Plan 2022 update, followed by a detailed Principal Developer update by the West Los Angeles Collective to include plans and vision for the Town Center. The Board will receive a briefing from the VA Office of Inspector General (OIG) on the results of the two OIG audit reports. Brentwood Schools and UCLA leaseholders have been invited to provide updates on their leases and contributions to date, for Veterans. The Board’s subcommittees on Outreach and Community Engagement with Services and Outcomes, and Master Plan with Services and Outcomes will provide an out brief to the full Board and update on draft recommendations to be considered for forwarding to the Secretary.

Time will be allocated for receiving public comments on June 22, at 11:15 a.m. PST. Public Individuals wishing to make public comments should contact Chihung Szeto at (562) 708-9959 or at [Chihung.Szeto@va.gov](mailto:Chihung.Szeto@va.gov) and are requested to submit a 1-2-page summary of their comments for inclusion in the official meeting record. In the interest of time, each speaker will be held to 5-minute time limit. The Board will accept written comments from interested parties on issues outlined in the meeting agenda, from June 22 through June 29, 2022.

Any member of the public seeking additional information should contact Mr. Eugene W. Skinner, Jr. at (202) 631-7645 or at [Eugene.Skinner@va.gov](mailto:Eugene.Skinner@va.gov).

Dated: May 22, 2022.

**Jelessa M. Burney,**

*Federal Advisory Committee Management Officer.*

[FR Doc. 2022-11297 Filed 5-25-22; 8:45 am]

**BILLING CODE P**

**DEPARTMENT OF VETERANS AFFAIRS**

[OMB Control No. 2900–0515]

**Agency Information Collection Activity: Maintenance of Records Under 38 CFR 36.4333**

**AGENCY:** Veterans Benefits Administration (VBA), Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** Veterans Benefits Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice.

**DATES:** Written comments and recommendations on the proposed collection of information should be received on or before July 25, 2022.

**ADDRESSES:** Submit written comments on the collection of information through Federal Docket Management System (FDMS) at [www.Regulations.gov](http://www.Regulations.gov) or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to [nancy.kessinger@va.gov](mailto:nancy.kessinger@va.gov) Please refer to “OMB Control No. 2900–0515” in any correspondence. During the comment

period, comments may be viewed online through FDMS.

**FOR FURTHER INFORMATION CONTACT:**

Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 1717 H Street NW, Washington, DC 20006, (202) 266–4688 or email [maribel.aponte@va.gov](mailto:maribel.aponte@va.gov). Please refer to “OMB Control No. 2900–0515” in any correspondence.

**SUPPLEMENTARY INFORMATION:** Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA’s functions, including whether the information will have practical utility; (2) the accuracy of VBA’s estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

*Authority:* 38 CFR 36.4317.

*Title:* Maintenance of Records Under 38 CFR 36.4333.

*OMB Control Number:* 2900–0515.

*Type of Review:* Revision.

*Abstract:* VA is submitting this revised information collection in advance of implementing new technology and oversight procedures in which VA will collect from lenders certain loan origination information via a computable electronic format.

The information collected under § 36.4333 is used by VA to ensure lenders and servicers who participate in VA’s Loan Guaranty program follow statutory and regulatory requirements, such as those relating to credit information, loan processing requirements, underwriting standards, servicing requirements, and other applicable laws, regulations and policies. VA also uses data collected under this authority to provide annual feedback to lenders, through the Lender Scorecard, on certain loan characteristics such as interest rate, fees and charges, audit results, etc., as compared to the national average of all VA lenders.

*Affected Public:* Private Sectors.

*Estimated Annual Burden:* 14,983 hours.

*Estimated Average Burden per Respondent:* 0.01 hours.

*Frequency of Response:* 2.9 times.

*Estimated Number of Respondents:* 1,385,000.

By direction of the Secretary.

**Maribel Aponte,**

*VA PRA Clearance Officer, Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.*

[FR Doc. 2022–11369 Filed 5–25–22; 8:45 am]

**BILLING CODE 8320–01–P**

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**H.R. 7691/P.L. 117-128**  
Additional Ukraine Supplemental Appropriations Act, 2022 (May 21, 2022; 136 Stat. 1211)

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