FEDERAL REGISTER

Vol. 87 Tuesday

No. 137 July 19, 2022

Pages 42949–43198

OFFICE OF THE FEDERAL REGISTER

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DEPARTMENT OF AGRICULTURE

National Institute of Food and Agriculture

7 CFR Part 3434

RIN 0524–AA39

Hispanic-Serving Agricultural Colleges and Universities (HSACU) Certification Process

AGENCY: National Institute of Food and Agriculture (NIFA), USDA.

ACTION: Final rule.

SUMMARY: This amendment to NIFA regulations updates the list of institutions that are granted Hispanic-Serving Agricultural Colleges and Universities (HSACU) certification by the Secretary and are eligible for HSACU programs for the period starting October 1, 2021 and ending September 30, 2022.

DATES: This rule is effective July 19, 2022 and applicable beginning October 1, 2021.

FOR FURTHER INFORMATION CONTACT: Amanda Sahinovic; Financial Policy Specialist; National Institute of Food and Agriculture; U.S. Department of Agriculture; 805 Pennsylvania Ave.; Kansas City, MO 64105; Voice: 816–266–9905; Email: *HSACU@usda.gov.*

SUPPLEMENTARY INFORMATION:

HSACU Institutions for Fiscal Year 2019: This rule makes changes to the existing list of institutions in appendix B of 7 CFR part 3434. The list of institutions is amended to reflect the institutions that are granted HSACU certification by the Secretary and are eligible for HSACU programs for the period starting October 1, 2021 and ending September 30, 2022.

Certification Process: As stated in 7 CFR 3434.4, an institution must meet the following criteria to receive HSACU certification: (1) Be a Hispanic-Serving Institution (HSI), (2) offer agriculture-related degrees, (3) not be designated an 1862 land-grant institution, (4) not appear on the Excluded Parties List System (EPLS), (5) be accredited, and (6) award at least 15% of agriculture-related degrees to Hispanic students over the two most recent academic years.

NIFA obtained the latest report from the U.S. Department of Education's National Center for Education Statistics that lists all HSIs and the degrees conferred by these institutions (completion data) during the 2019–20 academic year. NIFA used this report to identify HSIs that conferred a degree in an instructional program that appears in appendix A of 7 CFR part 3434 and to confirm that over the 2018–19 and 2019–20 academic years at least 15% of the degrees in agriculture-related fields were awarded to Hispanic students. NIFA further confirmed that these institutions were nationally accredited.

The updated list of HSACUs is based on (1) completions data from 2018–19 and 2019–20, and (2) enrollment data from Fall 2020. NIFA identified 206 institutions that met the eligibility criteria to receive HSACU certification for FY 2022 (October 1, 2021 to September 30, 2022).

Section 7102 of the Agriculture Act of 2018 (Pub. L. 115–334) amended Section 1404(14) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(14)) to remove the opt-in, opt-out language for Hispanic Serving Agricultural Colleges and Universities (HSACU) in order to apply for Non-Land-Grant College of Agriculture (NLGCA) designation.

Appeal Process: As set forth in 7 CFR 3434.8, NIFA will permit HSIs that are not granted HSACU certification to submit an appeal within 30 days of the publication of this notice.

Classification: This rule relates to public property, loans, grants, benefits, or contracts. Accordingly, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity for comment are not required, and this rule may be made effective less than 30 days after publication in the **Federal Register**. This rule also is exempt from the provisions of Executive Order 12866. This action is not a rule as defined by the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 601 *et seq.,* or the Congressional Review Act, 5 U.S.C. 801 *et seq.,* and thus is exempt from the provisions of those Acts. This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 3434

Administrative practice and procedure; Agricultural research, education, extension; Hispanic-serving institutions; Federal assistance.

Accordingly, title 7 part 3434 of the Code of Federal Regulations is amended as set forth below:

PART 3434—HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES CERTIFICATION PROCESS

■ 1. The authority citation for part 3434 continues to read as follows:

Authority: 7 U.S.C. 3103.

■ 2. Revise appendix B to part 3434 to read as follows:

Appendix B to Part 3434—List of HSACU Institutions, 2021–2022

The institutions listed in this appendix are granted HSACU certification by the Secretary and are eligible for HSACU programs for the period starting October 1, 2021 and ending September 30, 2022. Institutions are listed alphabetically under the State of the school's location, with the campus indicated where applicable.

Arkansas (1)

Cossatot Community College of the University of Arkansas

Arizona (10)

Arizona Western College
Central Arizona College
Cochise County Community College District
Glendale Community College
Mesa Community College
Northern Arizona University
Phoenix College
Pima Community College
Rio Salado College
South Mountain Community College

California (87)

Allan Hancock College
American River College
Antelope Valley College
Bakersfield College
Butte College
Cabrillo College
California Baptist University
California Lutheran University

California State Polytechnic University—Pomona
California State University—Bakersfield
California State University—Channel Islands
California State University—Chico
California State University—East Bay
California State University—Fresno
California State University—Fullerton
California State University—Long Beach
California State University—Los Angeles
California State University—Monterey Bay
California State University—Northridge
California State University—Sacramento
California State University—San Bernardino
California State University—San Marcos
California State University—Stanislaus
Canada College
Chaffey College
Citrus College
College of San Mateo
College of the Sequoias
Cosumnes River College
Cuesta College
Cuyamaca College
Cypress College
El Camino Community College District
Fresno City College
Fullerton College
Glendale Community College
Golden West College
Hartnell College
Humboldt State University
Imperial Valley College
Las Positas College
Lassen Community College
Long Beach City College
Los Angeles City College
Los Angeles Mission College
Los Angeles Pierce College
Merced College
MiraCosta College
Mission College
Modesto Junior College
Monterey Peninsula College
Moorpark College
Mt San Antonio College
Napa Valley College
Orange Coast College
Oxnard College
Palo Verde College
Palomar College
Porterville College
Reedley College
Riverside City College
Sacramento City College
Saddleback College
Saint Mary's College of California
San Bernardino Valley College
San Diego City College
San Diego Mesa College
San Diego State University
San Francisco State University
San Joaquin Delta College
San Jose State University
Santa Ana College
Santa Barbara City College
Santa Monica College
Santa Rosa Junior College
Sonoma State University
Southwestern College
University of California—Irvine
University of California—Riverside
University of California—Santa Barbara
University of California—Santa Cruz
University of Redlands
Ventura College
West Hills College—Coalinga
West Los Angeles College
Whittier College
Woodland Community College

Connecticut (1)

Gateway Community College

Colorado (5)

Colorado State University Pueblo
Community College of Denver
Metropolitan State University of Denver
Pueblo Community College
Trinidad State Junior College

Florida (9)

Broward College
Florida Atlantic University
Florida International University
Indian River State College
Miami Dade College
Nova Southeastern University
Palm Beach State College
University of Central Florida
Valencia College

Georgia (1)

Georgia Gwinnett College

Illinois (6)

City Colleges of Chicago—Richard J Daley College
College of Lake County
Dominican University
North Park University
Northeastern Illinois University
University of Illinois Chicago

Kansas (1)

Seward County Community College

Massachusetts (1)

Bunker Hill Community College

Nevada (2)

College of Southern Nevada
University of Nevada—Las Vegas

New Jersey (8)

College of Saint Elizabeth
Essex County College
Hudson County Community College
Kean University
Montclair State University
Passaic County Community College
Rutgers University—Newark
William Paterson University of New Jersey

New Mexico (8)

Central New Mexico Community College
Eastern New Mexico University—Roswell Campus
New Mexico Highlands University
Northern New Mexico College
Santa Fe Community College
University of New Mexico—Los Alamos Campus
University of New Mexico—Main Campus
Western New Mexico University

New York (10)

CUNY Bronx Community College
CUNY City College
CUNY Hostos Community College
CUNY Hunter College
CUNY LaGuardia Community College
CUNY Lehman College
CUNY Queens College
Mercy College
Rockland Community College
SUNY Westchester Community College

North Carolina (1)

James Sprunt Community College

Puerto Rico (17)

Instituto Tecnologico de Puerto Rico—Recinto de Manati
Inter American University of Puerto Rico—Aguadilla
Inter American University of Puerto Rico—Bayamon
Inter American University of Puerto Rico—Guayama
Inter American University of Puerto Rico—Ponce
Inter American University of Puerto Rico—San German
Pontifical Catholic University of Puerto Rico—Arecibo
Pontifical Catholic University of Puerto Rico—Ponce
Universidad Ana G. Mendez—Carolina Campus
Universidad Ana G. Mendez—Cupey Campus
Universidad Ana G. Mendez—Gurabo Campus
Universidad Ana G. Mendez—Online Campus
University of Puerto Rico—Arecibo
University of Puerto Rico—Humacao
University of Puerto Rico—Medical Sciences
University of Puerto Rico—Rio Piedras
University of Puerto Rico—Utuado

Texas (33)

Amarillo College
Angelo State University
Austin Community College District
Cedar Valley College
Dallas College
Frank Phillips College
Lee College
Lone Star College System
Odessa College
Palo Alto College
Saint Edward's University
Sam Houston State University
San Antonio College
Southwest Texas Junior College
St. Mary's University
Sul Ross State University
Tarrant County College District
Texas A & M University—Corpus Christi
Texas A & M University—Kingsville
Texas State Technical College
Texas State University
Texas Woman's University
The University of Texas at Arlington
The University of Texas at Austin
The University of Texas at El Paso
The University of Texas at San Antonio
The University of Texas Rio Grande Valley
University of Houston
University of Houston—Clear Lake
University of the Incarnate Word
Wayland Baptist University
Western Texas College
Wharton County Junior College

Washington (4)

Big Bend Community College
Perry Technical Institute
Wenatchee Valley College

Yakima Valley College

Wisconsin (1)

Mount Mary University

Done at Washington, DC, this day of June 15, 2022.

Dionne Toombs,

Acting Director, National Institute of Food and Agriculture, U.S. Department of Agriculture.

[FR Doc. 2022–15301 Filed 7–18–22; 8:45 am]

BILLING CODE 3410–22–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–0878; Project Identifier MCAI–2022–00873–R; Amendment 39–22124; AD 2022–14–51]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Airbus Helicopters Model EC225LP helicopters. This AD was prompted by a report of a cracked main rotor hub (MRH) sleeve. This AD requires one-time visual inspections and, depending on the results, accomplishing additional inspections, repairing the MRH sleeve in accordance with a certain approval, and removing the MRH sleeve from service and installing an airworthy part. This AD also prohibits installing an MRH sleeve unless certain inspections have been accomplished. The FAA previously sent an emergency AD to all known U.S. owners and operators of these helicopters. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective August 3, 2022. Emergency AD 2022–14–51, issued on July 1, 2022, which contained the requirements of this amendment, was effective with actual notice.

The Director of the Federal Register approved the incorporation by reference of a certain document listed in this AD as of August 3, 2022.

The FAA must receive comments on this AD by September 2, 2022.

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

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

For service information identified in this final rule, contact Airbus Helicopters, 2701 North Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *https://www.airbus.com/helicopters/services/technical-support.html.* You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0878.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0878; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the European Union Aviation Safety Agency (EASA) AD, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Kristi Bradley, Program Manager, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5110; email *kristin.bradley@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

On July 1, 2022, the FAA issued Emergency AD 2022–14–51, which requires certain inspections and corrective actions for Airbus Helicopters Model EC225LP helicopters with MRH sleeve part number (P/N) 332A31–3071–00 installed. The FAA sent the emergency AD to all known U.S. owners and operators of these helicopters. That action was prompted by EASA Emergency AD 2022–0130–E, dated June 30, 2022 (EASA AD 2022–0130–E), issued by EASA, which is the Technical Agent for the Member States of the European Union, to correct an unsafe condition for Airbus Helicopters (AH), formerly Eurocopter, Model EC 225 LP helicopters. EASA advises of a crack in an MRH sleeve that investigation determined was a fatigue crack that had initiated from a corrosion pit located in an area with chipped paint. This condition, if not addressed, could result in failure of an MRH sleeve, loss of a main rotor blade, and subsequent loss of the helicopter.

Accordingly, EASA AD 2022–0130–E requires initial one-time detailed visual inspections of MRH sleeve P/N 332A31–3071–00 and depending on the results, follow-on repetitive inspections and corrective actions.

FAA's Determination

These helicopters have been approved by EASA and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the European Union, EASA has notified the FAA about the unsafe condition described in its emergency AD. The FAA is issuing this AD after evaluating all known relevant information and determining that the unsafe condition described previously is likely to exist or develop on other helicopters of the same type design.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Airbus Helicopters Emergency Alert Service Bulletin No. 62A017, Revision 0, dated June 30, 2022, which applies to Model EC225LP and EC725AP helicopters. This service information specifies procedures for one-time detailed visual inspections of a certain area (identified as ''Specific area'' in Figure 3 of the service information) of MRH sleeve P/N 332A31–3071–00. Depending on the one-time inspection results, this service information specifies procedures for follow-on inspections, which include eddy current inspections, and chemical stripping and fluorescent penetrant inspections; and corrective actions, which include applying primer and paint protection, removing corrosion, applying a protective coating, contacting Airbus Helicopters for corrective action, and removing and returning the MRH sleeve to Airbus Helicopters.

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

AD Requirements

This AD requires visually inspecting the ''Specific area'' of each MRH sleeve P/N 332A31–3071–00 for flaking and paint touch-up. If there is any flaking or paint touch-up, this AD requires visually inspecting the ''Specific area'' of the MRH sleeve for a crack.

As a result of the visual inspection, if there is a crack, this AD requires removing the MRH sleeve from service and installing an airworthy part. If there is not a crack, this AD requires an inspector with a certain qualification using high-frequency eddy current (HFEC) to inspect the ''Specific area'' of the MRH sleeve for a crack.

As a result of the HFEC, if there is a crack, this AD requires removing the MRH sleeve from service and installing an airworthy part. If there is not a crack, this AD requires chemically stripping and fluorescent penetrant inspecting (FPI) the ''Specific area'' of the MRH sleeve for corrosion.

As a result of the FPI, if there is corrosion, this AD requires removing the corrosion by hand and repeating the FPI of each affected area to inspect for corrosion, and depending on the subsequent results, removing the MRH sleeve from service and installing an airworthy part; or drying the MRH sleeve, applying a protective coating, primer, and paint protection, and having an inspector with a certain qualification using HFEC repetitively inspect the ''Specific area'' of the MRH sleeve for a crack. If there is a crack, this AD requires removing the MRH sleeve from service and installing an airworthy part. However, if the corrosion cannot be removed by hand, this AD requires removing the MRH sleeve from service and installing an airworthy part or repairing the MRH sleeve in accordance with a certain approved method.

As a result of the first FPI, if there is no corrosion, this AD requires applying primer and paint protection.

As an option to the first FPI and its follow-on actions, if there is not a crack, this AD allows applying primer and paint protection or, for any areas with flaking paint, applying only varnish instead of primer and paint protection on each flaking paint area; and having an inspector with a certain qualification using HFEC to repetitively inspect the ''Specific area'' of the MRH sleeve for a crack. If there is a crack, this AD requires removing the MRH sleeve from service and installing an airworthy part.

This AD also prohibits installing an MRH sleeve unless specified one-time visual inspections have been accomplished.

Differences Between This AD and the EASA AD

If there is corrosion in an MRH sleeve, EASA AD 2022–0130–E requires contacting Airbus Helicopters for approved repair instructions, whereas this AD requires removing the MRH sleeve from service or repairing the MRH sleeve in accordance with a certain approved method.

Justification for Immediate Adoption and Determination of the Effective Date

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

An unsafe condition exists that required the immediate adoption of Emergency AD 2022–14–51, issued on July 1, 2022, to all known U.S. owners and operators of these helicopters. The FAA found that the risk to the flying public justified waiving notice and comment prior to adoption of this rule because failure of an affected part could result in loss of the helicopter and injury to its occupants and persons on the ground. In light of this, the initial actions required by this AD must be accomplished before further flight and certain follow-on actions required by this AD must be accomplished within 15 hours time-in-service or 3 months, whichever occurs first after accomplishing the initial actions. These compliance times are shorter than the time necessary for the public to comment and for publication of the final rule. These conditions still exist, therefore, notice and opportunity for prior public comment are impracticable and contrary to the public interest pursuant to 5 U.S.C. 553(b)(3)(B).

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

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2022–0878; Project Identifier MCAI–2022–00873–R'' at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this AD contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this AD, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this AD. Submissions containing CBI should be sent to Kristi Bradley, Program Manager, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5110; email *kristin.bradley@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Regulatory Flexibility Act

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

Costs of Compliance

The FAA estimates that this AD affects 33 helicopters of U.S. Registry. Labor rates are estimated at $85 per work-hour. Based on these numbers, the FAA estimates the following costs to comply with this AD.

Visually inspecting an affected MRH sleeve for flaking and paint touch-up takes about 0.5 work-hour for an estimated cost of $43 per MRH sleeve and up to $7,095 for the U.S. fleet (with up to five affected MRH sleeves per helicopter).

If required, visually inspecting each MRH sleeve for a crack takes about 0.5 work-hour for an estimated cost of $43 per MRH sleeve. Accomplishing an HFEC takes about 0.5 work-hour for an estimated cost of $43 per MRH sleeve, per inspection cycle. Chemically stripping and accomplishing an FPI takes about 8 work-hours for an estimated cost of $680 per MRH sleeve, per inspection cycle.

Removing corrosion and applying protective coating, primer, and paint protection takes a minimal amount of time and parts cost a nominal amount. Replacing an MRH sleeve takes about 4 work-hours and parts cost about $102,371 for an estimated cost of $102,711 per MRH sleeve. The FAA has no way of determining the costs pertaining to any necessary repairs that are required to be done with an approved method.

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, I certify that this AD:

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

(2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2022–14–51 Airbus Helicopters: Amendment 39–22124; Docket No. FAA–2022–0878; Project Identifier MCAI–2022–00873–R.

(a) Effective Date

The FAA issued Emergency Airworthiness Directive (AD) 2022–14–51 on July 1, 2022, directly to affected owners and operators. As a result of such actual notice, that AD was effective for those owners and operators on the date it was provided. This AD contains the same requirements as that emergency AD and, for those who did not receive actual notice, is effective on August 3, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Helicopters Model EC225LP helicopters, certificated in any category, with main rotor hub (MRH) sleeve part number 332A31–3071–00 installed.

(d) Subject

Joint Aircraft Service Component (JASC) Code: 6200, Main Rotor System.

(e) Unsafe Condition

This AD was prompted by a report of a cracked MRH sleeve. The FAA is issuing this AD to detect corrosion or cracking in an MRH sleeve. The unsafe condition, if not addressed, could result in failure of an MRH sleeve, loss of a main rotor blade, and subsequent loss of the helicopter.

(f) Compliance

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

(g) Required Actions

(1) Before further flight after the effective date of this AD, visually inspect the ''Specific area'' of each MRH sleeve as depicted in Figure 3 of Airbus Helicopters Emergency Alert Service Bulletin No. 62A017, Revision 0, dated June 30, 2022 (ASB 62A017), for flaking and paint touch-up.

(2) As a result of the actions required by paragraph (g)(1) of this AD, if there is no flaking or paint touch-up, no further action is required. If there is any flaking or paint touch-up, before further flight, visually inspect the ''Specific area'' of the MRH sleeve as depicted in Figure 3 of ASB 62A017 for a crack.

(3) As a result of the actions required by paragraph (g)(2) of this AD, if there is a crack, before further flight, remove the MRH sleeve from service and replace it with an airworthy part. If there is not a crack, within 15 hours time-in-service (TIS) or 3 months, whichever occurs first after accomplishing the actions required by paragraph (g)(1) of this AD, use high-frequency eddy current (HFEC) to inspect the ''Specific area'' of the MRH sleeve as depicted in Figure 3 of ASB 62A017 for a crack. This HFEC inspection must be accomplished by a Level II or III inspector certified in the eddy current fault detection method in the Aeronautics Sector according to the EN4179 or NAS410 standard.

(4) As a result of the actions required by paragraph (g)(3) of this AD, if there is a crack, before further flight, remove the MRH sleeve from service and replace it with an airworthy part. If there is not a crack, before further flight, chemically strip and fluorescent penetrant inspect (FPI) the ''Specific area'' of the MRH sleeve as depicted in Figure 3 of ASB 62A017 for corrosion.

(i) If there is corrosion as a result of the actions required by the introductory text of paragraph (g)(4) of this AD, before further flight, accomplish the actions required by paragraph (g)(4)(i)(A) or (B) of this AD.

(A) Remove the corrosion by hand using 120-grit abrasive cloth, followed by 400-grit abrasive cloth. After removing the corrosion, perform an FPI of each affected area to inspect for corrosion, and accomplish the actions required by paragraph (g)(4)(i)(A)(*1*) or (*2*) of this AD.

(*1*) If there is corrosion, before further flight, remove the MRH sleeve from service and replace it with an airworthy part or repair it in accordance with a method approved by the Manager, General Aviation & Rotorcraft Section, International Validation Branch, FAA; or European Union Aviation Safety Agency (EASA); or Airbus Helicopters' EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(*2*) If there is no corrosion, before further flight, completely dry the MRH sleeve and apply a protective coating, primer, and paint protection. Following application, within 15 hours TIS and thereafter at intervals not to exceed 15 hours TIS, use HFEC to inspect the ''Specific area'' of the MRH sleeve as

depicted in Figure 3 of ASB 62A017 for a crack. This HFEC inspection must be accomplished by a Level II or III inspector certified in the eddy current fault detection method in the Aeronautics Sector according to the EN4179 or NAS410 standard. If there is a crack, before further flight, remove the MRH sleeve from service and replace it with an airworthy part. Accomplishment of the HFEC inspections with no detected cracks after 75 hours TIS since applying the coating, primer, and paint protection constitutes a terminating action for the repetitive inspections required by this paragraph.

(B) If the corrosion cannot be removed by hand as specified in paragraph (g)(4)(i)(A) of this AD, before further flight, remove the MRH sleeve from service and replace it with an airworthy part or repair it in accordance with a method approved by the Manager, General Aviation & Rotorcraft Section, International Validation Branch, FAA; or EASA; or Airbus Helicopters' EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(ii) If there is no corrosion as a result of the actions required by the introductory text of paragraph (g)(4) of this AD, before further flight, apply primer and paint protection.

(5) As an option to the actions required by paragraph (g)(4) of this AD, if there is not a crack, accomplish the actions required by paragraphs (g)(5)(i) and (ii) of this AD.

(i) Before further flight, apply primer and paint protection. If there is any area with flaking paint, you may apply only varnish instead of primer and paint protection on each flaking paint area.

(ii) Within 15 hours TIS after accomplishing the actions required by paragraph (g)(5)(i) of this AD and thereafter at intervals not to exceed 15 hours TIS, HFEC inspect the ''Specific area'' of the MRH sleeve as depicted in Figure 3 of ASB 62A017 for a crack. This HFEC inspection must be accomplished by a Level II or III inspector certified in the eddy current fault detection method in the Aeronautics Sector according to the EN4179 or NAS410 standard. If there is a crack, before further flight, remove the MRH sleeve from service and replace it with an airworthy part.

(6) As of the effective date of this AD, do not install an MRH sleeve identified in paragraph (c) of this AD on any helicopter unless the actions required by paragraphs (g)(1) and (2) of this AD have been accomplished.

(h) Special Flight Permits

A special flight permit may be issued in accordance with 14 CFR 21.197 and 21.199 provided that there are no passengers onboard and there is no crack or corrosion in an MRH sleeve.

(i) Alternative Methods of Compliance (AMOCs)

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

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

(j) Related Information

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

(2) The subject of this AD is addressed in EASA Emergency AD 2022–0130–E, dated June 30, 2022. You may view the EASA AD at *https://www.regulations.gov* in Docket No. FAA–2022–0878.

(k) 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 the AD specifies otherwise.

(i) Airbus Helicopters Emergency Alert Service Bulletin No. 62A017, Revision 0, dated June 30, 2022.

(ii) [Reserved]

(3) For Airbus Helicopters service information identified in this AD, contact Airbus Helicopters, 2701 North Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *https://www.airbus.com/helicopters/services/technical-support.html.*

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

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

Issued on July 8, 2022.

Christina Underwood,

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

[FR Doc. 2022–15387 Filed 7–14–22; 4:15 pm]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2022–0625; Airspace Docket No. 21–AEA–11]

RIN 2120–AA66

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes 9 new High Altitude Area Navigation (RNAV) routes (Q-routes), and amends 12 existing Q-routes, in support of the Northeast Corridor Atlantic Coast Route (NEC ACR) Project. This action improves the efficiency of the National Airspace System (NAS) by expanding the availability of RNAV routing and reducing the dependency on ground-based navigational systems.

DATES: Effective date 0901 UTC, September 8, 2022. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order JO 7400.11F, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *https://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Rules and Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

FOR FURTHER INFORMATION CONTACT: Paul Gallant, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

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

History

The FAA published a notice of proposed rulemaking for Docket No. FAA–2022–0625, in the **Federal Register** (87 FR 33085; June 1, 2022), establishing 9 new High Altitude Area Navigation (RNAV) routes (Q-routes), and amending 12 existing Q-routes, in support of the Northeast Corridor Atlantic Coast Route (NEC ACR) Project.

Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. No comments were received.

RNAV routes are published in paragraph 2006 of FAA Order JO 7400.11F dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The RNAV routes listed in this document will be subsequently published in FAA Order JO 7400.11.

Availability and Summary of Documents for Incorporation by Reference

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

Differences From the NPRM

In the description for route Q–111, the BUDWY, VA, waypoint (WP), name is changed to the SWNGR, VA, WP. The latitude/longitude coordinates remain the same so there is no change to the alignment of Q–111.

Additionally, in the description for route Q–167, the state information listed for the PAJET and CAANO WPs was incorrect and is changed from Maryland ''MD'' to Delaware ''DE''. These state information corrections are editorial only and do not change the alignment of Q–167.

The Rule

The FAA is amending 14 CFR part 71 to establish 9 new High Altitude Area Navigation (RNAV) routes (Q-routes), and modify 12 existing Q-routes,

The Q-route amendments are as follows:

Q–22: Q–22 extends between the GUSTI, LA, Fix, and the FOXWOOD, CT, WP. This action would replace the Spartanburg, SC (SPA), VHF Omnidirectional Range and Tactical Air Navigational System (VORTAC) with the BURGG, SC, WP. The following points are removed from the route description because they do not denote a turn point or are not required to determine route alignment: NYBLK, NC, WP; MASHI, NC, WP; KIDDO, NC, WP; OMENS, VA, WP; UMBRE, VA, WP; SYFER, MD, WP; PYTHN, DE, WP; and LAURN, NY, Fix. The JOEPO, NJ, WP is moved 0.64 nautical miles (NM) southeast of its current position as requested by air traffic control to improve traffic efficiency.

Q–34: Q–34 extends from the Texarkana, AR (TXK), VORTAC to the Robbinsville, NJ (RBV), VORTAC. This rule removes the following points from the route description: KONGO, KY, Fix; LOOSE, AR, WP; MATIE, AR, Fix; MEMFS, TN, WP; SWAPP, TN, Fix; GHATS, KY, Fix; FOUNT, KY, Fix; TONIO, KY, Fix; NEALS, WV, Fix; ASBUR, WV, Fix; DUALY, MD, WP; and BIGRD, MD, WP. These points are not required in the route legal description because they do not affect the alignment of the route. The HITMN, TN, WP is inserted after the Texarkana, AR (TXK), VORTAC. The HULKK, NJ, WP is moved 2.36 NM southeast of its current position as requested by air traffic control to improve air traffic efficiency.

Q–60: Q–60 extends between the Spartanburg, SC (SPA), VORTAC, and the JAXSN, VA, Fix. This rule extends Q–60 northeast from the JAXSN, VA, Fix, to the HURTS, VA, WP. The Spartanburg VORTAC is replaced by the BURGG, SC, WP. The BYJAC, NC, Fix, and the LOOEY, VA, WP, are removed from the route because they do not denote a turn point.

Q–85: Q–85 extends between the LPERD, FL, WP, and the SMPRR, NC, WP. This rule further extends Q–85 from the SMPRR, NC, WP, northeast to the CRPLR, VA WP by adding the PBCUP, NC, WP, the MOXXY, NC, WP, and the CRPLR, VA, WP, after the SMPRR, NC, WP. As amended, Q–85 extends between the LPERD, FL, WP, and the CRPLR, VA, WP.

Q–87: Q–87 extends between the PEAKY, FL, WP, and the LCAPE, SC, WP. This rule extends Q–87 from the LCAPE, SC, WP, northeastward to the HURTS, VA, WP. The following points are inserted after the LCAPE, SC, WP: ALWZZ, NC, WP; ASHEL, NC, WP; DADDS, NC, WP; NOWAE, NC, WP; RIDDN, VA, WP; GEARS, VA, WP; and HURTS, VA, WP. The amended route extends between PEAKY, FL, and HURTS, VA.

Q–97: Q–97 extends between TOVAR, FL, WP, and the ELLDE, NC, WP. The route is extended northeast of the ELLDE, NC, WP to the Presque Isle, ME (PQI), VHF Omnidirectional Range/Distance Measuring Equipment (VOR/DME). The following points are inserted after the ELLDE, NC, WP: YEASO, NC, WP; PAACK, NC, WP; KOHLS, NC, WP; SAWED, VA, Fix; KALDA, VA, Fix; ZJAAY, MD, WP; DLAAY, MD, WP; BRIGS, NJ, Fix; HEADI, NJ, WP; SAILN, OA, WP; Calverton, NY (CCC), VOR/DME; NTMEG, CT, WP; VENTE, MA, WP; BLENO, NH, WP; BEEKN, ME, WP; FRIAR, ME, Fix, and the Presque Isle, ME (PQI), VOR/DME. This change provides RNAV routing from southern North Carolina to Maine.

Q–99: Q–99 extends between the KPASA, FL, WP, and the POLYY, NC, WP. Q–99 is amended by extending the route northeastward from the POLYY, NC, WP to the HURLE, VA, WP. The following points are inserted after the POLYY, NC,WP: RAANE, NC, WP; OGRAE, NC, WP; PEETT, NC, WP; SHIRY, VA, WP; UMBRE, VA, WP; QUART, VA, WP; and HURLE, VA, WP. As amended, Q–99 extends between the KPASA, FL, WP, and the HURLE, VA, WP.

Q–109: Q–109 extends between the KNOST, OG, WP, and the LAANA, NC, WP. This rule extends Q–109 northeastward from the LAANA, NC, WP, to the DFENC, NC, WP. The TINKK, NC, WP is added between LAANA and DFENC. As amended, Q–109 extends between the KNOST, OG, WP, and the DFENC, NC, WP.

Q–113: Q–113 extends between the RAYVO, SC, WP, and the SARKY, SC, WP. The route is extended from the SARKY, SC, WP northeastward by adding the following WPs: MARCL, NC; AARNN, NC; and RIDDN, VA. As amended, Q–113 extends between RAYVO, SC, and RIDDN, VA.

Q–135: Q–135 extends between the JROSS, SC, WP, and the RAPZZ, NC, WP. The route is extended to the northeast of the RAPZZ, NC, WP by adding the ZORDO, NC, and the CUDLE, NC, WPs to the route. As amended, Q–135 extends between the JROSS, SC, WP, and the CUDLE, NC, WP.

Q–409: Q–409 extends between the ENEME, GA, WP, and the MRPIT, NC, WP. Q–409 remains as currently charted between the ENEME, GA, WP, and the MRPIT, NC, WP. The route is extended to the northeast of the MRPIT WP by adding the following points: DEEEZ, NC, WP; GUILD, NC, WP; CRPLR, VA, WP; TRPOD, MD, WP; GNARO, DE, WP; VILLS, NJ, Fix; Coyle, NJ (CYN), VORTAC; to the WHITE, NJ, Fix. As

amended, Q–409 extends between the ENEME, GA, WP, and the WHITE, NJ, WP. This change extends RNAV routing from southern North Carolina to New Jersey.

Q–419: Q–419 extends between the BROSS, MD, Fix and the Deer Park, NY, VOR/DME. This rule removes the MYFOO, DE, WP, and the NACYN, NJ, WP from the route description because they do not mark a turn point on the route. In addition, the HULKK, NJ, WP, is moved 2.36 NM southeast of its current position as requested by air traffic control to improve air traffic efficiency.

The new Q-routes are as follows:

Q–101: Q–101 extends between the SKARP, NC, WP, and the TUGGR, VA, WP.

Q–107: Q–107 extends between the GARIC, NC, WP, and the HURTS, VA, WP.

Q–111: Q–111 extends between the ZORDO, NC, WP, and the ALXEA, VA, WP.

Q–117: Q–117 extends between the YLEEE, NC, WP, and the SAWED, VA, Fix.

Q–131: Q–131 extends between the ZILLS, NC, WP, and the ZJAAY, MD, WP.

Q–133: Q–133 extends between the CHIEZ, NC, WP, and the PONCT, NY, WP.

Q–167: Q167 extends between the ZJAAY, MD, WP, and the SSOXS, MA, Fix.

Q–445: Q–445 extends between the PAACK, NC, WP, and the KYSKY, NY, Fix.

Q–481: Q–481 extends between the CONFR, MD, WP, and the Deer Park, NY (DPK), VOR/DME.

Full route descriptions of the new and amended routes are listed in the amendments to part 71 set forth below.

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

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action of establishing 9 new High Altitude Area Navigation (RNAV) routes (Q-routes), and amending 12 existing Q-routes, in support of the NEC ACR Project, qualifies for categorical exclusion under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations at 40 CFR part 1500, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 5–6.5a, which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points). As such, this action is not expected to result in any potentially significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5–2 regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. Accordingly, the FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 2006 United States Area Navigation Routes.

* * * * *

Q–22 GUSTI, LA to FOXWD, CT [Amended]

GUSTI, LA	FIX	(Lat. 29°58′15.34″ N, long. 092°54′35.29″ W)
OYSTY, LA	FIX	(Lat. 30°28′15.21″ N, long. 090°11′49.14″ W)
ACMES, AL	WP	(Lat. 30°55′27.13″ N, long. 088°22′10.82″ W)
CATLN, AL	FIX	(Lat. 31°18′26.03″ N, long. 087°34′47.75″ W)
TWOUP, GA	WP	(Lat. 33°53′45.39″ N, long. 083°49′08.39″ W)
BURGG, SC	WP	(Lat. 35°02′00.55″ N, long. 081°55′36.86″ W)
BEARI, VA	WP	(Lat. 37°12′01.97″ N, long. 078°15′23.85″ W)
BBOBO, VA	WP	(Lat. 37°41′33.79″ N, long. 077°07′57.59″ W)
SHTGN, MD	WP	(Lat. 38°14′45.29″ N, long. 076°44′52.23″ W)
DANGR, MD	WP	(Lat. 38°57′36.25″ N, long. 075°58′30.85″ W)
BESSI, NJ	FIX	(Lat. 39°40′34.84″ N, long. 075°06′44.53″ W)
JOEPO, NJ	WP	(Lat. 39°53′57.33″ N, long. 074°51′39.48″ W)
BRAND, NJ	FIX	(Lat. 40°02′06.28″ N, long. 074°44′09.50″ W)
Robbinsville, NJ (RBV)	VORTAC	(Lat. 40°12′08.65″ N, long. 074°29′42.09″ W)
LLUND, NY	FIX	(Lat. 40°51′45.04″ N, long. 073°46′57.30″ W)
BAYYS, CT	FIX	(Lat. 41°17′21.27″ N, long. 072°58′16.73″ W)
FOXWD, CT	WP	(Lat. 41°48′21.66″ N, long. 071°48′07.03″ W)

* * * * * * *

Q–34 Texarkana, AR (TXK) to Robbinsville, NJ (RBV) [Amended]

Texarkana, AR (TXK)	VORTAC	(Lat. 33°30′49.97″ N, long. 094°04′23.67″ W)
HITMN, TN	WP	(Lat. 36°08′12.47″ N, long. 086°41′05.25″ W)

SITTR, WV	WP	(Lat. 37°46′49.13″ N, long. 081°07′23.70″ W)
DENNY, VA	FIX	(Lat. 37°52′00.15″ N, long. 079°44′13.75″ W)
MAULS, VA	WP	(Lat. 37°52′49.36″ N, long. 079°19′49.19″ W)
Gordonsville, VA (GVE)	VORTAC	(Lat. 38°00′48.96″ N, long. 078°09′10.90″ W)
BOOYA, VA	WP	(Lat. 38°24′20.50″ N, long. 077°21′46.36″ W)
PNGWN, NJ	WP	(Lat. 39°39′27.07″ N, long. 075°30′41.79″ W)
HULKK, NJ	WP	(Lat. 39°58′08.70″ N, long. 074°57′15.95″ W)
Robbinsville, NJ (RBV)	VORTAC	(Lat. 40°12′08.65″ N, long. 074°29′42.09″ W)

* * * * * * *

Q–60 BURGG, SC to HURTS, VA [Amended]

BURGG, SC	WP	(Lat. 35°02′00.55″ N, long. 081°55′36.86″ W)
EVING, NC	WP	(Lat. 36°05′21.65″ N, long. 079°53′56.38″ W)
JAXSN, VA	FIX	(Lat. 36°42′38.22″ N, long. 078°47′23.31″ W)
HURTS, VA	WP	(Lat. 37°27′41.87″ N, long. 076°57′17.75″ W)

* * * * * * *

Q–85 LPERD, FL to CRPLR, VA [Amended]

LPERD, FL	WP	(Lat. 30°36′09.18″ N, long. 081°16′52.16″ W)
BEEGE, GA	WP	(Lat. 31°10′59.98″ N, long. 081°16′57.50″ W)
GIPPL, GA	WP	(Lat. 31°22′53.96″ N, long. 081°09′53.70″ W)
ROYCO, GA	WP	(Lat. 31°35′10.38″ N, long. 081°02′22.45″ W)
IGARY, SC	WP	(Lat. 32°34′41.37″ N, long. 080°22′36.01″ W)
PELIE, SC	WP	(Lat. 33°21′23.88″ N, long. 079°44′43.43″ W)
BUMMA, SC	WP	(Lat. 34°01′58.09″ N, long. 079°11′07.50″ W)
KAATT, NC	WP	(Lat. 34°15′35.43″ N, long. 078°59′42.38″ W)
SMPRR, NC	WP	(Lat. 34°26′28.32″ N, long. 078°50′31.80″ W)
PBCUP, NC	WP	(Lat. 34°59′29.65″ N, long. 078°19′51.07″ W)
MOXXY, NC	WP	(Lat. 36°02′46.63″ N, long. 077°19′31.71″ W)
CRPLR, VA	WP	(Lat. 37°36′24.01″ N, long. 076°09′57.67″ W)

* * * * * * *

Q–87 PEAKY, FL to HURTS, VA [Amended]

PEAKY, FL	WP	(Lat. 24°35′23.72″ N, long. 081°08′53.91″ W)
GOPEY, FL	WP	(Lat. 25°09′32.92″ N, long. 081°05′17.11″ W)
GRIDS, FL	WP	(Lat. 26°24′54.27″ N, long. 080°57′11.40″ W)
TIRCO, FL	WP	(Lat. 27°19′05.75″ N, long. 080°51′16.67″ W)
MATLK, FL	WP	(Lat. 27°49′36.54″ N, long. 080°57′04.27″ W)
ONEWY, FL	WP	(Lat. 28°21′53.66″ N, long. 081°03′21.04″ W)
ZERBO, FL	WP	(Lat. 28°54′56.68″ N, long. 081°17′40.13″ W)
DUCEN, FL	WP	(Lat. 29°16′33.83″ N, long. 081°19′23.24″ W)
FEMON, FL	WP	(Lat. 30°27′31.57″ N, long. 081°23′36.20″ W)
VIYAP, GA	FIX	(Lat. 31°15′08.15″ N, long. 081°26′08.18″ W)
TAALN, GA	WP	(Lat. 31°59′56.18″ N, long. 081°01′41.91″ W)
JROSS, SC	WP	(Lat. 32°42′40.00″ N, long. 080°37′38.00″ W)
RAYVO, SC	WP	(Lat. 33°38′44.12″ N, long. 080°04′00.84″ W)
HINTZ, SC	WP	(Lat. 34°10′11.02″ N, long. 079°44′48.12″ W)
REDFH, SC	WP	(Lat. 34°22′36.35″ N, long. 079°37′08.34″ W)
LCAPE, SC	WP	(Lat. 34°33′03.47″ N, long. 079°30′39.47″ W)
ALWZZ, NC	WP	(Lat. 34°42′02.90″ N, long. 079°24′36.57″ W)
ASHEL, NC	WP	(Lat. 35°25′43.32″ N, long. 078°54′48.07″ W)
DADDS, NC	WP	(Lat. 35°36′30.35″ N, long. 078°47′20.70″ W)
NOWAE, NC	WP	(Lat. 36°22′39.49″ N, long. 078°14′59.21″ W)
RIDDN, VA	WP	(Lat. 36°47′21.19″ N, long. 077°45′50.29″ W)
GEARS, VA	WP	(Lat. 37°06′07.23″ N, long. 077°23′24.43″ W)
HURTS, VA	WP	(Lat. 37°27′41.87″ N, long. 076°57′17.75″ W)

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Q–97 TOVAR, FL to Presque Isle, ME (PQI) [Amended]

TOVAR, FL	WP	(Lat. 26°33′05.09″ N, long. 080°02′19.75″ W)
EBAYY, FL	WP	(Lat. 27°43′40.20″ N, long. 080°30′03.59″ W)
MALET, FL	FIX	(Lat. 28°41′29.90″ N, long. 080°52′04.30″ W)
DEBRL, FL	WP	(Lat. 29°17′48.73″ N, long. 081°08′02.88″ W)
KENLL, FL	WP	(Lat. 29°34′28.35″ N, long. 081°07′25.26″ W)
PRMUS, FL	WP	(Lat. 29°49′05.67″ N, long. 081°07′20.74″ W)
WOPNR, OA	WP	(Lat. 30°37′36.03″ N, long. 081°04′26.44″ W)
JEVED, GA	WP	(Lat. 31°15′02.60″ N, long. 081°03′40.14″ W)
CAKET, SC	WP	(Lat. 32°31′08.63″ N, long. 080°16′09.21″ W)
ELMSZ, SC	WP	(Lat. 33°40′36.61″ N, long. 079°17′59.56″ W)
YURCK, NC	WP	(Lat. 34°11′14.80″ N, long. 078°52′40.62″ W)
ELLDE, NC	WP	(Lat. 34°24′14.57″ N, long. 078°41′50.60″ W)
YEASO, NC	WP	(Lat. 35°33′12.41″ N, long. 077°37′07.28″ W)
PAACK, NC	WP	(Lat. 35°55′40.26″ N, long. 077°15′30.99″ W)
KOHLS, NC	WP	(Lat. 36°22′17.76″ N, long. 076°52′21.48″ W)
SAWED, VA	FIX	(Lat. 37°32′00.73″ N, long. 075°51′29.10″ W)
KALDA, VA	FIX	(Lat. 37°50′31.05″ N, long. 075°37′35.34″ W)
ZJAAY, MD	WP	(Lat. 38°03′09.95″ N, long. 075°26′34.27″ W)
DLAAY, MD	WP	(Lat. 38°24′42.80″ N, long. 075°08′56.85″ W)
BRIGS, NJ	FIX	(Lat. 39°31′24.72″ N, long. 074°08′19.67″ W)
HEADI, NJ	WP	(Lat. 39°57′49.56″ N, long. 073°43′28.85″ W)
SAILN, OA	WP	(Lat. 40°15′15.92″ N, long. 073°27′01.93″ W)
Calverton, NY (CCC)	VOR/DME	(Lat. 40°55′46.63″ N, long. 072°47′55.89″ W)
NTMEG, CT	WP	(Lat. 41°16′30.75″ N, long. 072°28′52.08″ W)
VENTE, MA	WP	(Lat. 42°08′24.33″ N, long. 071°53′38.08″ W)
BLENO, NH	WP	(Lat. 42°54′55.00″ N, long. 071°04′43.37″ W)

BEEKN, ME	WP	(Lat. 43°20′51.95″ N, long. 070°44′50.28″ W)
FRIAR, ME	FIX	(Lat. 44°26′28.93″ N, long. 069°53′04.38″ W)
Presque Isle, ME (PQI)	VOR/DME	(Lat. 46°46′27,07″ N, long. 068°05′40.37″ W)

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Q–99 KPASA, FL to HURLE, VA [Amended]

KPASA, FL	WP	(Lat. 28°10′34.00″ N, long. 081°54′27.00″ W)
DOFFY, FL	WP	(Lat. 29°15′22.73″ N, long. 082°31′38.10″ W)
CAMJO, FL	WP	(Lat. 30°30′32.00″ N, long. 082°41′11.00″ W)
HEPAR, GA	WP	(Lat. 31°05′13.00″ N, long. 082°33′46.00″ W)
TEEEM, GA	WP	(Lat. 32°08′41.20″ N, long. 081°54′50.57″ W)
BLAAN, SC	WP	(Lat. 33°51′09.38″ N, long. 080°53′32.78″ W)
BWAGS, SC	WP	(Lat. 34°00′03.77″ N, long. 080°45′12.26″ W)
EFFAY, SC	WP	(Lat. 34°15′30.67″ N, long. 080°30′37.94″ W)
WNGUD, SC	WP	(Lat. 34°41′53.16″ N, long. 080°06′12.12″ W)
POLYY, NC	WP	(Lat. 34°48′37.54″ N, long. 079°59′55.81″ W)
RAANE, NC	WP	(Lat. 35°09′21.97″ N, long. 079°41′33.90″ W)
OGRAE, NC	WP	(Lat. 35°44′44.41″ N, long. 079°11′07.71″ W)
PEETT, NC	WP	(Lat. 36°26′44.93″ N, long. 078°34′16.17″ W)
SHIRY, VA	WP	(Lat. 36°58′33.28″ N, long. 078°09′13.11″ W)
UMBRE, VA	WP	(Lat. 37°23′38.72″ N, long. 077°49′09.50″ W)
QUART, VA	WP	(Lat. 37°31′25.15″ N, long. 077°42′53.29″ W)
HURLE, VA	WP	(Lat. 37°44′01.09″ N, long. 077°32′42.16″ W)

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Q–101 SKARP, NC to TUGGR, VA [New]

SKARP, NC	WP	(Lat. 34°29′10.30″ N, long. 077°24′37.54″ W)
PRANK, NC	WP	(Lat. 35°14′27.41″ N, long. 076°56′28.54″ W)
BGBRD, NC	WP	(Lat. 35°53′45.11″ N, long. 076°32′23.15″ W)
HYPAL, VA	WP	(Lat. 37°03′27.23″ N, long. 075°44′43.09″ W)
TUGGR, VA	WP	(Lat. 37°41′08.72″ N, long. 075°36′36.92″ W)

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Q–107 GARIC, NC to HURTS, VA [New]

GARIC, NC	WP	(Lat. 33°52′34.84″ N, long. 077°58′53.66″ W)
ZORDO, NC	WP	(Lat. 34°52′01.73″ N, long. 077°49′30.60″ W)
JAAMS, NC	WP	(Lat. 35°44′18.05″ N, long. 077°31′41.60″ W)
ALINN, NC	WP	(Lat. 36°28′15.05″ N, long. 077°17′15.81″ W)
HURTS, VA	WP	(Lat. 37°27′41.87″ N, long. 076°57′17.75″ W)

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Q–109 KNOST, OG to DFENC, NC [Amended]

KNOST, OG	WP	(Lat. 28°00′02.55″ N, long. 083°25′23.99″ W)
DEANR, FL	WP	(Lat. 29°15′30.40″ N, long. 083°03′30.24″ W)
BRUTS, FL	WP	(Lat. 29°30′58.00″ N, long. 082°58′57.00″ W)
EVANZ, FL	WP	(Lat. 29°54′12.11″ N, long. 082°52′03.81″ W)
CAMJO, FL	WP	(Lat. 30°30′32.00″ N, long. 082°41′11.00″ W)
HEPAR, GA	WP	(Lat. 31°05′13.00″ N, long. 082°33′46.00″ W)
TEEEM, GA	WP	(Lat. 32°08′41.20″ N, long. 081°54′50.57″ W)
RIELE, SC	WP	(Lat. 32°37′27.14″ N, long. 081°23′34.97″ W)
PANDY, SC	WP	(Lat. 33°28′29.39″ N, long. 080°26′55.21″ W)
RAYVO, SC	WP	(Lat. 33°38′44.12″ N, long. 080°04′00.84″ W)
SESUE, SC	WP	(Lat. 33°52′02.58″ N, long. 079°33′51.88″ W)
BUMMA, SC	WP	(Lat. 34°01′58.09″ N, long. 079°11′07.50″ W)
YURCK, NC	WP	(Lat. 34°11′14.80″ N, long. 078°52′40.62″ W)
LAANA, NC	WP	(Lat. 34°19′41.35″ N, long. 078°35′37.16″ W)
TINKK, NC	WP	(Lat. 34°51′03.78″ N, long. 078°05′48.08″ W)
DFENC, NC	WP	(Lat. 35°55′11.09″ N, long. 077°03′37.54″ W)

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Q–111 ZORDO, NC to ALXEA, VA [New]

ZORDO, NC	WP	(Lat. 34°52′01.73″ N, long. 077°49′30.60″ W)
LARKE, NC	WP	(Lat. 35°36′16.63″ N, long. 077°39′33.59″ W)
RUKRR, VA	WP	(Lat. 36°33′00.47″ N, long. 077°29′22.43″ W)
GEARS, VA	WP	(Lat. 37°06′07.23″ N, long. 077°23′24.43″ W)
SWNGR, VA	WP	(Lat. 37°36′38.12″ N, long. 077°19′22.71″ W)
ALXEA, VA	WP	(Lat. 37°47′04.46″ N, long. 077°17′09.73″ W)

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Q–113 RAYVO, SC to RIDDN, VA [Amended]

RAYVO, SC	WP	(Lat. 33°38′44.12″ N, long. 080°04′00.84″ W)
CEELY, SC	WP	(Lat. 34°12′54.72″ N, long. 079°27′57.01″ W)
SARKY, SC	WP	(Lat. 34°25′41.43″ N, long. 079°14′17.50″ W)
MARCL, NC	WP	(Lat. 35°43′54.41″ N, long. 078°25′46.57″ W)
AARNN, NC	WP	(Lat. 36°22′43.59″ N, long. 078°01′04.05″ W)
RIDDN, VA	WP	(Lat. 36°47′21.19″ N, long. 077°45′50.29″ W)

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Q–117 YLEEE, NC to SAWED, VA [New]

YLEEE, NC	WP	(Lat. 34°33′40.63″ N, long. 077°40′27.89″ W)
CUDLE, NC	WP	(Lat. 35°08′19.48″ N, long. 077°32′36.22″ W)
SUSSA, NC	WP	(Lat. 35°40′37.55″ N, long. 077°08′20.62″ W)
KTEEE, NC	WP	(Lat. 35°54′55.66″ N, long. 076°57′30.45″ W)
SAWED, VA	FIX	(Lat. 37°32′00.73″ N, long. 075°51′29.10″ W)

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Q–131 ZILLS, NC to ZJAAY, MD [New]

ZILLS, NC	WP	(Lat. 33°47′32.68″ N, long. 077°52′08.59″ W)
YLEEE, NC	WP	(Lat. 34°33′40.63″ N, long. 077°40′27.89″ W)
EARZZ, NC	WP	(Lat. 35°54′39.84″ N, long. 076°51′21.64″ W)
ODAWG, VA	WP	(Lat. 37°07′11.61″ N, long. 076°02′03.17″ W)
KALDA, VA	FIX	(Lat. 37°50′31.05″ N, long. 075°37′35.34″ W)
ZJAAY, MD	WP	(Lat. 38°03′09.95″ N, long. 075°26′34.27″ W)

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Q–133 CHIEZ, NC to PONCT, NY [New]

CHIEZ, NC	WP	(Lat. 34°31′05.93″ N, long. 077°32′25.74″ W)
BENCH, NC	WP	(Lat. 35°34′48.52″ N, long. 076°53′51.13″ W)
KOOKI, NC	WP	(Lat. 35°54′21.71″ N, long. 076°41′56.22″ W)
PYSTN, VA	WP	(Lat. 37°05′19.78″ N, long. 075°53′22.19″ W)
KALDA, VA	FIX	(Lat. 37°50′31.05″ N, long. 075°37′35.34″ W)
CONFR, MD	WP	(Lat. 38°16′10.90″ N, long. 075°24′32.98″ W)
MGERK, DE	WP	(Lat. 38°46′16.00″ N, long. 075°18′09.00″ W)
LEEAH, NJ	FIX	(Lat. 39°15′39.27″ N, long. 074°57′11.01″ W)
MYRCA, NJ	WP	(Lat. 40°20′42.97″ N, long. 073°56′58.07″ W)
Kennedy, NY (JFK)	VOR/DME	(Lat. 40°37′58.40″ N, long. 073°46′17.00″ W)
LLUND, NY	FIX	(Lat. 40°51′45.04″ N, long. 073°46′57.30″ W)
FARLE, NY	FIX	(Lat. 41°09′09.46″ N, long. 073°47′48.52″ W)
GANDE, NY	FIX	(Lat. 41°30′36.66″ N, long. 073°48′52.03″ W)
PONCT, NY	WP	(Lat. 42°44′48.83″ N, long. 073°48′48.07″ W)

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Q–135 JROSS, SC to CUDLE, NC [Amended]

JROSS, SC	WP	(Lat. 32°42′40.00″ N, long. 080°37′38.00″ W)
PELIE, SC	WP	(Lat. 33°21′23.88″ N, long. 079°44′43.43″ W)
ELMSZ, SC	WP	(Lat. 33°40′36.61″ N, long. 079°17′59.56″ W)
RAPZZ, NC	WP	(Lat. 34°15′03.34″ N, long. 078°29′17.58″ W)
ZORDO, NC	WP	(Lat. 34°52′01.73″ N, long. 077°49′30.60″ W)
CUDLE, NC	WP	(Lat. 35°08′19.48″ N, long. 077°32′36.22″ W)

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Q–167 ZJAAY, MD to SSOXS, MA [New]

ZJAAY, MD	WP	(Lat. 38°03′09.95″ N, long. 075°26′34.27″ W)
PAJET, DE	WP	(Lat. 38°28′04.13″ N, long. 075°03′00.55″ W)
CAANO, DE	WP	(Lat. 38°31′46.37″ N, long. 074°58′52.32″ W)
TBONN, OA	WP	(Lat. 38°45′02.83″ N, long. 074°45′03.77″ W)
ZIZZI, NJ	FIX	(Lat. 38°56′26.46″ N, long. 074°31′44.27″ W)
YAZUU, NJ	FIX	(Lat. 39°24′44.82″ N, long. 074°01′01.55″ W)
TOPRR, OA	WP	(Lat. 39°50′49.13″ N, long. 073°32′12.02″ W)
EMJAY, NJ	FIX	(Lat. 40°05′34.89″ N, long. 073°15′42.31″ W)
SPDEY, OA	WP	(Lat. 40°14′56.38″ N, long. 073°05′08.69″ W)
RIFLE, NY	FIX	(Lat. 40°41′24.18″ N, long. 072°34′54.89″ W)
HOFFI, NY	FIX	(Lat. 40°48′03.46″ N, long. 072°27′41.97″ W)
ORCHA, NY	WP	(Lat. 40°54′55.46″ N, long. 072°18′43.64″ W)
ALBOW, NY	WP	(Lat. 41°02′04.04″ N, long. 071°58′30.69″ W)
GRONC, NY	WP	(Lat. 41°08′42.80″ N, long. 071°45′27.74″ W)
NESTT, RI	WP	(Lat. 41°21′35.84″ N, long. 071°20′05.38″ W)
BUZRD, MA	WP	(Lat. 41°32′45.88″ N, long. 070°57′50.69″ W)
SSOXS, MA	FIX	(Lat. 41°50′12.62″ N, long. 070°44′46.26″ W)

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Q–409 ENEME, GA to WHITE, NJ [Amended]

ENEME, GA	WP	(Lat. 30°42′12.09″ N, long. 082°26′09.31″ W)
PUPYY, GA	WP	(Lat. 31°24′35.58″ N, long. 081°49′06.19″ W)
ISUZO, GA	WP	(Lat. 31°57′47.85″ N, long. 081°14′14.79″ W)
KONEY, SC	WP	(Lat. 32°17′01.62″ N, long. 081°01′23.79″ W)
JROSS, SC	WP	(Lat. 32°42′40.00″ N, long. 080°37′38.00″ W)
SESUE, SC	WP	(Lat. 33°52′02.58″ N, long. 079°33′51.88″ W)
OKNEE, SC	WP	(Lat. 34°15′39.92″ N, long. 079°10′40.68″ W)
MRPIT, NC	WP	(Lat. 34°26′05.09″ N, long. 079°01′45.10″ W)
DEEEZ, NC	WP	(Lat. 35°16′55.92″ N, long. 078°14′24.28″ W)
GUILD, NC	WP	(Lat. 36°18′49.56″ N, long. 077°14′59.96″ W)
CRPLR, VA	WP	(Lat. 37°36′24.01″ N, long. 076°09′57.67″ W)
TRPOD, MD	WP	(Lat. 38°20′17.30″ N, long. 075°30′28.27″ W)
GNARO, DE	WP	(Lat. 39°05′20.33″ N, long. 075°22′14.81″ W)
VILLS, NJ	FIX	(Lat. 39°18′03.87″ N, long. 075°06′37.89″ W)
Coyle, NJ (CYN)	VORTAC	(Lat. 39°49′02.42″ N, long. 074°25′53.85″ W)
WHITE, NJ	FIX	(Lat. 40°00′24.32″ N, long. 074°15′04.61″ W)

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Q–419 BROSS, MD to Deer Park, NY (DPK) [Amended]

BROSS, MD	FIX	(Lat. 39°11′28.40″ N, long. 075°52′49.88″ W)
BSERK, NJ	WP	(Lat. 39°47′27.01″ N, long. 075°13′10.29″ W)
HULKK, NJ	WP	(Lat. 39°58′08.70″ N, long. 074°57′15.95″ W)
Robbinsville, NJ (RBV)	VORTAC	(Lat. 40°12′08.65″ N, long. 074°29′42.09″ W)
LAURN, NY	FIX	(Lat. 40°33′05.80″ N, long. 074°07′13.67″ W)
Kennedy, NY (JFK)	VOR/DME	(Lat. 40°37′58.40″ N, long. 073°46′17.00″ W)
Deer Park, NY (DPK)	VOR/DME	(Lat. 40°47′30.30″ N, long. 073°18′13.17″ W)

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Q–445 PAACK, NC to KYSKY, NY [New]

PAACK, NC	WP	(Lat. 35°55′40.26″ N, long. 077°15′30.99″ W)
JAMIE, VA	FIX	(Lat. 37°36′20.58″ N, long. 075°57′48.81″ W)
CONFR, MD	WP	(Lat. 38°16′10.90″ N, long. 075°24′32.98″ W)
RADDS, DE	FIX	(Lat. 38°38′54.80″ N, long. 075°05′18.48″ W)
WNSTN, NJ	WP	(Lat. 39°05′43.81″ N, long. 074°48′01.20″ W)
AVALO, NJ	FIX	(Lat. 39°16′54.52″ N, long. 074°30′50.75″ W)
BRIGS, NJ	FIX	(Lat. 39°31′24.72″ N, long. 074°08′19.67″ W)
SHAUP, OA	WP	(Lat. 39°44′23.91″ N, long. 073°34′33.84″ W)
VALCO, OA	WP	(Lat. 40°05′29.86″ N, long. 073°08′22.91″ W)
KYSKY, NY	FIX	(Lat. 40°46′52.75″ N, long. 072°12′21.45″ W)

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Q–481 CONFR, MD to Deer Park, NY (DPK) [New]

CONFR, MD	WP	(Lat. 38°16′10.90″ N, long. 075°24′32.98″ W)
MGERK, DE	WP	(Lat. 38°46′16.00″ N, long. 075°18′09.00″ W)
LEEAH, NJ	FIX	(Lat. 39°15′39.27″ N, long. 074°57′11.01″ W)
ZIGGI, NJ	FIX	(Lat. 40°03′07.01″ N, long. 074°00′49.34″ W)
Deer Park, NY (DPK)	VOR/DME	(Lat. 40°47′30.30″ N, long. 073°18′13.17″ W)

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Issued in Washington, DC, on July 12, 2022.

Scott M. Rosenbloom,

Manager, Airspace Rules and Regulations.

[FR Doc. 2022–15149 Filed 7–18–22; 8:45 am]

BILLING CODE 4910–13–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 232

[Release Nos. 33–11082; 34–95274; 39–2545; IC–34649]

Adoption of Updated EDGAR Filer Manual

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Securities and Exchange Commission (''Commission'') is adopting amendments to Volume II of the Electronic Data Gathering, Analysis, and Retrieval system (''EDGAR'') Filer Manual (''Filer Manual'') and related rules and forms. The EDGAR system was upgraded on June 21, 2022.

DATES:

Effective date: July 19, 2022.

Incorporation by reference: The incorporation by reference of the Filer Manual is approved by the Director of the **Federal Register** as of July 19, 2022.

FOR FURTHER INFORMATION CONTACT: For questions regarding the amendments to Volume II of the Filer Manual and related rules, please contact Rosemary Filou, Deputy Director and Chief Counsel, or Daniel Chang, Senior Special Counsel, in the EDGAR Business Office at (202) 551–3900. For questions concerning the payment of filing fees, please contact Luba Dinits in the Office of Financial Management at (202) 551–3839. For legal compliance questions on structured data requirements for Forms N–1A, N–2, and N–3, please contact the Chief Counsel's Office in the Division of Investment Management at (202) 551–6825. For technical questions on structuring Forms N–1A, N–2, and N–3, please contact the Office of Structured Disclosure in the Division of Economic and Risk Analysis at (202) 551–5494. For questions regarding Form X–17A–5 Part III with regards to foreign non-broker-dealer security-based swap dealers and major security-based swap participants relying on a Commission substituted compliance order, please contact Randall Roy, Deputy Associate Director, at (202) 551–5522, or Valentina Deng, Special Counsel, at (202) 551–5778 in the Division of Trading and Markets. For questions concerning taxonomies or schemas, please contact the Office of Structured Disclosure in the Division of Economic and Risk Analysis at (202) 551–5494. For questions regarding new submission form type SPDSCL, please contact Chris Windsor, Senior Special Counsel, in the Division of Corporation Finance at (202) 551–3419. For questions regarding obsolete exhibits to be removed from certain form types, please contact Heather Mackintosh, EDGAR Liaison in the Division of Corporation Finance at (202) 551–8111. For questions about EDGAR updates to prevent a firm from amending another firm's MA–I, please contact Mark Stewart, Attorney Adviser, in the Office of Municipal Securities, at (202) 551–4410.

SUPPLEMENTARY INFORMATION: We are adopting an updated Filer Manual, Volume II: ''EDGAR Filing,'' Version 62 (June 2022) and amendments to 17 CFR 232.301 (''Rule 301''). The updated Filer Manual volume is incorporated by reference into the Code of Federal Regulations.

I. Background

The Filer Manual contains information needed for filers to make submissions on EDGAR. Filers must comply with the applicable provisions of the Filer Manual in order to assure the timely acceptance and processing of filings made in electronic format.[1] Filers should consult the Filer Manual in conjunction with our rules governing mandated electronic filings when preparing documents for electronic submission.

II. Edgar System Changes and Associated Modifications to Volume II of the Filer Manual

EDGAR was updated in Releases 22.1.1, 22.1.2, and 22.2, and corresponding amendments to Volume II of the Filer Manual are being made to reflect these changes, as described below.[2]

On December 2, 2021, the Commission adopted final amendments that revised Forms 20–F, 40–F, 10–K, and N–CSR to implement the disclosure and submission requirements of the ''Holding Foreign Companies Accountable Act'' (''HFCAA'').[3] The final amendments mandated that a registrant identified by the Commission as having filed an annual report audited by a firm that the Public Company Accounting Oversight Board is unable to inspect or investigate completely must provide documentation in a publicly available EDGAR submission demonstrating that it is not owned or controlled by a governmental entity in a foreign jurisdiction.

[1] *See* Rule 301 of Regulation S–T.

[2] Release 22.1 was deployed on April 18, 2022, Release 22.1.2 was deployed on May 31, 2022, and Release 22.2 was deployed on June 21, 2022.

[3] Holding Foreign Companies Accountable Act Disclosure, Release 34–93701 (Dec. 2, 2021) [86 FR 70027 (Dec. 9, 2021)] (''HFCAA Adopting Release'').

In order to assist filers in meeting their obligations,[4] EDGAR Release 22.2 introduced new submission form type ''SPDSCL,'' a generic EDGAR submission that can have various additional ''categories'' that can be designated to meet Commission needs for future supplemental submissions. The first ''category'' is ''HFCAA–GOV'' to allow Commission-Identified Issuers to submit their required government control documentation to comply with the HFCAA.[5] Future applications could include other HFCAA submissions, or other notices to the Commission required by subsequent rulemakings. The new submission type and category will assist both the public and staff to easily identify the required documentation submitted by Commission-Identified Issuers.

The Filer Manual is also being updated to more fully reflect new filing fee payment methods and elimination of check payments, pursuant to the ''Filing Fee Disclosure and Payment Methods Modernization'' rulemaking.[6] On May 31, 2022, EDGAR Release 22.1.2 introduced changes to EDGAR to allow filers to pay filing fees via credit card, debit card, and Automated Clearing House debit payment methods. The changes were communicated to the public on March 21, 2022, in EDGAR Release 22.1, and in the public announcement, ''New Filing Fee Payment Methods in EDGAR and Elimination of Check Payments.''

The Commission has issued substituted compliance orders[7] permitting certain foreign firms to file their annual audit pursuant to their home country's laws rather than pursuant to the Commission's rules, as long as they also send a copy of such annual financial statements to the Commission in the manner specified on the Commission's website. In accordance with these orders, the ''Oath or Affirmation'' and ''Notary Public'' sections of the Form X–17A–5 Part III will not be viewable by foreign non-broker-dealer security-based swap dealers and major security-based swap participants relying on a Commission substituted compliance order. The Filer Manual is being updated accordingly.

EDGAR Release 22.2 also made general functional enhancements to EDGAR, for which revisions are being made to the Filer Manual.

EDGAR was updated to accept the 2022 version of the IFRS taxonomy and the 2022Q2 version of the Variable Insurance Product taxonomy. For XBRL taxonomies that have versions from three years outstanding, the versions from the earliest year will be removed. Please see *https://www.sec.gov/info/edgar/edgartaxonomies.shtml* for a complete list of supported standard taxonomies. The Filer Manual is being updated accordingly.

EDGAR was also updated to remove the following exhibits that were removed by the Disclosure Update and Simplification rule.[8] The following exhibits were removed from the following form types and their amendments:

- Exhibit 11: Statement re computation of per share earnings [Forms S–1, S–4, S–11, F–1, F–4, 10–K, 10–Q, 10]
- Exhibit 12: Statements re computation of ratios [Forms S–1, S–3, S–4, S–11, F–1, F–4, 10, 10–K]
- Exhibit 19: Report furnished to security holders [Form 10–K]
- Exhibit 26: Invitations for competitive bids [Forms S–3, SF–1, SF–3, S–4, F–1, F–3, F–4]

Filers who have a file number beginning with 001– may now use submission form types 15–12G and 15–12G/A to give notice of termination of registration of a class of securities under Section 12(g) of the Securities Exchange Act of 1934. Submission form types 15–12B and 15–12B/A are revoked.

Technical corrections were made to sections 6.5.21, 6.5.40, 6.5.55, 6.5.56, and 6.16.11 of Volume II of the Filer Manual to clarify data validations for submissions by investment companies registered on Forms N–1A, N–2, or N–3.

Volume II of the Filer Manual is also being amended to address minor software changes made in EDGAR on April 18, 2022, pursuant to EDGAR Release 22.1.1. Specifically, EDGAR was updated to prevent a firm from amending another firm's MA–I, and the N–CEN XML schema eis_Common.xsd file was updated to correct the attachment list.

IV. Amendments to Rule 301 of Regulation S–T

Along with the adoption of the updated Filer Manual, we are amending Rule 301 of Regulation S–T to provide for the incorporation by reference into the Code of Federal Regulations of the current revisions. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

The updated EDGAR Filer Manual is available at *https://www.sec.gov/edgar/filer-information/current-edgar-filer-manual.*

V. Administrative Law Matters

Because the Filer Manual, and rule amendments, relate solely to agency procedures or practice and do not substantially alter the rights and obligations of non-agency parties, publication for notice and comment is not required under the Administrative Procedure Act (''APA'').[8] It follows that the amendments do not require analysis under requirements of the Regulatory Flexibility Act[9] or a report to Congress under the Small Business Regulatory Enforcement Fairness Act of 1996.[10]

The effective date for the updated Filer Manual and related rule amendments is July 19, 2022. In accordance with the APA,[11] we find that there is good cause to establish an effective date less than 30 days after publication of these rules. The Commission believes that establishing an effective date less than 30 days after publication of these rules is necessary to coordinate the effectiveness of the updated Filer Manual with the related system upgrades.

VI. Statutory Basis

We are adopting the amendments to Regulation S–T under the authority in Sections 6, 7, 8, 10, and 19(a) of the Securities Act of 1933,[12] Sections 3, 12, 13, 14, 15, 15B, 23, and 35A of the Securities Exchange Act of 1934,[13] Section 319 of the Trust Indenture Act

[4] Release No. 34–93701 required that the documentation be included in a ''publicly available'' EDGAR filing, made prior to or accompanying a Commission-Identified Issuer's annual report for the year following their identification. While an issuer could choose to submit the information with a 6–K, 8–K or with the annual report, the new submission type will facilitate submission and clarify that non-public submissions, like correspondence, are not responsive.

[5] *See* HFCAA Adopting Release, *supra* note 3, at Section II.E (discussing determination of Commission-Identified Issuers).

[6] Filing Fee Disclosure and Payment Methods Modernization, Release 33–10997 (Oct. 13, 2021) [86 FR 70166 (Dec. 9, 2021)].

[7] *See, e.g.,* Order Granting Conditional Substituted Compliance in Connection with Certain Requirements Applicable to Non-U.S. Security-Based Swap Dealers and Major Security-Based Swap Participants Subject to Regulation in the United Kingdom, Release 34–92529 (July 30, 2021), [86 FR 43318 (Aug. 6, 2021)]; Order Granting Conditional Substituted Compliance in Connection With Certain Requirements Applicable to Non-U.S. Security-Based Swap Dealers Subject to Regulation in the Swiss Confederation, Release 34–93284 (Oct. 8, 2021), [86 FR 57455 (Oct. 15, 2021)].

[8] Disclosure Update and Simplification, Release 33–10532 (Aug. 17, 2018) [83 FR 50148 (Oct. 4, 2018)].

[8] 5 U.S.C. 553(b)(A).

[9] 5 U.S.C. 601 through 612.

[10] 5 U.S.C. 804(3)(C).

[11] 5 U.S.C. 553(d)(3).

[12] 15 U.S.C. 77f, 77g, 77h, 77j, and 77s(a).

[13] 15 U.S.C. 78c, 78*l,* 78m, 78n, 78*o,* 78o–4, 78w, and 78*ll.*

of 1939,[14] and Sections 8, 30, 31, and 38 of the Investment Company Act of 1940.[15]

List of Subjects in 17 CFR Part 232

Incorporation by reference, Reporting and recordkeeping requirements, Securities.

Text of the Amendments

In accordance with the foregoing, title 17, chapter II of the Code of Federal Regulations is amended as follows:

PART 232 REGULATION S–T—GENERAL RULES AND REGULATIONS FOR ELECTRONIC FILINGS

■ 1. The general authority citation for part 232 continues to read as follows:

Authority: 15 U.S.C. 77c, 77f, 77g, 77h, 77j, 77s(a), 77z–3, 77sss(a), 78c(b), 78*l,* 78m, 78n, 78o(d), 78w(a), 78*ll,* 80a–6(c), 80a–8, 80a–29, 80a–30, 80a–37, 7201 *et seq.;* and 18 U.S.C. 1350, unless otherwise noted.

* * * * *

■ 2. Section 232.301 is revised to read as follows:

§ 232.301 EDGAR Filer Manual.

Filers must prepare electronic filings in the manner prescribed by the EDGAR Filer Manual, promulgated by the Commission, which sets forth the technical formatting requirements for electronic submissions. The requirements for becoming an EDGAR Filer and updating company data are set forth in the EDGAR Filer Manual, Volume I: ''General Information,'' Version 40 (March 2022). The requirements for filing on EDGAR are set forth in the updated EDGAR Filer Manual, Volume II: ''EDGAR Filing,'' Version 62 (June 2022). All of these provisions have been incorporated by reference into the Code of Federal Regulations, which action was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You must comply with these requirements in order for documents to be timely received and accepted. The EDGAR Filer Manual is available at *https://www.sec.gov/edgar/filer-information/current-edgar-filer-manual.* You can also inspect the document at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email *fr.inspection@nara.gov,* or go to: *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

By the Commission.

Dated: July 13, 2022.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2022–15321 Filed 7–18–22; 8:45 am]

BILLING CODE 8011–01–P

[14] 15 U.S.C. 77sss.

[15] 15 U.S.C. 80a–8, 80a–29, 80a–30, and 80a–37.

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2022–0260]

Safety Zone; Tonawanda's Canal Fest Fireworks

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce a safety zone for the Tonawanda's Canal Fest Fireworks on July 24, 2022, to provide for the safety of life on navigable waterways during this display. Our regulation for limited access areas within the Captain of the Port Buffalo Zone identifies the regulated area for this event in Tonawanda, NY. During the enforcement periods, the operator of any vessel in the regulated area must comply with directions from the Safety Zone Coordinator or any Official Patrol displaying a Coast Guard ensign.

DATES: The regulations in 33 CFR 165.939 as listed in Table 165.939 will be enforced from 9:15 p.m. to 10:15 p.m. on July 24, 2022.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, contact LT Justin Miller, Chief of Waterways Management, Sector Buffalo, U.S. Coast Guard; telephone 716–843–9391, email *D09-SMB-SECBuffalo-WWM@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the Safety Zones; Annual Events in the Captain of the Port Buffalo Zone listed in the table to 33 CFR 165.939 for the following events:

i. *Tonawanda's Canal Fest Fireworks, Tonawanda, NY;* The safety zone listed in Table 165.939 as (b)(26) will be enforced on all waters of East Niagara River, Tonawanda, NY within a 210-foot radius of position 43°01′17.8″ N, 078°52′40.9″ W, from 9:15 p.m. through 10:15 p.m. on July 24, 2022.

Pursuant to 33 CFR 165.23, entry into, transiting, or anchoring within these safety zones during an enforcement period is prohibited unless authorized by the Captain of the Port Buffalo or his designated representative; designation need not be in writing. Those seeking permission to enter these safety zones may request permission from the Captain of the Port Buffalo via channel 16, VHF–FM. Vessels and persons granted permission to enter the safety zone shall obey the directions of the Captain of the Port Buffalo or his designated representative. While within a safety zone, all vessels shall operate at the minimum speed necessary to maintain a safe course.

In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of the enforcement periods via Broadcast Notice to Mariners or other suitable means. If the Captain of the Port Buffalo determines that the safety zone need not be enforced for the full duration stated in this notice, he may use a Broadcast Notice to Mariners to grant general permission to enter the respective safety zone. This notice is issued under the authority of 5 U.S.C. 552(a).

Dated: July 11, 2022.

M.I. Kuperman,

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

[FR Doc. 2022–15337 Filed 7–18–22; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No.: 220713–0155]

RIN 0648–BL06

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Herring Fishery; Framework Adjustment 9

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

ACTION: Final rule.

SUMMARY: This rule approves and implements Framework Adjustment 9 to the Atlantic Herring Fishery Management Plan. This action establishes a rebuilding plan for herring and adjusts accountability measure catch threshold triggers when catch exceeds a herring annual catch limit or management area sub-annual catch limit. This action also revises regulatory text that is unnecessary, outdated, or unclear consistent with section 305(d) of the Magnuson-Stevens Fishery

Conservation and Management Act. This action is necessary to respond to updated scientific information and to achieve the goals and objectives of the fishery management plan. The approved measures are intended to help prevent overfishing, rebuild the overfished herring stock, achieve optimum yield on a continuing basis, and ensure that management measures are based on the best scientific information available.

DATES: Effective August 18, 2022.

ADDRESSES: Copies of Framework 9, including the Environmental Assessment (EA) and the Regulatory Impact Review (RIR) prepared by the New England Fishery Management Council in support of this action, are available from Thomas A. Nies, Executive Director, New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950. These documents are also accessible via the internet at *https://www.nefmc.org/management-plans/herring* or *http://www.regulations.gov.*

Copies of the small entity compliance guide are available from Michael Pentony, Regional Administrator, NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930–2298, or available on the internet at: *http://www.greateratlantic.fisheries.noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Maria Fenton, Fishery Management Specialist, (978) 281–9196, *Maria.Fenton@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Council adopted Framework Adjustment 9 to the Atlantic Herring Fishery Management Plan (FMP) on September 28, 2021. The Council submitted the framework and draft Environmental Assessment (EA) to NMFS for review on November 10, 2021. NMFS published a proposed rule for Framework 9 on March 2, 2022 (87 FR 11680). The 15-day public comment period for the proposed rule closed on March 17, 2022.

NMFS has approved all of the measures in Framework 9 recommended by the Council, as described below. This final rule implements Framework 9, which establishes a rebuilding plan for herring and adjusts accountability measure catch threshold triggers when catch exceeds a herring annual catch limit or management area sub-annual catch limit. The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) allows NMFS to approve, partially approve, or disapprove measures proposed by the Council based on whether the measures are consistent with the FMP, the Magnuson-Stevens Act and its National Standards, and other applicable law. NMFS generally defers to the Council's policy choices unless there is a clear inconsistency with the law or the FMP. Details concerning the development of these measures were contained in the preamble of the proposed rule and are not repeated here. This final rule also revises regulatory text that is unnecessary, outdated, or unclear consistent with section 305(d) of the Magnuson-Stevens Act, which provides authority to the Secretary of Commerce to promulgate regulations necessary to ensure that amendments to an FMP are carried out in accordance with the FMP and the Magnuson-Stevens Act.

Approved Measures

This action approves the management measures proposed in Framework Adjustment 9 to the Herring FMP. The measures implemented in this final rule are:

1. Herring Rebuilding Plan

Framework 9 establishes a rebuilding plan for herring that continues the use of the acceptable biological catch (ABC) control rule that was implemented through Amendment 8 to the Herring FMP and is expected to rebuild the stock by fishing year 2026 (the first year that probability of rebuilding is estimated to be 50 percent or greater). Under the ABC control rule, when biomass (B) is at or above 50 percent of the biomass that can support harvest of the maximum sustainable yield (B_{MSY}) or its proxy, ABC is the catch associated with an F of 80 percent of F_{MSY} or its proxy. When biomass falls below 50 percent of B_{MSY} or its proxy, F declines linearly to 0 at 10 percent of B_{MSY} or its proxy. Under the rebuilding plan, F will range from a low of 0.08 (fishing year 2023) to a high of 0.43 (fishing years 2025 and 2026) based on current stock biomass projections. The ABC control rule allows for a maximum F of 0.43 because 0.43 is 80 percent of the current estimate of F_{MSY} (0.54). The rebuilding plan will not make changes to the fishing year 2022 ABC, so the specifications that the fishery is currently operating under will not be disrupted.

2. Adjustments to Accountability Measure Catch Threshold Triggers

Framework 9 adjusts AM catch threshold triggers when a herring ACL or Management Area sub-ACL is exceeded so that an overage of a sub-ACL in one fishing year will only be deducted in a subsequent fishing year if the overage exceeds 10 percent of the sub-ACL; and/or if the ACL is also exceeded. Additionally, if a sub-ACL is exceeded by more than 10 percent and the ACL is not also exceeded, only the portion of the sub-ACL overage above 10 percent will be deducted from the appropriate sub-ACL in a subsequent fishing year. Under these regulations, the following overage scenarios are possible:

- If catch exceeds a sub-ACL by 10 percent or less but does not exceed the ACL in a given fishing year, then NMFS will not deduct any amount of the overage from the applicable sub-ACL or ACL in the fishing year following total catch determination.
- If catch exceeds a sub-ACL by more than 10 percent but does not exceed the ACL in a given fishing year, then NMFS will subtract the amount of the overage above 10 percent from the applicable sub-ACL and ACL in the fishing year following total catch determination. For example, if catch exceeds the Area 1A sub-ACL by 15 percent in a given fishing year and the ACL is not exceeded, the amount equal to the 5 percent overage will be deducted from the ACL and Area 1A sub-ACL in the fishing year following total catch determination.
- If catch exceeds a sub-ACL by any amount and also exceeds the ACL in a given fishing year, then NMFS will subtract the full amount of the sub-ACL overage from the applicable sub-ACL, and the full amount of the ACL overage from the ACL, in the fishing year following total catch determination. For example, if catch exceeds the Area 1A sub-ACL by 15 percent and the ACL by 5 percent in a given fishing year, the amount equal to the 15-percent overage will be deducted from the Area 1A sub-ACL and the amount equal to the 5-percent overage will be deducted from the ACL in the fishing year following total catch determination.
- If catch exceeds the ACL but does not exceed any sub-ACLs in a given fishing year, then NMFS will subtract the full amount of the overage from the ACL in the fishing year following total catch determination. For example, if catch exceeds the herring ACL by 2 percent in a given fishing year and no sub-ACLs are exceeded, the amount equal to the 2-percent overage will be deducted from the ACL only in the fishing year following total catch determination. It is possible for catch to exceed the ACL even if it does not exceed any sub-ACLs because carryover from a previous fishing year may increase the applicable sub-ACLs, but not the ACL. Therefore, the sum of the individual sub-ACLs could exceed the ACL, and the fishery could harvest more

than the ACL while staying within sub-ACLs.

3. Revisions and Clarifications to Existing Regulations

This final rule revises regulatory text that is unnecessary, outdated, or unclear consistent with section 305(d) of the Magnuson-Stevens Act. The revisions at § 648.13(f)(1)(ii)(B), (f)(2), (f)(5), and (f)(6) clarify that vessels are not allowed to catch or transfer at sea more than 40,000 lb (18,143.7 kg) of herring per trip or calendar day if the vessel is in, or the fish were harvested from, a management area subject to a 40,000-lb (18,143.7-kg) herring possession limit. The revisions at § 648.14(r)(1)(ii)(B) clarify that it is unlawful for any person to land or attempt to land more than the possession limits specified at § 648.201(a) from a management area subject to a possession limit adjustment or fishery closure. The addition of paragraph § 648.14(r)(1)(iv)(F) clarifies that is it unlawful for any person to purchase, receive, possess, have custody of, sell, barter, trade or transfer more than 2,000 lb (907.2 kg) or 40,000 lb (18,143.7 kg) of herring, or attempt to do any of these things, from a vessel if the herring is from a management area subject to a herring possession limit pursuant to § 648.201(a). The revisions at § 648.14(r)(1)(vii)(A) clarify that vessels may not transit or be in a management area subject to a possession limit adjustment or fishery closure with more than the applicable herring possession limit, unless such herring were caught in an area not subject to the possession limit, all fishing gear is stowed and not available for immediate use, and the vessel is issued the appropriate herring permit. The revision at § 648.201(a)(1)(i) changes the paragraph heading from ''Management area closure'' to ''Possession limit adjustments.'' The revisions at § 648.201(a)(1)(i)(A), (a)(2)(i)(B)(*1*), (a)(1)(i)(B)(*2*), (a)(1)(ii), (a)(2), and (a)(4)(ii) update possession limit adjustment language to be consistent with § 648.201(a)(1)(i), and clarify that vessels may not fish for, possess, transfer, receive, land, or sell more than the applicable possession limits described in those paragraphs, or attempt to do any of these things. The revisions at § 648.201(a)(1)(i)(B)(*1*) clarify that, based on catch projections, NMFS may implement a 2,000-lb (907.2-kg) herring possession limit (Phase 2) without first implementing a 40,000-lb (18,143.7-kg) possession limit (Phase 1) in Areas 2 or 3 in order to avoid impracticable transitions from Phase 1 to Phase 2 thresholds, avoid overages, or reduce the risk of exceeding the ABC. The revisions at § 648.201(b) and (c) correct typos by changing ''less than'' to ''greater than.'' The revisions at § 648.201(g)(1) update the language used in the carryover example to clarify the timing of when carryover is applied and how it is calculated. The final revision removes paragraph § 648.201(g)(2) because the carryover provisions contained within only applied to fishing years 2021 and 2022 and are therefore no longer necessary.

Proposed Rule Comments and Responses

We received two comment letters on the Framework 9 proposed rule during the public comment period. One joint comment letter was submitted on behalf of Conservation Law Foundation, Blue Planet Strategies, Natural Resources Defense Council, The Pew Charitable Trust, Whale and Dolphin Conservation, Wild Oceans, and interested stakeholders. The other comment letter was submitted by a member of the public. Consolidated responses are provided to similar comments on the proposed measures.

Herring Rebuilding Plan

Comment 1: Environmental advocacy groups commented in support of the proposed herring rebuilding plan. In particular, they supported the proposed rebuilding plan because compared to the other rebuilding alternatives analyzed in Framework 9, the proposed rebuilding plan would rebuild the stock in as short a time as possible, consistent with Magnuson-Stevens Act requirements and relevant National Standard 1 guidelines. They supported the proposed rebuilding plan's use of the existing ABC control rule that was implemented through Amendment 8, which accounts for herring's role as forage in the ecosystem. They supported that compared to the other rebuilding alternatives, the proposed rebuilding plan prioritizes the benefits of rebuilding the herring stock as quickly as possible over short-term economic interests. They stated that the proposed rebuilding plan favors the needs of fishing communities because these communities will benefit from a rebuilt herring population. They noted that these benefits extend beyond the herring fishing community to other fishing communities (*e.g.,* commercial tuna fishery, lobster fishery) and industries (*e.g.,* ecotourism) that rely on herring. They also supported the proposed rebuilding plan because it had a greater chance of rebuilding in as short a time as possible with a lower chance of a fishery closure.

Response 1: We agree and have approved the herring rebuilding plan for the reasons discussed in the proposed rule and the preamble to this rule.

Comment 2: The member of the public commented that responsible management would have prevented the need for a rebuilding plan.

Response 2: We disagree. The best scientific information available on the status and biology of the stock from the 2020 Management Track Assessment show that herring spawning stock biomass (SSB) declined during 2014–2019, with 2019 SSB estimated to be the lowest value since the late 1980s. Data also indicate that herring recruitment has been declining since 2013, hitting a historically-low level in 2019. However, data show that fishing mortality on fully recruited fish by the U.S. mobile fleet has declined since 2010, with 2019 fishing mortality estimated to be the lowest value since the early 1990s. While there are several sources of uncertainty in the stock assessment, the assessment concluded that persistent low recruitment is the primary factor driving the status of the herring stock, and that regulations reducing U.S. herring catch have prevented overfishing from occurring.

Comment 3: The member of the public commented that herring has been overfished for decades, and that MSY has long been exceeded.

Response 3: We disagree. A 2018 benchmark assessment found that the herring stock was not overfished but was approaching an overfished condition, and that overfishing was not occurring. The herring stock was not formally determined to be overfished until 2020, based on the results of the 2020 herring management track assessment. Additionally, catch data indicate that during 2008–2020, the herring ACL was not exceeded. Therefore, the fishery has not been exceeding MSY.

Comment 4: The member of the public commented that herring numbers have declined to the point where recruitment is too low to support annual harvest of the resource. They commented that there is no acceptable catch limit for a severely depleted stock, and that the importance of herring to the ecosystem merits a total ban on fishing. They commented that decisions allowing continued harvest of the resource do not constitute rebuilding.

Response: Herring is an important forage species in the Northeast U.S. shelf ecosystem for a wide variety of fish, marine mammals, and birds. However, we disagree that fishing for herring should be prohibited at this time. The current conditions do not

warrant zero fishing mortality under the ABC control rule. Consequently, implementing a ban on herring fishing under current conditions would prevent the fishery from achieving optimum yield on a continuing basis, which is inconsistent with National Standard 1 of the Magnuson-Stevens Act. Additionally, prohibiting herring fishing could result in a shortage of bait for other fisheries (*e.g.,* lobster, bluefin tuna), or could limit fishermen's ability to participate in other fisheries that overlap with herring (*e.g.,* squid, Atlantic mackerel). Therefore, the negative impacts of prohibiting herring fishing could extend beyond the herring fishery itself and into other overlapping fisheries.

This action establishes a rebuilding plan for herring that continues the use of the ABC control rule to set fishery specifications. The ABC control rule was developed using a management strategy evaluation (MSE) that accounted for herring's role as forage when evaluating ABC control rule options. The model used for herring included scenarios where herring productivity was high, as well as low, to explicitly enable the Council to evaluate the impact of ABC control rules on real-world specifications given fluctuations in herring biomass.

The ABC control rule explicitly accounts for herring as forage in the ecosystem by reserving a portion of the catch for predators, limiting F to 80 percent of F_{MSY} when biomass is high and setting it at zero when biomass is low. The ABC control rule was designed to balance the goals and objectives of the Herring FMP, including managing the fishery at long-term sustainable levels, taking forage for predators into account to support the ocean ecosystem, and providing a biologically sustainable harvest as a source of revenue for fishing communities and bait for the lobster fishery.

Comment 5: The member of the public commented that the assumption that future recruitment will resemble long-term average recruitment is highly doubtful. They commented that it is unlikely that current stock can support future generations of herring long-term, and that continued removal of these fish will contribute to continued low recruitment.

Response 5: We agree that current recruitment may not resemble long-term average recruitment. During the development of Framework 9, sensitivity analyses were completed in order to evaluate the risk associated with different recruitment assumptions. SSB projections were generated assuming (1) long-term average recruitment, consistent with the 2020 stock assessment, and (2) autocorrelated recruitment. Under the long-term average recruitment assumption, future recruitment is predicted to be equal to median recruitment during 1965–2017. Under the autocorrelated recruitment assumption, future recruitment is predicted to be similar to the previous year plus some random variation. The results of these sensitivity analyses showed that assuming autocorrelated recruitment results in recruitment values that are more similar to recent recruitment, and that are lower than the values that result when assuming long-term average recruitment. Assuming long-term average recruitment, the stock is projected to rebuild in 5 years (in fishing year 2026). Assuming autocorrelated recruitment, the stock is projected to rebuild in 9 years (in fishing year 2030). The next herring management track assessment is scheduled to be completed in June 2022. This assessment will provide NMFS and the Council with additional data on recent herring recruitment levels, and will provide the Council with an opportunity to evaluate rebuilding progress. Once the herring rebuilding plan is implemented, NMFS will review and evaluate the stock's rebuilding progress every 2 years, consistent with Magnuson-Stevens Act requirements.

Comment 6: The member of the public commented that herring is a keystone species, and that the cost to the ecosystem of the removal of this species is not being accounted for in impact evaluations or management decisions. They commented that herring is more important to the ecosystem than it is to generating fishery profits.

Response 6: We agree that herring is an important component of the Northeast U.S. shelf ecosystem. However, we disagree that management decisions do not take herring's role in the ecosystem into account. As previously mentioned, the ABC control rule is used to set fishery specifications to prevent overfishing and explicitly account for herring as forage in the ecosystem by reserving a portion of the catch for predators.

National Standard 8 of the Magnuson-Stevens Act requires us to ''. . . take into account the importance of fishery resources to fishing communities by utilizing economic and social data that meet the requirement of paragraph (2) [*i.e.,* National Standard 2], in order to (a) provide for the sustained participation of such communities, and (b) to the extent practicable, minimize adverse economic impacts on such communities'' consistent with conservation requirements. Herring is an important source of revenue for some Northeast fishing vessels. Data show that 51 vessels landed a total of 9,588 mt of herring, valued at $6.7 million, during fishing year 2020. The majority (87 percent) of herring landings were attributed to eight ports designated as ''primary ports'' for herring due to their substantial level of engagement with the fishery. Prohibiting herring fishing would lead to negative economic impacts to the vessels and communities that rely on revenue from this species. Additionally, prohibiting herring fishing would prevent the fishery from achieving optimum yield on a continuing basis, which is inconsistent with National Standard 1 of the Magnuson-Stevens Act.

Further, as noted above, herring is an important source of bait for the lobster and bluefin tuna fisheries, and vessels that participate in the herring fishery often also participate in other co-occurring fisheries (*e.g.,* mackerel, squid). Prohibiting herring fishing could result in a shortage of bait, or could limit fishermen's ability to access to co-occurring fisheries using gear that could catch herring. A prohibition on herring fishing under current conditions would unnecessarily constrain participation in these other fisheries, impacting their ability to achieve optimum yield and resulting in negative economic impacts to the vessels and communities that rely on those resources. Therefore, the impacts of prohibiting herring fishing could extend far beyond the herring fishery to other overlapping fishing communities as well.

Changes From the Proposed Rule

This final rule makes revisions to the regulations at § 648.201(a)(1)(i)(B)(*1*) and (*2*) that were not included in the proposed rule. The revisions clarify regulations that were discussed and implemented in the Framework Adjustment 8 interim final rule. The revisions are consistent with the discussion in the Framework 8 rules and are made under our authority under section 305(d) of the Magnuson-Stevens Act to promulgate regulations necessary to ensure that amendments to an FMP are carried out in accordance with the FMP and the Magnuson-Stevens Act. These revisions expressly state that we may implement Phase 2 of the possession limit adjustment process (2,000-lb (907.2-kg) possession limit) in Area 2 or 3 before implementing Phase 1 (40,000-lb (18,143.7-kg) possession limit) in order to avoid overages and reduce the risk of catch exceeding the ABC. In years when herring sub-ACLs are low, the high volume nature of the fishery and the limited amount of time

between the fishery catching 90 percent of the Area 2 or 3 sub-ACL (the trigger for implementing Phase 1) and 98 percent of the sub-ACL (the trigger for implementing Phase 2) can make it impracticable and risky to implement the 40,000-lb (18,143.7-kg) limit before implementing the 2,000-lb (907.2-kg) limit in these areas. The final rule implementing Framework 8 explained that in certain instances NMFS may need to bypass Phase 1 and immediately implement Phase 2 based on the most recent catch information, and we are revising the regulations in this final rule to expressly note this authority in the regulations and the reasons for exercising it. We received no comments on these provisions during the Framework 8 rulemaking, and the regulated community already understands that Phase 1 may be bypassed to immediately implement Phase 2. In fact, since the two-step possession limit adjustment process was implemented in 2021, NMFS twice has bypassed the Phase 1 40,000-lb possession limit and instead immediately implemented the 2,000-lb possession limit in Area 3 (in March 2021 and again in February 2022).

Classification

Pursuant to section 304(b)(3) of the Magnuson-Stevens Act, the NMFS Assistant Administrator is promulgating final regulations that have been determined to be consistent with the Herring FMP, provisions of the Magnuson-Stevens Act, and other applicable law.

The Office of Management and Budget has determined that this final rule is not significant pursuant to Executive Order (E.O.) 12866.

This final rule does not contain policies with federalism or takings implications as those terms are defined in E.O. 13132 and E.O. 12630, respectively.

This final rule does not contain any new information collection requirements, including reporting or recordkeeping requirements, for the purposes of the Paperwork Reduction Act.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule and is not repeated here. No comments were received regarding this certification. As a result, a final regulatory flexibility analysis was not required and none was prepared.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: July 13, 2022.

Kimberly Damon-Randall,

Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 648 is amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

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

■ 2. In § 648.13, revise paragraphs (f)(1)(ii)(B), (f)(2)(ii), (f)(5), and (f)(6) to read as follows:

§ 648.13 Transfers at sea.

* * * * *

(f) * * *

(1) * * *

(ii) * * *

(B) Provided that the transfer of herring at sea to another vessel for personal use as bait does not exceed the possession limit specified for the transferring vessel in § 648.204, except that no more than the applicable 2,000 lb (907.2 kg) or 40,000 lb (18,143.7 kg) herring possession limit may be caught or transferred per trip or per calendar day if the vessel is in, or the fish were harvested from, a management area subject to a possession limit adjustment or fishery closure as specified in § 648.201.

(2) * * *

(ii) A vessel issued an Atlantic herring permit may transfer herring at sea to an Atlantic herring carrier up to the applicable possession limits specified in § 648.204, provided it is issued a letter of authorization for the transfer of herring and that no more than the applicable 2,000 lb (907.2 kg) or 40,000 lb (18,143.7 kg) herring possession limit may be caught or transferred at sea per trip or per calendar day if the vessel is in, or the fish were harvested from, an area subject to a possession limit adjustment or fishery closure as specified in § 648.201.

* * * * *

(5) *Transfer to at-sea processors.* A vessel issued an Atlantic herring permit may transfer herring to a vessel issued an at-sea processing permit specified in § 648.6(a)(2)(ii), up to the applicable possession limit specified in § 648.204, except that no more than the applicable 2,000 lb (907.2 kg) or 40,000 lb (18,143.7 kg) herring possession limit may be caught or transferred at sea per trip or per calendar day if the vessel is in, or the fish were harvested from, a management area subject to a possession limit adjustment or fishery closure as specified in § 648.201.

(6) *Transfers between herring vessels.* A vessel issued a valid Atlantic herring permit may transfer and receive herring at sea, provided such vessel has been issued a letter of authorization from the Regional Administrator to transfer or receive herring at sea. Such vessel may not transfer, receive, or possess at sea, or land per trip herring in excess of the applicable possession limits specified in § 648.204, except that no more than 2,000 lb (907.2 kg) or 40,000 lb (18,143.7 kg) of herring may be caught, transferred, received, or possessed at sea, or landed per trip or per calendar day if the vessel is in, or the fish were harvested from, a management area subject to a possession limit adjustment or fishery closure as specified in § 648.201.

* * * * *

■ 3. In § 648.14:

■ a. Revise paragraphs (r)(1)(ii)(B);

■ b. Add paragraph (r)(1)(iv)(F); and

■ c. Revise paragraph (r)(1)(vii)(A).

The revisions read as follows:

§ 648.14 Prohibitions.

* * * * *

(r) * * *

(1) * * *

(ii) * * *

(B) Attempt or do any of the following: Fish for, possess, transfer, receive, land, or sell, more than the possession limits specified at § 648.201(a) from a management area subject to a possession limit adjustment or fishery closure, or from a river herring and shad catch cap closure area that has been closed to specified gear pursuant to § 648.201(a)(4)(ii), if the vessel has been issued and holds a valid herring permit.

* * * * *

(iv) * * *

(F) Purchase, receive, possess, have custody or control of, sell, barter, trade or transfer, or attempt to purchase, receive, possess, have custody or control of, sell, barter, trade or transfer, more than the applicable 2,000 lb (907.2 kg) or 40,000 lb (18,143.7 kg) possession limit of herring from a vessel if the herring is from a management area subject to a possession limit for Atlantic herring pursuant to § 648.201(a).

* * * * *

(vii) * * *

(A) Transit or be in an area subject to a possession limit adjustment or fishery

closure pursuant to § 648.201(a) with more than the applicable 2,000 lb (907.2 kg) or 40,000 lb (18,143.7 kg) herring possession limit, unless such herring were caught in an area not subject to the 2,000 lb (907.2 kg) or 40,000 lb (18,143.7 kg) limit specified in § 648.201(a), all fishing gear is stowed and not available for immediate use as defined in § 648.2, and the vessel is issued a permit appropriate to the amount of herring on board and the area where the herring was harvested.

* * * * *

■ 4. In § 648.201:

■ a. Revise paragraphs (a)(1)(i) introductory text, (a)(1)(i)(A), (a)(1)(i)(B)(*1*) and (*2*), (a)(1)(ii), (a)(2), (a)(3), (a)(4)(ii), (b), (c), (g)(1); and

■ b. Remove and reserve paragraph (g)(2).

The revisions read as follows:

§ 648.201 AMs and harvest controls.

* * * * *

(a) * * *

(1) * * *

(i) *Possession Limit Adjustments*—(A) *Areas 1A and 1B Possession Limit Adjustment.* If NMFS projects that catch from Area 1A or 1B will reach 92 percent of the annual sub-ACL allocated to Area 1A or Area 1B, before the end of the fishing year, or 92 percent of the Area 1A sub-ACL allocated to the seasonal period as set forth in paragraph (d) of this section, beginning the date the catch is projected to reach 92 percent of the sub-ACL, vessels may not attempt or do any of the following: Fish for, possess, transfer, receive, land, or sell more than 2,000 lb (907.2 kg) of Atlantic herring per trip in or from the applicable area, and from landing herring more than once per calendar day, except as provided in paragraphs (b) and (c) of this section. NMFS shall implement these restrictions in accordance with the APA.

(B) * * *

(*1*) *Possession Limit Adjustment—Phase 1.* If NMFS projects that catch from Area 2 or Area 3 will reach 90 percent of the annual sub-ACL allocated to Area 2 or Area 3 before the end of the fishing year, beginning the date the catch is projected to reach 90 percent of the applicable sub-ACL, vessels may not attempt or do any of the following: Fish for, possess, transfer, receive, land, or sell more than 40,000 lb (18,143.7 kg) of Atlantic herring per trip in or from the applicable area, and from landing herring more than once per calendar day, except as provided in paragraphs (b) and (c) of this section. Based on catch projections in relation to the amount of catch available between the applicable 90 percent (Phase 1) and 98 percent (Phase 2) sub-ACL adjustment thresholds, NMFS may bypass implementing this Phase 1, 40,000-lb (18,143.7-kg) possession limit and instead implement the Phase 2, 2,000-lb (907.2-kg) possession limit described at § 648.201(a)(1)(i)(B)(*2*) as warranted to avoid impracticable transitions from Phase 1 to Phase 2 thresholds, avoid overages, or reduce the risk of exceeding the ABC. NMFS shall implement these restrictions in accordance with the APA.

(*2*) *Possession Limit Adjustment—Phase 2.* If NMFS projects that catch will reach 98 percent of the annual sub-ACL allocated to Area 2 or Area 3 before the end of the fishing year, beginning the date the catch is projected to reach 98 percent of the sub-ACL, vessels may not attempt or do any of the following: Fish for, possess, transfer, receive, land, or sell more than 2,000 lb (907.2 kg) of Atlantic herring per trip in the applicable area, and from landing herring more than once per calendar day, except as provided in paragraphs (b) and (c) of this section. Based on catch projections, NMFS may implement this Phase 2, 2,000-lb (907.2-kg) possession limit without first implementing the Phase 1, 40,000-lb (18,143.7-kg) possession limit described at § 648.201(a)(1)(i)(B)(*1*) as warranted to avoid impracticable transitions from Phase 1 to Phase 2 thresholds, avoid overages, or reduce the risk of exceeding the ABC. NMFS shall implement these restrictions in accordance with the APA.

(ii) *Herring fishery closure.* If NMFS projects that catch will reach 95 percent of the ACL before the end of the fishing year, beginning the date the catch is projected to reach 95 percent of the ACL, vessels may not attempt or do any of the following: Fish for, possess, transfer, receive, land, or sell more than 2,000 lb (907.2 kg) of Atlantic herring per trip in all herring management areas, and from landing herring more than once per calendar day, except as provided in paragraphs (b) and (c) of this section. NMFS shall implement these restrictions in accordance with the APA.

(2) When the Regional Administrator has determined that the GOM and/or GB incidental catch cap for haddock in § 648.90(a)(4)(iii)(D) has been caught, no vessel issued a Federal Atlantic herring permit and fishing with midwater trawl gear in the applicable Accountability Measure (AM) Area, *i.e.,* the Herring GOM Haddock AM Area or Herring GB Haddock AM Area, as defined in § 648.86(a)(3)(ii)(A)(2) and (3) of this part, may fish for, possess, transfer, receive, land, or sell herring in excess of 2,000 lb (907.2 kg) per trip in or from the applicable AM Area, and from landing herring more than once per calendar day, unless all herring possessed and landed by a vessel were caught outside the applicable AM Area and the vessel's gear is not available for immediate use as defined in § 648.2 while transiting the applicable AM Area. Upon this determination, the haddock possession limit is reduced to 0 lb (0 kg) in the applicable AM area for a vessel issued a Federal Atlantic herring permit and fishing with midwater trawl gear or for a vessel issued a Category A or B Herring Permit fishing on a declared herring trip, regardless of area fished or gear used, in the applicable AM area, unless the vessel also possesses a Northeast multispecies permit and is operating on a declared (consistent with § 648.10(g)) Northeast multispecies trip.

(3) *ACL and sub-ACL overage deductions.* (i) If NMFS determines that total catch exceeded an Atlantic herring sub-ACL by 10 percent or less and the ACL was not exceeded in a given fishing year, then NMFS shall not deduct any amount of the overage from the applicable sub-ACL or ACL in the fishing year following total catch determination.

(ii) If NMFS determines that total catch exceeded an Atlantic herring sub-ACL by greater than 10 percent and the ACL was not exceeded in a given fishing year, then NMFS shall subtract the amount of the overage above 10 percent from the ACL and applicable sub-ACL in the fishing year following total catch determination. For example, if catch exceeded the Area 1A sub-ACL by 15 percent in Year 1 and the ACL was not exceeded, the amount equal to the 5 percent overage would be deducted from the ACL and Area 1A sub-ACL in Year 3.

(iii) If NMFS determines that total catch exceeded an Atlantic herring sub-ACL by any amount and the ACL was also exceeded in a given fishing year, then NMFS shall subtract the full amount of the sub-ACL overage from the applicable sub-ACL, and the full amount of the ACL overage from the ACL, in the fishing year following total catch determination. For example, if catch exceeded the Area 1A sub-ACL by 15 percent and the ACL by 5 percent in Year 1, the amount equal to the 15-percent overage would be deducted from the Area 1A sub-ACL and the amount equal to the 5-percent overage would be deducted from the ACL in Year 3.

(iv) If NMFS determines that total catch exceeded the Atlantic herring ACL and no herring sub-ACLs were exceeded in a given fishing year, then NMFS shall

subtract the full amount of the overage from the ACL in the fishing year following total catch determination. For example, if catch exceeded the herring ACL by 2 percent in Year 1, the amount equal to the 2-percent overage would be deducted from the ACL in Year 3, and no sub-ACLs would be reduced.

(v) NMFS shall make overage determinations and implement any changes to ACLs or sub-ACLs, through notification in the **Federal Register**, and if possible, prior to the start of the fishing year during which the reduction would occur.

(4) * * *

(ii) Beginning on the date that NMFS projects that river herring and shad catch will reach 95 percent of a catch cap for specified gear applicable to an area specified in § 648.200(f)(7) for the remainder of the fishing year, vessels may not attempt or do any of the following: Fish for, possess, transfer, receive, land, or sell more than 2,000 lb (907.2 kg) of Atlantic herring per trip using the applicable gear in the applicable catch cap closure area, specified in § 648.200(f)(8), and from landing herring more than once per calendar day, except as provided in paragraphs (b) and (c) of this section. NMFS shall implement these restrictions in accordance with the APA.

(b) A vessel may transit an area that is limited to the 2,000-lb (907.2-kg) limit or 40,000-lb (18,143.7-kg) limit specified in paragraph (a) of this section with greater than 2,000 lb (907.2 kg) or greater than 40,000 lb (18,143.7 kg) of herring on board, provided such herring were caught in an area or areas not subject to the 2,000-lb (907.2-kg) limit or 40,000-lb (18,143.7-kg) limit specified in paragraph (a) of this section, and that all fishing gear is stowed and not available for immediate use as defined in § 648.2, and provided the vessel is issued a vessel permit appropriate to the amount of herring on board and the area where the herring was harvested.

(c) A vessel may land an area that is limited to the 2,000-lb (907.2-kg) limit or 40,000-lb (18,143.7-kg) limit specified in paragraph (a) of this section with greater than 2,000 lb (907.2 kg) or greater than 40,000 lb (18,143.7 kg) of herring on board, provided such herring were caught in an area or areas not subject to the 2,000-lb (907.2-kg) limit or 40,000-lb (18,143.7-kg) limit specified in paragraph (a) of this section, and that all fishing gear is stowed and not available for immediate use as defined in § 648.2, and provided the vessel is issued a vessel permit appropriate to the amount of herring on board and the area where the herring was harvested.

* * * * *

(g) * * *

(1) Subject to the conditions described in this paragraph (g), unharvested catch in a herring management area in a fishing year (up to 10 percent of that area's sub-ACL) shall be carried over and added to the sub-ACL for that herring management area for the fishing year following the year when total catch is determined. For example, NMFS will determine total catch from Year 1 during Year 2, and will add carryover to the applicable sub-ACL(s) in Year 3. All such carryover shall be based on the herring management area's initial sub-ACL allocation for Year 1, not the sub-ACL for Year 1 as increased by carryover or decreased by an overage deduction, as specified in paragraph (a)(3) of this section. All herring caught from a herring management area shall count against that area's sub-ACL, as increased by carryover. For example, if 100 mt of herring is added as carryover from Year 1 to a 5,000 mt sub-ACL in Year 3, catch in that management area would be tracked against a total sub-ACL of 5,100 mt. NMFS shall add sub-ACL carryover only if catch does not exceed the Year 1 ACL, specified consistent with § 648.200(b)(3). The ACL, consistent with § 648.200(b)(3), shall not be increased by carryover specified in this paragraph (g).

(2) [Reserved]

* * * * *

[FR Doc. 2022–15351 Filed 7–18–22; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 87, No. 137
Tuesday, July 19, 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.

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 30 and 70

[Docket No. NRC–2017–0031]

RIN 3150–AK52

Decommissioning Financial Assurance for Sealed and Unsealed Radioactive Materials

AGENCY: Nuclear Regulatory Commission.

ACTION: Regulatory basis; reopening of comment period and correction.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is correcting the notification published in the **Federal Register** on April 28, 2022, regarding a regulatory basis to support a rulemaking that would amend its regulations for decommissioning financial assurance for sealed and unsealed radioactive materials. This action is necessary to correct a publication issue with the regulatory basis. In the notification, the NRC solicited comments from the public, and the public comment period closed on June 27, 2022. The NRC has decided to reopen the public comment period to allow more time for members of the public to develop and submit their comments.

DATES: The correction takes effect on July 19, 2022. The comment period for the document published on April 28, 2022, (87 FR 25157) has been reopened. Comments should be filed no later than August 18, 2022. Comments received after this date will be considered, if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal rulemaking website:

- *Federal rulemaking website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2017–0031. Address questions about NRC dockets to Dawn Forder; telephone: 301–415–3407; email: *Dawn.Forder@nrc.gov.* For technical questions contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Email comments to: Rulemaking.Comments@nrc.gov.* If you do not receive an automatic email reply confirming receipt, then contact us at 301–415–1677.
- *Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications Staff. For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Gregory Trussell, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6244; email: *Gregory.Trussell@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2017–0031 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2017–0031.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *PDR.Resource@nrc.gov.* For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal Rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2017–0031 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Correction

In the **Federal Register** on April 28, 2022, in Doc. 2022–09099, on page 25159, in the second column of the last entry in the table, correct ''ML21235A480'' to read ''ML22188A206.'' This will correct a publication error with the regulatory basis, restoring previously omitted pages 45–67 including Appendices A through C.

III. Discussion

On April 28, 2022, the NRC solicited comments on a regulatory basis to support a rulemaking that would amend its regulations for decommissioning financial assurance for sealed and unsealed radioactive materials. The purpose of the regulatory basis document is to serve as a precursor to a proposed rule and to describe the NRC's recommendation and considerations in amending appendix B, ''Quantities of licensed material requiring labeling,'' to part 30 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Rules of General Applicability to

Domestic Licensing of Byproduct Material,'' and 10 CFR 70.25, ''Financial assurance and recordkeeping for decommissioning.'' The proposed rule would address the petition for rulemaking (PRM)–30–66, ''Request of the Organization of Agreement States for the NRC to Amend Appendix B, 'Quantities of Licensed Material Requiring Labeling,''' submitted by the Organization of Agreement States (OAS) on April 14, 2017. The public comment period closed on June 27, 2022. The NRC has decided to reopen the public comment period on this document until August 18, 2022, to correct a publication error and allow more time for members of the public to submit their comments.

The NRC may post materials related to this document, including public comments, on the Federal rulemaking website at *https://www.regulations.gov* under Docket ID NRC–2017–0031. In addition, the Federal rulemaking website allows members of the public to receive alerts when changes or additions occur in a docket folder. To subscribe: (1) navigate to the docket folder (NRC–2017–0031); (2) click the ''Subscribe'' link; and (3) enter an email address and click on the ''Subscribe'' link.

Dated: July 13, 2022.

For the Nuclear Regulatory Commission.

Tara Inverso,

Acting Director, Division of Rulemaking, Environmental, and Financial Support, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2022–15320 Filed 7–18–22; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–0879; Project Identifier MCAI–2022–00039–T]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Airbus SAS Model A300 B2K–3C, B2–203, B4–2C, and B4–203 airplanes. This proposed AD was prompted by reports of cracking of the flight compartment aft window frame and adjacent fuselage skin. This proposed AD would require a one-time check for previously accomplished repairs of the window pane and adjacent fuselage panel, and applicable corrective actions, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by September 2, 2022.

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

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

For material that will be incorporated by reference (IBR) in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this 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–2022–0879.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0879; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone 206–231–3225; email *dan.rodina@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2022–0879; Project Identifier MCAI–2022–00039–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Dan Rodina, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone 206–231–3225; email *dan.rodina@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2022–0004, dated January 11, 2022 (EASA AD 2022–0004) (also referred to as the MCAI), to correct an unsafe condition for all Airbus SAS Model A300 B2K–3C,

B2–203, B4–2C, B4–203, C4–203, and F4–203 airplanes. Model C4–203 and F4–203 airplanes are not certificated by the FAA and are not included on the U.S. type certificate data sheet; this proposed AD therefore does not include those airplanes in the applicability.

EASA AD 2022–0004 specifies that changes were made to the inspection methods and compliance times required by paragraph 1.8 of Direction Generale de l'Aviation Civile (DGAC) France AD 1990–222–116(B) R5, dated January 8, 2000 (DGAC France AD 1990–222–116(B) R5), and that the requirements of paragraph 1.8 of DGAC France AD 1990–222–116(B) R5 are ''no longer valid.'' FAA AD 2000–10–01, Amendment 39–11725 (65 FR 33441, May 24, 2000) (AD 2000–10–01) corresponds to DGAC France AD 1990–222–116(B) R4, dated March 27, 1996. DGAC France AD 1990–222–116(B) R5 removed certain other requirements, but the requirements of paragraph 1.8 did not change from those in DGAC France AD 1990–222–116(B) R4, dated March 27, 1996. This proposed AD would therefore terminate the inspections of the rear lower corner of the flight compartment aft window at fuselage station (STA) 972/frame (FR) 10, as required by paragraphs (a)(8), (d), and (e) of AD 2000–10–01.

This proposed AD was prompted by reports of cracking of the flight compartment aft window frame and adjacent fuselage skin. The FAA is proposing this AD to address cracking of the wings and fuselage, which could result in reduced structural integrity of the airplane. See the MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

EASA AD 2022–0004 specifies procedures for a one-time check for previously accomplished repairs of the window pane and adjacent fuselage panel, and applicable corrective actions. If no repair is identified, the corrective actions are accomplishing repetitive ultrasonic inspections of the window frame, and detailed inspections of the adjacent fuselage panel for cracking, and repair of any cracking. If any repair is identified, the corrective action is obtaining and accomplishing further instructions.

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

FAA's Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2022–0004 described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2022–0004 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2022–0004 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2022–0004 does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in EASA AD 2022–0004. Service information required by EASA AD 2022–0004 for compliance will be available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0879 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this proposed AD would affect 1 airplane of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
1 work-hours × $85 per hour = $85	$0	$85	$85

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

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
3 work-hours × $85 per hour = $255	$0	$255

The FAA has received no definitive data on which to base the cost estimates for the on-condition repairs or additional instructions specified in this proposed AD.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue

rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus SAS: Docket No. FAA–2022–0879; Project Identifier MCAI–2022–00039–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by September 2, 2022.

(b) Affected ADs

This AD affects AD 2000–10–01, Amendment 39–11725 (65 FR 33441, May 24, 2000) (AD 2000–10–01).

(c) Applicability

This AD applies to all Airbus SAS Model A300 B2K–3C, B2–203, B4–2C, and B4–203 airplanes, certificated in any category.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by reports of cracking of the flight compartment aft window frame and adjacent fuselage skin. The FAA is issuing this AD to address cracking of the wings and fuselage, 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 2022–0004, dated January 11, 2022 (EASA AD 2022–0004).

(h) Exceptions to EASA AD 2022–0004

(1) Where EASA AD 2022–0004 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where paragraph (4) of EASA AD 2022–0004 specifies to ''accomplish those instructions accordingly'' if any crack is detected, for this AD if any crack is detected, the crack must be repaired before further flight 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) Where paragraph (6) of EASA AD 2022–0004 specifies terminating action, replace the text ''the requirements of paragraph 1.8 of DGAC France AD 1990–222–116(B) R5 are no longer valid,'' with ''the inspections of the rear lower corner of the flight compartment aft window at fuselage station (STA) 972/ frame (FR) 10, as required by paragraphs (a)(8), (d), and (e) of AD 2000–10–01, are terminated.''

(4) The ''Remarks'' section of EASA AD 2022–0004 does not apply to this AD.

(i) No Reporting Requirement

Although the service information referenced in EASA AD 2022–0004 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) 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 (k)(2) 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 local flight standards district office/certificate holding district 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 DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(k) Related Information

(1) For EASA AD 2022–0004, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this EASA AD 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. This material may be found in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0879.

(2) For more information about this AD, contact Dan Rodina, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone 206–231–3225; email *dan.rodina@faa.gov.*

Issued on July 8, 2022.

Christina Underwood,

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

[FR Doc. 2022–15326 Filed 7–18–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 112

[Docket No. FDA–2021–N–0471]

RIN 0910–AI49

Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption Relating to Agricultural Water

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule; supplemental notice of proposed rulemaking.

SUMMARY: The Food and Drug Administration (FDA, the Agency, or we) is proposing dates for compliance with the pre-harvest agricultural water provisions for covered produce other than sprouts in the ''Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption Relating to Agricultural Water'' proposed rule. We also are specifying the duration of the period during which we intend to exercise enforcement discretion for the harvest and post-harvest agricultural water requirements for covered produce other than sprouts in the produce safety regulation to provide covered farms, regulators, educators, and other stakeholders additional time to facilitate compliance with those provisions. The proposed compliance dates for pre-harvest agricultural water requirements and our exercise of enforcement discretion for the harvest and post-harvest agricultural water provisions are intended to facilitate successful implementation and optimize public health protections. We are reopening the comment period only with respect to the compliance dates for the proposed pre-harvest agricultural water provisions for covered produce other than sprouts.

DATES: Either electronic or written comments on the proposed rule must be submitted by September 19, 2022.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of September 19, 2022. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2021–N–0471 for ''Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption Relating to Agricultural Water.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

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

FOR FURTHER INFORMATION CONTACT: Samir Assar, Center for Food Safety and Applied Nutrition (HFS–317), Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–1636, *samir.assar@hhs.fda.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Purpose of the Supplemental Notice of Proposed Rulemaking

This supplemental notice of proposed rulemaking proposes compliance dates for the pre-harvest agricultural water [1] provisions for covered produce other than sprouts in the proposed rule, ''Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption Relating to

[1] Agricultural water for produce subject to the requirements of part 112 (covered produce) other than sprouts, using a direct application method during growing activities are commonly referred to as ''pre-harvest agricultural water.'' The produce safety regulation refers to pre-harvest agricultural water used during sprout production as ''sprout irrigation water.''

Agricultural Water'' (86 FR 69120, December 6, 2021) (2021 agricultural water proposed rule) and announces our intent to continue the policy of enforcement discretion for the relevant subpart E requirements in the produce safety regulation until this rulemaking is completed. Additionally, we are specifying the duration of our intended enforcement discretion policy for the harvest and post-harvest agricultural water [2] requirements for covered produce other than sprouts in the produce safety regulation.

In light of the revisions we are proposing to certain pre-harvest agricultural water requirements for covered produce (other than sprouts) in the 2021 agricultural water proposed rule, we are proposing to establish dates for compliance with the pre-harvest agricultural water provisions for covered produce other than sprouts as follows: 2 years and 9 months after the effective date of a final rule for very small businesses; 1 year and 9 months after the effective date of a final rule for small businesses; and 9 months after the effective date of a final rule for all other businesses (see table 3).

We are not proposing a compliance date extension for the harvest and post-harvest agricultural water requirements for covered produce other than sprouts because we did not propose to change those provisions. However, we are specifying the duration of our intended enforcement discretion policy for the harvest and post-harvest agricultural water provisions for covered produce other than sprouts in the produce safety regulation until January 26, 2025, for very small businesses; January 26, 2024, for small businesses; and January 26, 2023, for all other businesses (see table 3).

B. Summary of the Major Provisions of the Supplemental Notice of Proposed Rulemaking

The 2021 agricultural water proposed rule, if finalized, would revise certain provisions in the produce safety regulation applicable to pre-harvest agricultural water.[3] The 2021 agricultural water proposed rule would not substantively alter the standards established in part 112, subpart E, for agricultural water used for sprouts, for which the compliance dates have passed, or for harvest and post-harvest agricultural water, or for treatment of agricultural water.

We are reopening the comment period on the 2021 agricultural water proposed rule to seek public comment on the proposed compliance dates for the pre-harvest agricultural water provisions for covered produce other than sprouts. We are proposing to establish dates for compliance with the pre-harvest agricultural water provisions for covered produce other than sprouts as follows: 2 years and 9 months after the effective date of a final rule for very small businesses; 1 year and 9 months after the effective date of a final rule for small businesses; and 9 months after the effective date of a final rule for all other businesses. We are proposing these compliance dates in light of the proposed revisions to certain pre-harvest agricultural water requirements for covered produce (other than sprouts).

As the 2021 agricultural water proposed rule did not propose to change the requirements of the produce safety regulation that apply to harvest and post-harvest agricultural water for covered produce other than sprouts, we are not proposing a compliance date extension for those provisions. However, we are specifying the duration of our intended enforcement discretion policy for the harvest and post-harvest agricultural water provisions for covered produce other than sprouts in the produce safety regulation to provide covered farms, regulators, educators, and other stakeholders additional time to facilitate compliance with those requirements. (The compliance dates for harvest and post-harvest requirements are likely to occur before we complete this rulemaking, in which we have proposed to reorganize and replace subpart E in its entirety. In this document we refer to those provisions according to the section numbers in the produce safety regulation, recognizing that subpart E may be reorganized subsequently through this rulemaking.) We recognize that prior to the publication of the 2021 agricultural water proposed rule, stakeholders did not have clarity on whether additional substantive changes for the harvest and post-harvest agricultural water provisions would be proposed. In addition, we recognize that the intended benefits of the harvest and post-harvest requirements may not be fully realized unless accompanied by adequate training, technical assistance, and other preparations to support effective implementation by all parties. Therefore, we intend to exercise enforcement discretion for the harvest and post-harvest agricultural water provisions for covered produce other than sprouts in the produce safety regulation until January 26, 2025, for very small businesses; January 26, 2024, for small businesses; and January 26, 2023, for all other businesses.

The proposed compliance dates for pre-harvest agricultural water provisions in the 2021 agricultural water proposed rule and enforcement discretion policy for the harvest and post-harvest agricultural water provisions in the produce safety regulation are intended to optimize public health by allowing for the proper foundation to be established for successful implementation. Additionally, these dates are informed by experience, information, and feedback on the inherent implementation challenges with agricultural water requirements given the scale and diversity of the produce sector and agricultural water systems and with a long-term view toward improving public-health outcomes.

At this time, we are not seeking comment on any other provisions of the previously published proposed rule that are not identified for public comment in this document. We will complete our review of public comments received thus far, and take into account comments received on the proposed compliance dates in response to this document, in issuing a final rule.

C. Legal Authority

The proposed compliance dates for certain agricultural water provisions discussed in this document are consistent with our authority in sections 402, 419, and 701(a) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 342, 350h, and 371(a)) and sections 311, 361, and 368 of the Public Health Service Act (PHS Act) (42 U.S.C. 243, 264, and 271). We discuss our legal authority in greater detail in the 2021 agricultural water proposed rule (86 FR 69128–69129).

D. Costs and Benefits

We have examined the impacts of this supplemental proposed rule. Annualized at either 3 percent or 7 percent, our primary estimates for the costs of this supplemental proposed rule are $ 0.1 million. The benefit of this supplemental proposed rule is clarity to stakeholders about the proposed compliance dates for the pre-harvest agricultural water provisions for covered produce other than sprouts described in the 2021 agricultural water proposed rule.

[2] Agricultural water used during harvesting, packing, and holding activities are commonly referred to as ''harvest and post-harvest agricultural water.''

[3] The produce safety regulation refers to pre-harvest agricultural water used during sprout production as ''sprout irrigation water.''

II. Background

This pre-harvest agricultural water compliance dates proposal concerns one of the seven foundational rules that we have established as part of our implementation of section 105 of the FDA Food Safety Modernization Act (FSMA; Pub. L. 111–353): the ''Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption'' rule (80 FR 74354, November 27, 2015) (2015 produce safety final rule) (codified in 21 CFR part 112). FSMA, which was signed into law on January 4, 2011, is intended to allow FDA to better protect public health by helping to ensure the safety and security of the food supply.

In the preamble of the 2015 produce safety final rule, we stated that the regulation would be effective on January 26, 2016, and provided for compliance dates of 1 to 6 years from the effective date depending on farm size, commodity, and provision(s) (see table entitled ''compliance dates'' in the preamble of the 2015 produce safety final rule, 80 FR 74354 at 74357, as corrected in a technical amendment at 81 FR 26466, May 3, 2016). (Some of the compliance dates identified in the technical amendment fall on weekends (*i.e.,* January 26, 2019, is a Saturday and January 26, 2020, is a Sunday) and should therefore be read as referring to the next business day (*i.e.,* January 28, 2019, and January 27, 2020, respectively). We use the latter dates throughout this document.)

For the majority of agricultural water provisions in subpart E (and for most of the other provisions in the rule), with respect to covered produce other than sprouts, we provided compliance periods of 4 years from the effective date of the rule for very small businesses, 3 years for small businesses, and 2 years for all other businesses.[4] We provided an additional 2 years beyond those compliance periods for certain water quality requirements in § 112.44 and related provisions in §§ 112.45 and 112.46. See table 1.

TABLE 1—AS STATED IN THE 2015 PRODUCE SAFETY FINAL RULE (80 FR 74461), COMPLIANCE DATES FOR REQUIREMENTS IN SUBPART E (AGRICULTURAL WATER) FOR COVERED ACTIVITIES INVOLVING COVERED PRODUCE (EXCEPT SPROUTS SUBJECT TO SUBPART M)

Compliance dates of 2–4 years applicable to the farm based on its size	Extended compliance date of additional 2 years beyond the compliance date based on size of farm
§ 112.41. § 112.42. § 112.43. § 112.45(a) with respect to safe and adequate standard. § 112.46(a). § 112.46(b)(1) with respect to untreated surface water. § 112.47. § 112.48. § 112.49. § 112.50.	§ 112.44. § 112.45(a) with respect to § 112.44(a) criterion. § 112.45(b). § 112.46(b)(1) with respect to untreated ground water. § 112.46(b)(2) and (b)(3). § 112.46(c).

In a final rule, ''The Food and Drug Administration Food Safety Modernization Act: Extension and Clarification of Compliance Dates for Certain Provisions of Four Implementing Rules'' (81 FR 57784, August 24, 2016) we also extended the compliance date for certain ''customer provisions'' in four of the seven foundational rules that we have established as part of our implementation of FSMA, including the 2015 produce safety final rule (§ 112.2(b)(3)). In that final rule, we also clarified the compliance dates for certain agricultural water testing provisions as originally established in the 2015 produce safety final rule.

In 2017, we issued a proposed rule, ''Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption; Extension of Compliance Dates for Subpart E'' (82 FR 42963, September 13, 2017) (2017 proposed compliance date extension), in which we proposed to extend, for covered produce other than sprouts, the dates for compliance with the pre-harvest, harvest, and post-harvest agricultural water provisions contained in subpart E of the 2015 produce safety final rule. We proposed to extend the compliance dates, which we later finalized in a final rule (84 FR 9706, March 18, 2019) (2019 final compliance date extension), to address questions about the practical implementation of compliance with certain provisions and to consider how we might further reduce the regulatory burden or increase flexibility while continuing to protect public health. In that final rule we also finalized a uniform compliance date structure such that all the compliance dates for subpart E provisions as applied to non-sprout covered produce would occur at the same time, retaining date-staggering based on farm size. That final rule extended the compliance dates for the agricultural water requirements in subpart E for non-sprout covered produce to January 26, 2024, for very small businesses; January 26, 2023, for small businesses; and January 26, 2022, for all other businesses. See table 2.

TABLE 2—AS STATED IN THE FINAL RULE EXTENDING COMPLIANCE DATES FOR SUBPART E (84 FR 9706), COMPLIANCE DATES FOR REQUIREMENTS IN SUBPART E FOR COVERED ACTIVITIES INVOLVING COVERED PRODUCE (EXCEPT SPROUTS SUBJECT TO SUBPART M)

Size of covered farm	Compliance date
Very Small Business	January 26, 2024.
Small Business	January 26, 2023.

[4] Under the produce safety regulation, a farm is a very small business if, on a rolling basis, the average annual monetary value of produce it sold during the previous 3-year period is no more than $250,000. A farm is a small business if, on a rolling basis, the average annual monetary value of produce it sold during the previous 3-year period is no more than $500,000, and the farm is not a very small business. See § 112.3.

TABLE 2—AS STATED IN THE FINAL RULE EXTENDING COMPLIANCE DATES FOR SUBPART E (84 FR 9706), COMPLIANCE DATES FOR REQUIREMENTS IN SUBPART E FOR COVERED ACTIVITIES INVOLVING COVERED PRODUCE (EXCEPT SPROUTS SUBJECT TO SUBPART M)—Continued

Size of covered farm	Compliance date
All Other Businesses	January 26, 2022.

The 2021 agricultural water proposed rule explains that we intend to exercise enforcement discretion for these requirements while working to address compliance dates in a targeted manner through the rulemaking process, with the goal of completing the rulemaking as quickly as possible (86 FR 69147). At public meetings to discuss the proposed rule, we reiterated our commitment to work diligently to address the agricultural water compliance dates for covered produce other than sprouts. The comment period for the 2021 agricultural water proposed rule closed on April 5, 2022.

The proposed pre-harvest agricultural water compliance dates and enforcement discretion policy for harvest and post-harvest requirements are intended to optimize public health by allowing for the proper foundation to be established for successful implementation that will benefit all stakeholders, as described in sections III and IV. These dates are informed by experience with produce safety rule implementation, together with information and stakeholder feedback on the inherent implementation challenges with agricultural water requirements given the scale and diversity of the produce sector and agricultural water systems and with a long-term view toward improving public-health outcomes. Fully realizing the anticipated benefits to consumers of the agricultural water requirements (including the pre-harvest requirements, if finalized) will require a solid foundation for implementation to ensure that regulators and industry are adequately trained and understand how to apply the agricultural water requirements effectively on individual covered farms and, for regulators, also necessitates ensuring that the requirements are applied consistently.

We note that the compliance dates for provisions of the produce safety regulation not related to agricultural water have passed, and all compliance dates for provisions related to sprouts, including for agricultural water have passed (see table entitled ''Compliance Dates for the Produce Safety Regulation Under this Final Rule (21 CFR part 112)'' in the 2019 final compliance date extension at 84 FR 9709).

III. Proposed Pre-Harvest Agricultural Water Compliance Dates for Covered Produce Other Than Sprouts

In the 2021 agricultural water proposed rule, we proposed to revise certain provisions in the produce safety regulation applicable to pre-harvest agricultural water for covered produce other than sprouts. In the proposed rule, we did not propose to revise the requirements established for harvest and post-harvest agricultural water. Specifically, the proposed rule would replace the microbial criteria and testing requirements for pre-harvest agricultural water for covered produce (other than sprouts) with provisions for systems-based agricultural water assessments that are designed to be more feasible to implement across the wide variety of agricultural water systems, uses, and practices, while also being adaptable to future advancements in agricultural water quality science, and achieving improved public health protections. Additionally, we proposed to require expedited mitigation for hazards related to certain activities associated with adjacent and nearby lands, in light of findings from several recent produce outbreak investigations. The proposed revisions in the 2021 agricultural water proposed rule are intended to address stakeholder concerns about complexity and practical implementation challenges with certain agricultural water provisions while more comprehensively addressing a known route of contamination that can lead to preventable foodborne illness that is a significant public health problem.

We recognize that covered farms will likely need time to prepare for compliance with the provisions we proposed to revise, if finalized. We also recognize that regulators, educators, and other stakeholders may also need time to develop education and outreach, training, and other tools to facilitate understanding and compliance by covered farms. FSMA acknowledges the importance of education and outreach in obtaining compliance with the produce safety rule, which established the first-of-its-kind Federal produce safety requirements. A key pillar of FSMA implementation has been to ensure that industry has the appropriate knowledge and training to effectively comply, making it important for compliance dates to account for remaining outreach, education, and training needs.

FSMA further recognizes a critical role for FDA's State regulatory partners in enforcing the regulation in coordination with FDA. To this end, FDA has established the FDA-State Produce Safety Implementation Cooperative Agreement Program [5] (FDA-State Produce CAP), through which most states have developed produce safety programs. The FDA-State CAP has various program objectives—including assessment and planning to guide the development of produce programs; providing education, outreach, and technical assistance to produce farms; developing inspection regulatory programs; and establishing compliance and enforcement programs—all of which can take significant time, resources, and planning to successfully administer. Due to the valuable role of FDA's State regulatory partners in the integrated food safety system—in particular, their essential participation in produce safety rule education and enforcement under section 419(b)(2)(A) of the FD&C Act—we recognize that States need adequate time to fully prepare for implementation of their program components and that coordination efforts are taken between state and Federal regulators to ensure consistent implementation across all regulated industry. Therefore, we consider it appropriate to propose compliance dates for the proposed pre-harvest agricultural water requirements for covered produce other than sprouts and to exercise enforcement discretion for the relevant pre-harvest requirements in the produce safety regulation until this rulemaking is completed in order to give covered farms and other stakeholders adequate time to prepare for compliance.

This supplemental notice of proposed rulemaking does not address the underlying requirements in subpart E, and we are reopening the comment

[5] See ''FDA-State Produce Safety Implementation Cooperative Agreement Program at *https://www.fda.gov/federal-state-local-tribal-and-territorial-officials/grants-and-cooperative-agreements/fda-state-produce-safety-implementation-cooperative-agreement-program.*

period only with respect to the pre-harvest agricultural water compliance dates identified in this document.

In this supplemental notice of proposed rulemaking, we are proposing compliance dates for the pre-harvest agricultural water provisions for covered produce other than sprouts, in the 2021 agricultural water proposed rule. We are not proposing to extend the compliance dates for the harvest and post-harvest agricultural provisions that we are not proposing to change, although we intend to exercise enforcement discretion for those requirements in the produce safety regulation (see section IV) for covered produce (other than sprouts). We also propose that any final rule establishing the compliance dates for the pre-harvest agricultural water requirements for covered produce (other than sprouts) would become effective 60 days after the date of publication of the final rule in the **Federal Register**.

Specifically, we are proposing compliance dates for the pre-harvest agricultural water provisions for covered produce other than sprouts such that the subpart E compliance dates for non-sprout covered produce would be those in table 3.

TABLE 3—COMPLIANCE DATES FOR REQUIREMENTS IN SUBPART E FOR COVERED ACTIVITIES INVOLVING COVERED PRODUCE (EXCEPT SPROUTS SUBJECT TO SUBPART M)

Size of covered farm	Provisions related to harvest and post-harvest agricultural water	Provisions related to pre-harvest agricultural water
	Compliance date	Proposed compliance date
Very Small Business	January 26, 2024	2 years and 9 months after the effective date of a final rule.
Small Business	January 26, 2023	1 year and 9 months after the effective date of a final rule.
All Other Businesses	January 26, 2022	9 months after the effective date of a final rule.

We recognize that stakeholders may benefit from additional clarity to aid in their understanding of the compliance date structure in table 3. As such, table 4 summarizes the subpart E provisions as stated in the 2021 agricultural water proposed rule that would apply for agricultural water used during growing and during harvesting, packing, or holding for covered produce (other than sprouts). (As discussed above, the compliance dates for harvest and post-harvest requirements are likely to occur before we complete this rulemaking, in which we have proposed to reorganize and replace subpart E in its entirety. While the discussion regarding our intended exercise of enforcement discretion for the harvest and post-harvest requirements refers to those provisions according to section numbers in the produce safety regulation, table 4 reflects the relevant proposed provision numbers in the 2021 agricultural water proposed rule.)

TABLE 4—SUMMARY OF THE PROVISIONS IN SUBPART E THAT WOULD APPLY FOR AGRICULTURAL WATER USED DURING GROWING ACTIVITIES AND DURING HARVESTING, PACKING, OR HOLDING ACTIVITIES FOR COVERED PRODUCE OTHER THAN SPROUTS

If you use agricultural water for this covered activity for covered produce other than sprouts	Then you must meet these requirements		If applicable, you also must meet these requirements	
Pre-harvest activities	§ 112.41	(quality standard)	§ 112.43(d)	(testing for assessment purposes).
	§ 112.42	(inspections and maintenance)	§ 112.45	(measures).
	§ 112.43	(agricultural water assessment)	§ 112.46	(treatment).
	§ 112.50	(records)	§ 112.47	(who may test).
	§ 112.161	(records review)	§ 112.151	(test methods).
			§ 112.12	(alternatives).
Harvest and post-harvest activities.	§ 112.41	(quality standard)	§ 112.44(b)	(testing untreated ground water).
	§ 112.42	(inspections and maintenance)	§ 112.45	(measures).
	§ 112.44(a)	(microbial quality criterion)	§ 112.46	(treatment).
	§ 112.44(d)	(additional management and monitoring).	§ 112.47	(who may test).
	§ 112.50	(records)	§ 112.151	(test methods).
	§ 112.161	(records review)	§ 112.12	(alternatives).

We acknowledge that some requirements that apply for pre-harvest agricultural water (for example, § 112.42, which includes requirements for inspections and maintenance of agricultural water sources and distribution systems) remain unchanged in the 2021 agricultural water proposed rule. However, we anticipate that maintaining compliance dates for all pre-harvest agricultural requirements on the same interval would be important for effective implementation of the systems-based approach we are proposing for pre-harvest agricultural water. To bifurcate compliance dates for the pre-harvest agricultural water requirements based on whether changes have been proposed would result in a compliance date structure similar to that originally established in the 2015 produce safety final rule—*i.e.,* based on specific provisions of subpart E, as opposed to being based on the covered activity that agricultural water is being used for (compare table 1 with table 3). In consideration of the feedback received from stakeholders during rulemaking for the 2019 final compliance date extension, we do not

consider that this would be a wise or workable approach to pursue. Accordingly, we are proposing to maintain compliance dates for all pre-harvest agricultural water requirements on the same interval, regardless of whether changes have been proposed.

As the comment period for the 2021 agricultural water proposed rule closed on April 5, 2022, we are reopening the comment period solely to request comments on the proposed compliance dates for the proposed pre-harvest agricultural water provisions for covered produce other than sprouts. This action does not seek comment on other provisions of the previously published proposed rule.

Our goal is to complete this rulemaking as quickly as possible, and in the meantime, we intend to exercise enforcement discretion for the pre-harvest agricultural water requirements in the produce safety regulation for covered produce other than sprouts. We note that produce remains subject to the other applicable provisions of the produce safety regulation and the applicable provisions of the FD&C Act notwithstanding this proposed compliance date extension. The Agency encourages farms to focus their attention on good agricultural practices to maintain and protect the quality of their water sources. (See, *e.g.,* FDA's ''Guide to Minimize Microbial Food Safety Hazards for Fresh Fruits and Vegetables,'' at *https://www.fda.gov/regulatory-information/search-fda-guidance-documents/guidance-industry-guide-minimize-microbial-food-safety-hazards-fresh-fruits-and-vegetables*).

IV. Intended Enforcement Discretion for the Harvest and Post-Harvest Agricultural Water Requirements for Covered Produce Other Than Sprouts

As we are not proposing to change the requirements that apply for harvest and post-harvest agricultural water through this rulemaking, we are not proposing a compliance date extension for those provisions for covered produce other than sprouts. However, we recognize that prior to the publication of the 2021 agricultural water proposed rule, stakeholders did not have clarity on whether FDA would be proposing substantive changes to requirements that apply for agricultural water used during harvest and post-harvest activities. Because the intended benefits of the harvest and post-harvest requirements may not be fully realized unless accompanied by adequate training, technical assistance, and other preparations to support effective implementation by all parties, we are specifying the duration of our intended exercise of enforcement discretion with an understanding that covered farms will likely need this additional time to prepare for compliance with the harvest and post-harvest agricultural water provisions, and that regulators, educators, and other stakeholders may also need time to develop education and outreach, training, and other tools to facilitate understanding and compliance by covered farms. Moreover, due to the valuable role of FDA's State regulatory partners in the integrated food safety system—in particular, their essential participation in produce safety rule education and enforcement under section 419(b)(2)(A) of the FD&C Act—we recognize that States may need the additional time to prepare for implementation of their program components, and that coordination efforts are taken between State and Federal regulators to provide for consistent implementation across all regulated industry. (See also discussion in section III of this document). We understand that some of these parties may have been awaiting FDA action before developing or deploying such training, technical assistance, or other implementation materials.

Additionally, we recognize that many covered farms may already be aware of, and have received education and training on, the harvest and post-harvest agricultural water requirements established in the produce safety regulation, which we are not proposing to change. (See, for example, the standardized curriculum developed by the Produce Safety Alliance, which covers fundamental food safety topics as they relate to produce and the requirements of the produce safety regulation, including those for agricultural water used during harvesting, packing, and holding of covered produce.) However, we understand that even with education and training on these requirements, covered farms will still need to apply the knowledge to their operations by taking steps to implement those requirements on-farm, such that covered farms may need additional time to come into compliance with those provisions.

In light of these considerations, we intend to exercise enforcement discretion for the harvest and post-harvest agricultural water provisions in the produce safety regulation for covered produce other than sprouts until January 26, 2025, for very small businesses; January 26, 2024, for small businesses; and January 26, 2023, for all other businesses. In the meantime, covered farms (other than sprout operations) should focus their attention on good agricultural practices to maintain and protect the quality of their water source. (See, *e.g.,* FDA's ''Guide to Minimize Microbial Food Safety Hazards for Fresh Fruits and Vegetables,'' at *https://www.fda.gov/regulatory-information/search-fda-guidance-documents/guidance-industry-guide-minimize-microbial-food-safety-hazards-fresh-fruits-and-vegetables*). We note that produce remains subject to the other applicable provisions of the produce safety regulation and the applicable provisions of the FD&C Act.

V. Preliminary Economic Analysis of Impacts

We have examined the impacts of the supplemental proposed rule to the 2021 proposed rule, ''Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption related to Agricultural Water'' (Docket No. FDA–2021–N–4071; hereafter ''2021 Agricultural Water Proposed Rule'') under Executive Order 12866, Executive Order 13563, the Regulatory Flexibility Act (5 U.S.C. 601–612), and the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). Executive Orders 12866 and 13563 direct us to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The Office of Information and Regulatory Affairs in the Office of Management and Budget determined that the 2021 Agricultural Water Proposed Rule is a significant regulatory action as defined by Executive Order 12866. This supplemental NPRM has also been designated as a significant regulatory action under E.O. 12866.

The Regulatory Flexibility Act requires us to analyze regulatory options that would minimize any significant impact of a rule on small entities. We previously concluded that the 2021 Agricultural Water Proposed Rule would not have a significant economic impact on a substantial number of small entities. Because this supplemental proposed rule proposes compliance dates without imposing additional costs to farms (except reading the rule), we anticipate this supplemental proposed rule will not change that conclusion. If the 2021 Agricultural Water Proposed Rule as amended by this supplement is finalized, we may, if appropriate, certify that the final rule does not have a significant impact on a substantial number of small entities.

The Unfunded Mandates Reform Act of 1995 (section 202(a)) requires us to prepare a written statement, which includes an assessment of anticipated costs and benefits, before proposing ''any rule that includes any Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation) in any one year.'' The current threshold after adjustment for inflation is $165 million, using the most current (2021) Implicit Price Deflator for the Gross Domestic Product. The 2021 Agricultural Proposed Rule as amended by this supplemental proposed rule would not result in an expenditure in any year that meets or exceeds this amount.

We have developed a comprehensive Preliminary Economic Analysis of Impacts (PRIA) that assesses the impacts of the supplemental proposed rule (Ref. 1). We estimate costs and benefits of the 2021 agricultural water proposed rule in the ''Standards for the Growing, Harvesting, Packing and Holding of Produce for Human Consumption Relating to Agricultural Water; Preliminary Regulatory Impact Analysis'' (2021 agricultural water PRIA) (Ref. 2). This supplemental proposed rule makes no substantive changes to the provisions in the 2021 Agricultural Water Proposed Rule. Rather, this supplemental proposed rule proposes compliance dates for the pre-harvest agricultural water provisions for covered produce other than sprouts, which are not specified in the 2021 Agricultural Water Proposed Rule. The costs of the supplemental proposed rule are the costs of reading this rule. Annualized at either 3 percent or 7 percent, our primary estimates of this supplemental proposed rule are $0.1 million. The benefit of this supplemental proposed rule is clarity to stakeholders about the proposed compliance dates for the pre-harvest agricultural water provisions for covered produce other than sprouts described in the 2021 agricultural water proposed rule. The full preliminary analysis of economic impacts is available in the docket for this proposed rule and at *https://www.fda.gov/about-fda/reports/economic-impact-analyses-fda-regulations.*

VI. Analysis of Environmental Impact

The Agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The Agency's finding of no significant impact, including a supplement to the finding of no significant impact, and the evidence supporting that finding may be seen in the Dockets Management Staff (see **ADDRESSES**) between 9 a.m. and 4 p.m., Monday through Friday (Refs. 3 to 5). Under FDA's regulations implementing the National Environmental Policy Act (21 CFR part 25), an action of this type would require an EA under 21 CFR 25.31a(a).

VII. Paperwork Reduction Act of 1995

FDA tentatively concludes that this supplemental notice of proposed rulemaking contains no collection of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

VIII. Federalism

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

IX. Consultation and Coordination With Indian Tribal Governments

We have analyzed this proposed rule in accordance with the principles set forth in Executive Order 13175. We have tentatively determined that the rule does not contain policies that would have a substantial direct effect on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes. The Agency solicits comments from tribal officials on any potential impact on Indian Tribes from this proposed action.

X. References

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

1. FDA, ''Supplemental Notice of Proposed Rulemaking: Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption Relating to Agricultural Water; Preliminary Regulatory Impact Analysis,'' 2022. Available at: *https://www.fda.gov/about-fda/reports/economic-impact-analyses-fda-regulations.*
2. FDA, ''Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption Relating to Agricultural Water; Preliminary Regulatory Impact Analysis,'' 2021. Available at: *https://www.fda.gov/about-fda/reports/economic-impact-analyses-fda-regulations.*
3. FDA, ''Environmental Assessment for the Proposed Rule: Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption Relating to Agricultural Water,'' November 9. 2021.
4. FDA, ''Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption Relating to Agricultural Water: Finding of No Significant Impact,'' November 9, 2021.
5. FDA, ''Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption Relating to Agricultural Water: Supplement to the Finding of No Significant Impact.''

Dated: July 11, 2022.

Robert M. Califf,

Commissioner of Food and Drugs.

[FR Doc. 2022–15134 Filed 7–18–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[Docket No. DEA–945]

Schedules of Controlled Substances: Removal of Fenfluramine From Control

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Drug Enforcement Administration proposes to remove fenfluramine (chemical name: *N*-ethyl-α-methyl-3-(trifluoromethyl)phenethylamine), including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts is possible, from the schedules of the Controlled Substances Act (CSA). This scheduling action is pursuant to the CSA which

requires that such actions be made on the record after opportunity for a hearing through formal rulemaking. Fenfluramine is currently a schedule IV controlled substance. This action would remove the regulatory controls and administrative, civil, and criminal sanctions applicable to controlled substances, including those specific to schedule IV controlled substances, on persons who handle (manufacture, distribute, reverse distribute, import, export, dispense, engage in research, conduct instructional activities or chemical analysis with, or possess), or propose to handle fenfluramine.

DATES: Comments must be submitted electronically or postmarked, on or before August 18, 2022. Requests for hearing and waivers of an opportunity for a hearing or to participate in a hearing must be received on or before August 18, 2022.

ADDRESSES: Interested persons may file written comments on this proposal in accordance with 21 CFR 1308.43(g). The electronic Federal Docket Management System will not accept comments after 11:59 p.m. Eastern Time on the last day of the comment period. To ensure proper handling of comments, please reference ''Docket No. DEA–945'' on all electronic and written correspondence, including any attachments.

• *Electronic comments:* The Drug Enforcement Administration encourages commenters to submit all comments electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to *https://www.regulations.gov* and follow the on-line instructions at that site for submitting comments. Upon completion of your submission, you will receive a Comment Tracking Number. Submitted comments are not instantaneously available for public view on *Regulations.gov.* If you have received a Comment Tracking Number, you have submitted your comment successfully and there is no need to resubmit the same comment. Commenters should be aware that the electronic Federal Docket Management System will not accept comments after 11:59 p.m. Eastern Time on the last day of the comment period.

• *Paper comments:* Paper comments that duplicate electronic submissions are not necessary and are discouraged. Should you wish to mail a paper comment *in lieu of* an electronic format, it should be sent via regular or express mail to: Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

• *Hearing requests:* All requests for a hearing and waivers of participation, together with a written statement of position on the matters of fact and law asserted in the hearing, must be sent to: Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152.

FOR FURTHER INFORMATION CONTACT: Terrence L. Boos, Drug & Chemical Evaluation Section, Diversion Control Division, Drug Enforcement Administration; Telephone: (571) 362–3249.

SUPPLEMENTARY INFORMATION:

Posting of Public Comments

All comments received in response to this docket are considered part of the public record. The Drug Enforcement Administration (DEA) will make comments available, unless reasonable cause is given, for public inspection online at *https://www.regulations.gov.* Such information includes personal identifying information (such as your name, address, etc.) voluntarily submitted by the commenter. The Freedom of Information Act applies to all comments received. If you want to submit personal identifying information (such as your name, address, etc.) as part of your comment, but do not want DEA to make it publicly available, you must include the phrase ''PERSONAL IDENTIFYING INFORMATION'' in the first paragraph of your comment. You must also place all of the personal identifying information you do not want made publicly available in the first paragraph of your comment and identify what information you want redacted.

If you want to submit confidential business information as part of your comment, but do not want DEA to make it publicly available, you must include the phrase ''CONFIDENTIAL BUSINESS INFORMATION'' in the first paragraph of your comment. You must also prominently identify the confidential business information to be redacted within the comment.

DEA will generally make available in publicly redacted form comments containing personal identifying information and confidential business information identified, as directed above. If a comment has so much confidential business information or personal identifying information that DEA cannot effectively redact it, DEA may not make all or part of that comment publicly available. Comments posted to *https://www.regulations.gov* may include any personal identifying information (such as name, address, and phone number) included in the text of your electronic submission that is not identified as confidential as directed above.

An electronic copy of this document and supplemental information to this proposed rule are available at *https://www.regulations.gov* for easy reference.

Request for Hearing or Appearance; Waiver

Pursuant to 21 U.S.C. 811(a), this action is a formal rulemaking ''on the record after opportunity for a hearing.'' Such proceedings are conducted pursuant to the provisions of the Administrative Procedure Act (5 U.S.C. 551–559). 21 CFR 1308.41–1308.45, and 21 CFR part 1316, subpart D. Interested persons may file requests for a hearing or notices of intent to participate in a hearing in conformity with the requirements of 21 CFR 1308.44(a) or (b), and such requests must include a statement of the interest of the person in the proceeding and the objections or issues, if any, concerning which the person desires to be heard. 21 CFR 1316.47(a). Any interested person may file a waiver of an opportunity for a hearing or to participate in a hearing together with a written statement regarding the interested person's position on the matters of fact and law involved in any hearing as set forth in 21 CFR 1308.44(c).

Please note that, pursuant to 21 U.S.C. 811(a)(2), the purpose of a hearing would be to determine whether fenfluramine should be removed from the list of controlled substances based on a finding that the drug does not meet the requirements for inclusion in any schedule. All requests for hearing and waivers of participation, together with a written statement of position on the matters of fact and law involved in such hearing, must be sent to DEA using the address information above.

Legal Authority

The Controlled Substances Act (CSA) provides that proceedings for the issuance, amendment, or repeal of the scheduling of any drug or other substance may be initiated by the Attorney General (1) on his own motion, (2) at the request of the Secretary of the Department of Health and Human Services (HHS),[1] or (3) on the petition of any interested party. 21 U.S.C. 811(a). This action was initiated by a petition to remove fenfluramine from the list of scheduled controlled substances of the CSA, and is supported by, *inter alia,* a

[1] The Secretary of HHS has delegated to the Assistant Secretary for Health the authority to make domestic drug scheduling recommendations.

recommendation from the Assistant Secretary for Health of HHS and an evaluation of all relevant data by DEA. If finalized, this action would remove the regulatory controls and administrative, civil, and criminal sanctions applicable to controlled substances, including those specific to schedule IV controlled substances, on persons who handle or propose to handle fenfluramine.

Background

Fenfluramine (chemical name: *N*-ethyl-α-methyl-3-(trifluoromethyl)phenethylamine), including its salts, isomers, and salts of such isomers, is currently controlled under 21 CFR 1308.14(d) as a schedule IV substance of the CSA. DEA placed fenfluramine in schedule IV on June 15, 1973 (38 FR 15719), after the U.S. Food and Drug Administration's (FDA) approval on June 14, 1973 of Pondimin, a fenfluramine product manufactured by Wyeth Pharmaceuticals, for the management of exogenous obesity. As noted in the HHS review of scientific and medical information, on September 25, 2019, Zogenix, Inc. (Zogenix; the Sponsor) submitted to FDA a New Drug Application (NDA) for Fintepla (fenfluramine),[2] for the treatment of seizures associated with Dravet syndrome (DS) in patients two years of age and older. (HHS, 2021) FDA approved the NDA on June 25, 2020, with the labelling listing fenfluramine as a schedule IV controlled substance.

On March 18, 1991, Interneuron Pharmaceuticals, Inc., the manufacturer of a fenfluramine product (dexfenfluramine, brand name Redux), petitioned DEA to decontrol fenfluramine. In response to DEA's request, HHS's Assistant Secretary for Health submitted to DEA a scientific and medical evaluation (HHS review) and a scheduling recommendation to DEA to decontrol fenfluramine on June 3, 1996. On May 6, 1997, DEA published a notice of proposed rulemaking (NPRM) in the **Federal Register** to remove fenfluramine from controls under the CSA. 62 FR 24620. On July 8, 1997, FDA issued a public health advisory regarding the use of fenfluramine, especially in conjunction with phentermine (schedule IV controlled substance) commonly known as ''phen-fen,'' citing evidence of significant side effects associated with fenfluramine. FDA announced a voluntary withdrawal by the pharmaceutical manufacturers of Pondimin (fenfluramine) and Redux (dexfenfluramine) from the U.S. market on September 15, 1997. HHS issued a final rule on March 8, 1999, listing drug products that were withdrawn or removed from the market because they were found to be unsafe or not effective, including fenfluramine hydrochloride. 64 FR 10944. On February 27, 2003, Indevus Pharmaceuticals, Inc., formerly known as Interneuron Pharmaceuticals, Inc., wrote to DEA to withdraw its petition to decontrol fenfluramine because it no longer markets fenfluramine products in the U.S. In light of the above-mentioned developments, on May 15, 2003, DEA withdrew the May 1997 NPRM. 68 FR 26247.

On October 18, 2018, Zogenix submitted to DEA a petition requesting that fenfluramine be removed from schedule IV of the CSA based on the data and rationale in DEA's May 1997 NPRM and more recent data collected, including data specific to Fintepla. The petition complied with the requirements of 21 CFR 1308.43(b) and DEA accepted the petition for filing on November 13, 2018.

Proposed Determination To Decontrol Fenfluramine

Pursuant to 21 U.S.C. 811(b), on September 22, 2020, DEA, having gathered the necessary data on fenfluramine, forwarded that data and the petition to HHS with a request for scientific and medical evaluation and scheduling recommendation for fenfluramine. On April 16, 2021, DEA received from HHS a scientific and medical evaluation conducted by FDA entitled ''Basis for the recommendation to remove fenfluramine (*N*-ethyl-α-methyl-3-(trifluoromethyl)phenethylamine) and its salts from all schedules of control under the Controlled Substances Act'' and a scheduling recommendation. The National Institute on Drug Abuse (NIDA) concurred with the scientific and medical evaluation conducted by FDA. Based on the totality of the available scientific data, fenfluramine does not conform with the findings for schedule IV in 21 U.S.C. 812(b)(4) or in any other schedule as set forth in 21 U.S.C. 812(b). Based on FDA's scientific and medical review of the eight factors and findings related to the substance's abuse potential, legitimate medical use, and dependence liability, HHS recommended that fenfluramine and its salts be removed from all schedules of the CSA.

The CSA requires DEA, as delegated by the Attorney General,[3] to determine whether HHS's scientific and medical evaluation, scheduling recommendation, as well as all other relevant data constitute substantial evidence that a substance should be scheduled. 21 U.S.C. 811(b). DEA reviewed the scientific and medical evaluation and scheduling recommendation provided by HHS, and all other relevant data, and completed its own eight-factor review document on fenfluramine pursuant to 21 U.S.C. 811(c). Included below is a brief summary of each factor as analyzed by HHS and DEA, and as considered by DEA in this proposal to remove fenfluramine from the schedules of the CSA. Both DEA and HHS analyses are available in their entirety under ''Supporting and Related Material'' of the public docket for this rule at *https://www.regulations.gov* under docket number DEA–945.

1. The Drug's Actual or Relative Potential for Abuse

The first factor DEA must consider is the actual or relative potential for abuse of fenfluramine. The term ''abuse'' is not defined in the CSA. However, the legislative history of the CSA suggests the following points in determining whether a particular drug or substance has a potential for abuse:[4]

a. Whether there is evidence that individuals are taking the drug or drugs containing such a substance in amounts sufficient to create a hazard to their health or to the safety of other individuals or to the community.

As HHS noted, FDA approved fenfluramine (brand name Pondimin) in the U.S. on June 14, 1973, but FDA announced on September 15, 1997 that the pharmaceutical manufacturers of Pondimin and Redux (another FDA-approved fenfluramine product) voluntarily withdrew their products from the U.S. markets (see 68 FR 26247; May 15, 2003) after FDA issued a public health advisory in May 1997. FDA's public health advisory reported increased rates of cardiac valvulopathy and pulmonary arterial hypertension (PAH) related to fenfluramine use, particularly when used in the unapproved combination with phentermine for weight loss. On June 25, 2020, FDA approved Fintepla for the treatment of seizures associated with DS in patients two years of age and older. HHS noted in their scientific and

[2] Fintepla is an oral solution that contains 2.2 mg/ml fenfluramine equivalent to 2.5 mg/ml of the hydrochloride salt.

[3] 28 CFR 0.100(b).

[4] Comprehensive Drug Abuse Prevention and Control Act of 1970, H.R. Rep. No. 91–1444, 91st Cong., Sess. 1 (1970); 1970 U.S.C.C.A.N. 4566, 4603.

medical evaluation that FDA reviewed the known hazards of fenfluramine and found no evidence of cardiac valvulopathy or PAH in pediatric DS patients treated with fenfluramine in the cardiovascular data the Petitioner submitted as part of their NDA application. FDA concluded that there is a reduced risk of cardiac valvulopathy or PAH due to the lower doses used to treat pediatric DS patients relative to the higher doses prescribed to obese adult patients. DEA notes that the FDA-approved labeling for Fintepla indicates that patients must be enrolled in the Fintepla risk evaluation and mitigation strategy (REMS) program and undergo cardiac monitoring before, during, and after treatment with fenfluramine to monitor for serious heart valve changes or high blood pressure in the arteries of the lungs.

b. Whether there is significant diversion of the drug or drugs containing such a substance from legitimate drug channels.

Fenfluramine was previously marketed in the U.S. from 1973 to 1997. According to DEA's forensic laboratory database System to Retrieve Information from Drug Evidence (STRIDE),[5] 30 cases of fenfluramine were recorded between 1973 to 1991. Seven reports occurred in 1988 and involved seizures of fenfluramine from individuals traveling from Mexico into the U.S. Twenty-three drug seizure reports occurred after the manufacturers' voluntary withdrawal, in September 1997, of Pondimin and Redux from the U.S. market (1999 to 2009) in seven states and the District of Columbia. According to DEA's National Forensic Laboratory Information System-Drug (NFLIS-Drug),[6] 177 seizures were reported from January 1997 to November 2021 in 30 states and the District of Columbia, with eight of the encounters reported from January 2017 through November 2021. In 169 of the encounters reported, fenfluramine was reported alone, with another encountered with only cellulose noted, a common filler or cutting agent. Fenfluramine was commonly encountered as a powder, capsule, or tablet.

Additionally, DEA's May 1997 NPRM included data on fenfluramine from the Drug Abuse Warning Network (DAWN).[7] (62 FR 24620, 24621) The DAWN data showed very little abuse, trafficking, and diversion of fenfluramine. In addition, HHS stated that there were no reports of diversion in clinical trials conducted by the current Petitioner.

c. Whether individuals are taking the drug or drugs containing such a substance on their own initiative rather than on the basis of medical advice from a practitioner licensed by law to administer such drugs in the course of his professional practice.

The available evidence suggests that the prevalence of individuals taking fenfluramine on their own initiative, without advice from a licensed medical practitioner, does not occur to a meaningful degree.

d. Whether the drug or drugs containing such a substance are new drugs so related in their action to a substance already listed as having a potential for abuse to make it likely that it will have the same potentiality for abuse as such drugs, thus making it reasonable to assume that there may be significant diversions from legitimate channels, significant use contrary to or without medical advice, or that they have a substantial capability of creating hazards to the health of the user or to the safety of the community.

According to HHS, fenfluramine is a serotonin (5–HT) releasing agent. Some drugs with the same mechanism of action are controlled in the CSA (*e.g.,* 3,4-methylenedioxymethamphetamine or MDMA (also known as ecstasy, schedule I substance) and some are not. HHS further noted that in animal drug discrimination studies, which are generally sensitive to mechanisms of action, fenfluramine fully generalized to the discriminative stimulus effects of serotonergic substances such as MDMA, quipazine, and MK–212. The latter two are not controlled substances.

2. Scientific Evidence of the Drug's Pharmacological Effects, If Known

The binding and activity studies indicate that fenfluramine causes the release and prevents the reuptake of 5–HT; has antagonist activity at the beta-2 adrenergic receptor, the muscarinic M1 receptor, and the sodium ion channel (hNav1.5); and has positive allosteric modulator activity at the nonspecific sigma-1 receptor.

Additionally, *d*-fenfluramine is a potent agonist of the 5–HT_{2B} receptor despite its weak binding affinity, has moderate agonist activity at the 5–HT_{2C} receptor, and has weak activity at the 5–HT_{2A} receptor, whereas *l*-norfenfluramine demonstrated moderate activity at the 5–HT_{2B} receptor and weak activity at the 5–HT_{2C} and 5–HT_{2A} receptors, respectively.

Drug discrimination assays in animals can be used to predict if a test drug will have abuse potential in humans. Although fenfluramine was first thought of as a stimulant based on its phenethylamine structure, fenfluramine does not generalize to stimulants when the discriminative stimulus effects were tested against a range of stimulant drugs. When rats were trained to discriminate fenfluramine from vehicle or other drugs, it became evident that fenfluramine produced discriminative stimulus effects similar to those of serotonergic substances such as quipazine and MK–212. HHS noted that fenfluramine fully generalized to drugs that do not have abuse potential such as lisuride, quipazine, and 1-(*m*-trifluoromethylphenyl)piperazine (TFMPP), and generalized to some drugs that have abuse potential such as MDMA, but not to *para*-methoxyamphetamine (PMA, schedule I substance) or LSD (schedule I substance), which generalized to norfenfluramine. HHS concluded the drug discrimination studies are equivocal and do not provide clear evidence of the hallucinogenic effects of fenfluramine, a finding consistent with its clinical effects.

The reinforcing effects of fenfluramine, using various models and animal species, were also reviewed. HHS determined that the fenfluramine responded similarly to placebo and does not produce reinforcing effects. Further, HHS stated that these data are consistent with 5–HT agonists that are phenethylamines and lack stimulant activity. Fenfluramine is a phenethylamine that produces serotonergic agonist activity. Therefore, fenfluramine may be expected to produce placebo-like responding in these reinforcing assays.

According to HHS, after review of the published literature on the subjective effects of fenfluramine in humans, data indicate that single oral doses below 80 mg do not produce significant positive subjective effects. High doses ranging from 120 to 240 mg can produce positive subjective effects; however, the predominant effects at high doses were aversive and included sedation.

[5] STRIDE reflects the results of drug evidence analyzed at DEA laboratories through September, 2014. STRIDE was queried on July 3, 2019.

[6] NFLIS-Drug is a national forensic laboratory reporting system that systematically collects results from drug chemistry analyses conducted by local, State, and Federal forensic laboratories in the United States. NFLIS-Drug is a comprehensive information system that includes data from forensic laboratories that handle more than 96% of an estimated 1.0 million distinct annual State and local drug analysis cases. While NFLIS-Drug data is not direct evidence of abuse, it can lead to an inference that a drug has been diverted and abused. See 76 FR 77330, 77332, Dec. 12, 2011. NFLIS-Drug was queried on December 20, 2021. Some 2021 reports to NFLIS-Drug may still be pending.

[7] DAWN is a public health surveillance system that monitors drug-related visits to hospital emergency departments. DAWN was discontinued in 2011, but the Substance Abuse and Mental Health Services Administration's website currently indicates that it is re-establishing this system.

Anecdotal reports of abuse of fenfluramine from doctors exist; however, the published articles mention the subjects prefer other drugs. HHS mentioned that these effects are consistent with other measures indicating that subjects are tired, do not appreciate the psychoactive effects of fenfluramine, and do not ''Want More'' of the drug when asked.

HHS noted that Fintepla did not produce a concerning number of abuse-related adverse effects (AEs) after an analysis of the adverse effect profiles of all phases of development was completed. FDA reviewed the cardiovascular data submitted in the NDA for Fintepla and found no evidence of cardiac valvulopathy or PAH in pediatric DS patients treated with fenfluramine. The studies conducted for the NDA for Fintepla concluded that there was a reduced risk of cardiac valvulopathy or PAH because of the lower doses used to treat pediatric DS patients compared to the higher doses prescribed to obese adult patients.

3. The State of Current Scientific Knowledge Regarding the Drug or Other Substance

According to HHS, fenfluramine, also known by the developmental code ZX008, is the nonproprietary name of N-ethyl-α-methyl-3-(trifluoromethyl)phenethylamine hydrochloride and is structurally similar to the amphetamine class of stimulants.

Fenfluramine has one asymmetric carbon and therefore may exist in two forms, which are identified as the (*d*) and the (*l*) enantiomers. Fenfluramine represents a mixture of both enantiomers. The molecular formula of fenfluramine hydrochloride (salt) is $C_{12}H_{16}F_3N$ HCl and the molecular weight is 267.72 g/mol. Fenfluramine is a white to off-white powder. Fenfluramine hydrochloride (salt) is soluble in organic solvents like ethanol (150 mg/mL) at 25 °C and dichloromethane (30–35 mg/mL) at 25 °C.

According to HHS, the development of fenfluramine (Fintepla) included a study that assessed the permeability of fenfluramine and norfenfluramine across Caco-2 cells that express P-glycoprotein (P-gp) transporters. P-gp transporters are known to actively transport foreign substances out of cells and the central nervous system (CNS) and can help determine a drug's permeability into the CNS. Both fenfluramine and norfenfluramine are highly permeable and the permeability was not affected by the P-gp antagonist valspodar (10 μM), suggesting fenfluramine and norfenfluramine will pass easily into the CNS.

Pharmacokinetic data indicate that a single oral dose of fenfluramine (20 mg/kg, PO) in mice produced a C_{max} of 0.26 μg/mL and an area under the curve (AUC) of 1.4 μg/mL*hr, results similar to that of a 60 mg twice daily (BID) dose in healthy human adults. The same dose (20 mg/kg, PO) in rats produced a C_{max} of 0.36 μg/mL and an AUC of 5.15 μg/mL*hr, values higher than those in the mouse studies. The T_{max} of fenfluramine in rats ranged from 30 minutes to 2 hours, and the half-life was 2.5 hours.

According to HHS, the Sponsor of the Fintepla NDA provided pharmacokinetic data on norfenfluramine. In rats, a single oral dose of norfenfluramine is rapidly absorbed similarly to fenfluramine, with a T_{max} of 30 minutes and a half-life of 2.5 hours. Fenfluramine and norfenfluramine are easily distributed throughout the body and produced approximately 50 percent protein specific binding in human and rat plasma, however concentrations of both compounds were determined to be higher in the brain compared to the plasma, by 15 to 60-fold, depending on the study.

Fenfluramine is metabolized to norfenfluramine and is an active metabolite. Norfenfluramine and its *N*-oxygenation product were the only metabolites detected in liver S9 fractions in both rat and human samples. Fenfluramine and norfenfluramine are excreted primarily through the renal system (greater than 80%), with a small amount via the feces.

4. Its History and Current Pattern of Abuse

HHS noted that sporadic anecdotal reports of fenfluramine abuse were found when fenfluramine was marketed in the United States and Europe between 1963 and 1997. However, when compared to the large number of patients who were treated with and prescribed the drug during this time frame (approximately 55 million patients total, 50 million European patients with fenfluramine, and 5 million U.S. patients with fenfluramine or desfenfluramine), the number of people abusing fenfluramine is relatively small. According to these reports, HHS noted that these individuals either did not like fenfluramine because of its dysphoric effects or preferred another drug. Therefore, the history and current pattern of abuse of fenfluramine is low.

5. The Scope, Duration, and Significance of Abuse

HHS stated that the scope of abuse of fenfluramine was minimal when it was marketed and when compared to the number of patients to whom it was prescribed. According to HHS, fenfluramine, in most cases, was not the drug of choice to produce a psychoactive effect and was used only when no other drug was available. In most cases, a high dose fenfluramine [8] produced a dysphoric effect leading the individual to stop taking fenfluramine.

DEA conducted a search of Federal, State, and local forensic laboratory databases such as NFLIS-Drug and STRIDE. The STRIDE database indicated that in the 18 years between 1973 and 1991, 30 cases of fenfluramine were entered into the database, and, there were 23 drug seizure reports during the period of 1999 to 2009 in seven states and the District of Columbia. According to NFLIS-Drug, there were 177 reports of fenfluramine from 30 states and the District of Columbia between January 1997 and November 2021. Eight of the 177 encounters were reported from January 2017 through November 2021 (1 in 2017, 3 in 2019, 3 in 2020, 1 in 2021). In 169 of these encounters, fenfluramine was reported alone. Another encounter was with only cellulose, a common filler or cutting agent. Fenfluramine was commonly encountered as a powder, capsule, or tablet.

HHS noted, as a result, the scope, duration, and significance of abuse of fenfluramine are minimal compared to the millions of patients who were prescribed and treated with the drug.

6. What, If Any, Risk There Is to the Public Health

Abuse potential of a drug is considered one indication of its risk to the public health. According to HHS, based on preclinical and clinical study data (see Factors 1 and 2), there are no signals that indicate that fenfluramine has abuse potential or that there is a risk to the public health from individuals abusing fenfluramine.

An FDA public health advisory, released on July 8, 1997, indicated increased rates of cardiac valvulopathy and PAH in relation to the use of fenfluramine, particularly in combination with phentermine. FDA approved Fintepla (fenfluramine) with a boxed warning on the label to address

[8] The HHS review indicated that in human clinical studies and case reports, a single oral dose of 80 mg did not produce significant positive subjective effects; however, high single oral doses of 120 or 240 mg can produce positive subjective effects. Single oral doses over 80 mg were reported to be aversive and produce dysphoric effects.

the potential cardiac issues that have been correlated to the administration of fenfluramine and included language that patients would need to undergo cardiac assessments before, during, and after treatment with the drug.[9]

Thus, HHS concluded there is likely to be little risk to the public health from fenfluramine.

7. Its Psychic or Physiological Dependence Liability

The psychic dependence of fenfluramine was assessed in animal and clinical studies. HHS reported that fenfluramine failed to produce reinforcing effects in self-administration studies (Factor 2) and indicated that fenfluramine does not produce psychic dependence. HHS also noted there was a lack of psychic dependence in the clinical data discussed in Factors 2 and 4. These data indicate that fenfluramine produces dysphoric effects and that it is not the drug of choice among individuals with a drug use disorder. According to HHS, these data suggest that fenfluramine has low psychic dependence.

As per the physical dependence potential, there are reports of withdrawal syndrome upon cessation of fenfluramine use. HHS noted that a search of the FDA Adverse Event Reporting System (commonly known as FAERS) covering the years fenfluramine was marketed (1973 to 1997) produced four cases of ''withdrawal syndrome'' associated with fenfluramine. Physical dependence was not assessed in humans throughout the clinical development of fenfluramine (Fintepla). The Phase 1 studies were single dose studies or studies in which treatment was administered for only six days and not long enough to produce dependence. Additionally, physical dependence could not be assessed in the Phase 3 studies because the discontinuation of fenfluramine in seizure patients could not be done abruptly. The Phase 3 studies included a taper phase. The FDA-approved label recommends that fenfluramine be withdrawn gradually.

In conclusion, HHS noted that the psychic and physiologic dependence potential of fenfluramine is minimal in relation to the number of patients who have been treated with the drug. As a result, HHS stated that the number of reports of psychic and physiologic dependence potential of fenfluramine is low.

8. Whether the Substance Is an Immediate Precursor of a Substance Already Controlled Under the CSA

Fenfluramine is not an immediate precursor of a substance already controlled under the CSA as defined by 21 U.S.C. 802(23).

Conclusion

Based on consideration of the scientific and medical evaluation and accompanying recommendation of HHS, and based on DEA's consideration of its own eight-factor analysis, the Administrator of DEA (Administrator), pursuant to 21 U.S.C. 811(a) and (c), finds that these facts and all relevant data demonstrate that fenfluramine does not meet the requirements under 21 U.S.C. 812(b) for inclusion in any schedule, and should be removed from control under the CSA. Specifically, the Administrator finds the following:

(1) Fenfluramine appears to have no potential for abuse. According to HHS, the profile of activity for fenfluramine differs from other 5–HT agonists that are phenethylamines as it does not generalize to a stimulant. In addition, the *in vitro,* animal, human, and epidemiology data indicate that fenfluramine has no potential for abuse.

(2) Fenfluramine has a currently accepted medical use in treatment in the United States. FDA approved the NDA for Fintepla (fenfluramine) on June 25, 2020 for the treatment of DS in patients aged two years and older.

(3) Fenfluramine does not appear to have psychological or physical dependence liability. According to HHS, the reports of psychic or physiologic dependence of fenfluramine are minimal when viewed in the context of large number of patients who were treated with the drug in the United States and Europe between 1963 and 1997. Thus, the psychic and physiological dependence liability of fenfluramine is lower than that of substances in schedules IV and V.

Based on these findings, the Administrator concludes that fenfluramine does not meet the requirements for inclusion in any schedule and should be removed from control under the CSA.

Regulatory Analyses

Executive Orders 12866 (Regulatory Planning and Review) and 13563 (Improving Regulation and Regulatory Review)

In accordance with 21 U.S.C. 811(a), this proposed scheduling action is subject to formal rulemaking procedures done ''on the record after opportunity for a hearing,'' which are conducted pursuant to the provisions of 5 U.S.C. 556 and 557. The CSA sets forth the criteria for removing a drug or other substance from the list of controlled substances. Such actions are exempt from review by the Office of Management and Budget pursuant to section 3(d)(1) of Executive Order (E.O.) 12866 and the principles reaffirmed in E.O. 13563.

Executive Order 12988, Civil Justice Reform

This proposed regulation meets the applicable standards set forth in sections 3(a) and 3(b)(2) of E.O. 12988 to eliminate drafting errors and ambiguity, minimize litigation, provide a clear legal standard for affected conduct, and promote simplification and burden reduction.

Executive Order 13132, Federalism

This proposed rulemaking does not have federalism implications warranting the application of E.O. 13132. The proposed rule does not have substantial direct effects on the States, on the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of government.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

This proposed rule does not have tribal implications warranting the application of E.O. 13175. This proposed rule does not have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Regulatory Flexibility Act

The Administrator, in accordance with the Regulatory Flexibility Act (5 U.S.C. 601–612), has reviewed this proposed rule and by approving it certifies that it will not have a significant economic impact on a substantial number of small entities. The purpose of this rule is to remove fenfluramine from the list of schedules of the CSA. This action will remove regulatory controls and administrative, civil, and criminal sanctions applicable to controlled substances for handlers and proposed handlers of fenfluramine. Accordingly, it has the potential for some economic impact in the form of cost savings.

[9] DEA notes that this boxed warning also states that Fintepla is available only through a restricted program, Fintepla REMS. *https://www.accessdata.fda.gov/scripts/cder/rems/index.cfm?event=IndvRemsDetails.page&REMS=400.*

If finalized, the proposed rule will affect all persons who would handle, or propose to handle fenfluramine. Fenfluramine as a pharmaceutical product (Fintepla) is currently available and marketed in the U.S. Because fenfluramine is currently a schedule IV drug, all legal handling of fenfluramine is currently done under appropriate DEA license. In such instances, DEA's knowledge of its registrant population forms the basis for estimating the number of affected entities and small entities that are affected by this rulemaking. There are currently 40 unique registrations authorized to handle fenfluramine specifically, as well as a number of registered analytical labs that are authorized to handle schedule IV controlled substances generally. From review of entity names, DEA estimates these 40 registrations represent 27 entities. Some of these entities are likely to be small entities. However, since DEA does not have information of registrant size and the majority of DEA registrants are small entities or are employed by small entities, DEA estimates a maximum of 27 entities are small entities. Therefore, DEA conservatively estimates as many as 27 small entities are affected by this proposed rule. However, because this rule would remove fenfluramine from regulatory controls of the CSA, it is likely to result in some cost savings. Any person planning to handle fenfluramine will realize cost savings in the form of saved DEA registration fees, and the elimination of physical security, recordkeeping, and reporting requirements. Because of these factors, DEA projects that this rule will not result in a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

On the basis of information contained in the ''Regulatory Flexibility Act'' section above, DEA has determined pursuant to the Unfunded Mandates Reform Act (UMRA) of 1995, (2 U.S.C. 1501 *et seq.*), that this proposed action would not result in any Federal mandate that may result ''in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation) in any 1 year. . . .'' Therefore, neither a Small Government Agency Plan nor any other action is required under UMRA of 1995.

Paperwork Reduction Act of 1995

This proposed action does not impose a new collection of information requirement under the Paperwork Reduction Act of 1995. (44 U.S.C. 3501–3521).

Signing Authority

This document of the Drug Enforcement Administration was signed on July 13, 2022, by Administrator Anne Milgram. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Reporting and recordkeeping requirements.

For the reasons set out above, DEA proposes to amend 21 CFR part 1308 as follows:

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

■ 1. The authority citation for 21 CFR part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b), 956(b), unless otherwise noted.

§ 1308.14 [Amended]

■ 2. In § 1308.14, remove and reserve paragraph (d).

Scott Brinks,

Federal Register Liaison Officer, Drug Enforcement Administration.

[FR Doc. 2022–15335 Filed 7–18–22; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2022–0595]

RIN 1625–AA00

Safety Zone; Ironman Michigan, Frankfort Harbor, MI

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish a temporary safety zone for certain waters of Betsie Lake in Frankfort, MI. This action is necessary to provide for the safety of life on these navigable waters during the swim portion of an Ironman event on September 11, 2022. This proposed rulemaking would restrict usage by persons and vessels within the safety zone. At no time during the effective period may vessels transit the waters of Betsie Lake in the vicinity of a triangular shaped race course enclosed by the following three coordinates: 44°37.80′ N, −086°13.91′ W to 44°37.81′ N, −086°14.22′ W to 44°37.58′ N, −086°13.75′ W, then back to the starting point. The race course will be marked by buoys. These restrictions would apply to all perons and vessels during the effective period unless authorized by the Captain of the Port Lake Michigan or a designated representative. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before August 18, 2022.

ADDRESSES: You may submit comments identified by docket number USCG–2022–0595 using the Federal eRulemaking Portal at *https://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Chief Petty Officer Jeromy Sherrill, Sector Lake Michigan Waterways Management Division, U.S. Coast Guard; telephone 414–747–7148, email *Jeromy.N.Sherrill@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

On June 23, 2022, the Coast Guard was notified by the event sponsor of its intent to host Ironman Michigan in Frankfort, MI on September 11, 2022 from 8:00 a.m. to 10:15 a.m. The swim will begin near Frankfort Municipal Marina in Betsie Lake. The race course will be triangular shaped area enclosed by the following coordinates: 44°37.80′ N, −086°13.91′ W to 44°37.81′ N, −086°14.22′ W to 44°37.58′ N, −086°13.75′ W, then back to the starting point. The race course will be marked by buoys. The COTP has determined that potential hazards associated with the triathlon would be

a safety concern for anyone within the safety zone that is not participating in the triathlon.

The purpose of this rulemaking is to ensure the safety of person, vessels and the navigable waters of Betsie Lake, MI. The Coast Guard is proposing this rulemaking under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231).

III. Discussion of Proposed Rule

The COTP is proposing to establish a safety zone from 6:00 a.m. through 12:00 a.m. on September 11, 2022. The safety zone will cover all waters of Betsie Lake in the vicinity of a triangular shaped race course near Frankfort Municipal Marina in Frankfort, MI. The duration of the zone is intended to ensure the safety of vessels and these navigable waters before, during, and after the triathlon event. No vessels or person would be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the characteristics of the safety zone. The safety zone created by this proposed rule will relatively small and is designed to minimize its impact on navigable waters. This proposed rule will prohibit entry into certain navigable waters of Betsie Lake in Frankfort, MI, and it is not anticipated to exceed 6 hours in duration. Thus, restrictions on vessel movement within that particular area are expected to be minimal. Moreover, under certain conditions vessels may still transit through the safety zone when permitted by the COTP Lake Michigan.

B. Impact on Small Entities

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

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

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves a safety zone lasting 6 hours that would prohibit entry within a relatively small portion of Betsie Lake. Normally such actions are categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A preliminary Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to *https://www.regulations.gov* and will include any personal information you have provided. For more about privacy and submissions in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

Documents mentioned in this NPRM as being available in the docket, and all public comments, will be in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T09–0595 to read as follows:

§ 165.T09–0595 Safety Zone; Ironman Michigan, Frankfort, MI.

(a) *Location.* All waters of Betsie Lake in the vicinity of a triangular shaped race course enclosed by the following three coordinates: 44°37.80′ N, −086°13.91′ W to 44°37.81′ N, −086°14.22′ W to 44°37.58′ N, −086°13.75′ W, then back to the starting point.

(b) *Enforcement Period.* The safety zone described in paragraph (a) would be effective on September 11, 2022 from 6:00 a.m. through 12:00 p.m.

(c) *Regulations.*

(1) In accordance with the general regulations in section § 165.23, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Lake Michigan (COTP) or a designated representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the COTP or a designated representative.

(3) The ''designated representative'' of the COTP is any Coast Guard commissioned, warrant, or petty officer who has been designated by the COTP to act on his or her behalf.

(4) Persons and vessel operators desiring to enter or operate within the safety zone during the marine event must contact the COTP or an on-scene representative to obtain permission to do so. The COTP or an on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the COTP or an on-scene representative.

Dated: July 13, 2022.

Doreen Mccarthy,

Commander, U.S. Coast Guard, Alternant Captain of the Port Lake Michigan.

[FR Doc. 2022–15333 Filed 7–18–22; 8:45 am]

BILLING CODE 9110–04–P

POSTAL REGULATORY COMMISSION

39 CFR Part 3050

[Docket No. RM2022–10; Order No. 6225]

Periodic Reporting

AGENCY: Postal Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission is acknowledging a recent filing requesting the Commission initiate a rulemaking proceeding to consider changes to analytical principles relating to periodic reports (Proposal Four). This document informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* August 31, 2022.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *https://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

On July 11, 2022, the Postal Service filed a petition pursuant to 39 CFR 3050.11 requesting that the Commission initiate a rulemaking proceeding to consider changes to analytical principles relating to periodic reports.[1] The Petition identifies the proposed analytical changes filed in this docket as Proposal Four.

II. Proposal Four

Proposal. The Postal Service proposes the following five changes to improve and streamline the International Cost and Revenue Analysis (ICRA) model: (1) using Outbound International Service Agreement (negotiated service agreement, referred to as NSA) System for International Revenue and Volume, Outbound (SIRVO) data to attribute outbound settlement expenses and international transportation expenses to NSA products; (2) adding all countries to the outbound piece of the ICRA database and eliminating the 999X countries; (3) using the Settlement Workbooks file as the source for outbound settlement calculations instead of manually entering rates; (4)

[1] Petition of the United States Postal Service for the Initiation of a Proceeding to Consider Proposed Changes in Analytical Principles (Proposal Four), July 11, 2022 (Petition). The Postal Service also filed a notice of filing of non-public materials relating to Proposal Four. Notice of Filing of USPS–RM2022–10–NP1 and Application for Nonpublic Treatment, July 11, 2022.

removing obsolete sections of the ICRA model identified in the Response to CHIR No. 14, Questions 3–4; [2] (5) replacing International Accounting Branch (IAB) country numbers with International Organization for Standardization (ISO) codes. *See* Petition, Proposal Four at 1–3.

Rationale. The Postal Service states that the first proposed change would add a second aggregation step solely for NSA products in order to weight the various NSA product rate groups more accurately and improve the ICRA cost estimates for both NSA and non-NSA products. *See id.* at 3. The Postal Service states the other four proposed changes would take advantage of additional data sources available to the ICRA, eliminate sections that are no longer used or serve no purpose, and streamline the ICRA model. *See id.* at 3–4.

Impact. The Postal Service states that non-public materials filed as part of Library Reference USPS–RM2022–10–NP1 accompanying this proposal show the impact of the proposed changes. *See id.* at 4. The Postal Service maintains these materials show a net impact of zero on total costs of market dominant and competitive products. *See id.* at 5. For the proposed change on the cost attribution of NSA products, the Postal Service states that for FY 2021, the proposal would not have caused any positive contribution products to turn negative or any negative products to turn positive, there would have been no impact on Inbound NSAs, and all Outbound NSAs would have remained positive. *See id.*

Mechanics. The Postal Service details a list of changes, adjustments, and eliminations that would be made to various files by the proposal. *See id.* at 5–14.

III. Notice and Comment

The Commission establishes Docket No. RM2022–10 for consideration of matters raised by the Petition. More information on the Petition may be accessed via the Commission's website at *http://www.prc.gov.* Interested persons may submit comments on the Petition and Proposal Four no later than August 31, 2022. Pursuant to 39 U.S.C. 505, Samuel Koroma is designated as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

IV. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. RM2022–10 for consideration of the matters raised by the Petition of the United States Postal Service for the Initiation of a Proceeding to Consider Proposed Changes in Analytical Principles (Proposal Four), filed July 11, 2022.

2. Comments by interested persons in this proceeding are due no later than August 31, 2022.

3. Pursuant to 39 U.S.C. 505, the Commission appoints Samuel Koroma to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this docket.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Erica A. Barker,

Secretary.

[FR Doc. 2022–15304 Filed 7–18–22; 8:45 am]

BILLING CODE 7710–FW–P

[2] Docket No. ACR2021, Responses of the United States Postal Service to Questions 1–6 of Chairman's Information Request, No. 14, February 18, 2022, questions 3–4 (Response to CHIR No. 14).

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 9 and 98

[EPA–HQ–OAR–2019–0424; FRL–7230–04–OAR]

RIN 2060–AU35

Revisions and Confidentiality Determinations for Data Elements Under the Greenhouse Gas Reporting Rule; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; extension of public comment period.

SUMMARY: On June 21, 2022, the Environmental Protection Agency (EPA) published a proposed rule titled ''Revisions and Confidentiality Determinations for Data Elements Under the Greenhouse Gas Reporting Rule'' (87 FR 36920). The EPA is extending the comment period for this proposed rule.

DATES: The comment period for the proposed rule published on June 21, 2022, at 87 FR 36920, is extended. Comments must be received on or before October 6, 2022.

ADDRESSES: You may send your comments, identified by Docket ID No. EPA–HQ–OAR–2019–0424, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov* (our preferred method) Follow the online instructions for submitting comments.
- *Mail:* U.S. Environmental Protection Agency, EPA Docket Center, Office of Air and Radiation Docket, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.
- *Hand Delivery:* EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The Docket Center's hours of operations are 8:30 a.m.–4:30 p.m., Monday–Friday (except Federal Holidays).

Instructions: All submissions received must include the Docket ID No. for this rulemaking. Comments received may be posted without change to *https://www.regulations.gov/,* including any personal information provided. Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2019–0424, at *https://www.regulations.gov* (our preferred method), or the other methods identified in the **ADDRESSES** section. Once submitted, comments cannot be edited or removed from the docket. 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.*

Due to public health concerns related to COVID–19, the EPA Docket Center and Reading Room are open to the public by appointment only. Our Docket Center staff also continues to provide remote customer service via email, phone, and webform. Hand deliveries or couriers will be received by scheduled appointment only. For further information and updates on EPA Docket Center services, please visit us online at *https://www.epa.gov/dockets.*

The EPA continues to carefully and continuously monitor information from the Centers for Disease Control and Prevention (CDC), local area health departments, and our Federal partners so that we can respond rapidly as conditions change regarding COVID–19.

FOR FURTHER INFORMATION CONTACT: Jennifer Bohman, Climate Change Division, Office of Atmospheric

Programs (MC–6207A), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 343–9548; email address: *GHGReporting@epa.gov.* For technical information, please go to the Greenhouse Gas Reporting Program (GHGRP) website, *https://www.epa.gov/ghgreporting.* To submit a question, select Help Center, followed by ''Contact Us.''

SUPPLEMENTARY INFORMATION: On June 21, 2022, the Environmental Protection Agency (EPA) published a proposed rule titled ''Revisions and Confidentiality Determinations for Data Elements Under the Greenhouse Gas Reporting Rule'' (87 FR 36920). The public comment for this proposed rule was scheduled to end on August 22, 2022. The EPA is extending that deadline to October 6, 2022. This extension will provide the general public additional time for participation and comment.

List of Subjects

40 CFR Part 9

Environmental protection, Administrative practice and procedure, Reporting and recordkeeping requirements.

40 CFR Part 98

Environmental protection, Administrative practice and procedure, Greenhouse gases, Incorporation by reference, Reporting and recordkeeping requirements, Suppliers.

Paul M. Gunning,

Director, Climate Change Division, Office of Atmospheric Programs.

[FR Doc. 2022–15402 Filed 7–18–22; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 87, No. 137
Tuesday, July 19, 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

Food Safety and Inspection Service

[Docket No. FSIS–2022–0017]

Notice of Request To Renew an Approved Information Collection: Industry Responses to Noncompliance Records

AGENCY: Food Safety and Inspection Service, 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, the Food Safety and Inspection Service (FSIS) is announcing its intention to renew the approved information collection regarding industry responses to noncompliance records. The approval for this information collection will expire on November 30, 2022. FSIS is making no changes to the existing information collection.

DATES: Submit comments on or before September 19, 2022.

ADDRESSES: FSIS invites interested persons to submit comments on this **Federal Register** notice. Comments may be submitted by one of the following methods:

- *Federal eRulemaking Portal:* This website provides commenters the ability to type short comments directly into the comment field on the web page or to attach a file for lengthier comments. Go to *https://www.regulations.gov*. Follow the on-line instructions at that site for submitting comments.
- *Mail:* Send to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Mailstop 3758, Washington, DC 20250–3700.
- *Hand- or Courier-Delivered Submittals:* Deliver to 1400 Independence Avenue SW, Washington, DC 20250–3700.

Instructions: All items submitted by mail or electronic mail must include the Agency name and docket number FSIS–2022–0017. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to *https://www.regulations.gov*.

Docket: For access to background documents or comments received, call (202) 205–0495 to schedule a time to visit the FSIS Docket Room at 1400 Independence Avenue SW, Washington, DC 20250–3700.

FOR FURTHER INFORMATION CONTACT: Gina Kouba, Office of Policy and Program Development, Food Safety and Inspection Service, USDA, 1400 Independence Avenue SW, Mailstop 3758, South Building, Washington, DC 20250–3700; (202) 720–5627.

SUPPLEMENTARY INFORMATION:

Title: Industry Responses to Noncompliance Records.

OMB Number: 0583–0146.

Type of Request: Request to renew an approved information collection.

Abstract: FSIS has been delegated the authority to exercise the functions of the Secretary (7 CFR 2.18, 2.53), as specified in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601, *et seq.*), the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451, *et seq.*), and the Egg Products Inspection Act (EPIA) (21 U.S.C. 1031, *et seq.*). These statutes mandate that FSIS protect the public by verifying that meat, poultry, and egg products are safe, wholesome, unadulterated, and properly labeled and packaged.

FSIS is requesting a renewal of the approved information collection regarding industry responses to noncompliance records. The approval for this information collection will expire on November 30, 2022. FSIS is making no changes to the existing information collection.

The noncompliance record, FSIS Form 5400–4, serves as FSIS' official record of noncompliance with one or more regulatory requirements. Inspection program personnel use the form to document their findings and provide written notification of the official establishment's or plant's failure to comply with regulatory requirements. The establishment or plant management receives a copy of the form and has an opportunity to respond in writing using the noncompliance record form. The establishment or plant management can also choose to respond to FSIS electronically by using the Industry Module in PHIS.

FSIS has made the following estimates based upon an information collection assessment:

Estimate of burden: FSIS estimates that it will take respondents an average of 60 minutes per response.

Respondents: Official establishments.

Estimated total number of respondents: 7,057.

Estimated annual number of responses per respondent: 17.

Estimated total annual burden on respondents: 119,969 hours.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record. Copies of this information collection assessment can be obtained from Gina Kouba, Office of Policy and Program Development, Food Safety and Inspection Service, USDA, 1400 Independence Avenue SW, Mailstop 3758, South Building, Washington, DC 20250–3700; (202) 720–5627.

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of FSIS' functions, including whether the information will have practical utility; (b) the accuracy of FSIS' estimate of the burden of the proposed collection of information, including the validity of the method and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology. Comments may be sent to both FSIS, at the addresses provided above, and the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20253.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication on-line through the FSIS

web page located at: *https://www.fsis.usda.gov/federal-register.*

FSIS will also announce and provide a link to this **Federal Register** publication through the FSIS *Constituent Update,* which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The *Constituent Update* is available on the FSIS web page. Through the web page, FSIS can provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: *https://www.fsis.usda.gov/subscribe.* Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves and have the option to password protect their accounts.

USDA Non-Discrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and 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.

Persons with disabilities who require alternative means of communication for program information (*e.g.,* Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720–2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877–8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD–3027, found online at *https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint* and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632–9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250–9410; (2) fax: (202) 690–7442; or (3) email: *program.intake@usda.gov.*

USDA is an equal opportunity provider, employer, and lender.

Paul Kiecker,

Administrator.

[FR Doc. 2022–15319 Filed 7–18–22; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2022–0018]

Notice of Request To Revise an Approved Information Collection: Certificates of Medical Examination

AGENCY: Food Safety and Inspection Service, 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, the Food Safety and Inspection Service (FSIS) is announcing its intention to revise the approved information collection regarding certificates of medical examination. There has been an increase in hiring and an increase in applications for Reasonable Accommodation. As a result, the Agency has increased the burden estimate by 733 hours. FSIS has also discontinued use of the Leave Bank Program form. The approval for this information collection will expire on November 20, 2022.

DATES: Submit comments on or before September 19, 2022.

ADDRESSES: FSIS invites interested persons to submit comments on this **Federal Register** notice. Comments may be submitted by one of the following methods:

- *Federal eRulemaking Portal:* This website provides commenters the ability to type short comments directly into the comment field on the web page or to attach a file for lengthier comments. Go to *https://www.regulations.gov.* Follow the on-line instructions at that site for submitting comments.
- *Mail:* Send to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Mailstop 3758, Washington, DC 20250–3700.
- *Hand- or Courier-Delivered Submittals:* Deliver to 1400 Independence Avenue SW, Washington, DC 20250–3700.

Instructions: All items submitted by mail or electronic mail must include the Agency name and docket number FSIS–2022–0018. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to *https://www.regulations.gov.*

Docket: For access to background documents or comments received, call (202) 205–0495 to schedule a time to visit the FSIS Docket Room at 1400 Independence Avenue SW, Washington, DC 20250–3700.

FOR FURTHER INFORMATION CONTACT: Gina Kouba, Office of Policy and Program Development, Food Safety and Inspection Service, USDA, 1400 Independence Avenue SW, Mailstop 3758, South Building, Washington, DC 20250–3700; (202) 720–5627.

SUPPLEMENTARY INFORMATION:

Title: Certificates of Medical Examination.

OMB Number: 0583–0167.

Type of Request: Request to revise an approved information collection.

Abstract: FSIS has been delegated the authority to exercise the functions of the Secretary (7 CFR 2.18, 2.53), as specified in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601, *et seq.*), the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451, *et seq.*), and the Egg Products Inspection Act (EPIA) (21 U.S.C. 1031, *et seq.*). These statutes mandate that FSIS protect the public by verifying that meat, poultry, and egg products are safe, wholesome, unadulterated, and properly labeled and packaged.

The current information collection approval includes two FSIS forms that are completed by healthcare providers for medication certification. First, FSIS uses Form 4339–1, ''Certificate of Medical Examination (with Medical History)'' to determine whether an applicant for a Food Inspector, Consumer Safety Inspector, or Veterinary Medical Officer in-plant position meets the medical qualification standards for the position approved by the Office of Personnel Management (OPM). The certificates of medical examination ensure accurate collection of the required data. The OPM-approved medical qualification standards apply only to positions in FSIS, not positions in other Federal agencies. When requesting that applicants for the

positions listed above undergo the medical examination, a representative of FSIS notifies the applicants in writing of the reasons for the examination, the process, and the consequences of the failure to report for an examination or provide medical documentation. Any physical condition that would hinder an individual's full, efficient, and safe performance of his or her duties is considered disqualifying for employment, except when the individual presents convincing evidence that he or she can perform the essential functions of the job efficiently and without hazard.

Second, FSIS uses Form 4306–5, ''Medical Documentation for Employee's Reasonable Accommodation Request,'' to help determine whether the Agency will provide reasonable accommodation to qualified individuals. In accordance with the Rehabilitation Act of 1973 and the Americans with Disabilities Act Amendments Act of 2008, FSIS makes reasonable accommodations for the known physical or mental limitations of qualified individuals with disabilities, unless the accommodation would impose an undue hardship on the operation of FSIS. FSIS requires medical information from a health care provider to determine whether the person's condition rises to the level of disability under the law and to determine whether the limitations can be effectively accommodated.

There has been an increase in hiring and an increase in applications for Reasonable Accommodation. As a result, the Agency has increased the burden estimate by 733 hours. FSIS has also discontinued use of FSIS Form 4630–7 ''Confidential Medical Information,'' because the Leave Bank Program now accepts a Department of Labor form. The approval for this information collection will expire on November 20, 2022.

FSIS has made the following estimates based upon an information collection assessment:

Estimate of Burden: FSIS estimates that it will take each respondent an average of 90 minutes to complete the FSIS Form 4339–1, 10 minutes to complete the FSIS Form 4306–5, and 15 minutes to complete the FSIS Form 4630–8.

Respondents: Health Care Providers.

Estimated Total Number of Annual Respondents: 1,250 respondents.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 1,524 hours.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record. Copies of this information collection assessment can be obtained from Gina Kouba, Office of Policy and Program Development, Food Safety and Inspection Service, USDA, 1400 Independence Avenue SW, Mailstop 3758, South Building, Washington, DC 20250–3700; (202) 720–5627.

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of FSIS' functions, including whether the information will have practical utility; (b) the accuracy of FSIS' estimate of the burden of the proposed collection of information, including the validity of the method and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology. Comments may be sent to both FSIS, at the addresses provided above, and the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20253.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication on-line through the FSIS web page located at: *https://www.fsis.usda.gov/federal-register.*

FSIS will also announce and provide a link to this **Federal Register** publication through the FSIS *Constituent Update,* which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The *Constituent Update* is available on the FSIS web page. Through the web page, FSIS can provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: *https://www.fsis.usda.gov/subscribe.* Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves and have the option to password protect their accounts.

USDA Non-Discrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and 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.

Persons with disabilities who require alternative means of communication for program information (*e.g.,* Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720–2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877–8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD–3027, found online at *https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint* and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632–9992.

Submit your completed form or letter to USDA by: (1) *mail:* U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250–9410; (2) *fax:* (202) 690–7442; or (3) *email: program.intake@usda.gov.*

USDA is an equal opportunity provider, employer, and lender.

Paul Kiecker,

Administrator.

[FR Doc. 2022–15318 Filed 7–18–22; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Forest Service

Alpine County Resource Advisory Committee

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice of meeting.

SUMMARY: The Alpine County Resource Advisory Committee (RAC) will hold a public meeting according to the details shown below. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act (FACA). The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act, as well as make recommendations on recreation fee proposals for sites on the Humboldt-Toiyabe National Forest within Alpine County, California, consistent with the Federal Lands Recreation Enhancement Act.

DATES: The meeting will be held on August 5, 2022, 1–3 p.m., Pacific Daylight Time. All RAC meetings are subject to cancellation. For status of the meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

ADDRESSES: This meeting is open to the public and will be held at the Turtle Rock Park Community Center, located at 17300 State Route 89/4, Markleeville, CA 96120. The public may also join virtually via telephone and/or video conference. Virtual meeting participation details can be found by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received upon request.

FOR FURTHER INFORMATION CONTACT: Matt Zumstein, Designated Federal Officer (DFO), by phone at 775–884–8100 or email at *matthew.zumstein@usda.gov* or Matt Dickinson, RAC Coordinator at 775–884–8154 or email at *Matthew.Dickinson@usda.gov.*

Individuals who use telecommunication devices for the deaf and hard of hearing (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339, 24 hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Introductions of the committee members;
2. Elect a Chairperson;
3. Discuss available funding;
4. Discuss a process for soliciting and reviewing project proposals;
5. Approve meeting minutes;
6. Schedule the next meeting.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should make a request in writing at least three days prior to the meeting date to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Matt Zumstein, DFO, Carson Ranger District, 1536 South Carson Street, Carson City, Nevada 89701; or by email to *matthew.zumstein@usda.gov.*

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.

Persons with disabilities who require alternative means of communication for program information (*e.g.,* Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720–2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877–8339. Additionally, program information may be made available in languages other than English.

Equal opportunity practices in accordance with USDA's policies will be followed in all appointments to the Committee. To ensure that the recommendations of the Committee have taken in account the needs of the diverse groups served by USDA, membership shall include to the extent possible, individuals with demonstrated ability to represent minorities, women, and person with disabilities. USDA is an equal opportunity provider, employer, and lender.

Dated: July 12, 2022.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2022–15294 Filed 7–18–22; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Black Hills National Forest Advisory Board

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice of meeting.

SUMMARY: The Black Hills National Forest Advisory Board (NFAB) will hold a public meeting according to the details shown below. The committee is authorized under the Forest and Rangeland Renewable Resources Planning Act of 1974, the National Forest Management Act of 1976, the Federal Public Lands Recreation Enhancement Act, and operates in compliance with the Federal Advisory Committee Act (FACA). The purpose of the committee is to to provide advice and recommendations on a broad range of forest issues such as forest plan revisions or amendments, forest health including fire, insect and disease, travel management, forest monitoring and evaluation, recreation fees, and site specific projects having forest-wide implications. General information can be found at the following website: *https://www.fs.usda.gov/main/blackhills/workingtogether/advisorycommittees.*

DATES: The meeting will be held on August 17, 2022, 1–4:30 p.m., Mountain Standard Time.

All committee meetings are subject to cancellation. For status of the meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: This meeting is open to the public and will be held at the U.S. Forest Service, Mystic Ranger District Office, 8221 Mount Rushmore Road, Rapid City, South Dakota 57702. The public may also join virtually via telephone and/or video conference. Virtual meeting participation details can be found on the website listed under **SUMMARY** or by contacting the person listed under **FOR FURTHER INFORMATION CONTACT.**

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION.** All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received upon request.

FOR FURTHER INFORMATION CONTACT: Scott Jacobson, Committee Coordinator, by phone at 605–440–1409 or email at *scott.j.jacobson@usda.gov.*

Individuals who use telecommunication devices for the deaf and hard of hearing (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339, 24 hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION: The meeting agenda will include:

1. Black Hills National Forest Video ''*Your Forest, Your Future*'';
2. Purpose and Need for NFAB;
3. Getting to know our members;
4. NFAB Charter review;
5. NFAB By-Laws review; and
6. Process for electing Chair and Vice-Chair at next meeting.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should make a request in writing by at least three days before the meeting to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Scott Jacobson, NFAB Committee Coordinator, Mystic Ranger District Office, 8221 Mount Rushmore Road, Rapid City, South Dakota 57702; or by email to *scott.j.jacobson@usda.gov.* Persons with disabilities who require alternative means of communication for program information (*e.g.,* Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720–2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877–8339. Additionally, program information may be made available in languages other than English.

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.

Equal opportunity practices in accordance with USDA's policies will be followed in all appointments to the Committee. To ensure that the recommendations of the Committee have taken in account the needs of the diverse groups served by USDA, membership shall include to the extent possible, individuals with demonstrated ability to represent minorities, women, and person with disabilities. USDA is an equal opportunity provider, employer, and lender.

Dated: July 12, 2022.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2022–15295 Filed 7–18–22; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

[Docket No. RUS–22–ELECTRIC–0022]

60-Day Notice of Proposed Information Collection: Request for Approval To Sell Capital Assets; OMB Control No. 0572–0020

AGENCY: Rural Utilities Service, Agriculture (USDA).

ACTION: Notice; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Rural Utilities Service (RUS), United States Department of Agriculture (USDA) announces its' intention to request an extension of a currently approved information collection and invites comments on this information collection.

DATES: Comments on this notice must be received by September 19, 2022 to be assured of consideration.

ADDRESSES: Comments may be submitted electronically by the Federal eRulemaking Portal: Go to *https://www.regulations.gov* and, in the ''Search Field'' box, labeled ''Search for Rules, Proposed Rules, Notices or Supporting Documents,'' enter the following docket number: (RUS–22–ELECTRIC–0022). To submit or view public comments, click the ''Search'' button, select the ''Documents'' tab, then select the following document title: (60-Day Notice of Proposed Information Collection: Broadband Grant Program; OMB Control No.: 0572–0020) from the ''Search Results'' and select the ''Comment'' button. Before inputting your comments, you may also review the ''Commenter's Checklist'' (optional). Insert your comments under the ''Comment'' title, click ''Browse'' to attach files (if available). Input your email address and select ''Submit Comment.''

Information on using *Regulations.gov*, including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's ''FAQ'' link.

Other Information: Additional information about Rural Development and its programs is available on the internet at *https://www.rd.usda.gov.*

All comments will be available for public inspection online at the Federal eRulemaking Portal (*https://www.regulations.gov*).

FOR FURTHER INFORMATION CONTACT: Kimble Brown, Management Analyst, Rural Development Innovation Center—Regulations Management Division, United States Department of Agriculture, 1400 Independence Avenue SW, South Building, Washington, DC 20250–1522. Telephone: (202) 720–6180. Email: *kimble.brown@usda.gov.*

SUPPLEMENTARY INFORMATION: The Office of Management and Budget's (OMB) regulation (5 CFR part 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) requires that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies the following information collection that RUS is submitting to OMB as extension to an existing collection with Agency adjustment.

Title: Request for Approval to Sell Capital Assets.

OMB Control Number: 0572–0020.

Expiration Date of Approval: November 30, 2022.

Type of Request: Revision of a currently approved information collection.

Estimate of Burden: Public reporting for this collection of information is estimated to average 3 hours per response.

Respondents: Not-for-profit institutions; Businesses or other for-profits.

Estimated Number of Respondents: 33.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 99 hours.

Abstract: The Rural Utilities Service (RUS) is a credit agency of the U.S. Department of Agriculture (USDA). It makes mortgage loans and loan guarantees to finance electric, telecommunications, and water and waste facilities in rural areas. In addition to providing loans and loan guarantees, one of the Agency's main objectives is to safeguard loan security until the loan is repaid. When a borrower enters into the mortgage agreement with the Agency, all current and future capital assets of the borrower are ordinarily mortgaged or pledged to

the Federal Government as security for Agency loans. The Agency's policy on sales of capital assets requires that the sale meet several requirements including the following: (1) the selling price shall be greater than or equal to the fair market value; and (2) the sale shall not jeopardize the repayment of the Agency's loan.

The selling of assets reduces the security and increases the risk to the government. RUS Form 369 allows the borrower to seek agency permission to sell some of its assets. The form collects detailed information regarding the proposed sales of a portion of the borrower's systems. RUS electric utility borrowers complete this form to request RUS approval in order to sell capital assets when the fair market value exceeds 10 percent of the borrower's net utility plant.

Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) the accuracy of the agency's estimate of the burden of the collection of information including the validity of the methodology and assumptions used;

(c) ways to enhance the quality, utility and clarity of the information to be collected; and

(d) ways to minimize the burden of the collection of information on respondents, including through the use of 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 for OMB approval. All comments will become a matter of public record.

Copies of this information collection can be obtained from Kimble Brown, Rural Development Innovation Center—Regulations Management Division, at (202) 720–6780. Email: *kimble.brown@usda.gov.*

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Christopher McLean,

Acting Administrator, Rural Utilities Service.

[FR Doc. 2022–15378 Filed 7–18–22; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

[Docket No. RUS–22–WATER–0047]

60-Day Notice of Proposed Information Collection: Emergency and Imminent Community Water Assistance Grants; OMB Control No. 0572–0110

AGENCY: Rural Utilities Service, Agriculture (USDA).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 the Rural Utilities Service (RUS) invites comments on this information collection for which approval from the Office of Management and Budget (OMB) will be requested.

DATES: Comments on this notice must be received by September 19, 2022 to be assured of consideration.

ADDRESSES: Comments may be submitted electronically by the Federal eRulemaking Portal: Go to *https://www.regulations.gov* and, in the ''Search Field'' box, labeled ''Search for Rules, Proposed Rules, Notices or Supporting Documents,'' enter the following docket number: (RUS–22–WATER–0047). To submit or view public comments, click the ''Search'' button, select the ''Documents'' tab, then select the following document title: (60-Day Notice of Proposed Information Collection: Broadband Grant Program; OMB Control No.: 0572–0110) from the ''Search Results'' and select the ''Comment'' button. Before inputting your comments, you may also review the ''Commenter's Checklist'' (optional). Insert your comments under the ''Comment'' title, click ''Browse'' to attach files (if available). Input your email address and select ''Submit Comment.''

Information on using *Regulations.gov,* including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's ''FAQ'' link.

Other Information: Additional information about Rural Development and its programs is available on the internet at *https://www.rd.usda.gov.*

All comments will be available for public inspection online at the Federal eRulemaking Portal (*https://www.regulations.gov*).

FOR FURTHER INFORMATION CONTACT: Kimble Brown, Rural Development Innovation Center—Regulations Management Division, U.S. Department of Agriculture, 1400 Independence Avenue SW, Washington, DC 20250, Telephone: 202–720–6780, Email: *Kimble.Brown@usda.gov.*

SUPPLEMENTARY INFORMATION: The Office of Management and Budget's (OMB) regulation (5 CFR 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) requires that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies an information collection that RUS is submitting to OMB for an extension.

Title: Emergency and Imminent Community Water Assistance Grants, 7 CFR 1778.

OMB Control Number: 0572–0110.

Type of Request: Extension of a currently approved information collection.

Abstract: Rural Utilities Service (RUS), an agency delivering the U.S. Department of Agriculture (USDA) administers Emergency and Imminent Community Water Assistance Grants pursuant to 7 CFR 1778 and awards grants to qualified rural communities that have experienced a significant decline in quality or quantity of water or expect such a decline to be imminent. Grants under this RUS program may be made to public bodies and private nonprofit corporations serving rural areas. Public bodies include counties, cities, townships, incorporated towns and villages, boroughs, authorities, districts, and other political subdivisions of a state. Public bodies also include Indian Tribes on Federal and State reservations and other Federally-recognized Indian tribal groups in rural areas. Applicants will provide information to be collected as part of the application and grant process through documentation, certifications, or completed application forms. These procedures are codified at 7 CFR part 1778.

Estimate of burden: Public reporting for this collection of information is estimated to average 6.86 hours per response.

Respondents: Public bodies; not-for-profit institutions; federally-recognized tribes and tribal organizations.

Estimated Number of Respondents: 49.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 3,173 hours.

Comments are invited on:

(a) Whether this collection of information is necessary for the proper performance of the functions of the

Agency, including whether the information will have practical utility;

(b) the accuracy of the Agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used;

(c) 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 appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Copies of this information collection can be obtained from Kimble Brown, Rural Development Innovation Center—Regulations Management Division, at (202) 720–6780. Email: *kimble.brown@usda.gov.*

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public records.

Christopher A. McLean,

Acting Administrator, Rural Utilities Service.

[FR Doc. 2022–15379 Filed 7–18–22; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

[Docket No. RUS–22–AGENCY–0036]

60-Day Notice of Proposed Information Collection: Wholesale Contracts for the Purchase and Sale of Electric Power; OMB Control No. 0572–0089

AGENCY: Rural Utilities Service, Agriculture (USDA).

ACTION: Notice; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the United States Department of Agriculture (USDA), Rural Utilities Service (RUS), announces its' intention to request an extension of a currently approved information collection and invites comments on this information collection.

DATES: Comments on this notice must be received by September 19, 2022 to be assured of consideration.

ADDRESSES: Comments may be submitted electronically by the Federal eRulemaking Portal: Go to *https://www.regulations.gov* and, in the ''Search Field'' box, labeled ''Search for Rules, Proposed Rules, Notices or Supporting Documents,'' enter the following docket number: (RUS–22–AGENCY–0036). To submit or view public comments, click the ''Search'' button, select the ''Documents'' tab, then select the following document title: (60-Day Notice of Proposed Information Collection: Wholesale Contracts for the Purchase and Sale of Electric Power; OMB Control No.: 0572–0089) from the ''Search Results'' and select the ''Comment'' button. Before inputting your comments, you may also review the ''Commenter's Checklist'' (optional). Insert your comments under the ''Comment'' title, click ''Browse'' to attach files (if available). Input your email address and select ''Submit Comment.''

Information on using *Regulations.gov*, including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's ''FAQ'' link.

Other Information: Additional information about Rural Development and its programs is available on the internet at *https://www.rd.usda.gov.*

All comments will be available for public inspection online at the Federal eRulemaking Portal (*https://www.regulations.gov*).

FOR FURTHER INFORMATION CONTACT: Crystal Pemberton, Management Analyst, Branch 1, Rural Development Innovation Center—Regulations Management Division, United States Department of Agriculture, 1400 Independence Avenue SW, South Building, Washington, DC 20250–1522. Telephone: (202) 260–8621. Email: *Crystal.Pemberton@usda.gov.*

SUPPLEMENTARY INFORMATION: The Office of Management and Budget's (OMB) regulation (5 CFR part 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) requires that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies the following information collection that RUS is submitting to OMB as extension to an existing collection with Agency adjustment.

Title: Wholesale Contracts for the Purchase and Sale of Electric Power.

OMB Control Number: 0572–0089.

Expiration Date of Approval: November 30, 2022.

Type of Request: Extension of a currently approved information collection.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 6 hours per response.

Respondents: Small business or other for-profit; not-for-profit organizations.

Estimated Number of Respondents: 10.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 60 hours.

Abstract: Most RUS financed electric systems are cooperatives and are organized in a two-tiered structure. Retail customers are members of the distribution system that provides electricity to their homes and business. Distribution cooperatives, in turn, are members of power supply cooperatives, also known as generation and transmission cooperatives (G&T's) that generate or purchase power and transmit the power to the distribution systems.

For a distribution system, a lien on the borrower's assets generally represents adequate security. However, since most G&T revenues flow from its distribution members, RUS requires, as a condition of a loan or loan guarantee to a G&T the long-term requirements wholesale power contract (WPC) to purchase their power from the G&T at rates that cover all the G&T's expenses, including debt service and margins. RUS considers Form 444 as an example for the G&T's to utilize as either their WPC or create their own WPC if it has all the same information as the form. The WPC is specialized based on the combined requirements of the G&T and its members. The WPC is used by RUS G&T borrowers to enter into agreement with their distribution members for purchase of power from the G&T. The WPC is prepared and executed by the G&T and each member and by RUS and the information allows RUS to determine credit quality and credit worthiness to determine repayment ability for loans and loan guarantees.

Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) the accuracy of the agency's estimate of the burden of the collection of information including the validity of the methodology and assumptions used;

(c) ways to enhance the quality, utility and clarity of the information to be collected; and

(d) ways to minimize the burden of the collection of information on respondents, including 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 for OMB

approval. All comments will become a matter of public record.

Copies of this information collection can be obtained from Crystal Pemberton, Rural Development Innovation Center—Regulations Management Division, at (202) 260–862. Email: *Crystal.Pemberton@usda.gov.*

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Christopher McLean,

Acting Administrator, Rural Utilities Service.

[FR Doc. 2022–15394 Filed 7–18–22; 8:45 am]

BILLING CODE 3410–XV–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

In the Matter of: Joyce Marie Eliabachus, 17 Frederick St., Morristown, NJ 07960; Order Denying Export Privileges

On October 7, 2020, in the U.S. District Court for the District of New Jersey, Joyce Marie Eliabachus (''Eliabachus'') was convicted of violating 18 U.S.C. 371. Specifically, Eliabachus was convicted of knowingly and intentionally conspiring and agreeing with others known and unknown to export, re-export, sell and supply and attempting to, re-export, sell and supply aircraft components, directly or indirectly from the United States to Iran, including to Mahan Air, without first obtaining the authorization from the Office of Foreign Assets Control, in violation of 18 U.S.C. 371.

As a result of her conviction, the Court sentenced Eliabachus to 18 months in prison, one year of supervisor release, and a $100 court assessment.

Pursuant to Section 1760(e) of the Export Control Reform Act (''ECRA''),[1] the export privileges of any person who has been convicted of certain offenses, including, but not limited to, 18 U.S.C. 371, may be denied for a period of up to ten (10) years from the date of his/her conviction. 50 U.S.C. 4819(e) (Prior Convictions). In addition, any Bureau of Industry and Security (BIS) licenses or other authorizations issued under ECRA, in which the person had an interest at the time of the conviction, may be revoked. *Id.*

BIS received notice of Eliabachus's conviction for violating 18 U.S.C. 371 and, as provided in Section 766.25 of the Export Administration Regulations (''EAR'' or the ''Regulations''), has provided notice and opportunity for Eliabachus to make a written submission to BIS. 15 CFR 766.25.[2] BIS has not received a written response from Eliabachus.

Based upon my review of the record and consultations with BIS's Office of Exporter Services, including its Director, and the facts available to BIS, I have decided to deny Eliabachus's export privileges under the Regulations for a period of 10-years from the date of Eliabachus's conviction. The Office of Exporter Services has also decided to revoke any BIS-issued licenses in which Eliabachus had an interest at the time of her conviction.[3]

Accordingly, it is hereby *ordered*:

First, from the date of this Order until October 7, 2030, Joyce Marie Eliabachus, with a last known address of 17 Frederick St, Morristown, NJ 07960 and when acting for or on her behalf, her successors, assigns, employees, agents or representatives (''the Denied Person''), may not directly or indirectly participate in any way in any transaction involving any commodity, software, or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or engaging in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or from any other activity subject to the Regulations.

Second, no person may, directly or indirectly, do any of the following:

A. Export, reexport, or transfer (in-country) to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession, or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed, or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed, or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification, or testing.

Third, pursuant to Section 1760(e) of ECRA (50 U.S.C. 4819(e)) and Sections 766.23 and 766.25 of the Regulations, any other person, firm, corporation, or business organization related to the Denied Person by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order in order to prevent evasion of this Order.

Fourth, in accordance with Part 756 of the Regulations, the Denied Person may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of Part 756 of the Regulations.

Fifth, a copy of this Order shall be delivered to the Denied Person and shall be published in the **Federal Register**.

Sixth, this Order is effective immediately and shall remain in effect until October 7, 2030.

John Sonderman,

Director, Office of Export Enforcement.

[FR Doc. 2022–15322 Filed 7–18–22; 8:45 am]

BILLING CODE 3510–DT–P

[1] ECRA was enacted on August 13, 2018, as part of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 and, as amended, is codified at 50 U.S.C. 4801–4852.

[2] The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730 through 774 (2021).

[3] The Director, Office of Export Enforcement, is the authorizing official for issuance of denial orders, pursuant to recent amendments to the Regulations (85 FR 73411, November 18, 2020).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–827]

Certain Cased Pencils From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2020–2021

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that the single entity Wah Yuen Stationery Co. Ltd./Shandong Wah Yuen Stationery Co. Ltd. (Wah Yuen) had no shipments of certain cased pencils (pencils) from the People's Republic of China (China) during the period of review (POR) December 1, 2020, through November 30, 2021. Commerce also preliminarily determines that Tianjin Tonghe Stationery Co., Ltd. (Tianjin Tonghe) and Ningbo Homey Union Co., Ltd. (Ningbo Homey) are part of the China-wide entity. We invite interested parties to comment on these preliminary results.

DATES: Applicable July 19, 2022.

FOR FURTHER INFORMATION CONTACT: Sergio Balbontin, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–6478.

SUPPLEMENTARY INFORMATION:

Background

Commerce published the initiation of this administrative review on February 4, 2022, with respect to four companies: Tianjin Tonghe, Ningbo Homey, and Wah Yuen.[1] The POR is December 1, 2020, through November 30, 2021.

Scope of the Order [2]

Imports covered by the *Order* are shipments of certain cased pencils of any shape or dimension (except as described below) which are writing and/or drawing instruments that feature cores of graphite or other materials, encased in wood and/or man-made materials, whether or not decorated and whether or not tipped (*e.g.,* with erasers, *etc.*) in any fashion, and either sharpened or unsharpened. The pencils subject to the *Order* are currently classifiable under subheading 9609.10.00 of the Harmonized Tariff Schedule of the United States (HTSUS). Specifically excluded from the scope of the *Order* are mechanical pencils, cosmetic pencils, pens, non-cased crayons (wax), pastels, charcoals, chalks, and pencils produced under U.S. patent number 6,217,242, from paper infused with scents by the means covered in the above-referenced patent, thereby having odors distinct from those that may emanate from pencils lacking the scent infusion. Also excluded from the scope of the *Order* are pencils with all of the following physical characteristics: (1) length: 13.5 or more inches; (2) sheath diameter: not less than one-and-one quarter inches at any point (before sharpening); and (3) core length: not more than 15 percent of the length of the pencil.

In addition, pencils with all of the following physical characteristics are excluded from the scope of the *Order:* novelty jumbo pencils that are octagonal in shape, approximately ten inches long, one inch in diameter before sharpening, and three-and-one eighth inches in circumference, composed of turned wood encasing one-and-one half inches of sharpened lead on one end and a rubber eraser on the other end.

Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the scope of the *Order* is dispositive.

Preliminary Determination of No Shipments

In the *Initiation Notice,* we instructed producers or exporters under review that had no exports, sales, or entries during the POR to notify Commerce within 30 days of publication of the notice. Wah Yuen submitted a timely no-shipment certification stating that Wah Yuen did not export subject merchandise to the United States during the POR.[3] Accordingly, we submitted a no-shipment inquiry to U.S. Customs and Border Protection (CBP) regarding Wah Yuen's no-shipment certification. In response, CBP reported that it has no evidence to contradict Wah Yuen's no-shipment claim.[4] No party commented on CBP's report.

Based on record evidence, we preliminarily determine that Wah Yuen did not have shipments to the United States during the POR. Consistent with our practice in non-market economy (NME) cases, we are not rescinding the review of Wah Yuen but intend to complete the review and issue appropriate instructions to CBP based on the final results.[5]

China-Wide Entity

Commerce's policy regarding conditional review of the China-wide entity applies to this administrative review.[6] Under this policy, the China-wide entity will not be under review unless a party specifically requests, or Commerce self-initiates, a review of the entity. Because no party requested a review of the China-wide entity, the entity is not under review, and the entity's rate of 114.90 percent is not subject to change.[7]

Aside from Wah Yuen, which we preliminarily find made no shipments, Commerce considers all other

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 87 FR 6487 (February 4, 2022) (*Initiation Notice*). Commerce determined that Wah Yuen Stationery Co. Ltd. and Shandong Wah Yuen Stationery Co. Ltd. are affiliated, pursuant to section 771(33) of the Tariff Act of 1930, as amended (the Act), and should be treated as a single entity, pursuant to 19 CFR 351.401(f), in a prior administrative review. *See Certain Cased Pencils from the People's Republic of China: Preliminary Results of Antidumping Duty New Shipper Review; 2014–2015,* 81 FR 37573 (June 10, 2016), and accompanying Preliminary Decision Memorandum at 9–10, unchanged in *Certain Cased Pencils from the People's Republic of China: Final Results of Antidumping Duty New Shipper Review; 2014–2015,* 81 FR 74764 (October 27, 2016); *see also Certain Cased Pencils from the People's Republic of China: Amended Final Results of Antidumping Duty New Shipper Review; 2014–2015,* 81 FR 92784 (December 20, 2016) (*Amended New Shipper Review*). Because there is no record evidence indicating that Commerce should revisit this determination, we are continuing to treat these two companies as a single entity for purposes of this administrative review.

[2] *See Certain Cased Pencils from the People's Republic of China: Continuation of Antidumping Duty Order,* 82 FR 41608 (September 1, 2017); and *Antidumping Duty Order: Certain Cased Pencils from the People's Republic of China,* 59 FR 66909 (December 28, 1994) (collectively, *Order*).

[3] *See* Wah Yuen's Letter, ''Certain Cased Pencils from the People's Republic of China: Comments on CBP Data,'' dated February 10, 2022.

[4] *See* CBP Instructions, ''No shipment inquiry for certain cased pencils from the People's Republic of China produced and/or exported by Wah Yuen Stationary Co., Ltd. and/or Shandong Wah Yuen Stationary Co., Ltd. (A–570–827)'' (message 2070421), dated March 11, 2022; *see also* Memorandum, ''Certain Cased Pencils from The People's Republic of China; No Shipment Inquiry for Wah Yuen Stationery Co. Ltd. and/or Shandong Wah Yuen Stationery Co., Ltd. during the period 12/01/2020 through 11/30/2021,'' dated March 23, 2021. No party commented on this Memorandum.

[5] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694, 65694–95 (October 24, 2011).

[6] *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963 (November 4, 2013).

[7] *See, e.g., Certain Cased Pencils from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and Partial Rescission; 2014–2015,* 81 FR 83201, 83202 (November 21, 2016), unchanged in *Certain Cased Pencils from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2014–2015,* 82 FR 24675 (May 30, 2017), and accompanying Issues and Decision Memorandum.

companies for which a review was requested and which did not demonstrate separate rate eligibility to be part of the China-wide entity.[8] Accordingly, for the preliminary results, we consider Tianjin Tonghe and Ningbo Homey, neither of which submitted a separate rate application, to be part of the China-wide entity.

Disclosure and Public Comment

Normally, Commerce discloses the calculations used in its analysis to parties in a review within five days of the date of publication of the notice of preliminary results, in accordance with 19 CFR 351.224(b). However, in this case, there are no calculations to disclose.

Interested parties may submit case briefs no later than 30 days after the date of publication of these preliminary results of review.[9] Rebuttal briefs may be filed no later than seven days after the written comments are filed, and all rebuttal comments must be limited to comments raised in the case briefs.[10] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case or rebuttal briefs in this review are encouraged to submit with each argument: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[11]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain the party's name, address, telephone number, the number of participants, and a list of the issues to be discussed. If a request for a hearing is made, we intend to hold the hearing at the date and time to be determined.[12] Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Unless the deadline is otherwise extended, we intend to issue the final results of this review, which will include the results of our analysis of the issues raised in any briefs, within 120 days of publication of these preliminary results in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act, and 19 CFR 351.213(h).

Assessment Rates

Upon issuance of the final results, Commerce will determine, and CBP shall assess, antidumping (AD) duties on all appropriate entries covered by this review, in accordance with 19 CFR 351.212(b). If Commerce continues to find that Tianjin Tonghe and Ningbo Homey are part of the China-wide entity in the final results, Commerce intends to instruct CBP to liquidate POR entries of subject merchandise from these companies at the China-wide rate. Moreover, if Commerce continues to make a no-shipment finding for Wah Yuen in the final results, any suspended entries of subject merchandise associated with Wah Yuen will also be liquidated at the China-wide rate. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided for by section 751(a)(2)(C) of the Act: (1) Wah Yuen's cash deposit rate will continue to be its existing exporter-specific rate; [13] (2) for previously investigated or reviewed Chinese and non-Chinese exporters for which a review was not requested and that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all Chinese exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the rate for the China-wide entity; and (4) for all non-Chinese exporters of subject merchandise that have not received their own rate, the cash deposit rate will be the rate applicable to the Chinese exporter that supplied that non-Chinese exporter. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of AD duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of AD duties occurred and the subsequent assessment of double AD duties.

Notification to Interested Parties

We are issuing and publishing the preliminary results of this administrative review in accordance with sections 751(a)(l) and 777(i)(l) of the Act, and 19 CFR 351.213 and 19 CFR 351.221(b)(4).

Dated: July 12, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2022–15364 Filed 7–18–22; 8:45 am]

BILLING CODE 3510–DS–P

[8] *See Initiation Notice* (''All firms listed below that wish to qualify for separate rate status in the administrative reviews involving NME countries must complete, as appropriate, either a separate rate application or certification, as described below.'')

[9] *See* 19 CFR 351.309(c).

[10] *See* 19 CFR 351.309(d); *see also Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19,* 85 FR 17006, 17007 (March 26, 2020) (''To provide adequate time for release of case briefs via ACCESS, E&C intends to schedule the due date for all rebuttal briefs to be 7 days after case briefs are filed (while these modifications remain in effect).'').

[11] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

[12] *Id.*

[13] *See Amended New Review.*

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC157]

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Geophysical Surveys Related to Oil and Gas Activities in the Gulf of Mexico

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

ACTION: Notice of issuance of Letter of Authorization.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA), as amended, its implementing regulations, and NMFS' MMPA Regulations for Taking Marine Mammals Incidental to Geophysical Surveys Related to Oil and Gas Activities in the Gulf of Mexico, notification is hereby given that a Letter

of Authorization (LOA) has been issued to CGG for the take of marine mammals incidental to geophysical survey activity in the Gulf of Mexico.

DATES: The LOA is effective from September 1, 2022, through April 30, 2023.

ADDRESSES: The LOA, LOA request, and supporting documentation are available online at: *www.fisheries.noaa.gov/action/incidental-take-authorization-oil-and-gas-industry-geophysical-survey-activity-gulf-mexico*. In case of problems accessing these documents, please call the contact listed below (see **FOR FURTHER INFORMATION CONTACT**).

FOR FURTHER INFORMATION CONTACT: Ben Laws, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce 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 issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined ''negligible impact'' in 50 CFR 216.103 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.

Except with respect to certain activities not pertinent here, 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).

On January 19, 2021, we issued a final rule with regulations to govern the unintentional taking of marine mammals incidental to geophysical survey activities conducted by oil and gas industry operators, and those persons authorized to conduct activities on their behalf (collectively ''industry operators''), in Federal waters of the U.S. Gulf of Mexico (GOM) over the course of 5 years (86 FR 5322; January 19, 2021). The rule was based on our findings that the total taking from the specified activities over the 5-year period will have a negligible impact on the affected species or stock(s) of marine mammals and will not have an unmitigable adverse impact on the availability of those species or stocks for subsistence uses. The rule became effective on April 19, 2021.

Our regulations at 50 CFR 217.180 *et seq.* allow for the issuance of LOAs to industry operators for the incidental take of marine mammals during geophysical survey activities and prescribe the permissible methods of taking and other means of effecting the least practicable adverse impact on marine mammal species or stocks and their habitat (often referred to as mitigation), as well as requirements pertaining to the monitoring and reporting of such taking. Under 50 CFR 217.186(e), issuance of an LOA shall be based on a determination that the level of taking will be consistent with the findings made for the total taking allowable under these regulations and a determination that the amount of take authorized under the LOA is of no more than small numbers.

Summary of Request and Analysis

CGG plans to conduct a 3D ocean bottom node (OBN) survey of approximately 144 lease blocks in the central GOM (Green Canyon and Walker Ridge protraction areas), with approximate water depths ranging from 100 to 2,500 meters (m). See Section F of the LOA application for a map of the area.

CGG anticipates using two dual source vessels, towing airgun array sources consisting of either 32 elements, with a total volume of 5,110 cubic inches (in^3), or 28 elements, with total volume of 4,470 in^3. Please see CGG's application for additional detail.

Consistent with the preamble to the final rule, the survey effort proposed by CGG in its LOA request was used to develop LOA-specific take estimates based on the acoustic exposure modeling results described in the preamble (86 FR 5322, 5398; January 19, 2021). In order to generate the appropriate take number for authorization, the following information was considered: (1) survey type; (2) location (by modeling zone);[1] (3) number of days; and (4) season.[2] The acoustic exposure modeling performed in support of the rule provides 24-hour exposure estimates for each species, specific to each modeled survey type in each zone and season.

No 3D OBN surveys were included in the modeled survey types, and use of existing proxies (*i.e.,* 2D, 3D NAZ, 3D WAZ, Coil) is generally conservative for use in evaluation of 3D OBN survey effort, largely due to the greater area covered by the modeled proxies. Summary descriptions of these modeled survey geometries are available in the preamble to the proposed rule (83 FR 29212, 29220; June 22, 2018). Coil was selected as the best available proxy survey type in this case, because the spatial coverage of the planned survey is most similar to the coil survey pattern. The planned 3D OBN survey will involve two source vessels sailing along survey lines approximately 65 km in length. The coil survey pattern was assumed to cover approximately 144 kilometers squared (km^2) per day (compared with approximately 795 km^2, 199 km^2, and 845 km^2 per day for the 2D, 3D NAZ, and 3D WAZ survey patterns, respectively). Among the different parameters of the modeled survey patterns (*e.g.,* area covered, line spacing, number of sources, shot interval, total simulated pulses), NMFS considers area covered per day to be most influential on daily modeled exposures exceeding Level B harassment criteria. Although CGG is not proposing to perform a survey using the coil geometry, its planned 3D OBN survey is expected to cover approximately 100 km^2 per day, meaning that the coil proxy is most representative of the effort planned by CGG in terms of predicted Level B harassment exposures.

In addition, all available acoustic exposure modeling results assume use of a 72-element, 8,000 in^3 array. Thus, estimated take numbers for this LOA are considered conservative due to differences in both the airgun array (maximum 32 elements, 5,110 in^3) and the daily survey area planned by CGG (100 km^2), as compared to those modeled for the rule.

The survey will take place over approximately 90 days, including 65 days of sound source operation. The

[1] For purposes of acoustic exposure modeling, the GOM was divided into seven zones. Zone 1 is not included in the geographic scope of the rule.

[2] For purposes of acoustic exposure modeling, seasons include Winter (December–March) and Summer (April–November).

survey plan includes 20 days within Zone 2 and 45 days within Zone 5. The seasonal distribution of survey days is not known in advance. Therefore, the take estimates for each species are based on the season that produces the greater value.

Additionally, for some species, take estimates based solely on the modeling yielded results that are not realistically likely to occur when considered in light of other relevant information available during the rulemaking process regarding marine mammal occurrence in the GOM. The approach used in the acoustic exposure modeling, in which seven modeling zones were defined over the U.S. GOM, necessarily averages fine-scale information about marine mammal distribution over the large area of each modeling zone. This can result in unrealistic projections regarding the likelihood of encountering particularly rare species and/or species not expected to occur outside particular habitats. Thus, although the modeling conducted for the rule is a natural starting point for estimating take, our rule acknowledged that other information could be considered (see, *e.g.,* 86 FR 5322, 5442 (January 19, 2021), discussing the need to provide flexibility and make efficient use of previous public and agency review of other information and identifying that additional public review is not necessary unless the model or inputs used differ substantively from those that were previously reviewed by NMFS and the public). For this survey, NMFS has other relevant information reviewed during the rulemaking that indicates use of the acoustic exposure modeling to generate a take estimate for certain marine mammal species produces results that are inconsistent with what is known regarding their occurrence in the GOM. Accordingly, we have adjusted the calculated take estimates for those species as described below.

Rice's whales (formerly known as GOM Bryde's whales) [3] are mostly found in a ''core habitat area'' located in the northeastern GOM in waters between 100–400 m depth along the continental shelf break (Rosel *et al.,* 2016). (Note that this core habitat area is outside the scope of the rule.) However, whaling records suggest that Rice's whales historically had a broader distribution within similar habitat parameters throughout the GOM (Reeves *et al.,* 2011; Rosel and Wilcox, 2014). In addition, habitat-based density modeling identified similar habitat (*i.e.,* approximately 100–400 m water depths along the continental shelf break) as being potential Rice's whale habitat (Roberts *et al.,* 2016), although the core habitat area contained approximately 92 percent of the predicted abundance of Rice's whales. See discussion provided at, *e.g.,* 83 FR 29212, 29228, 29280 (June 22, 2018); 86 FR 5322, 5418 (January 19, 2021).

There are few data on Rice's whale occurrence outside of the northeastern GOM core habitat area. There were two sightings of unidentified large baleen whales (recorded as *Balaenoptera* sp. or Bryde's/sei whale) in 1992 in the western GOM during systematic survey effort and, more recently, a NOAA survey reported observation of a Rice's whale in the western GOM in 2017 (NMFS, 2018). There were five potential sightings of Rice's whales by protected species observers (PSOs) aboard industry geophysical survey vessels west of New Orleans from 2010–2014, all within the 200–400 m isobaths (Rosel *et al.,* 2021). In addition, sporadic, year-round recordings of Rice's whale calls were made south of Louisiana within approximately the same depth range between 2016 and 2017 (Soldevilla *et al.,* in press).

Although Rice's whales may occur outside of the core habitat area, we expect that any such occurrence would be limited to the narrow band of suitable habitat described above (*i.e.,* 100–400 m) and that, based on the few available records, these occurrences would be rare. CGG's planned activities will overlap this depth range, with approximately 18 percent of the area expected to be ensonified by the survey above root-mean-squared pressure received levels (RMS SPL) of 160 dB (referenced to 1 micropascal (re 1 μPa)) overlapping the 100–400 m isobaths. Therefore, while we expect take of Rice's whale to be unlikely, there is some reasonable potential for take of Rice's whale to occur in association with this survey. However, NMFS' determination in reflection of the data discussed above, which informed the final rule, is that use of the generic acoustic exposure modeling results for Rice's whales would result in estimated take numbers that are inconsistent with the assumptions made in the rule regarding expected Rice's whale take (86 FR 5322, 5403; January 19, 2021).

Killer whales are the most rarely encountered species in the GOM, typically in deep waters of the central GOM (Roberts *et al.,* 2015; Maze-Foley and Mullin, 2006). As discussed in the final rule, the density models produced by Roberts *et al.* (2016) provide the best available scientific information regarding predicted density patterns of cetaceans in the U.S. GOM. The predictions represent the output of models derived from multi-year observations and associated environmental parameters that incorporate corrections for detection bias. However, in the case of killer whales, the model is informed by few data, as indicated by the coefficient of variation associated with the abundance predicted by the model (0.41, the second-highest of any GOM species model; Roberts *et al.,* 2016). The model's authors noted the expected non-uniform distribution of this rarely-encountered species and expressed that, due to the limited data available to inform the model, it ''should be viewed cautiously'' (Roberts *et al.,* 2015).

NOAA surveys in the GOM from 1992–2009 reported only 16 sightings of killer whales, with an additional three encounters during more recent survey effort from 2017–18 (Waring *et al.,* 2013; *www.boem.gov/gommapps*). Two other species were also observed on less than 20 occasions during the 1992–2009 NOAA surveys (Fraser's dolphin and false killer whale).[4] However, observational data collected by PSOs on industry geophysical survey vessels from 2002–2015 distinguish the killer whale in terms of rarity. During this period, killer whales were encountered on only 10 occasions, whereas the next most rarely encountered species (Fraser's dolphin) was recorded on 69 occasions (Barkaszi and Kelly, 2019). The false killer whale and pygmy killer whale were the next most rarely encountered species, with 110 records each. The killer whale was the species with the lowest detection frequency during each period over which PSO data were synthesized (2002–2008 and 2009–2015). This information qualitatively informed our rulemaking process, as discussed at 86 FR 5322, 5334 (January 19, 2021), and similarly informs our analysis here.

The rarity of encounter during seismic surveys is not likely to be the product of high bias on the probability of detection. Unlike certain cryptic species with high detection bias, such as *Kogia* spp. or beaked whales, or deep-diving species with high availability bias, such as beaked whales or sperm whales, killer whales are typically available for detection when present and are easily observed. Roberts *et al.* (2015) stated that availability is not a major factor affecting detectability of killer whales

[3] The final rule refers to the GOM Bryde's whale (*Balaenoptera edeni*). These whales were subsequently described as a new species, Rice's whale (*Balaenoptera ricei*) (Rosel *et al.,* 2021).

[4] However, note that these species have been observed over a greater range of water depths in the GOM than have killer whales.

from shipboard surveys, as they are not a particularly long-diving species. Baird *et al.* (2005) reported that mean dive durations for 41 fish-eating killer whales for dives greater than or equal to 1 minute in duration was 2.3–2.4 minutes, and Hooker *et al.* (2012) reported that killer whales spent 78 percent of their time at depths between 0–10 m. Similarly, Kvadsheim *et al.* (2012) reported data from a study of four killer whales, noting that the whales performed 20 times as many dives to 1–30 m depth than to deeper waters, with an average depth during those most common dives of approximately 3 m.

In summary, killer whales are the most rarely encountered species in the GOM and typically occur only in particularly deep water. While this information is reflected through the density model informing the acoustic exposure modeling results, there is relatively high uncertainty associated with the model for this species, and the acoustic exposure modeling applies mean distribution data over areas where the species is in fact less likely to occur. In addition, as noted above in relation to the general take estimation methodology, the assumed proxy source (72-element, 8,000-in^3 array) results in a significant overestimate of the actual potential for take to occur. NMFS' determination in reflection of the information discussed above, which informed the final rule, is that use of the generic acoustic exposure modeling results for killer whales for this survey would result in estimated take numbers that are inconsistent with the assumptions made in the rule regarding expected killer whale take (86 FR 5322, 5403; January 19, 2021).

In past authorizations, NMFS has often addressed situations involving the low likelihood of encountering a rare species such as Rice's whales or killer whales in the GOM through authorization of take of a single group of average size (*i.e.,* representing a single potential encounter). See 83 FR 63268; December 7, 2018. See also 86 FR 29090; May 28, 2021 and 85 FR 55645; September 9, 2020. For the reasons expressed above, NMFS determined that a single encounter of Rice's whales or killer whales is more likely than the model-generated estimates and has authorized take associated with a single group encounter (*i.e.,* up to 2 and 7 animals, respectively).

Based on the results of our analysis, NMFS has determined that the level of taking authorized through the LOA is consistent with the findings made for the total taking allowable under the regulations for the affected species or stocks of marine mammals. See Table 1 in this notice and Table 9 of the rule (86 FR 5322; January 19, 2021).

Small Numbers Determination

Under the GOM rule, NMFS may not authorize incidental take of marine mammals in an LOA if it will exceed ''small numbers.'' In short, when an acceptable estimate of the individual marine mammals taken is available, if the estimated number of individual animals taken is up to, but not greater than, one-third of the best available abundance estimate, NMFS will determine that the numbers of marine mammals taken of a species or stock are small. For more information please see NMFS' discussion of the MMPA's small numbers requirement provided in the final rule (86 FR 5322, 5438; January 19, 2021).

The take numbers for authorization are determined as described above in the Summary of Request and Analysis section. Subsequently, the total incidents of harassment for each species are multiplied by scalar ratios to produce a derived product that better reflects the number of individuals likely to be taken within a survey (as compared to the total number of instances of take), accounting for the likelihood that some individual marine mammals may be taken on more than one day (see 86 FR 5322, 5404; January 19, 2021). The output of this scaling, where appropriate, is incorporated into adjusted total take estimates that are the basis for NMFS' small numbers determinations, as depicted in Table 1.

This product is used by NMFS in making the necessary small numbers determinations through comparison with the best available abundance estimates (see discussion at 86 FR 5322, 5391; January 19, 2021). For this comparison, NMFS' approach is to use the maximum theoretical population, determined through review of current stock assessment reports (SAR; *www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments*) and model-predicted abundance information (*https://seamap.env.duke.edu/models/Duke/GOM/*). For the latter, for taxa where a density surface model could be produced, we use the maximum mean seasonal (*i.e.,* 3-month) abundance prediction for purposes of comparison as a precautionary smoothing of month-to-month fluctuations and in consideration of a corresponding lack of data in the literature regarding seasonal distribution of marine mammals in the GOM. Information supporting the small numbers determinations is provided in Table 1.

TABLE 1—TAKE ANALYSIS

Species	Authorized take	Scaled take [1]	Abundance [2]	Percent abundance
Rice's whale	2	n/a	51	3.9
Sperm whale	1,184	500.7	2,207	22.7
Kogia spp	[3] 448	136.1	4,373	3.7
Beaked whales	5,224	527.6	3,768	14.0
Rough-toothed dolphin	1,206	346.3	4,853	7.1
Bottlenose dolphin	36,314	10,422.2	176,108	5.9
Clymene dolphin	2,528	725.4	11,895	6.1
Atlantic spotted dolphin	6,628	1,902.3	74,785	2.5
Pantropical spotted dolphin	11,471	3,292.3	102,361	3.2
Spinner dolphin	3,073	882.1	25,114	3.5
Striped dolphin	987	283.3	5,229	5.4
Fraser's dolphin	292	83.9	1,665	5.0
Risso's dolphin	743	219.3	3,764	5.8
Melon-headed whale	1,661	489.9	7,003	7.0
Pygmy killer whale	391	115.3	2,126	5.4
False killer whale	644	190.0	3,204	5.9
Killer whale	7	n/a	267	2.6

TABLE 1—TAKE ANALYSIS—Continued

Species	Authorized take	Scaled take [1]	Abundance [2]	Percent abundance
Short-finned pilot whale	480	141.7	1,981	7.2

[1] Scalar ratios were applied to ''Authorized Take'' values as described at 86 FR 5322, 5404 (January 19, 2021) to derive scaled take numbers shown here.
[2] Best abundance estimate. For most taxa, the best abundance estimate for purposes of comparison with take estimates is considered here to be the model-predicted abundance (Roberts *et al.,* 2016). For those taxa where a density surface model predicting abundance by month was produced, the maximum mean seasonal abundance was used. For those taxa where abundance is not predicted by month, only mean annual abundance is available. For Rice's whale and killer whale, the larger estimated SAR abundance estimate is used.
[3] Includes 24 takes by Level A harassment and 424 takes by Level B harassment. Scalar ratio is applied to takes by Level B harassment only; small numbers determination made on basis of scaled Level B harassment take plus authorized Level A harassment take.

Based on the analysis contained herein of CGG's proposed survey activity described in its LOA application and the anticipated take of marine mammals, NMFS finds that small numbers of marine mammals will be taken relative to the affected species or stock sizes and therefore is of no more than small numbers.

Authorization

NMFS has determined that the level of taking for this LOA request is consistent with the findings made for the total taking allowable under the incidental take regulations and that the amount of take authorized under the LOA is of no more than small numbers. Accordingly, we have issued an LOA to CGG authorizing the take of marine mammals incidental to its geophysical survey activity, as described above.

Dated: July 13, 2022.

Catherine G. Marzin,

Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2022–15310 Filed 7–18–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Reporting Requirements for Commercial Fisheries Authorization Under Section 118 of the Marine Mammal Protection Act

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before September 19, 2022.

ADDRESSES: Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at *Adrienne.thomas@noaa.gov.* Please reference OMB Control Number 0648–0292 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Jaclyn Taylor, NOAA National Marine Fisheries Service, Office of Protected Resources, 1315 East-West Highway, Silver Spring, MD 20910; (301) 427–8402; or *Jaclyn.Taylor@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for an extension of a currently approved information collection and is sponsored by National Marine Fisheries Service Office of Protected Resources.

The Marine Mammal Protection Act (16 U.S.C. 1361 *et seq.;* MMPA or the Act) mandates the protection and conservation of marine mammals and makes the taking of marine mammals, except under limited exceptions, a violation of the Act. MMPA section 118 provides an exception to that prohibition for taking of marine mammals incidental to commercial fishing operations subject to requirements listed in that section. The owner of any fishing vessel engaged in any fishery identified by the National Marine Fisheries Service (NMFS) as having either frequent (Category I) or occasional (Category II) takes of a marine mammal is to register with the Secretary of Commerce (Secretary) in order to obtain an authorization for the purpose of lawfully, incidentally taking marine mammals. Fishers operating in fisheries identified by NMFS as having only a remote chance (Category III) of taking marine mammals need not register for such an authorization.

The owner or operator of a commercial fishing vessel, regardless of the classification of the fishery, is required under the Act to report all incidental mortality and injury of marine mammals in the course of commercial fishing operations. Supplying the information within 48-hours after the end of a fishing trip is mandated under Section 118(e) of the MMPA and is needed by NMFS to determine the correct category placement for fisheries. MMPA section 118(c) requires NMFS to reexamine the classification of fisheries based on information gathered under the MMPA, including these injury and mortality reports from fishermen.

Minor revisions are being made to the form to clarify the instructions for completing the ''Description of the mortality/injury incident'' (DESCRIPTION OF UNKNOWN SPECIES OR CIRCUMSTANCES OF MORTALITY/INJURY INCIDENT field) and the ''Coast Guard document number'' (COAST GUARD DOCUMENT NO. or VESSEL'S STATE REGISTRATION NO field).

II. Method of Collection

Respondents have a choice of either electronic or paper forms. Methods of submittal include online forms, email of electronic or scanned forms, mail and facsimile transmission of paper forms.

III. Data

OMB Control Number: 0648–0292.
Form Number(s): None.
Type of Review: Regular submission (extension of currently approved collection).
Affected Public: Business or other for-profit organizations; Individuals or

households; State, local, or tribal government.

Estimated Number of Respondents: 200.

Estimated Time per Response: 15 minutes.

Estimated Total Annual Burden Hours: 50.

Estimated Total Annual Cost to Public: $0.

Respondent's Obligation: Mandatory.

Legal Authority: 16 U.S.C. 1387 Sec. 118.

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this Information Collection Request. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2022–15350 Filed 7–18–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Green Sturgeon 4(d) Rule Take Exceptions and Exemptions

AGENCY: National Oceanic & Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before September 19, 2022.

ADDRESSES: Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at *NOAA.PRA@noaa.gov.* Please reference OMB Control Number 0648–0613 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Susan Wang, Fishery Biologist, NMFS West Coast Region, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802, *Susan.Wang@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for an extension, without change, of a currently approved information collection.

Section 4(d) of the Endangered Species Act of 1973 (ESA) authorizes the Secretary of Commerce to adopt regulations determined to be necessary and advisable for the conservation of species listed as threatened. Such regulations may include any or all of the prohibitions described in section 9(a)(1) of the ESA. As the agency with jurisdiction over the Southern Distinct Population Segment of North American green sturgeon (Acipenser medirostris; hereafter, ''Southern DPS''), the National Oceanic and Atmospheric Administration's (NOAA's) National Marine Fisheries Service (NMFS) determined that protective regulations (a ''4(d) rule'') are necessary and advisable for the conservation of the Southern DPS after it was listed as a threatened species in April 2006. Protective regulations under section 4(d) of the ESA were promulgated for the species on June 2, 2010 (75 FR 30714) (the final ESA 4(d) Rule) and codified at 50 CFR 223.210. To comply with the ESA and the protective regulations, entities must obtain take authorization prior to engaging in activities involving take of Southern DPS fish unless the activity is covered by an exception or exemption. ''Take'' is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct. Certain activities described in the ''exceptions'' provision of 50 CFR 223.210(b) are not subject to the take prohibitions if they adhere to specific criteria and reporting requirements. Under the ''exemption'' provision of 50 CFR 223.210(c), the take prohibitions do not apply to scientific research, scientific monitoring, and fisheries activities conducted under an approved 4(d) program or plan; similarly, take prohibitions do not apply to tribal resource management activities conducted under a Tribal Plan for which the requisite determinations described in 50 CFR 223.210(c)(3) have been made.

To ensure that activities qualify under exceptions to or exemptions from the take prohibitions, local, state, and federal agencies, non-governmental organizations, academic researchers, and private organizations are asked to voluntarily submit detailed information regarding their activity on a schedule to be determined by National Marine Fisheries Service (NMFS) staff. This information is used by NMFS to (1) track the number of Southern DPS fish taken as a result of each action; (2) understand and evaluate the cumulative effects of each action on the Southern DPS; and (3) determine whether additional protections are needed for the species, or whether additional exceptions may be warranted. NMFS designed the criteria to ensure that plans meeting the criteria would adequately limit effects on threatened Southern DPS fish, such that additional protections in the form of a federal take prohibition would not be necessary and advisable.

II. Method of Collection

Respondents have a choice of either electronic or paper forms. Methods of submittal include email of electronic forms, and mail and facsimile transmission of paper forms.

III. Data

OMB Control Number: 0648–0613.

Form Number(s): None.

Type of Review: Regular submission (extension of a currently approved collection).

Affected Public: Not-for-profit institutions; State, Local, or Tribal government; Federal government; business or other for-profit organizations.

Estimated Number of Respondents: 58.

Estimated Time per Response: Written notification describing research, monitoring or habitat restoration activities, 40 hours; development of fisheries management and evaluation plans or state 4(d) research programs, 40 hours; reports, 5 hours; development of a tribal fishery management plan, 20 hours.

Estimated Total Annual Burden Hours: 1,760.

Estimated Total Annual Cost to Public: $200.

Respondent's Obligation: Required to Obtain or Retain Benefits.

Legal Authority: Endangered Species Act.

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2022–15340 Filed 7–18–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Improving Knowledge About NWS Forecaster Core Partner Needs for Reducing Vulnerability to Compound Threats in Landfalling Tropical Cyclones Amid COVID–19

AGENCY: National Oceanic & Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before September 19, 2022.

ADDRESSES: Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at *Adrienne.thomas@noaa.gov.* Please reference OMB Control Number 0648–xxxx in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Nicole Kurkowski, R2O Team Lead, DOC/NOAA/NWS/OSTI, 1325 East West Highway, Silver Spring, MD 20910, 301.427.9104, *nicole.kurkowski@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This is a request for a new collection of information.

The data collection is sponsored by DOC/NOAA/National Weather Service (NWS)/Office of Science and Technology Integration (OSTI). Compound hazards, like tornadoes and flash floods (called TORFFs), are a significant issue for risk communication and are common in landfalling tropical cyclones. Currently, NOAA lacks data and data collection instruments that articulate and explain how emergency managers and broadcast meteorologists receive, interpret, and respond to NWS prediction information about these compound hazards before and during landfalling tropical cyclones, like Hurricane Ida. Furthermore, NOAA lacks adequate knowledge about how these risks are best communicated during COVID–19, when it is important for those who are most vulnerable to adjudicate their risks of exposure to both severe weather and COVID–19. Such knowledge about compound weather hazards would be particularly useful for NWS forecasters who communicate risk information to their colleagues in emergency management and broadcast meteorology (hereafter ''partners''), especially when information about sheltering practices, evacuation, and vulnerability can be complicated by exposure to public health threats and bilingual needs.

Without this type of information about how partners grapple with the communication of compound hazards amid the pandemic, NOAA, and specifically the NWS, cannot determine if it has met its mission of saving lives and property, propose societal impact performance metrics, nor demonstrate if progress or improvements have been made, as outlined in the Weather Research and Forecasting Innovation Act of 2017. This effort aims to advance the goal to collaborate across sectors on ''research necessary to enhance the integration of social science knowledge into weather forecast and warning processes, including to improve the communication of threat information necessary to enable improved severe weather planning and decision making on the part of individuals and communities (Pub. L. 115–25)''. This work addresses NOAA's 5-year Research and Development Vision Areas (2020–2026) Section 1.4 (FACETs). This effort also advances the NWS Strategic Plan (2019–2022) ''Transformative Impact-

Based Decision Support Services (IDSS) and Research to Operations and Operations to Research (R2O/O2R)'' with specific attention to Goal 1, sections 1.1, 1.2, 1.5, 1.13 and Goal 3, sections 3.6 and 3.8. Furthermore, data collected with NWS partners furthers the NWS Weather Ready Nation (WRN) Roadmap (2013) Sections 1.1.10, and 1.2.2.

Two types of data—interviews and surveys—will be collected by researchers at Texas Tech University's Risk and Equity in Disasters (RED) Lab and at Texas A&M. They have begun to develop data collection instruments that will allow them to gather risk information from both English and Spanish speaking partners. These instruments are being created in collaboration with experts in emergency management and broadcast meteorology through the Board on Emergency Management and the Board on Professional Development within the American Meteorological Society. This helps assure the appropriateness of questions relative to different decision spaces, job roles, and communication processes.

This data collection serves many purposes, including building knowledge of how partners attend to, make sense of, and communicate compound hazards, as well as challenges they face in identifying vulnerable populations to severe weather in the context of COVID–19. This data may be used by the NWS training centers in Norman, OK, and Kansas City, MO, to inform their practices for Impact-Based Decision Support Services (IDSS) and to improve the information and services it provides to members of the Weather Enterprise. Specifically, data collected will help NWS develop new forecaster training modules, situational awareness strategies, and best practices for IDSS with partners. This research-to-operations application of knowledge is a necessary step in improving risk communication among expert groups, which, in turn, benefits vulnerable populations who ultimately must act quickly and safely to adjudicate which risks pose the greatest threat to them as the threats evolve.

II. Method of Collection

The primary methods of data collection for this study will be virtual or in-person semi-structured interviews (COVID–19 restriction dependent) with partners for a case study of TORFFs in the first year of the grant (2021–2022, or Phase 1) followed by a national online survey of partners in the second year (2022–2023, or Phase 2). For Phase 1, semi-structured interviews will be conducted with partners in local areas impacted by a recent hurricane with embedded TORFF hazards, such as Hurricane Ida and its remnants. Questions will focus on risk assessment, risk communication, and vulnerability within the context of a pandemic. Convenience sampling will be used based on those areas that experienced TORFF warnings, as verified by sources like the *Iowa Environmental Mesonet,* and internet searches of news stories about TORFF impacts. For Phase 2, a national online survey will be designed and fielded after interview data have been analyzed. Results from Phase 1 will be used to guide survey design, including sampling strategy and sampling frame. Survey questions will reflect findings and elicit information about compound hazard risk communication and vulnerability for the same population. The survey will be designed with assistance from a consulting service (*e.g.,* Qualtrics) and suggestions from collaborators from public safety. Interview guides and survey questions will be translated into and conducted in Spanish, where appropriate.

Respondents will include adults (age 18+) who reside in the United States, recruited through emails and phone calls to partners in areas impacted by TORFFs embedded in landfalling tropical cyclones. Contact information for respondents is publicly available and will be obtained both by internet searches and, when needed, with the assistance of local NWS Weather Forecast Office staff to identify appropriate participants in emergency management and broadcast media markets. For interviews, emails and phone calls will be used to recruit participants and coordinate interviews via Zoom or other video platform; interviews may also be conducted in person, depending on local COVID restrictions. Survey respondents will likewise be contacted through email and directed to an online survey. NWS staff may assist in facilitating email introductions to their partners for interview requests and to help distribute survey links to ensure sufficient response rates. Our collaborators with the American Meteorological Society and the National Weather Association will also help us identify outreach approaches to recruit participants (*e.g.,* social media and message boards) and ensure sufficient response rates.

III. Data

OMB Control Number: 0648–XXXX.

Form Number(s): None.

Type of Review: Regular (New information collection).

Affected Public: Business or other for-profit organizations; State, Local, or Tribal government; Federal government.

Estimated Number of Respondents for interviews for Interviews: 30.

Estimated Time Per Response: 1 hour per respondent.

Estimated Total Annual Burden Hours for Interviews: 30.

Estimated Total Annual Cost to Public: None.

Respondent's Obligation: Voluntary.

Legal Authority: 15 U.S.C. Ch. 111, Weather Research and Forecasting Information.

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2022–15360 Filed 7–18–22; 8:45 am]

BILLING CODE 3510–KE–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Coastal Zone Management Program Administration

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on March 4, 2022, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Oceanic & Atmospheric Administration (NOAA), Commerce.

Title: Coastal Zone Management Program Administration.

OMB Control Number: 0648–0119.

Form Number(s): None.

Type of Review: Regular submission (revision and extension of a current information collection).

Number of Respondents: 34.

Average Hours per Response: Performance Reports, 72 hours; assessment and strategy documents, 260 hours; Section 306A questionnaire and documentation, 25 hours; amendments and routine program changes, 15 hours; CNP documentation, 240 hours; CZMA Performance Management System, 25 hours.

Total Annual Burden Hours: 8,916.

Needs and Uses: This request is for revision and extension of a currently approved information collection.

In 1972, in response to intense pressure on United States (U.S.) coastal resources, and because of the importance of U.S. coastal areas, the U.S. Congress passed the Coastal Zone Management Act of 1972 (CZMA), 16 U.S.C. 1451 *et. seq.* The CZMA authorized a federal program to encourage coastal states and territories to develop comprehensive coastal management programs. The CZMA has been reauthorized on several occasions, most recently with the enactment of the Coastal Zone Protection Act of 1996 (CZMA as amended). The program is administered by the Secretary of Commerce, who in turn has delegated this responsibility to the National Oceanic and Atmospheric Administration's (NOAA) National Ocean Services (NOS).

The coastal zone management grants provide funds to states and territories to: implement federally-approved coastal management programs; complete information for the Coastal Zone Management Program (CZMP) Performance Management System; develop multi-year program assessments and strategies to enhance their programs within priority areas under Section 309 of the CZMA; submit documentation as described in the CZMA Section 306A for specific construction, acquisition, and educational projects; submit requests to update their federally-approved programs through amendments or program changes; and develop and submit state coastal nonpoint pollution control programs (CNP) as required under Section 6217 of the Coastal Zone Act Reauthorization Amendments.

Revisions: The CZM performance report guidance will undergo minor updates that will ensure consistency with NOAA/NOS grants requirements as well as CZMA strategic priorities. The revised CZM performance measure guidance will provide clarification for reporting on competitive and multi-year awards, as well as additional guidance on financial reporting requirements. The revised Coastal Zone Management Act Program Change Procedures revisions provide a more efficient program change process for states.

The CZMA Section 306A guidance will also likely undergo minor updates to address several technical issues that arose from the 2018 guidance update as well as clarify several minor policy issues. However, NOAA does not anticipate any changes to the record keeping requirements or time estimates for collecting the necessary documentation.

Affected Public: State, Local, or Tribal government.

Frequency: On occasion, depending on the collection instrument.

Respondent's Obligation: Required to Obtain or Retain Benefits.

Legal Authority: Coastal Zone Management Act (16 U.S.C. 1451, *et seq.*).

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view the Department of Commerce collections currently under review by OMB.

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.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the collection or the OMB Control Number 0648–0119.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2022–15345 Filed 7–18–22; 8:45 am]

BILLING CODE 3510–08–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Weather.gov Visitor Experience Survey

AGENCY: National Oceanic & Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before September 19, 2022.

ADDRESSES: Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at *Adrienne.Thomas@noaa.gov.* Please reference OMB Control Number 0648-xxxx in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Dr. Tyra Brown Harris, Project Manager, DOC/NOAA/NWS/DISS, 11691 SW 17th

Street, Miami, FL 33165–2149, (202) 468–8972, *tyra.brown@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This is a request for a new collection of information.

The data collection is sponsored by DOC/NOAA/National Weather Service (NWS)/Office of Dissemination (DISS) in consultation with the NWS Communications Division. *Weather.gov* is the main entry point to NWS forecasts, warnings, and other information for a diverse user community, including the public, partners and emergency managers, academia, researchers, and employees. The user interface is intended to serve many purposes for these audiences but regular feedback through Customer Satisfaction Surveys from all users emphasizes varying levels of difficulty locating basic information. Such difficulty diminishes the overall customer experience. Additionally, during high impact events, *Weather.gov* is known to suffer performance issues due to increased traffic.

The *Weather.gov* Survey is permitted under 15 U.S.C. Ch. 111, Weather Research and Forecasting Information. It also advances the NWS Strategic Plan (2019–2022) ''Transformative Impact-Based Decision Support Services (IDSS) and Research to Operations and Operations to Research (R2O/O2R). The Survey also addresses the NWS Weather Ready Nation (WRN) Roadmap (2013) Sections 1.1.1, 1.1.2, 1.1.3, 1.1.8, and 3.1.4.

The purpose of this collection is to help determine the appropriate web content for *weather.gov* so the customer experience can be improved and the content can be better accessed and used. NWS is looking to improve functionality, ease of use, and formatting but feedback on any other areas of *weather.gov* that NWS should consider updating is welcome as well. The collection will create a high-level data requirements document that identifies a set of high-priority NWS products, services, and observations that provide mission-critical, timely, and reliable information to make decisions with when seconds count. The document will also identify high-level partner requirements for accessibility (mobile versus desktop), timeliness, and reliability.

This information would be collected on a one-off basis and analyzed by Forrester Research, who has assisted NWS in creating a survey instrument and would provide NWS with a summary of findings, raw data and access to interactive ''dashboards'', or tools, to visualize the aggregated data. Respondents include the general public, defined as (adults ages 18+) who reside in the United States, as well as NWS partners. Forrester will oversee recruitment of U.S. adults by an online market research company that aggregates large panels of people who sign up to complete internet surveys. Respondents will be asked questions about their preferred way of getting weather information (including weather on regular days and during severe/hazardous weather), their use of *Weather.gov* and other weather websites, interest in different types of weather information on a website, priorities and preferences in accessing weather-related information online, and preferred format of receiving weather information. This data collection serves many purposes, including gaining a better understanding of the online weather information needs (including information about hazardous weather) of different customer groups, including historically underserved and socially vulnerable communities, how they prefer to receive this information, how they would like the *Weather.gov* main page to be organized, what additional functionality they expect that would make them feel better prepared for hazardous weather, and has the potential to explore possible correlations and causal relationships with other observed variables of interest. This data will be used by the OSTI in NWS to develop a set of website content requirements to improve the structure and navigation on *Weather.gov.*

II. Method of Collection

Since the primary objective is to inform website content requirements for *Weather.gov,* the method of data collection will be a web-based survey interface. Survey sample respondents (from an online panel) will be nationally representative, using demographic questions captured in the survey to set quotas that mirror the distribution of demographic groups in the U.S. and Territories. The survey will be translated to Spanish.

III. Data

OMB Control Number: 0648–XXXX.

Form Number(s): None.

Type of Review: Regular (New information collection).

Affected Public: Individuals and Households.

Estimated Number of Respondents: 14,750.

Estimated Time per Response: Weather.gov Survey: 15 minutes.

Estimated Total Annual Burden Hours: 3,688.

Estimated Total Annual Cost to Public: None.

Respondent's Obligation: Voluntary.

Legal Authority: 15 U.S.C. Ch. 111, Weather Research and Forecasting Information.

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2022–15365 Filed 7–18–22; 8:45 am]

BILLING CODE 3510–KE–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Atlantic Highly Migratory Species Recreational Landings and Bluefin Tuna Catch Reports

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before September 19, 2022.

ADDRESSES: Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at *NOAA.PRA@noaa.gov.* Please reference OMB Control Number 0648–0328 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Clifford Hutt, NOAA Fisheries Highly Migratory Species Management Division, 1315 East-West Highway, Silver Spring, MD 20910; (301) 427–8503; or *Cliff.Hutt@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of a currently approved information collection. Under the provisions of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), NOAA's National Marine Fisheries Service (NMFS) is responsible for management of the nation's marine fisheries. Catch reporting from recreational and commercial handgear fisheries provides important data used to monitor catches of Atlantic highly migratory species (HMS) and supplements other existing data collection programs. Data collected through this program are used for both domestic and international fisheries management and stock assessment purposes. NMFS would also like to expand the title of the collection to ''Atlantic Highly Migratory Species Recreational Landings and Bluefin Tuna Catch Reports'' from the current ''Atlantic Highly Migratory Species Recreational Landings Reports.''

Atlantic bluefin tuna (BFT) catch reporting provides real-time catch information used to monitor the BFT fishery. Under the Atlantic Tunas Convention Act of 1975 (ATCA, 16 U.S.C. 971), the United States is required to adopt regulations, as necessary and appropriate, to implement binding recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT), including recommendations on a specified BFT quota. BFT catch reporting helps the U.S. monitor this quota and supports scientific research consistent with ATCA and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act, 16 U.S.C. 1801 *et seq.*). Recreational anglers and commercial handgear fishermen are required to report specific information regarding their catch of BFT.

Atlantic billfish and swordfish are managed internationally by ICCAT and nationally under ATCA and the Magnuson-Stevens Act. This collection provides information needed to monitor the recreational catch of Atlantic blue and white marlin, which is applied to the recreational limit established by ICCAT, and the recreational catch of North Atlantic swordfish, which is applied to the U.S. quota established by ICCAT. This collection also provides information on recreational landings of West Atlantic sailfish, which is unavailable from other established monitoring programs. Collection of sailfish catch information is authorized under the Magnuson-Stevens Act for purposes of stock management.

II. Method of Collection

Respondents reporting BFT, Atlantic marlin, West Atlantic sailfish, or North Atlantic swordfish catch in states (and the United States Virgin Islands and Puerto Rico) other than Maryland and North Carolina may use either an internet website, mobile smartphone app, or a toll-free telephone number. In Maryland and North Carolina, a paper reporting system is used for all of the aforementioned species. Under state law, respondents in Maryland and North Carolina must submit a landing card at a state-operated reporting station. States that participate in a landing card program must submit weekly reports and one annual report to NMFS to summarize landings and results to date.

III. Data

OMB Control Number: 0648–0328.

Form Number(s): None.

Type of Review: Regular submission (extension of an approved information collection).

Affected Public: Businesses or other for-profit organizations; individuals or households; and State, Local, or Tribal government.

Estimated Number of Respondents: 14,193.

Estimated Time per Response: 5 minutes for an initial call-in, internet, or smartphone app report; 5 minutes for a confirmation call; 10 minutes for a landing card; 1 hour for a weekly state report; and 4 hours for an annual state report.

Estimated Total Annual Burden Hours: 1,637.

Estimated Total Annual Cost to Public: $0.

Respondent's Obligation: Mandatory.

Legal Authority: Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), and the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971 *et seq.*)

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this Information Collection Review (ICR). Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2022–15346 Filed 7–18–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Permit and Reporting Requirements for Non-Commercial Fishing in the Rose Atoll, Marianas Trench, and Pacific Remote Islands Marine National Monuments (MANM)

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on March 29, 2022 (87 FR 17994) during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Oceanic and Atmospheric Administration (NOAA), Commerce.

Title: Permit and Reporting Requirements for Non-commercial Fishing in the Rose Atoll, Marianas Trench, and Pacific Remote Islands Marine National Monuments.

OMB Control Number: 0648–0664.

Form Number(s): None.

Type of Request: Regular (Extension of a current information collection).

Number of Respondents: 15.

Average Hours per Response: 15 minutes per permit application; 20 minutes per fishing log.

Total Annual Burden Hours: 18.6 hours.

Needs and Uses: NMFS manages non-commercial fishing activities in the Rose Atoll, Marianas Trench, and Pacific Remote Islands Marine National Monuments. Regulations at 50 CFR part 665 require the owner and operator of a vessel used to non-commercially fish for, take, retain, or possess any management unit species in these monuments to hold a valid permit issued by NMFS. Regulations also require the owner and operator of a vessel that is chartered to fish recreationally for, take, retain, or possess, any management unit species in these monuments to hold a valid permit issued by NMFS. The fishing vessel must be registered to the permit. The charter business must be established legally in the permit area where it will operate. Charter vessel clients are not required to have a permit.

The permit application collects basic information about the permit applicant, type of operation, vessel, and permit area. NMFS uses this information to confirm the identity of the applicant and determine permit eligibility. The information is important for understanding the nature of the fishery and its participants. It also aids in the enforcement of fishing regulations within the monuments.

Regulations also require the vessel operator to report a complete record of catch, effort, and other data on a NMFS log sheet. The vessel operator must record all requested information on the log sheet within 24 hours of the completion of each fishing day. The vessel operator also must sign, date, and submit the form to NMFS within 30 days of the end of each fishing trip. NMFS uses the information provided in the log sheets to monitor fishing activities, evaluate and assess the status of fish stocks, and determine whether changes in management are needed to sustain the productivity of the fishery and conserve marine resources.

Affected Public: Individuals or households; Business or other for-profit organizations.

Frequency: As required by regulations.

Respondent's Obligation: Mandatory.

Legal Authority: 50 CFR 665.

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view the Department of Commerce collections currently under review by OMB.

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.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the collection or the OMB Control Number 0648–0664.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2022–15344 Filed 7–18–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Nautical Discrepancy and Data Reporting System

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on March 23, 2022 (87 FR 16462) during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Oceanic and Atmospheric Administration, Commerce.

Title: Nautical Discrepancy and Data Reporting System.

OMB Control Number: 0648–0007.

Form Number(s): None.

Type of Request: Regular submission [Revision and extension of a currently approved information collection].

Number of Respondents: 1,575.

Average Hours per Response: 10–15 minutes, depending on the report.

Total Annual Burden Hours: 791.5

Needs and Uses: This request is for a revision and extension of a currently approved information collection.

NOAA's Office of Coast Survey (Coast Survey) is the nation's nautical chartmaker, maintaining and updating over a thousand charts covering the 3.5 million square nautical miles of coastal waters in the U.S. Exclusive Economic Zone and the Great Lakes. The marine transportation system relies on charting accuracy and precision to keep navigation safe and coastal communities protected from environmental disasters at sea.

Coast Survey also writes and publishes the *United States Coast Pilot*® (Coast Pilot), a series of ten nautical books that supplement nautical charts with essential marine information that cannot be shown graphically on the charts and are not readily available elsewhere. Subjects include, but are not

limited to, channel descriptions, anchorages, bridge and cable clearances, tides and tidal currents, prominent features, pilotage, towage, weather, ice conditions, wharf descriptions, dangers, routes, traffic separation schemes, small craft facilities and Federal Regulations applicable to navigation.

The marine environment and shorelines are constantly changing. NOAA makes every effort to update information portrayed in charts and described in the Coast Pilot. Sources of information include, but are not limited to: pilot associations, shipping companies, towboat operators, state marine authorities, city marine authorities, local port authorities, marine operators, hydrographic research vessels, naval vessels, Coast Guard cutters, merchant vessels, fishing vessels, pleasure boats, U.S. Power Squadron Units, U.S. Coast Guard Auxiliary Units, and the U.S. Army Corps of Engineers (USACE).

The purpose of NOAA's Nautical Discrepancy and Data Reporting System is to offer formal, standardized instruments for recommending changes, corrections, and updates to nautical charts and the Coast Pilot, and to monitor and document the accepted changes. Coast Survey solicits information through the Aimed Stakeholder Interaction and Survey Tool (ASSIST) (*https://www.nauticalcharts.noaa.gov/customer-service/assist/*).

This collection also includes a Citizen Science component, which allows boating groups or individuals to submit reports to update the charts. The Citizen Science component to the collection benefits Coast Survey by allowing the public to ''adopt'' a product or part of a product and provide annual data updates that directly affect that product or products. Data obtained through Citizen Science reports may be used to update certain U.S. nautical charts and the Coast Pilot.

The Nautical Data Branch (NDB) receives numerous potential construction notifications in the form of USACE-issued Public Notices, Permit Applications, and Permits, which could include a proposal or authorization to dredge and/or construct, remove, or abandon structures. NDB vets these Public Notices, Permit Applications, or Permits for the potential of a charting action and registers them into a database. To facilitate the ability of NDB to learn the status of USACE-permitted projects and to obtain as-built and/or survey data associated with the completion of these projects, Coast Survey is proposing to add three Project Status Report Forms to the collection. The solicitation forms, titled *Permit/Public Notice Status Report, Artificial Reef/Mariculture Status Report,* and *Submerged Pipeline Status Report Form,* provide a standardized method for reporting project statuses to the Nautical Data Branch and provide special instructions regarding the submission of digital as-builts and/or survey data. Upon receipt of the forms, NDB may register the forms, along with the USACE Permit and any as-built data, into the Marine Chart Division's (MCD) internal database in support of potential updates to the applicable NOAA nautical chart(s).

These forms provide an effective way for permittees to notify MCD of the status of their permitted projects and help MCD garner pertinent data necessary for chart application. This mode of data delivery facilitates the ability of NDB to capture complete, more efficient, registration-ready source packages that require less frequent correspondence with the permittee prior to source registration. This process is instrumental in accelerating the availability of important, and/or possibly critical, nautical data to the cartographic production branches for charting action.

The title of this collection is also being updated from Nautical Discrepancy Reporting System to Nautical Discrepancy and Data Reporting System.

Affected Public: Business or other for-profit; state, local, and tribal government; universities; individuals or households; not for-profit institutions, professional and other mariners, etc.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

Legal Authority: None.

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view the Department of Commerce collections currently under review by OMB.

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.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the collection or the OMB Control Number 0648–0007.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2022–15343 Filed 7–18–22; 8:45 am]

BILLING CODE 3510–JE–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; National Service Criminal History Check Recordkeeping Requirement

AGENCY: Corporation for National and Community Service.

ACTION: Notice of information collection; request for comment.

SUMMARY: The Corporation for National and Community Service, operating as AmeriCorps, has submitted a public information collection request (ICR) entitled National Service Criminal History Check Recordkeeping Requirement for review and approval in accordance with the Paperwork Reduction Act.

DATES: Written comments must be submitted to the individual and office listed in the **ADDRESSES** section by August 18, 2022.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Copies of this ICR, with applicable supporting documentation, may be obtained by calling the Corporation for National and Community Service, Elizabeth Appel, at 202–967–5070 or by email to *eappel@cns.gov.*

SUPPLEMENTARY INFORMATION: The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of CNCS, 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;

• Propose ways to enhance the quality, utility, and clarity of the information to be collected; and

• Propose 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.

A 60-day Notice requesting public comment was published in the **Federal Register** on March 14, 2022 at 87 FR 14255. This comment period ended May 13, 2022, and AmeriCorps received 56 comments by the comment deadline identifying a number of issues.

Many comments directly addressed the time burden required by this information collection. Everyone who commented on the agency's estimated time burden stated that the estimated 5 minutes per individual was significantly lower than the time actually required to fulfill a National Service Criminal History Check (NSCHC) for an individual in order to obtain the required records under this information collection. Recommended new estimates ranged from 30 minutes per individual to 4 hours per individual. Several commenters noted that a missing element of the estimate is the travel time it takes to take individuals to get fingerprinted, given that the closest fingerprinting facilities in rural or remote areas may be located up to a four hours' drive away. A few commenters also noted that the burden of completing the NSCHC training course and staying updated on requirements had not been factored into the time estimate. Based on this input, AmeriCorps has adjusted its estimates of time burden to reflect that it takes, on average, an estimated 135 minutes (2 hours and 15 minutes) per covered individual. AmeriCorps has streamlined and clarified requirements on its website at *americorps.gov/grantees-sponsors/history-check* over the past year, and will continue to review to determine whether any additional clarifications could be made to reduce burden given that respondents are responsible for reading and understanding the requirements for compliance with the law.

Commenters also raised issues related to difficulties with the AmeriCorps-approved vendors. AmeriCorps underwent the required Federal procurement process to select Fieldprint and Truescreen as contractors to serve as the approved vendors. AmeriCorps will forward these comments to the vendors for any appropriate remedial action and will consider the issues presented in soliciting future proposals for approved vendor contracts. Comments also raised issues that are beyond the scope of this information collection; however, AmeriCorps is maintaining a comprehensive record of all these comments and the issues raised in the comments for consideration as it continues implementation of the statutory requirements for NSCHCs.

Finally, the other issues raised in the comments in response to the 60-day notice were already raised and addressed in the rulemaking process that culminated in 2021 in the current regulation, such as who must undergo an NSCHC, what the NSCHC consists of, and when the NSCHC must be completed. *See* 86 FR 1141 (February 24, 2021).

Title of Collection: National Service Criminal History Check Recordkeeping Requirement.

OMB Control Number: 3045–0150.

Type of Review: Renewal.

Respondents/Affected Public: Businesses and organizations (AmeriCorps grantees and subgrantees).

Total Estimated Number of Annual Responses: 337,071.

Total Estimated Number of Annual Burden Hours: 758,410.

Abstract: Section 189D of the National and Community Service Act of 1990, as amended, requires AmeriCorps grantees and subgrantees to conduct a National Service Criminal History Check on individuals in covered positions. Documenting compliance with the requirement is critical to that responsibility. The Check includes a nationwide check of the National Sex Offender Public website, a check of the State criminal history record repository or agency-designated alternative for the individual's State of residence and State of service, and a fingerprint-based check of the FBI criminal history record database through the State criminal history record repository or agency-approved vendor. One way for grant recipients or subrecipients to obtain and document the required components is through the use of agency-approved vendors, but use of vendors is not required. The currently approved information collection is due to expire on July 31, 2022. This notice announces AmeriCorps' intention to seek renewal of the information collection approval without revisions, but with an adjustment of burden hours.

Dated: July 13, 2022.

Fernando Laguarda,

General Counsel.

[FR Doc. 2022–15309 Filed 7–18–22; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Notice of Intent To Prepare an Environmental Impact Statement for Air National Guard F–15EX Eagle II and F–35A Lightning II Beddowns

AGENCY: National Guard Bureau, Department of the Air Force, Department of Defense.

ACTION: Notice of intent.

SUMMARY: The Department of the Air Force (DAF) is issuing this Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) to assess the potential social, economic, and environmental impacts associated with beddown of F–15EX and F–35A aircraft that would replace the legacy F–15C/D aircraft. The DAF is the lead agency on the preparation of the EIS and the Department of the Navy and the Federal Aviation Administration are participating as cooperating agencies.

DATES: A public scoping period of 45 days will take place starting from the date of this Notice of Intent (NOI) publication in the **Federal Register**. Identification of potential alternatives, information, and analyses relevant to the proposed action are requested and will be accepted at any time during the EIS process. To ensure DAF has sufficient time to consider public input in the preparation of the Draft EIS, scoping comments should be submitted in writing to the website or the address listed below within the 45-day scoping period. In-person scoping meetings are scheduled at Fresno, CA on August 9th, Lemoore, CA on August 10th, New Orleans, LA on August 16th, and Westfield, MA on August 18th. Virtual scoping meetings are scheduled at New Orleans, LA on August 23rd, Westfield, MA on August 24th, Fresno and Lemoore on August 25th.

ADDRESSES: The project website (*www.ANGF15EX-F35A-EIS.com*) provides information on the EIS and the scoping process and can be used to submit scoping comments online. Scoping comments may also be submitted by email to *NGB.A4.A4A.NEPA.COMMENTS.org@us.af.mil,* including F–15EX_F–35A Beddown EIS in the subject line, or by mail to Mr. Will Strickland, National Guard Bureau, NGB/A4AM, Shepperd

Hall, 3501 Fetchet Avenue, Joint Base Andrews, MD 20762–5157; (240) 612–7042. EIS inquiries and requests for digital or print copies of scoping materials are available upon request to Mr. Strickland at the email or mailing address provided. For printed material requests, the standard U.S. Postal Service shipping timeline will apply. Members of the public who want to receive future mailings informing them on the availability of the Draft and Final EIS, or to receive periodic Fact Sheets, are encouraged to submit a comment that includes their name and email or postal mailing address.

SUPPLEMENTARY INFORMATION: The purpose of the Proposed Action is to replace aging F–15C/D aircraft currently utilized by the Air National Guard with the state-of-the-art fighter aircraft to better address future mission requirements, offer expanded capability, and provide life-cycle cost savings in comparison to continued operation of existing F–15C/D aircraft. The Proposed Action is needed because the F–15C/D aircraft are reaching the end of their service life. It is not economically feasible to retain the F–15C/D aircraft beyond fiscal year 2026 and DAF has already begun to retire aircraft that have reached the end of their serviceability. The proposed basing alternatives include the 104th Fighter Wing at Barnes Air National Guard Base (ANGB), Westfield-Barnes Regional Airport, Westfield, Massachusetts; the 144th Fighter Wing at Fresno Yosemite International Airport, Fresno, California; the 144th Fighter Wing at Naval Air Station Lemoore, Lemoore, California; and the 159th Fighter Wing at Naval Air Station Joint Reserve Base New Orleans, Belle Chasse, Louisiana. These aircraft would replace the legacy F–15C/D aircraft at the selected installations, with the exception of NAS Lemoore, which does not currently have F–15C/D aircraft to replace.

The EIS will assess the potential environmental consequences of each alternative in support of these operational beddowns. Each of the two F–15EX beddowns would include one squadron of 21 Primary Aircraft Authorized, 2 Backup Aircraft Inventory, and 1 Aircraft Reserve; the F–35A beddown would include one squadron of 21 Primary Aircraft Authorized and 2 Backup Aircraft Inventory. These aircraft are being acquired in support of the Air National Guard mission.

Resource areas being analyzed for impacts under the Proposed Action include noise, biological resources, cultural resources, socioeconomics, soils and geology, water resources, infrastructure and transportation, land use, hazardous materials and wastes, health and safety, air quality, and environmental justice and other sensitive receptors. Potential significant impacts as a result of the Proposed Action include those related to aircraft noise, air quality, and land use. Should any permits be required for the Proposed Action, the DAF will identify and obtain all appropriate permits. The DAF will also consult with appropriate resource agencies and Native American tribes to determine the potential for significant impacts. Consultation will be incorporated into the preparation of the EIS and will include, but not be limited to, consultation under Section 7 of the Endangered Species Act and consultation under Section 106 of the National Historic Preservation Act.

The Draft EIS is anticipated in summer 2023 and the Final EIS is anticipated in Winter/Spring 2024. The Record of Decision would be approved and signed no earlier than 30 days after the Final EIS.

Scoping and Agency Coordination: To effectively define the full range of issues to be evaluated in the EIS, DAF will determine the scope of the analysis by soliciting comments from interested local, state, and federal elected officials and agencies, Tribes, members of the public, and others. Consistent with Executive Order (E.O.) 11988 and E.O. 11990, this Notice of Intent initiates early public review of the Proposed Action and alternatives and invites public comments and identification of potential alternatives. Comments will be accepted throughout the process, but in order to have comments incorporated into the Draft EIS, comments should be received within 45 days of the publication of this notice in the **Federal Register**. The scheduled dates, times, locations, and addresses for the scoping meetings are concurrently being published in local media and on the website. Public scoping will be accomplished both remotely and in-person during the scoping period. The project website provides posters, a presentation, an informational fact sheet, downloadable comment forms to fill out and return by mail, and the capability for the public to submit scoping comments online.

Adriane Paris,

Air Force Federal Register Liaison Officer.

[FR Doc. 2022–15328 Filed 7–18–22; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket No. DARS–2022–0010; OMB 0704–0574]

Information Collection Requirement; Defense Federal Acquisition Regulation Supplement; DFARS Part 215, Only One Offer and Related Clauses in DFARS 252; Submission for OMB Review; Comment Request

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

ACTION: Notice.

SUMMARY: The Defense Acquisition Regulations System has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by August 18, 2022.

Title, Associated Forms, and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) Part 215; Only One Offer and Related Clauses at 252.215; OMB Control Number 0704–0574.

Type of Request: Extension of a currently approved collection.

Number of Respondents: 2,691.

Responses per Respondent: 1.33, approximately.

Annual Responses: 3,593.

Average Burden per Response: 37.7 hours, approximately.

Annual Burden Hours: 135,330.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or maintain benefits.

Needs and Uses: This information collection pertains to information that an offeror must submit to DoD if only one offer was received in response to a competitive solicitation, and the contracting officer must request certified cost or pricing data because of the revised standard for adequate price competition that is applicable to DoD. The Government requires this information in order to determine whether an offered price is fair and reasonable and to meet the statutory requirement for certified cost or pricing data. The contracting officer obtains this information through use of DFARS solicitation provisions 252.215–7008, Only One Offer; and DFARS 252.215–7010, Requirements for Certified Cost or Pricing Data and Data Other Than Certified Cost or Pricing Data. These provisions implement 10 U.S.C. 2306a.

Comments and recommendations on the proposed information collection

should be sent to Ms. Susan Minson, DoD Desk Officer, at *Oira_submission@omb.eop.gov.* Please identify the proposed information collection by DoD Desk Officer and the Docket ID number and title of the information collection.

You may also submit comments, identified by docket number and title, by the following method: Federal eRulemaking Portal: *https://www.regulations.gov.* Follow the instructions for submitting comments.

DoD Clearance Officer: Ms. Angela Duncan. Requests for copies of the information collection proposal should be sent to Ms. Duncan at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

Jennifer D. Johnson,

Editor/Publisher, Defense Acquisition Regulations System.

[FR Doc. 2022–15347 Filed 7–18–22; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Health Board; Notice of Federal Advisory Committee Meeting

AGENCY: Under Secretary of Defense for Personnel and Readiness, Department of Defense (DoD).

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The DoD is publishing this notice to announce that the following Federal Advisory Committee meeting of the Defense Health Board (DHB) will take place.

DATES: Open to the public Wednesday, August 10, 2022 from 9:00 a.m. to 4:00 p.m. Central time.

ADDRESSES: The address of the open meeting is Captain James A. Lovell Federal Health Care Center, 3001 Green Bay Road, Rooms 104A and 104B, North Chicago, IL 60064. To participate in the meeting, see the Meeting Accessibility section for instructions.

FOR FURTHER INFORMATION CONTACT: CAPT Gregory H. Gorman, U.S. Navy, 703–275–6060 (voice), *gregory.h.gorman.mil@mail.mil* (email). Mailing address is 7700 Arlington Boulevard, Suite 5101, Falls Church, Virginia 22042. Website: *http://www.health.mil/dhb.* The most up-to-date changes to the meeting agenda can be found on the website.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) (5 U.S.C.), the Government in the Sunshine Act (5 U.S.C. 552b), and 41 CFR 102–3.140 and 102–3.150.

Availability of Materials for the Meeting: Additional information, including the agenda, is available on the DHB website, *http://www.health.mil/dhb.* A copy of the agenda or any updates to the agenda for the August 10, 2022 meeting will be available on the DHB website. Any other materials presented in the meeting may be obtained at the meeting.

Purpose of the Meeting: The DHB provides independent advice and recommendations to maximize the safety and quality of, as well as access to, health care for DoD health care beneficiaries. The purpose of the meeting is to provide progress updates on specific tasks before the DHB. In addition, the DHB will receive information briefings on current issues related to military medicine.

Agenda: The DHB anticipates receiving an introductory briefing about the Lovell Federal Health Care Center, information briefings on moving towards health equity for veterans and telehealth for veterans, and an update on low volume high risk surgical procedures. The DHB also expects to receive progress updates from the Health Care Delivery Subcommittee on the Optimizing Virtual Health review, from the Health Systems Subcommittee on the Eliminating Racial and Ethnic Health Outcome Disparities review, and the Neurological/Behavioral Health Subcommittee on the Beneficiary Mental Health Care Access review. Any changes to the agenda can be found at the link provided in this **SUPPLEMENTARY INFORMATION** section.

Meeting Accessibility: Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165 and subject to the availability of space, this meeting is open to the public from 9:00 a.m. to 4:00 p.m. on August 10, 2022. Seating is limited and is on a first-come basis. All members of the public who wish to participate must register by emailing their name, rank/title, and organization/company to *dha.ncr.dhb.mbx.defense-health-board@mail.mil* or by contacting Mr. Rubens Lacerda at (703) 275–6012 no later than Wednesday, August 3, 2022. Once registered, participant access information will be provided.

Special Accommodations: Individuals requiring special accommodations to access the public meeting should contact Mr. Rubens Lacerda at least five (5) business days prior to the meeting so that appropriate arrangements can be made.

Written Statements: Any member of the public wishing to provide comments to the DHB related to its current taskings or mission may do so at any time in accordance with section 10(a)(3) of the FACA, 41 CFR 102–3.105(j) and 102–3.140, and the procedures described in this notice. Written statements may be submitted to the DHB's Designated Federal Officer (DFO), Captain Gorman, at *gregory.h.gorman.mil@mail.mil.* Supporting documentation may also be included, to establish the appropriate historical context and to provide any necessary background information. If the written statement is not received at least five (5) business days prior to the meeting, the DFO may choose to postpone consideration of the statement until the next open meeting. The DFO will review all timely submissions with the DHB President and ensure they are provided to members of the DHB before the meeting that is subject to this notice. After reviewing the written comments, the President and the DFO may choose to invite the submitter to orally present their issue during an open portion of this meeting or at a future meeting.

Dated: July 14, 2022.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2022–15393 Filed 7–18–22; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Reserve Forces Policy Board; Notice of Federal Advisory Committee Meeting

AGENCY: Under Secretary of Defense for Personnel and Readiness, Department of Defense (DoD).

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The DoD is publishing this notice to announce that the following Federal Advisory Committee meeting of the Reserve Forces Policy Board (RFPB) will take place.

DATES: The RFPB will hold a meeting on Wednesday, July 20, 2022, from 8:30 a.m. to 3:30 p.m. The portion of the meeting from 8:30 a.m. to 11:30 a.m. will be closed to the public. The portion of the meeting from 11:40 a.m. to 3:30 p.m. will be open to the public.

ADDRESSES: The RFPB meeting address is the Pentagon Library and Conference Center, Room B6, Arlington, VA.

FOR FURTHER INFORMATION CONTACT: Alexander Sabol, (703) 681–0577 (voice), 703–681–0002 (facsimile), *Alexander.J.Sabol.Civ@Mail.Mil* (email). Mailing address is Reserve Forces Policy Board, 5109 Leesburg Pike, Suite 501,

Falls Church, VA 22041. Website: *http://rfpb.defense.gov/.*

SUPPLEMENTARY INFORMATION: Due to circumstances beyond the control of the Designated Federal Officer, the Reserve Forces Policy Board was unable to provide notification required by 41 CFR 102–3.150(a) concerning its July 20, 2022 meeting. Accordingly, the Advisory Committee Management Officer (ACMO) for the Department of Defense, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement. This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) (5 U.S.C., Appendix), the Government in the Sunshine Act (5 U.S.C. 552b), and 41 CFR 102–3.140 and 102–3.150.

Purpose of the Meeting: The purpose of the meeting is to obtain, review, and evaluate information related to strategies, policies, and practices designed to improve and enhance the capabilities, efficiency, and effectiveness of the Reserve Components.

Agenda: The RFPB will hold a meeting from 8:30 a.m. to 3:30 p.m. The portion of the meeting from 8:30 a.m. to 11:30 a.m. will be closed to the public and will consist of remarks to the RFPB from following invited speakers: the Secretary of Defense (SecDef) will address key National Defense Military Strategy challenges facing our Nation and priorities for adapting the Total Force with the integration of the Reserve Components; the Under Secretary of Defense for Personnel and Readiness (USD P&R) will discuss his provided guidance for Office of the Secretary of Defense (Personnel & Readiness) with its effects on the oversight of Reserve Component policies and programs, his views on key Reserve Component challenges, and the overall DoD force readiness; the executive performing the duties of the Assistant Secretary of Defense for Manpower & Reserve Affairs will discuss his guidance to the Office of Manpower and Reserve Affairs, its oversight of Reserve Component policies and programs, and his views on key Reserve Component readiness challenges for the Total Force Integration; the Deputy Assistant Secretary of Defense for Reserve Integration will address current Reserve Component programs, challenges, and readiness issues within Reserve Integration and the Total Force Integration; the Senior Advisor to the Principal Deputy Under Secretary of Defense for Manpower and Reserve Affairs will address current Reserve Component personnel programs, challenges and readiness issues within Military Personnel Policy and the Total Force Integration; and the Chair will address matters pertaining to the capabilities and use of the Reserve Components as a part of the Total Force and will define a focused business case on proposed areas received from this meeting's discussions to be presented to the SecDef and the Sponsor, USD(P&R) for approval in their tasking to support future decisions.

The portion of the meeting from 11:40 a.m. to 3:30 p.m. will be open to the public and will consist of Subcommittee Break-out Sessions with the Subcommittee for Integration of Total Force Personnel Policy, the Subcommittee for the Reserve Components' Role in Homeland Defense and Support to Civil Authorities, and the Subcommittee for Total Force Integration conducting discussions on the subcommittees' priorities and focus areas received from the meeting's discussions and other areas where the RFPB can use its role to best provide recommended support to the taskings of the Secretary of Defense and the Sponsor, USD(P&R). The Subcommittee Chairs will then submit their Subcommittees' discussions to the RFPB and provide proposed recommendations to be presented to the SecDef and the Sponsor, USD(P&R), for approval of RFPB taskings to support their future decisions. The meeting will conclude with the Designated Federal Officer's and Chair's closing remarks.

Meeting Accessibility: Pursuant to section 10(a)(1) of the FACA and 41 CFR 102–3.140 through 102–3.165, and subject to the availability of space, the meeting is open to the public from 11:40 a.m. to 3:30 p.m. Seating is on a first-come basis. All members of the public who wish to attend the public meeting must contact Mr. Alex Sabol, the Designated Federal Officer, no later than 12:00 p.m. on Monday, July 18, 2022, as listed in the **FOR FURTHER INFORMATION CONTACT** section to make arrangements for a Pentagon escort, if necessary. Public attendees requiring escort should arrive at the Pentagon Metro Entrance at 11:00 a.m. to provide sufficient time to complete security screening to attend the beginning of the Open Meeting at 11:40 a.m. on July 20th. To complete the security screening, please be prepared to present two forms of identification. One must be a picture identification card. In accordance with section 10(d) of the FACA, 5 U.S.C. 552b(c), and 41 CFR 102–3.155, the DoD has determined that the portion of this meeting scheduled to occur from 8:30 a.m. to 11:30 a.m. will be closed to the public. Specifically, the USD(P&R), in coordination with the DoD FACA Attorney, has determined in writing that this portion of the meeting will be closed to the public because it is likely to disclose classified matters covered by 5 U.S.C. 552b(c)(1).

Written Statements: Pursuant to section 10(a)(3) of the FACA and 41 CFR 102–3.105(j) and 102–3.140, interested persons may submit written statements to the RFPB about its approved agenda or at any time on the RFPB's mission. Written statements should be submitted to the RFPB's Designated Federal Officer at the address, email, or facsimile number listed in the **FOR FURTHER INFORMATION CONTACT** section. If statements pertain to a specific topic being discussed at the planned meeting, then these statements must be submitted no later than five (5) business days prior to the meeting in question. Written statements received after this date may not be provided to or considered by the RFPB until its next meeting. The Designated Federal Officer will review all timely submitted written statements and provide copies to all the RFPB members before the meeting that is the subject of this notice. Please note that since the RFPB operates in accordance with the provisions of the FACA, all submitted comments and public presentations will be treated as public documents and will be made available for public inspection, including, but not limited to, being posted on the RFPB's website.

Dated: July 14, 2022.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2022–15396 Filed 7–18–22; 8:45 am]

BILLING CODE 5001–06–P

DELAWARE RIVER BASIN COMMISSION

Notice of Public Hearing and Business Meeting; August 10 and September 8, 2022

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, August 10, 2022. A business meeting will be held the following month on Thursday, September 8, 2022. Both the hearing and the business meeting are open to the public. Both will be conducted remotely. Details about the remote platforms for the two events will be posted on the Commission's website, *www.drbc.gov,* at least ten days prior to the respective meeting dates.

Public Hearing. The Commission will conduct the public hearing virtually on August 10, 2022, commencing at 1:30

p.m. Hearing items will include draft dockets for withdrawals, discharges, and other projects that could have a substantial effect on the basin's water resources. A list of the projects scheduled for hearing, including project descriptions, will be posted on the Commission's website, *www.drbc.gov,* in a long form of this notice at least ten days before the hearing date.

Written comments on matters scheduled for hearing on August 10, 2022 will be accepted through 5 p.m. on Monday, August 15, 2022.

The public is advised to check the Commission's website periodically during the ten days prior to the hearing date, as items scheduled for hearing may be postponed if additional time is needed to complete the Commission's review. Items also may be added up to ten days prior to the hearing date. In reviewing docket descriptions, the public is asked to be aware that the details of projects may change during the Commission's review, which is ongoing.

Public Meeting. The public business meeting on September 8, 2022 will begin at 10:30 a.m. and will include: Adoption of the Minutes of the Commission's June 8, 2022 business meeting; announcements of upcoming meetings and events; a report on hydrologic conditions; reports by the Executive Director and the Commission's General Counsel; and consideration of any items for which a hearing has been completed or is not required. The agenda is expected to include consideration of the draft dockets for withdrawals, discharges, and other projects that were subjects of the public hearing on August 10, 2022.

After all scheduled business has been completed and as time allows, the business meeting will be followed by up to one hour of Open Public Comment, an opportunity to address the Commission on any topic concerning management of the Basin's water resources outside the context of a duly noticed, on-the-record public hearing.

There will be no opportunity for additional public comment for the record at the September 8, 2022 business meeting on items for which a hearing was completed on August 10, 2022 or a previous date. Commission consideration on September 8, 2022 of items for which the public hearing is closed may result in approval of the item (by docket or resolution) as proposed, approval with changes, denial, or deferral. When the Commissioners defer an action, they may announce an additional period for written comment on the item, with or without an additional hearing date, or they may take additional time to consider the input they have already received without requesting further public input. Any deferred items will be considered for action at a public meeting of the Commission on a future date.

Advance Sign-Up for Oral Comment. Individuals who wish to comment on the record during the public hearing on August 10, 2022 or to address the Commissioners informally during the Open Public Comment portion of the meeting on September 8, 2022 as time allows, are asked to sign up in advance through EventBrite. Links to EventBrite for the public hearing and the business meeting will be posted at *www.drbc.gov* at least ten days before each meeting date. For assistance, please contact Ms. Patricia Hausler of the Commission staff, at *patricia.hausler@drbc.gov*.

Addresses for Written Comment. Written comment on items scheduled for hearing may be made through the Commission's web-based comment system, a link to which is provided at *www.drbc.gov*. Use of the web-based system ensures that all submissions are captured in a single location and their receipt is acknowledged. Exceptions to the use of this system are available based on need, by writing to the attention of the Commission Secretary, DRBC, P.O. Box 7360, 25 Cosey Road, West Trenton, NJ 08628–0360. For assistance, please contact Patricia Hausler at *patricia.hausler@drbc.gov*.

Accommodations for Special Needs. Individuals in need of an accommodation as provided for in the Americans with Disabilities Act who wish to attend the meeting or hearing should contact the Commission Secretary directly at 609–883–9500 ext. 203 or through the Telecommunications Relay Services (TRS) at 711, to discuss how we can accommodate your needs.

Additional Information, Contacts. Additional public records relating to hearing items may be examined at the Commission's offices by appointment by contacting Denise McHugh, 609–883–9500, ext. 240. For other questions concerning hearing items, please contact David Kovach, Project Review Section Manager at 609–883–9500, ext. 264.

Authority: Delaware River Basin Compact, Public Law 87–328, Approved September 27, 1961, 75 Statutes at Large, 688, sec. 14.4.

Dated: July 14, 2022.

Pamela M. Bush,

Commission Secretary and Assistant General Counsel.

[FR Doc. 2022–15376 Filed 7–18–22; 8:45 am]

BILLING CODE 6360–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2022–SCC–0096]

Agency Information Collection Activities; Comment Request; Guaranty Agencies Security Self-Assessment and Attestation

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of a currently approved collection.

DATES: Interested persons are invited to submit comments on or before September 19, 2022.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2022–SCC–0096. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the *regulations.gov* site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov.* Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the PRA Coordinator of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 6W208D, Washington, DC 20202–8240.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Beth Grebeldinger, (202) 377–4018.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection

requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Guaranty Agencies Security Self-assessment and Attestation.

OMB Control Number: 1845–0134.

Type of Review: Revision of a currently approved collection.

Respondents/Affected Public: Private Sector; State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 19.

Total Estimated Number of Annual Burden Hours: 6,954.

Abstract: This is a request for a revision of the approved information collection used by Federal Student Aid (FSA) to ensure that all data collected and managed by Guaranty Agencies (GAs) in support federal student financial aid programs is secure. FSA continues to use a formal assessment program that ensures the GAs have security protocols in place to protect the confidentiality and integrity of data entrusted to FSA by students and families. This assessment will identify security deficiencies based on the federal standards described in the National Institute of Standards and Technology (NIST) publications. The increasing number of hours is to account for the revision from NIST 800–53 R4 to R5. There is an increase of the number of controls that need to be assessed for each of the 19 GAs (~70 controls and 2 new control families).

Dated: July 14, 2022.

Juliana Pearson,

PRA Coordinator, Strategic Collections and Clearance Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2022–15369 Filed 7–18–22; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Oak Ridge

AGENCY: Office of Environmental Management, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Oak Ridge. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Saturday, August 13, 2022; 9:00 a.m.–2:30 p.m.

ADDRESSES: The meeting will be held, strictly following COVID–19 precautionary measures, at: Tremont Lodge, 7726 E Lamar Alexander Parkway, Townsend, Tennessee 37882.

FOR FURTHER INFORMATION CONTACT: Melyssa P. Noe, Alternate Deputy Designated Federal Officer, U.S. Department of Energy, Oak Ridge Office of Environmental Management (OREM), P.O. Box 2001, EM–942, Oak Ridge, TN 37831; Phone (865) 241–3315; or E-Mail: *Melyssa.Noe@orem.doe.gov.* Or visit the website at *https://www.energy.gov/orem/services/community-engagement/oak-ridge-site-specific-advisory-board.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

- Presentation: *OREM Program Overview and Updates*
- Process and Plan for Issue Group Signup
- Work Plan Topics: Presentations by DOE, Tennessee Department of Environment and Conservation, and Environmental Protection Agency Liaisons
- Public Comment Period
- Board Review of Fiscal Year 2021: Mission and Accomplishments, and Results of Member Survey
- Motions/Approval of June 8, 2022 Meeting Minutes
- Remarks: End of Day Meeting Evaluation
- Follow-on Discussion

Public Participation: The meeting is open to the public. In addition to participation in the live public comment period, written statements may be filed with the Board via email either before or after the meeting. Public comments received by no later than 5:00 p.m. EDT on Friday, August 5, 2022, will be read aloud during the meeting. Comments will be accepted after the meeting, by no later than 5:00 p.m. EDT on Wednesday, August 17, 2022. Please submit comments to *orssab@orem.doe.gov.* The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make live public comments will be provided a maximum of five minutes to present their comments. Individuals wishing to submit written public comments should email them as directed above.

Minutes: Minutes will be available by emailing or calling Melyssa P. Noe at the email address and telephone number listed above. Minutes will also be available at the following website: *https://www.energy.gov/orem/listings/oak-ridge-site-specific-advisory-board-meetings.*

Signed in Washington, DC, on July 14, 2022.

LaTanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2022–15375 Filed 7–18–22; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 15238–000]

PacifiCorp; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On October 13, 2021, PacifiCorp filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Box Elder Pumped Storage Project to be located in Converse County, approximately 10 miles southeast of Glenrock, Wyoming. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

Two alternatives are being considered for the Box Elder Pumped Storage Project. They are located approximately 1.5 miles apart, share a similar configuration, and connect to the same existing electrical grid substation. Alternative 1 would consist of the

following new facilities: (1) an upper reservoir with a surface area of 161 acres created by a 2,120-foot-long, 400-foot-high embankment dam; (2) a lower reservoir with a surface area of 110 acres and a storage volume of approximately 5,222 acre-feet created by a 5,400-foot-long, 60-foot-high embankment dam; (3) a 2-mile-long steel penstock with a diameter of 25.5-feet; (4) a 150-foot-long, 50-foot-wide concrete powerhouse/pump station located on the lower reservoir shoreline containing up to three generating/pumping units for a total generating capacity of 500 MW; (5) an approximate 5.3-mile, 230-kilovolt (kV) transmission line from the powerhouse to the existing Dave Johnston substation that would interconnect to the regional transmission grid; (6) an approximately 5.3-mile-long underground pipeline with a diameter of 24-inches diverting water from the North Platte River for construction, initial fill, and annual maintenance fill (supplemental water may be used from other sources, including Box Elder Creek); and, (7) appurtenant facilities.

Most of the facilities for Alternative 2 (*i.e.,* project reservoirs, penstock, and powerhouse, etc.) would be located approximately 1–2 miles southeast of their counterparts under Alternative 1. Alternative 2 would consist of the following new facilities: (1) an upper reservoir with a surface area of 281 acres created by a 470-foot-long, 130-foot-high embankment dam; (2) a lower reservoir with a surface area of 116 acres and a storage volume of approximately 5,062 acre-feet created by a 4,000-foot-long, 45-foot-high embankment dam; (3) a 4.8-mile-long steel penstock with a diameter of 25.5-feet) connecting the upper reservoir with the powerhouse/pump station; (4) a 150-foot-long, 50-foot-wide concrete powerhouse/pump station located on the lower reservoir shoreline containing up to three generating/pumping units for a total generating capacity of 500 MW; (5) an approximate 8.3-mile, 230-kV transmission line interconnecting to the same substation under Alternative 1; (6) an approximately 8.3-mile-long underground pipeline with a diameter of 24-inches diverting water from the North Platte River for construction, initial fill, and annual maintenance fill (supplemental water may be used from other sources, including Box Elder Creek); and, (7) appurtenant facilities.

The estimated annual generation of the Project would be 1,390 gigawatt-hours (GWh).

Applicant Contact: Tim Hemstreet, Managing Director, Renewable Energy Development, PacifiCorp, 825 NE Multnomah, Suite 1800, Portland, OR 97232; email: *Tim.Hemstreet@pacificorp.com;* phone: (503) 813–6170.

FERC Contact: Jeffrey Ackley at *jeffrey.ackley@ferc.gov.*

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *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 docket number P–15238–000.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of Commission's website at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–15238) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: July 13, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–15368 Filed 7–18–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Effectiveness of Exempt Wholesale Generator and Foreign Utility Company Status

	Docket Nos.
WPL Crawfish River Solar, LLC	EG22–81–000
WPL Bear Creek Solar, LLC	EG22–82–000
WPL Wood County Solar, LLC	EG22–83–000
WPL North Rock Solar, LLC	EG22–84–000
Concho Valley Solar, LLC	EG22–85–000
Brazoria County Solar Project LLC	EG22–86–000
Castle Gap Wind Power, LLC	EG22–87–000
Lantana Wind Power, LLC	EG22–88–000
Bluebonnet Wind Power, LLC	EG22–89–000
Laurel Mountain Interconnection, LLC	EG22–90–000
Greeley Energy Facility, LLC	EG22–91–000
Hellador Power Company, LLC	EG22–92–000
LI Solar Generation, LLC	EG22–93–000
SR McKellar Lessee, LLC	EG22–94–000
SR McKellar, LLC	EG22–95–000
Sonoran West Solar Holdings 2, LLC	EG22–97–000
Sonoran West Holdings, LLC	EG22–98–000
Enel Green Power Estonian Solar Project, LLC	EG22–99–000
LI Solar Generation, LLC	EG22–100–000
EdSan 1B Group 1 Edwards, LLC	EG22–101–000
EdSan 1B Group 1 Sanborn, LLC	EG22–102–000
EdSan 1B Group 2, LLC	EG22–103–000

	Docket Nos.
EdSan 1B Group 3, LLC	EG22–104–000
Walleye Wind, LLC	EG22–105–000
Bell Ridge Solar, LLC	EG22–106–000
Thunder Wolf Energy Center, LLC	EG22–107–000
Neptune Energy Center, LLC	EG22–108–000

Take notice that during the month of June 2022, the status of the above-captioned entities as Exempt Wholesale Generators Companies became effective by operation of the Commission's regulations. 18 CFR 366.7(a) (2021).

Dated: July 13, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–15353 Filed 7–18–22; 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: PR22–46–002.

Applicants: Targa SouthTex Transmission LP.

Description: § 284.123(g) Rate Filing: Revised Amendment to Statement of Operating Conditions to be effective 7/12/2022.

Filed Date: 7/12/22.

Accession Number: 20220712–5173.

Comments/Protest Due: 5 p.m. ET 7/26/22.

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, 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: July 13, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–15354 Filed 7–18–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC22–89–000.

Applicants: Sapphire Sky Wind Energy LLC, WEC Infrastructure LLC.

Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of Sapphire Sky Wind Energy LLC, et al.

Filed Date: 7/13/22.

Accession Number: 20220713–5129.

Comment Date: 5 p.m. ET 8/3/22.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG22–166–000.

Applicants: Allora Solar, LLC.

Description: Allora Solar, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 7/13/22.

Accession Number: 20220713–5082.

Comment Date: 5 p.m. ET 8/3/22.

Docket Numbers: EG22–167–000.

Applicants: Bulldog Solar, LLC.

Description: Bulldog Solar, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 7/13/22.

Accession Number: 20220713–5083.

Comment Date: 5 p.m. ET 8/3/22.

Docket Numbers: EG22–168–000.

Applicants: Cabin Creek Solar, LLC.

Description: Cabin Creek Solar, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 7/13/22.

Accession Number: 20220713–5085.

Comment Date: 5 p.m. ET 8/3/22.

Docket Numbers: EG22–169–000.

Applicants: PGR 2021 Lessee 12, LLC.

Description: Self-Certification of Exempt Wholesale Generator of PGR 2021 Lessee 12, LLC.

Filed Date: 7/13/22.

Accession Number: 20220713–5084.

Comment Date: 5 p.m. ET 8/3/22.

Docket Numbers: EG22–170–000.

Applicants: Gunsight Solar, LLC.

Description: Gunsight Solar, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 7/13/22.

Accession Number: 20220713–5086.

Comment Date: 5 p.m. ET 8/3/22.

Docket Numbers: EG22–171–000.

Applicants: PGR 2021 Lessee 9, LLC.

Description: PGR 2021 Lessee 9, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 7/13/22.

Accession Number: 20220713–5089.

Comment Date: 5 p.m. ET 8/3/22.

Docket Numbers: EG22–172–000.

Applicants: PGR 2021 Lessee 11, LLC.

Description: PGR 2021 Lessee 11, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 7/13/22.

Accession Number: 20220713–5090.

Comment Date: 5 p.m. ET 8/3/22.

Docket Numbers: EG22–173–000.

Applicants: PGR 2021 Lessee 13, LLC.

Description: PGR 2021 Lessee 13, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 7/13/22.

Accession Number: 20220713–5096.

Comment Date: 5 p.m. ET 8/3/22.

Docket Numbers: EG22–174–000.

Applicants: PGR 2021 Lessee 15, LLC.

Description: PGR 2021 Lessee 15, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 7/13/22.

Accession Number: 20220713–5097.

Comment Date: 5 p.m. ET 8/3/22.

Docket Numbers: EG22–175–000.

Applicants: PGR 2021 Lessee 19, LLC.

Description: PGR 2021 Lessee 19, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 7/13/22.

Accession Number: 20220713–5098.

Comment Date: 5 p.m. ET 8/3/22.

Docket Numbers: EG22–176–000.

Applicants: Phobos Solar, LLC.

Description: Phobos Solar, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 7/13/22.

Accession Number: 20220713–5099.

Comment Date: 5 p.m. ET 8/3/22.

Docket Numbers: EG22–177–000.

Applicants: Sonny Solar, LLC.

Description: Sonny Solar, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 7/13/22.

Accession Number: 20220713–5100.

Comment Date: 5 p.m. ET 8/3/22.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER21–65–000.

Applicants: Tri-State Generation and Transmission Association, Inc.

Description: Refund Report for August 2020 of Tri-State Generation and Transmission Association, Inc.

Filed Date: 7/12/22.

Accession Number: 20220712–5195.

Comment Date: 5 p.m. ET 8/2/22.

Docket Numbers: ER21–434–000.

Applicants: Nevada Power Company.

Description: Refund Report: NVE Refund Report to be effective N/A.

Filed Date: 7/13/22.

Accession Number: 20220713–5157.

Comment Date: 5 p.m. ET 8/3/22.

Docket Numbers: ER22–2364–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2022–07–13_SA 3180 Dunns Bridge Solar-NIPSCO 3rd Rev GIA (J643 J847) to be effective 7/6/2022.

Filed Date: 7/13/22.

Accession Number: 20220713–5030.

Comment Date: 5 p.m. ET 8/3/22.

Docket Numbers: ER22–2365–000.

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: 2022–07–13_SA 3861 Ameren-ComEd Construction Agreement to be effective 9/12/2022.

Filed Date: 7/13/22.

Accession Number: 20220713–5049.

Comment Date: 5 p.m. ET 8/3/22.

Docket Numbers: ER22–2366–000.

Applicants: ISO New England Inc., New England Power Pool Participants Committee.

Description: § 205(d) Rate Filing: ISO New England Inc. submits tariff filing per 35.13(a)(2)(iii: ISO–NE/NEPOOL; Info Sharing in Response to Cyber Sec Exigency Under Info Policy to be effective 9/11/2022.

Filed Date: 7/13/22.

Accession Number: 20220713–5052.

Comment Date: 5 p.m. ET 8/3/22.

Docket Numbers: ER22–2367–000.

Applicants: GenConn Middletown LLC.

Description: Initial rate filing: Submission of Rate Schedule for GenConn Middletown LLC to be effective 9/12/2022.

Filed Date: 7/13/22.

Accession Number: 20220713–5068.

Comment Date: 5 p.m. ET 8/3/22.

Docket Numbers: ER22–2368–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to ISA, Service Agreement No. 5979; Queue No. AD2–085 to be effective 2/3/2021.

Filed Date: 7/13/22.

Accession Number: 20220713–5070.

Comment Date: 5 p.m. ET 8/3/22.

Docket Numbers: ER22–2369–000.

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: 2022–07–13_SA 3862 Ameren-ComEd As Available Agreement to be effective 9/12/2022.

Filed Date: 7/13/22.

Accession Number: 20220713–5080.

Comment Date: 5 p.m. ET 8/3/22.

Docket Numbers: ER22–2370–000.

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: Dale County Solar Project (Hybrid Project) LGIA Filing to be effective 7/13/2022.

Filed Date: 7/13/22.

Accession Number: 20220713–5120.

Comment Date: 5 p.m. ET 8/3/22.

Docket Numbers: ER22–2371–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 3983 Flat Ridge 5 Wind Energy GIA to be effective 7/7/2022.

Filed Date: 7/13/22.

Accession Number: 20220713–5144.

Comment Date: 5 p.m. ET 8/3/22.

Docket Numbers: ER22–2372–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 3984 Cowskin Solar Energy GIA to be effective 7/7/2022.

Filed Date: 7/13/22.

Accession Number: 20220713–5148.

Comment Date: 5 p.m. ET 8/3/22.

Docket Numbers: ER22–2373–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 3716R1 Caddo Wind, LLC GIA to be effective 6/16/2022.

Filed Date: 7/13/22.

Accession Number: 20220713–5152.

Comment Date: 5 p.m. ET 8/3/22.

Docket Numbers: ER22–2374–000.

Applicants: Florida Power & Light Company.

Description: § 205(d) Rate Filing: FPL Amended Interconnection Agreement, Transfer of Records and Cancellation to be effective 12/31/9998.

Filed Date: 7/13/22.

Accession Number: 20220713–5154.

Comment Date: 5 p.m. ET 8/3/22.

Docket Numbers: ER22–2375–000.

Applicants: Gulf Power Company.

Description: Tariff Amendment: Notice of Cancellation—Interconnection Agreement No. 2 to be effective 12/31/9998.

Filed Date: 7/13/22.

Accession Number: 20220713–5156.

Comment Date: 5 p.m. ET 8/3/22.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES22–52–000.

Applicants: Wheeling Power Company.

Description: Application Under Section 204 of the Federal Power Act for Authorization to Issue Securities of Wheeling Power Company.

Filed Date: 7/13/22.

Accession Number: 20220713–5140.

Comment Date: 5 p.m. ET 8/3/22.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: July 13, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–15352 Filed 7–18–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP22–483–000]

Texas Eastern Transmission, LP; Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that on July 1, 2022, Texas Eastern Transmission, LP (Texas Eastern), 5400 Westheimer Court, Houston, Texas 77056, filed in the above referenced docket a prior notice pursuant to Section 157.205 and 157.208 of the Federal Energy Regulatory Commission's regulations under the Natural Gas Act and the blanket certificate issued by the Commission in Docket No. CP82–535–000,[1] seeking authorization to: (i) replace and reconfigure a segment of 30-inch-diameter pipeline, including the installation of appurtenant facilities, on its Line 16 at a crossing underneath the Neches River ship channel, in Jefferson and Orange Counties, Texas to accommodate the deepening of the Sabine-Neches Waterway planned by the Sabine-Neches Navigation District and the U.S. Army Corps of Engineers; and (ii) discontinue use of a total of approximately 2,723 feet of existing 30-inch-diameter pipeline. Specifically, Texas Eastern proposes to install approximately 2,752 feet of new 30-inch diameter pipeline in the right-of-way adjacent to the current Line 16 pipeline segment, but at greater depth. The proposed replacement is estimated to cost approximately $25,000,000, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions concerning this application should be directed to Estela D. Lozano, Director, Regulatory, Texas Eastern Transmission, LP, P.O. Box 1642, Houston, Texas 77251–1642, by telephone at (713) 627–4522, by fax at (713) 627–5947, or by email at *estela.lozano@enbridge.com.*

Public Participation

There are three ways to become involved in the Commission's review of this project: you can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5:00 p.m. Eastern Time on September 12, 2022. How to file protests, motions to intervene, and comments is explained below.

Protests

Pursuant to section 157.205 of the Commission's regulations under the NGA,[2] any person [3] or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's regulations,[4] and must be submitted by the protest deadline, which is September 12, 2022. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

Interventions

Any person has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure [5] and the regulations under the NGA [6] by the intervention deadline for the project, which is September 12, 2022. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at *https://www.ferc.gov/resources/guides/how-to/intervene.asp.*

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Comments

Any person wishing to comment on the project may do so. The Commission considers all comments received about the project in determining the appropriate action to be taken. To ensure that your comments are timely and properly recorded, please submit your comments on or before September 12, 2022. The filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding.

How To File Protests, Interventions, and Comments

There are two ways to submit protests, motions to intervene, and comments. In both instances, please reference the Project docket number CP22–483–000 in your submission.

(1) You may file your protest, motion to intervene, and comments by using the Commission's eFiling feature, which is located on the Commission's website

[1] *Texas Eastern Transmission Corp.,* 21 FERC ¶ 62,199 (1982).

[2] 18 CFR 157.205.

[3] Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

[4] 18 CFR 157.205(e).

[5] 18 CFR 385.214.

[6] 18 CFR 157.10.

(*www.ferc.gov*) under the link to Documents and Filings. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select General'' and then select ''Protest'', ''Intervention'', or ''Comment on a Filing.'' The Commission's eFiling staff are available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

(2) You can file a paper copy of your submission. Your submission must reference the Project docket number CP22–483–000.

To mail via USPS, use the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To mail via any other courier, use the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Protests and motions to intervene must be served on the applicant either by mail or email (with a link to the document) at: Estela D. Lozano, Director, Regulatory, Texas Eastern Transmission, LP, P.O. Box 1642, Houston, Texas 77251–1642, by telephone at (713) 627–4522, by fax at (713) 627–5947, or by email at *estela.lozano@enbridge.com.* Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website at *www.ferc.gov* using the ''eLibrary'' link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to *www.ferc.gov/docs-filing/esubscription.asp.*

Dated: July 13, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–15366 Filed 7–18–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Western Area Power Administration

[DOE/EIS–0543]

Rail Tie Wind Project Record of Decision

AGENCY: Western Area Power Administration, DOE.

ACTION: Record of decision.

SUMMARY: ConnectGen Albany County LLC (ConnectGen) filed two interconnection requests with the Western Area Power Administration (WAPA) to interconnect its proposed Rail Tie Wind Project (Project) to the Ault-Craig 345-kilovolt (kV) transmission line owed by WAPA, Tri-State Generation and Transmission Association, and Platte River Power Authority. The proposed site of the 504-megawatt (MW) Project is in southeastern Albany County, Wyoming, on approximately 26,000 acres of private and State land. WAPA considered ConnectGen's interconnection requests in accordance with its established Open Access Transmission Service Tariff (Tariff), Federal Energy Regulatory Commission (FERC) Orders, and the Federal Power Act (FPA). An environmental impact statement (EIS) analyzed the environmental impacts of ConnectGen's proposed Project and WAPA's Federal action. Significant impacts on visual resources, certain historic properties, and eagles from turbine operations were identified; impacts on all other resources were found to be less than significant. Based upon the analysis of potential environmental impacts, and applicable procedures and standards for interconnection to WAPA's transmission system under its Tariff, FERC Orders and FPA requirements, WAPA has determined to approve ConnectGen's interconnection requests.

FOR FURTHER INFORMATION CONTACT: For further information contact Mark Wieringa, NEPA Document Manager, Headquarters Office A9402, Western Area Power Administration, P.O. Box 281213, Lakewood, CO 80228, telephone (720) 962–7448, or email *wieringa@wapa.gov.*

SUPPLEMENTARY INFORMATION: WAPA is a Federal agency within the Department of Energy (DOE) that markets and transmits wholesale electrical power through an integrated 17,000-circuit mile, high-voltage transmission system across 15 western states. WAPA's Tariff provides open access to its electric transmission system, in accordance with relevant FERC Orders. The Tariff's Large Generator Interconnection Procedures (LGIP) provide a framework for processing interconnection requests. WAPA's LGIP provides for transmission and system studies to ensure that reliability and service to existing customers are not adversely affected by new interconnections. System impact studies (SIS) take the proposed interconnection into account and model power flows to determine if there would be any potential power system issues, which are typically related to overloads. SIS also identify any system upgrades necessary to resolve power system issues and accommodate the interconnection request. System upgrades could include transmission line reconductoring, additional structures to maintain ground clearance, and substation equipment additions or replacements. WAPA's SIS, completed in 2020, determined that no additional system upgrades would be required to accommodate ConnectGen's proposed Project.

ConnectGen filed two interconnection requests with WAPA to interconnect its proposed Project to the Ault-Craig 345-kV transmission line owned by WAPA, Tri-State Generation and Transmission Association, and Platte River Power Authority. WAPA initiated the LGIP process to consider ConnectGen's interconnection requests in accordance with the Tariff. Since system effects vary depending on the transmission line that would host the interconnection and the geographical location of the interconnection, an applicant must specify the point of interconnection in their request. ConnectGen filed two interconnection requests with WAPA, each 252 MW, to accommodate build-out of their proposed Project in two stages if necessary. However, there would be only one interconnection point on the Ault-Craig transmission line.

ConnectGen's interconnection requests trigger the need for WAPA to consider taking a Federal action. Federal actions that have the potential to affect the human environment are subject to environmental review under the National Environmental Policy Act of 1969 (NEPA, 42 U.S.C. 4321 *et seq.*). WAPA determined that while its Federal action to approve or deny ConnectGen's interconnection requests was a minor action environmentally, ConnectGen's proposed Project, as a

connected action, had the potential for significant environmental impacts. Therefore, WAPA determined that its Federal action combined with ConnectGen's proposed Project constituted a major Federal action requiring the preparation of an EIS. The completed EIS ensures WAPA's Administrator is presented with the impacts of both the Federal action and proposed Project when making an informed decision on the interconnection requests.

WAPA's Proposed Federal Action

The proposed Federal action being considered by WAPA is whether to approve or deny ConnectGen's interconnection requests. FERC mandates, as reflected in WAPA's Tariff, and the FPA, as amended, generally require that interconnection requests be accommodated so long as capacity is available, operation of the power system would not be negatively affected, the applicant funds any necessary system upgrades, and existing power customers would not be impacted. WAPA can deny an interconnection request if any of these conditions are not met. If ConnectGen's interconnection request is approved, WAPA would construct, own, operate, and maintain an interconnection switchyard in the Project Area. The interconnection switchyard would be located adjacent to the existing Ault-Craig 345-kV transmission line within a fenced area of up to eight acres. It would consist of breakers, switches, buswork, other typical substation equipment, and a small control building, and would be funded and constructed by ConnectGen next to the westernmost Project substation. WAPA would own, operate, and maintain the switchyard as part of WAPA's transmission system.

Under the No Action Alternative, WAPA would not approve the interconnection request, and the Project would not be allowed to connect to WAPA's transmission system. While this would not preclude the Project from being constructed and connected to a non-WAPA-managed transmission system, for the purposes of analysis, the EIS assumed that the Project would not be built. Rationale for this assumption includes: the nearest non-WAPA regional transmission lines would require a much longer generation-tie line (gen-tie line), affecting the economics of the Project; and any non-WAPA transmission lines may not have sufficient available transmission capacity to support ConnectGen's Project.

ConnectGen's Proposed Project

ConnectGen proposes to develop a 504–MW wind energy generation Project comprised of 84 to 149 wind turbine generators and associated access roads, collection lines, a 4-mile 345-kV gen-tie line, meteorological towers, 2 substations, and an operations and maintenance building. ConnectGen's proposed site is in southeastern Albany County, Wyoming, on approximately 26,000 acres of private and State land. No federally managed lands are located within the Project Area. The Project Area is just north of the Colorado-Wyoming state line, approximately 15 miles south of Laramie, around Tie Siding on U.S. Highway 287. The Ault-Craig 345-kV transmission line bisects the Project Area from east to west. The westernmost of the proposed Project substations would be located adjacent to the transmission line and WAPA's switchyard. The approximately four-mile-long 345-kV gen-tie transmission line would connect the two ConnectGen substations, each consisting of about five acres.

ConnectGen proposes to construct the Project in two phases, generally situated west and east of U.S. Highway 287. The wind turbines would be arranged in collinear strings within the 1,000-foot-wide corridors analyzed in the EIS. Project access roads and collector lines would be located within these corridors to the extent practicable. Final design will utilize the corridor width to site Project facilities to avoid cultural resources sites, sensitive natural resources, and areas of constructability constraints. The total number of wind turbines will depend on the turbine model selected and final Project design. ConnectGen's Project would also include about 60 miles of improved and new access roads, and temporary crane paths. An underground 34.5-kV collector line system would carry power from the turbines to the two Project substations; overhead lines could be required where bedrock prevents trenching.

Other Project components would include two 15-acre temporary laydown yards, at least three self-supported 105-meter meteorological towers, and an approximately 7,000-square-foot operations and maintenance building within a security fenced area of about five acres. Section 2.2 of the final EIS describes ConnectGen's proposed Project in more detail.

ConnectGen's Project was approved by the Albany County Board of County Commissioners on July 13, 2021, the Wyoming State Board of Land Commissioners on January 21, 2021, and the Wyoming Industrial Siting Council on November 2, 2021, with associated conditions. These conditions were incorporated into the Project's committed Environmental Protection Measures (table 2–6 in the final EIS). The design features, best management practices, and avoidance and minimization measures in table 2–6 are considered an integral part of the proposed Project to be implemented by ConnectGen. These measures, as described in detail in the Final EIS, reflect all practicable means to avoid or minimize environmental harm from the Project. WAPA may also include these mitigation measures as an appendix to the interconnection agreement.

Alternatives

Given that WAPA's Federal action is to either approve or deny ConnectGen's interconnection requests, a yes or no decision, no additional alternatives beyond the proposed Federal action and the No Action Alternative were identified for analysis in the EIS. EIS alternatives must be reasonable and feasible alternatives to the proposed Federal action that meet the agency's purpose and need. WAPA has no interest or role in ConnectGen's proposed wind energy Project, nor will the agency have any sort of continuing involvement in the construction or operation of the Project other than its switchyard. As the proposed Project is a private sector development and does not involve any oversight or participation by WAPA in its construction or operation, ConnectGen's Project is not a Federal action. WAPA does not have jurisdiction over ConnectGen's proposed Project and does not possess the regulatory authority to approve or deny the siting, design, construction, or operation of the Project. Therefore, the proposed Project was analyzed as a connected action. Connected actions are actions that are ''closely related'' to a Federal action and ''should be discussed'' in the same NEPA document (40 CFR 1501.9(e)(1)). More specifically, connected actions ''(i) Automatically trigger other actions that may require environmental impact statements; (ii) Cannot or will not proceed unless other actions are taken previously or simultaneously; or (iii) Are interdependent parts of a larger action and depend on the larger action for their justification.'' *Id.* Design variations or options developed in conjunction with ConnectGen's proposed Project are not alternatives to WAPA's defined Federal action and, therefore, are not ''alternatives'' as defined by NEPA and applicable

implementing regulations (40 CFR 1502.14 and 1502.17; 10 CFR part 1021).

WAPA's proposed Federal action is limited to consideration of the interconnection requests submitted by ConnectGen within the established LGIP. WAPA must also consider the interconnection facilities and associated system upgrades that would be required, if any. ConnectGen's requests for interconnection of their proposed Project is the impetus for WAPA's need for Federal action. Consistent with 40 CFR 1501.9(e)(1), WAPA fully analyzed the potential environmental effects of ConnectGen's Project in the EIS, as a connected action, to inform WAPA's Federal action decision. In the event that WAPA denies the interconnection request, the proposed Project would not be allowed to interconnect to the WAPA transmission system. ConnectGen's decision to construct their Project could proceed regardless of WAPA's involvement if the Project could interconnect with other non-WAPA transmission lines with sufficient available transmission capacity. This scenario was not analyzed in the EIS, as there would be no Federal nexus in that case and no WAPA Federal action to address under NEPA.

Significant Impacts

The EIS analysis identified three areas where potentially significant environmental impacts could occur from developing and operating ConnectGen's proposed Project. The first is significant impacts on visual resources generally. The large wind turbines would result in an obvious man-made change to the existing visual environment that would be seen for a considerable distance, depending on the viewer's location and intervening topography. The Federal Aviation Administration (FAA)-required synchronized flashing red warning lights on each turbine nacelle would serve as a constant visual intrusion at night. ConnectGen will seek authorization from the FAA to install an Aircraft Detection Lighting System (ADLS), which would allow the red lighting to remain off until an approaching aircraft was detected. If the FAA does approve an ADLS for the Project, nighttime visual impacts would be greatly reduced.

The second is significant adverse visual impacts to the Ames Monument National Historic Landmark (NHL) and to other National Register of Historic Places (NRHP) listed or eligible cultural resources where they were found associated with a significant event in history (NRHP Criterion A) or significant in their engineering or architecture (NRHP Criterion C) and where ''setting'' or ''feeling'' were aspects of integrity important to their NRHP eligibility. None of these locations would be physically affected; the impact would be from the visual intrusion on the sites' aspect, setting, or feeling. A programmatic agreement (PA) has been prepared in accordance with Section 106 of the National Historic Preservation Act (NHPA). Under the PA, a historic properties treatment plan (HPTP) is being developed that will satisfy the stipulations of the PA and identify specific avoidance, minimization, and mitigation measures to resolve adverse effects of ConnectGen's proposed Project. Under NHPA's provisions, implementing the PA and mitigation measures as outlined in the HPTP would resolve all adverse effects under the NHPA. However, within the context of NEPA, visual impacts to these cultural resources could still remain potentially significant.

The last significant impact identified by WAPA is the risk of eagle fatalities posed by the operation of ConnectGen's Project. Eagles and other raptors are known to suffer fatalities from collisions with operating wind turbine blades. Because golden and bald eagles have been documented in the Project Area, individuals of those species are considered at risk of fatality from collision with operating turbines. Preliminary information suggests that there could be multiple eagle fatalities per year resulting from operation of the Project, with the larger proportion expected to be golden eagles. ConnectGen has committed to establishing a one-mile spatial buffer around known eagle nests, to preparing an eagle conservation plan, and to applying for an eagle incidental take permit from the U.S. Fish and Wildlife Service (FWS) in compliance with the Bald and Golden Eagle Protection Act.

As part of the eagle incidental take permitting process, the FWS will model expected take resulting from the Project and perform a separate additional NEPA process. That NEPA process will determine the significance of potential impacts on eagles and will consider measures implemented through the eagle conservation plan and offset mitigation. Additional avoidance, minimization, and mitigation measures may be developed by the FWS during this process that ConnectGen would implement to further reduce the risk of eagle take. Based on the best available information at this time, WAPA considers the risk of Project-related incidental take of eagles to be a significant impact for the purposes of its NEPA process. It should be noted that WAPA has no role in the eagle incidental take permit process outlined above—that effort is between ConnectGen and the FWS alone. WAPA further notes that the potential risk to eagles as presently understood may be reduced as a result of implementing additional measures developed as part of the FWS incidental take permitting process.

Agency Preferred Alternative

WAPA has before it a Federal action of approving or denying an interconnection request. As discussed above, WAPA's Tariff and FERC Orders on open access to transmission generally require WAPA to make uncommitted capacity available to applicants so long as the operation of the integrated power system is not adversely affected, service to existing power customers is not degraded, and any necessary system upgrades are fully funded by the requesting applicant. As detailed in the EIS, WAPA considered the expected environmental impacts of ConnectGen's connected action in addition to the Federal action of approving or denying the interconnection requests. WAPA finds that ConnectGen has adopted all practicable means to avoid or minimize environmental harm from its proposed Project, which includes WAPA's interconnection switchyard. These means include the design features, best management practices, and avoidance and minimization measures described in detail in the final EIS and incorporated into the Project's committed Environmental Protection Measures (table 2–6 in the final EIS). WAPA has determined that the Agency Preferred Alternative is to approve ConnectGen's interconnection requests.

Environmentally Preferred Alternative

As required by 40 CFR 1505.2, WAPA identifies the No Action Alternative as the Environmentally Preferred Alternative. Under the No Action Alternative, WAPA would not enter into an interconnection agreement for the proposed Project and there would be no interconnection with the WAPA transmission system and no interconnection switchyard. Although it is possible that ConnectGen could still construct and operate their Project, to do so the Project would need to identify and interconnect with another non-WAPA transmission line that had sufficient available transmission capacity. For purposes of the NEPA analysis, the No Action Alternative assumed the proposed Project would not be constructed. WAPA has

identified the No Action Alternative as its Environmentally Preferred Alternative as none of the identified Project-related impacts would occur, including the potentially significant visual impacts and risk of eagle mortality. The beneficial impacts of renewable energy generation would also not occur.

Floodplain and Wetlands Statement of Findings

Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps were reviewed to assess floodplains within the Project Area. Approximately 15.8 acres of the overall 6,361.5 acres within the siting corridors are in the 100-year floodplain, associated with Pump Creek, Dale Creek, and their tributaries. No aboveground structures would be located within that small amount of floodplain but buried collector lines may cross designated floodplain areas. Many of the streams in the Project Area are ephemeral and intermittent streams, driven by spring snowmelt and to a lesser extent, rainfall. As measured in linear feet, only about five percent of streams mapped in the siting corridors are perennial streams, with the rest being intermittent or ephemeral drainages. Wetland surveys mapped approximately 67.5 acres of wetlands within the siting corridors, which are mostly associated with streams and their tributaries.

Given the approximately 26,000-acre size of the Project Area and the need for access roads and collector lines to each turbine location and temporary crane walks connecting the linear siting corridors, it is not possible to completely avoid the many drainages and swales on the site. Despite ConnectGen's efforts to avoid or minimize surface water crossings, a total of 17 crossings of perennial streams and 169 crossings of intermittent or ephemeral streams have been identified. Except for a few collector line crossings of the 15.8 acres of floodplain within the siting corridors mentioned above, none of these crossings would be across FEMA-designated floodplains.

Of the 17 perennial stream crossings 5 would be by access roads, 7 by collector lines, and 5 by temporary crane paths. Two of the access road crossings would follow existing roads that would be improved for Project use and to reduce potential erosion. The collector line crossings would consist of a narrow band of disturbance where the collector line would be trenched in and backfilled, and most would be co-located with access road crossings. Crane path crossings would be temporary for construction use and would be reclaimed following construction.

Of the identified 169 crossings of intermittent and ephemeral drainages, 75 would be by access roads, 62 by collection lines, and 18 by crane paths. The gen-tie line between substations would span over six drainages, and construction of one substation and seven turbines would result in drainage disturbance. Approximately half (94 total) of these 169 intermittent and ephemeral stream crossings are upland swales without defined beds or banks.

In accordance with 10 CFR part 1022, the EIS included a description of WAPA's Federal action, a description of ConnectGen's proposed Project, and maps of the Project Area. The EIS process provided an opportunity for public review and comment on floodplain and wetland issues, evaluated potential effects to floodplains and wetlands, and listed the environmental protection measures committed to by ConnectGen to minimize impacts to floodplains and wetlands. The proposed Project would not affect flood flows or impede water movement during flood events. Three new access roads are proposed to cross perennial streams. Wetland areas have been avoided to the extent practicable. Disturbance to wetlands would occur on approximately 9.9 acres during the construction of access roads, electrical collection lines, a portion of one turbine construction pad, and crane path crossings. After the Project is operational, access roads would remain on approximately 0.8 acres of wetlands. Table 2–6 in the final EIS lists 14 water quality environmental protection measures and impact minimization measures ConnectGen has committed to implementing. These measures, which conform to applicable floodplain standards, will minimize harm to the 15.8 acres of 100-year floodplain within the identified corridors.

Section 7 and Section 106 Consultation

WAPA consulted with the FWS under Section 7 of the Endangered Species Act. Only one listed species, Preble's meadow jumping mouse (*Zapus hudsonius preblei*), was determined to potentially inhabit the Project Area. Suitable habitat exists, although the presence of this species has not been established and the suitable habitat may not be occupied. Consultation with the FWS resulted in a ''may affect, but is not likely to adversely affect'' determination for this species. ConnectGen has committed to implement the species-specific conservation measures identified by the FWS.

Interconnecting ConnectGen's proposed Project to WAPA's transmission system constitutes a Federal undertaking pursuant to regulations that implement Section 106 of the NHPA. Section 106 requires WAPA to consider the effects of projects on NRHP-listed or eligible cultural resources, and on locations or resources of traditional religious and cultural importance to Native American tribes. A PA was developed in accordance with the Section 106 process to identify NRHP listed or eligible cultural resources in the area of potential effects, ensure consideration of effects on all NRHP listed or eligible cultural resources, and direct the treatment of NRHP listed or eligible cultural resources. Completion of the PA process and requirements would resolve the adverse effects from the undertaking and meet WAPA's NHPA Section 106 responsibilities. The PA also establishes the framework for a HPTP that will identify specific avoidance, mitigation, and minimization measures for each affected NRHP listed or eligible cultural resource and resolve adverse effects to them. WAPA's HPTP is currently under development, and the requirements of the HPTP and PA must be completed prior to any Project ground-disturbing activities that could affect listed or eligible cultural resources. ConnectGen Albany County LLC has signed the PA as an invited signatory.

Parties involved in this process in addition to WAPA and ConnectGen include the Wyoming and Colorado State Historic Preservation Officers; the National Park Service; the Advisory Council on Historic Preservation; the Northern Arapaho Tribe of the Wind River Reservation; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation; Rosebud Sioux Tribe; Standing Rock Sioux Tribe; Ute Tribe of the Uintah and Ouray Reservation; the Yankton Sioux Tribe; Wyoming Office of State Lands and Investments; Albany County Historic Preservation Board; and Wyoming State Parks, Historic Sites, and Trails, among others. The Section 106 process is separate from the NEPA process, and although the two processes are typically coordinated to the extent possible, there is no requirement that all NHPA activities be completed before a ROD is issued. All requirements of the PA must, however, be concluded before any construction activities commence.

A historic properties visual impact analysis identified adverse visual effects on the Ames Monument NHL and two segments of the Overland Trail. In addition, the NEPA analysis identified strong, but less than adverse, visual impacts to the historic Union Pacific

Railroad and moderate impacts to certain segments of the Cheyenne Pass Road. Cultural resource field surveys did not identify any additional cultural resources eligible under Criterion A or C where integrity of ''setting'' or ''feeling'' are integral to their eligibility. WAPA is also continuing government-to-government consultations with Native American tribes on traditional cultural properties they have identified in the Project area, with the goal of avoiding all these locations. A detailed discussion of the NHPA, Section 106 process, PA, and the HPTP is found in Section 3.6 of the final EIS. The PA itself is posted on WAPA's Project website.

Public Involvement

Public involvement for the EIS process began with the publication of a notice to prepare an EIS published in the **Federal Register** on December 30, 2019. At the same time, a description of ConnectGen's proposed Project and an invitation to scheduled scoping meetings was mailed to all residents within the Project Area and within three miles of the Project Area boundaries. Scoping meeting information was also advertised in local newspapers, posted on WAPA's Project website, and distributed via news releases to media outlets. Two public scoping meetings were hosted in Laramie, Wyoming, in January 2020, with approximately 80 individuals attending each scoping meeting. The 32-day scoping period ran from December 30, 2019, through January 31, 2020.

On April 2, 2021, the draft EIS was noticed in the **Federal Register** by the Environmental Protection Agency (EPA), beginning the public review and comment period. Interested parties on the Project mailing list were contacted directly, and WAPA provided news releases to local media announcing the release of the draft EIS and public hearings on the proposed Project. The comment period was open for 45 days, ending on May 17, 2021. Due to Covid-19 restrictions, WAPA held two virtual public hearings during the comment period, one each on April 28, 2021, and on April 29, 2021. Recordings and transcripts of the virtual public hearings were captured, and meeting materials, recordings, transcripts, and a question-and-answer report are available on WAPA's Project website. Public comments were accepted via online form, email, postal mail, and verbally at the virtual public hearings; a total of 124 comment submittals were received. The comments in these submittals were considered and incorporated into the final EIS as appropriate. The comments and associated responses are provided as appendix C to the final EIS.

In addition to public outreach, 17 Federal agencies or offices, 30 State agencies or offices, and 12 local agencies were contacted to initiate coordination with the NEPA review process. Seven of these agencies agreed to participate in the NEPA review process as cooperating agencies. Government-to-government consultation under Section 106 of the NHPA was also initiated with 17 potentially interested Native American tribes. Six of these tribes are actively participating in the ongoing Section 106 process, and tribal members assisted with cultural resources field surveys.

WAPA considered all alternatives, information, analyses, comments, and objections submitted by State, tribal, and local governments and public commenters in developing the EIS, in accordance with 40 CFR 1505.2.

Comments on Final EIS

A comment letter received after the release of the final EIS (and well after the 30-day waiting period established by regulation) identified two specific wind energy projects that the author claimed were not considered in the cumulative effects analysis in the final EIS. These are the Boswell Springs Wind Project and the Rock Creek Wind Energy Project.

A memorandum dated August 17, 2020, was prepared, titled ''Determination of Reasonably Foreseeable Actions Considered in Cumulative Effects Analysis'' at the time that the impact analysis was being completed for the draft EIS. This memo includes the methodology used to identify projects with potential to spatially and temporally overlap with the Rail Tie Wind Project. The memo identified the Boswell Springs Wind Project, and it was considered for cumulative impact analysis. However, that project was ultimately not included because it would not overlap with the Rail Tie Wind Project in either time or space. It is more than 50 miles from the Rail Tie Wind Project Area and did not overlap with the resource analysis areas, except for the socio-economic and transportation analysis areas that were based upon county boundaries. In the case of these latter two resources, the temporal impacts were limited to the active construction phase, which was scheduled to conclude in 2020 and not overlap with the Rail Tie Wind Project's construction phase. The Boswell Springs Wind Project presently appears to be inactive, and no updated project schedule is publicly available.

The Rock Creek Wind Farm was not identified in August 2020 and was, therefore, not included in the cumulative impacts analysis in the draft or final EIS. The Rock Creek Wind Energy Project was made public on September 21, 2021, through the submission of an application for a Commercial Wind Energy Conversion System Permit to Albany County, Wyoming. No comments were received during the draft EIS public comment period indicating that the Rock Creek Project or any other additional projects should be analyzed. Likewise, no cooperating agency brought up any additional projects that should be considered between the draft and final EIS. As a result, WAPA was not aware of the Rock Creek Wind Farm project prior to the publication of the final EIS.

The proposed Rock Creek Wind Energy Project is located approximately 35 miles northwest of the Rail Tie Wind Project and therefore overlaps spatially with the resource analysis area for public health and safety (resource analysis areas were variable, with the largest being Project Area plus Wyoming emergency service provider response areas overlapping the Project Area), recreational resources (50 miles), social and economic resources (the analysis area was Albany County, WY), and transportation and access (the analysis area included major interstates and highways in Albany County, WY). Additionally, the Rock Creek Wind Energy Project could potentially overlap temporally with both the Rail Tie Wind Project's construction and operation phases. Because the Rock Creek Wind Energy project overlaps spatially and possibly temporally with the Rail Tie Wind Project, and is a reasonably foreseeable project, its potential environmental effects should be considered as part of the cumulative impact analysis. Accordingly, disclosure of the potentially relevant cumulative impacts of the Rock Creek Wind Energy Project have been included in this ROD.

Both projects would use common emergency services providers in Albany County, and the Rock Creek Project would also use providers from Carbon County. Providers in common include Albany County Sheriff's Office and Ivinson Memorial Hospital in Albany County, along with the more regional providers of Rawlins Interagency Dispatch Center and Wyoming State Forestry Division Casper Interagency Dispatch Center for wildland fire. Both projects would complete Emergency Response Plans (PHS–2 and PHS–13) and would coordinate these plans with the local emergency service providers to minimize impacts to the providers. The

Rock Creek Project's location at the Albany-Carbon County boundary means it identified different local fire departments as the nearest and most likely to respond. Regarding the Rail Tie Wind Project, the Wyoming Industrial Siting Council (ISC) granted requests for impact assistance funds to Albany County and the City of Laramie to offset Project impacts to emergency response services (WyISC 2021). The Rock Creek Project's application is being considered by the ISC as well and the impact assistance funding consideration is standard practice; it is assumed that similar funds will also be allocated for that project. The ISC application for the Rail Tie Wind Project indicated that the Project would have no impact to the levels of service provided by the Ivinson Memorial Hospital.

Recreational resources in the cumulative projects' area are distributed in nature as noted in cumulative impacts of the EIS, and the peak workforces are relatively small in comparison to local populations (each project's peak workforce is less than 200 workers (Tetra Tech 2021, Jacobs 2021)); these factors naturally would attenuate any cumulative impact experienced from multiple large construction projects. Similarly, large, concentrated events, such as Cheyenne Frontier Days, would not be affected by attendance increases based on the high number of attendees (approximately 500,000 people in 2019, *WyomingNews.com*).

The addition of the Rock Creek Project does not materially affect the qualitative assessment of the socioeconomic resources. It is anticipated that the geography and timing of housing demand for construction crews would be spread across a large area. Local tax revenue would increase, and sales tax would fluctuate with construction; when more equipment and materials are purchased, sales tax revenue would increase. Property tax revenue would increase with the completion of each project, and slowly decline with the depreciation rate of each project.

Cumulative effects to transportation between the Rail Tie and Rock Creek projects would be limited to equipment or materials shipment along I–80 or US 287, which could result in additional temporary increases of annual average daily traffic and peak hourly vehicles along these portions of highway affected by both projects. While equipment and materials shipments may have a cumulative impact, the daily workforce commute between home and the worksite could more materially increase traffic during construction. This commuter increase would not be expected to create a cumulative impact between these two projects, as the Rail Tie Wind Project traffic would travel south from Laramie, while Rock Creek Wind Energy Project would travel to the north of Laramie. The same would be true of the much-reduced post-construction operations traffic. It should also be noted that the final schedules for delivery of equipment and materials, as well as construction, have not been determined for either project, so any overlap of construction traffic would be speculative and may not actually occur. ConnectGen has committed to schedule Project component deliveries to avoid local traffic volume peaks to the extent practicable (TRANS–2).

Based on the consideration of the Rock Creek Wind Energy Project in the analysis of emergency service providers, recreational resources, social and economic resources, and transportation, the cumulative impacts to these resources would not be significant.[1]

WAPA's Decision

Informed by the SIS, the analyses and environmental impacts documented in the final EIS, input from Sections 7 and 106 consultations, and in compliance with its Tariff, WAPA has determined that ConnectGen's two interconnection requests will be approved.

In making this decision, WAPA is cognizant that ConnectGen's Project will have significant impacts on visual resources in the Project viewshed, potentially significant impacts on eagles through collisions with operating turbines, and significant adverse effects on certain NRHP-listed or eligible cultural resources eligible under Criterion A and/or C, where integrity of ''setting'' and/or ''feeling'' contribute to their NRHP eligibility. Impacts to these important cultural resources, which includes the Ames Monument NHL, is non-physical (visual).

WAPA is further aware that potential eagle impacts will also be analyzed in the FWS's process for authorizing an eagle incidental take permit, and that additional avoidance, minimization, and mitigation measures may be identified and required of ConnectGen as a result of that process. The FWS is the regulatory agency charged with administering and enforcing the Bald and Golden Eagle Protection Act (16 U.S.C. 668–668d, as amended) and authorizing eagle incidental take permits. Similarly, WAPA's HPTP developed under the PA process will analyze potential adverse effects to listed or eligible cultural resources and may identify additional measures to reduce those effects. The appropriate parties are involved in this process, as evidenced by the list provided previously.

WAPA's decision must also consider Federal open access to transmission mandates arising under FERC orders implementing the FPA. For WAPA, this means complying with the requirements of its Tariff and LGIP, which were approved by FERC. FERC Orders on open access to transmission and the conforming Tariff require that WAPA provide available transmission capacity access on a nondiscriminatory basis so long as system reliability and service to its existing customers are not degraded. Pursuant to WAPA's LGIP, transmission and system studies were conducted to model the effects to power flows from the proposed interconnection and ascertain whether there would be negative effects to the operation of the transmission system. The results of these studies indicated that approving ConnectGen's two interconnection requests would not negatively affect the reliability of the transmission system or degrade service to existing customers and that no system upgrades would be required to support the interconnection of ConnectGen's proposed Project with the transmission system.

This ROD was prepared pursuant to the requirements of the Council on Environmental Quality Regulations for Implementing NEPA (40 CFR parts 1500–1508) and DOE's Procedures for Implementing NEPA (10 CFR part 1021).

[1] Jacobs. 2021. Rock Creek Wind Energy Project Albany and Carbon Counties, Wyoming, Wyoming Industrial Development Information and Siting Act Section 109 Permit Application, Final. December, 2021. Available at: *https://deq.wyoming.gov/industrial-siting-2/#1fBPdlIGCiY4YvOHuB5dndJ2PrQKJENhB. Accessed May 23, 2022.* Tetra Tech, Inc. 2021. Rail Tie Wind Project Albany County, Wyoming, Wyoming Industrial Development Information and Siting Act Section 109 Permit Application. April 20, 2021. Available at: *https://deq.wyoming.gov/industrial-siting-2/#1CNyUe8qeEf-qOA79kmlZStrSvg-wXg9h. Accessed May 23, 2022.* Wyoming Industrial Siting Commission (WyISC). 2021. Findings of Fact, Conclusions of Law, and Order Granting Permit Application with Conditions, and Allocating Impact Assistance Funds, In the Matter of the Industrial Sting Permit Application of ConnectGen Albany County. OAH Docket No. 21–078–020, Docket No. DEQ/ISC 20–09. Available at: *https://deq.wyoming.gov/industrial-siting-2/#1CNyUe8qeEf-qOA79kmlZStrSvg-wXg9h. Accessed May 23, 2022.*

WyomingNews.com. 2019. Online news article: Total CFD Attendance Slightly Higher Than 2018 Rodeo Attendance. Available at: *https://www.wyomingnews.com/news/cheyenne_frontier_days/total-cfd-attendance-slightly-higher-than-2018-rodeo-attendance-dips/article_cea59b15-4179-5a6f-ba0e-0192279b4e1e.html#:~:text=CHEYENNE%20%E2%80%93%20Total%20attendance%20for%20the%20123rd%20Cheyenne,from%20the%20543%2C703%20visitors%20who%20attended%20last%20year. Accessed May 23, 2022.*

Signing Authority

This document of the Department of Energy was signed on July 11, 2022, by Tracey A. LeBeau, Administrator, Western Area Power Administration, 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 July 14, 2022.

Treena V. Garrett,

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

[FR Doc. 2022–15374 Filed 7–18–22; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2019–0143; FRL–9957–01–OW]

Proposed Information Collection Request; Comment Request; Treatment of Indian Tribes in a Similar Manner as States for Purposes of Section 303(d) of the Clean Water Act (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit an information collection request (ICR), ''Treatment of Indian Tribes in a Similar Manner as States for Purposes of Section 303(d) of the Clean Water Act (*Renewal*)'' (EPA ICR No. 2553.03 OMB Control No. 2040–0290) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act . Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed 3-year extension of the ICR, which is currently approved through March 31, 2023. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before September 19, 2022.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OW–2019–0143, online using *www.regulations.gov* (our preferred method), by email to *OW-Docket@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, or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Edward Laird, Watershed Restoration, Assessment, and Protection Division (WRAPD), Office of Wetlands, Oceans, and Watersheds, Mail Code: 4503T, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 566–2848; fax number: (202) 566–1437; email address: *laird.edward@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents that explain in detail the information that the EPA will be collecting are available in the public docket for this ICR (Docket ID EPA–HQ–OW–2019–0143). The docket can be viewed online at *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.*

Pursuant to Section 3506(c)(2)(A) of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), EPA is soliciting comments and information to enable it to: (i) 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; (ii) 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; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) 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. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: In 2016, EPA issued regulations establishing a process for federally recognized tribes to obtain treatment in a similar manner as states (TAS) for purposes of administrating the water quality restoration provisions of Clean Water Act (CWA) Section 303(d), including establishing lists of impaired waters on their reservations and developing total maximum daily loads (TMDLs). The CWA does not require tribes to administer the CWA Section 303(d) program. However, tribes seeking to be authorized must apply for and be found eligible for TAS through the procedures described in the regulations.

Section 303(d) of the CWA requires states, territories, and authorized tribes to identify and establish a priority ranking for waters that do not meet EPA-approved or promulgated water quality standards (WQS) following the implementation of technology-based controls. For waters so identified, Section 303(d) requires states, territories, and authorized tribes to establish TMDLs in accordance with their priority ranking for those pollutants the Administrator identified as suitable for TMDL calculation. A TMDL is the calculation and allocation to point and nonpoint sources of the maximum amount of a pollutant that a water body can receive and still meet applicable WQS, with a margin of safety.

Form Numbers: None.

Respondents/affected entities: Any federally recognized tribe with a reservation.

Respondent's obligation to respond: Voluntary.

Estimated number of respondents: Five.

Frequency of response: Once for initial TAS status, thereafter biennially for lists of impaired waters, and from time to time for TMDLs.

Total estimated burden: 34,757 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $2,309,452 (per year). This action does not include annualized capital or operation & maintenance costs.

Changes in Estimates: There is no change of hours in the total estimated

respondent burden compared with the ICR currently approved by OMB.

John Goodin,

Director, Office of Wetlands, Oceans, and Watersheds.

[FR Doc. 2022–15370 Filed 7–18–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2003–0026; FRL–9959–01–OW]

Proposed Information Collection Request; Comment Request; National Water Quality Inventory Reports (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit an information collection request (ICR), ''National Water Quality Inventory Reports (Renewal)'' (EPA ICR No. 1560.11, OMB Control No. 2040–0071) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA). Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed 3-year extension of the ICR, which is currently approved through March 31, 2023. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before September 19, 2022.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–2003–0026, online using *www.regulations.gov* (our preferred method), by email to *OW-Docket@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.

FOR FURTHER INFORMATION CONTACT: Edward Laird, Watershed Restoration, Assessment and Protection Division (WRAPD), Office of Wetlands, Oceans, and Watersheds, Mail Code: 4503T, Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460; telephone number: 202–566–2848; fax number: 202–566–1437; email address: *laird.edward@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents that explain in detail the information that the EPA will be collecting are available in the public docket for this ICR (Docket ID EPA–HQ–OW–2003–0026). The docket can be viewed online at *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.*

Pursuant to section 3506(c)(2)(A) of the PRA (44 U.S.C. 3501 *et seq.*), EPA is soliciting comments and information to enable it to: (i) 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; (ii) 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; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) 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. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: The Clean Water Act Section 305(b) reports contain information on whether waters assessed by a state meet the state's water quality standards, and, when waters are impaired, the pollutants and potential sources affecting water quality. This information helps states and the public track progress in addressing water pollution. Section 303(d) of the Clean Water Act requires states to identify and rank waters that cannot meet water quality standards (WQS) following the implementation of technology-based controls. Under Section 303(d), states are also required to establish total maximum daily loads (TMDLs) for listed waters not meeting standards because of pollutant discharges. In developing the Section 303(d) lists, states are required to consider various sources of water quality related data and information, including the Section 305(b) state water quality reports. Section 106(e) requires that states annually update monitoring data and use it in their Section 305(b) report. Section 314(a) requires states to report on the condition of their publicly owned lakes within the Section 305(b) report.

Pursuant to the Clean Water Act and its implementing regulations, EPA reviews and approves or disapproves state Section 303(d) lists and TMDLs from 56 respondents (the 50 States, the District of Columbia, and the five Territories). Section 303(d) specifically requires states to develop lists and TMDLs, and EPA is to review and approve or disapprove the lists and the TMDLs. EPA also collects state 305(b) reports from 59 respondents (the 50 States, the District of Columbia, five Territories, and 3 River Basin Commissions).

Tribes are not required to submit Section 305(b) reports. However, to meet the needs of Tribes at all levels of development, EPA has prepared guidance that presents the basic steps a Tribe should take to collect the water quality information it needs to make effective decisions about its program, its goals, and its future directions. Tribal water quality monitoring and reporting activities are covered under the Section 106 Tribal Grants Program and are not included in the burden estimates for this ICR. In addition, ICR number 2553.02 ''Treatment of Indian Tribes in a Similar Manner as States for Purposes of Section 303(d) of the Clean Water Act (Final Rule)'' addresses the tribes' CWA Section 303(d) Impaired Water Listing and TMDL TAS application and 303(d) Program implementation burden, as well as EPA's burden for reviewing the tribes' applications and 303(d) Program submittals.

During the period covered by this ICR renewal, respondents will: complete their 2024 Section 305(b) reports and 2024 Section 303(d) lists; complete their 2026 Section 305(b) reports and 2026 Section 303(d) lists; transmit annual electronic updates of ambient monitoring data via the Water Quality Exchange; and continue to develop TMDLs according to their established schedules. EPA will prepare biennial updates on assessed and impaired waters for Congress and the public for the 2024 reporting cycle and for the

2026 cycle, and EPA will review 303(d) list and TMDL submissions from respondents.

The burdens of specific activities that states undertake as part of their Section 305(b) and 303(d) programs are derived from a project among EPA, states, and other interested stakeholders to develop a tool for estimating the states' resource needs for state water quality management programs. This project has developed the State Water Quality Management Workload Model (SWQMWM), which estimates and sums the workload involved in more than one hundred activities or tasks comprising a state water quality management program. Over twenty states contributed information about their activities that became the basis for the model. According to the SWQMWM, to meet Section 305(b) and 303(d) reporting requirements the states will conduct: watershed monitoring and characterization; modeling and analysis; development of Section 303(d) lists and TMDLs for public review; public outreach; formal public participation; tracking; planning; legal support; etc. In general, respondents have conducted each of these reporting and record keeping activities for past Section 305(b) and 303(d) reporting cycles and thus have staff and procedures in place to continue their Section 305(b) and 303(d) reporting programs. The burden associated with these tasks is estimated in this ICR to include the total number of TMDLs that may be submitted during the period covered by this ICR.

Form Numbers: None.

Respondents/affected entities: Entities potentially affected by this action are States, Territories and Tribes with Clean Water Act (CWA) responsibilities.

Respondent's obligation to respond: Mandatory: Integrated Water Quality Inventory Reports. (Clean Water Act Sections 305(b), 303(d), 314(a), and 106(e)).

Estimated number of respondents: 59 (total).

Frequency of response: Biennial.

Total estimated burden: 3,696,243 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $243,597,191 (per year), includes $0 annualized capital or operation & maintenance costs.

Changes in Estimates: There is a decrease of 10,944 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease is due to efficiencies gained from the use of EPA's modernized Assessment and Total Maximum Daily Load Tracking and Implementation System (ATTAINS) database and the integration of EPA's data and information systems to better support reporting, tracking water quality protection, and restoration actions. These efficiencies streamlined water quality assessment and reporting by reducing paper copy transactions and improving electronic data exchange.

John Goodin,

Director, Office of Wetlands, Oceans, and Watersheds.

[FR Doc. 2022–15371 Filed 7–18–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2022–0132; FRL–9411–05–OCSPP]

Certain New Chemicals; Receipt and Status Information for June 2022

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is required under the Toxic Substances Control Act (TSCA), as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act, to make information publicly available and to publish information in the **Federal Register** pertaining to submissions under TSCA Section 5, including notice of receipt of a Premanufacture notice (PMN), Significant New Use Notice (SNUN) or Microbial Commercial Activity Notice (MCAN), including an amended notice or test information; an exemption application (Biotech exemption); an application for a test marketing exemption (TME), both pending and/or concluded; a notice of commencement (NOC) of manufacture (including import) for new chemical substances; and a periodic status report on new chemical substances that are currently under EPA review or have recently concluded review. This document covers the period from 06/01/2022 to 06/30/2022.

DATES: Comments identified by the specific case number provided in this document must be received on or before August 18, 2022.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2022–0132, through the *Federal eRulemaking Portal* at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting and visiting the docket, along with more information about dockets generally, is available at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Jim Rahai, Project Management and Operations Division (MC 7407M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–8593; email address: *rahai.jim@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. What action is the Agency taking?

This document provides the receipt and status reports for the period from 06/01/2022 to 06/30/2022. The Agency is providing notice of receipt of PMNs, SNUNs, and MCANs (including amended notices and test information); an exemption application under 40 CFR part 725 (Biotech exemption); TMEs, both pending and/or concluded; NOCs to manufacture a new chemical substance; and a periodic status report on new chemical substances that are currently under EPA review or have recently concluded review.

EPA is also providing information on its website about cases reviewed under the amended TSCA, including the section 5 PMN/SNUN/MCAN and exemption notices received, the date of receipt, the final EPA determination on the notice, and the effective date of EPA's determination for PMN/SNUN/MCAN notices on its website at: *https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/status-pre-manufacture-notices.* This information is updated on a weekly basis.

B. What is the Agency's authority for taking this action?

Under the Toxic Substances Control Act (TSCA), 15 U.S.C. 2601 *et seq.,* a chemical substance may be either an ''existing'' chemical substance or a ''new'' chemical substance. Any chemical substance that is not on EPA's TSCA Inventory of Chemical Substances (TSCA Inventory) is classified as a ''new chemical substance,'' while a chemical substance that is listed on the TSCA Inventory is classified as an ''existing chemical substance.'' (See TSCA section 3(11).) For more information about the

TSCA Inventory please go to: *https://www.epa.gov/tsca-inventory.*

Any person who intends to manufacture (including import) a new chemical substance for a non-exempt commercial purpose, or to manufacture or process a chemical substance in a non-exempt manner for a use that EPA has determined is a significant new use, is required by TSCA section 5 to provide EPA with a PMN, MCAN or SNUN, as appropriate, before initiating the activity. EPA will review the notice, make a risk determination on the chemical substance or significant new use, and take appropriate action as described in TSCA section 5(a)(3).

TSCA section 5(h)(1) authorizes EPA to allow persons, upon application and under appropriate restrictions, to manufacture or process a new chemical substance, or a chemical substance subject to a significant new use rule (SNUR) issued under TSCA section 5(a)(2), for ''test marketing'' purposes, upon a showing that the manufacture, processing, distribution in commerce, use, and disposal of the chemical will not present an unreasonable risk of injury to health or the environment. This is referred to as a test marketing exemption, or TME. For more information about the requirements applicable to a new chemical go to: *https://www.epa.gov/oppt/newchems.*

Under TSCA sections 5 and 8 and EPA regulations, EPA is required to publish in the **Federal Register** certain information, including notice of receipt of a PMN/SNUN/MCAN (including amended notices and test information); an exemption application under 40 CFR part 725 (biotech exemption); an application for a TME, both pending and concluded; NOCs to manufacture a new chemical substance; and a periodic status report on the new chemical substances that are currently under EPA review or have recently concluded review.

C. Does this action apply to me?

This action provides information that is directed to the public in general.

D. Does this action have any incremental economic impacts or paperwork burdens?

No.

E. What should I consider as I prepare my comments for EPA?

1. *Submitting confidential business information (CBI).* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *https://www.epa.gov/dockets/comments.html.*

II. Status Reports

In the past, EPA has published individual notices reflecting the status of TSCA section 5 filings received, pending or concluded. In 1995, the Agency modified its approach and streamlined the information published in the **Federal Register** after providing notice of such changes to the public and an opportunity to comment (See the **Federal Register** of May 12, 1995, (60 FR 25798) (FRL–4942–7). Since the passage of the Lautenberg amendments to TSCA in 2016, public interest in information on the status of section 5 cases under EPA review and, in particular, the final determination of such cases, has increased. In an effort to be responsive to the regulated community, the users of this information, and the general public, to comply with the requirements of TSCA, to conserve EPA resources and to streamline the process and make it more timely, EPA is providing information on its website about cases reviewed under the amended TSCA, including the section 5 PMN/SNUN/MCAN and exemption notices received, the date of receipt, the final EPA determination on the notice, and the effective date of EPA's determination for PMN/SNUN/MCAN notices on its website at: *https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/status-pre-manufacture-notices.* This information is updated on a weekly basis.

III. Receipt Reports

For the PMN/SNUN/MCANs that have passed an initial screening by EPA during this period, Table I provides the following information (to the extent that such information is not subject to a CBI claim) on the notices screened by EPA during this period: The EPA case number assigned to the notice that indicates whether the submission is an initial submission, or an amendment, a notation of which version was received, the date the notice was received by EPA, the submitting manufacturer (*i.e.,* domestic producer or importer), the potential uses identified by the manufacturer in the notice, and the chemical substance identity.

As used in each of the tables in this unit, (S) indicates that the information in the table is the specific information provided by the submitter, and (G) indicates that this information in the table is generic information because the specific information provided by the submitter was claimed as CBI. Submissions which are initial submissions will not have a letter following the case number. Submissions which are amendments to previous submissions will have a case number followed by the letter ''A'' (*e.g.,* P–18–1234A). The version column designates submissions in sequence as ''1'', ''2'', ''3'', etc. Note that in some cases, an initial submission is not numbered as version 1; this is because earlier version(s) were rejected as incomplete or invalid submissions. Note also that future versions of the following tables may adjust slightly as the Agency works to automate population of the data in the tables.

TABLE I—PMN/SNUN/MCANS APPROVED * FROM 06/01/2022 TO 06/30/2022

Case No.	Version	Received date	Manufacturer	Use	Chemical substance
J–22–0014	1	05/05/2022	CBI	(G) Production of an alcohol.	(G) Modified yeast, chromosomally and stably modified to improve fermentation performance.

TABLE I—PMN/SNUN/MCANS APPROVED * FROM 06/01/2022 TO 06/30/2022—Continued

Case No.	Version	Received date	Manufacturer	Use	Chemical substance
J–22–0014A	2	06/16/2022	CBI	(G) Production of an alcohol.	(G) Modified yeast, chromosomally and stably modified to improve fermentation performance.
J–22–0015	1	05/05/2022	CBI	(G) Production of an alcohol.	(G) Modified yeast, chromosomally and stably modified to improve fermentation performance.
J–22–0015A	2	06/16/2022	CBI	(G) Production of an alcohol.	(G) Modified yeast, chromosomally and stably modified to improve fermentation performance.
P–19–0154	3	06/03/2022	CBI	(G) Intermediate in production of a wetting additive.	(G) Alkane Ester of Maleic Acid.
P–19–0160A	5	06/14/2022	CBI	(S) Component of a UV curable printing ink.	(G) Alkanesulfonic acid, 2-[(2-aminoethyl)heteroatom-substituted]-, sodium salt (1:1), polymer with alpha-[2,2-bis(hydroxymethyl)butyl]-omega-methoxypoly(oxy-1,2-ethanediyl) and 1,1′-methylenebis[4-isocyanatocyclohexane], acrylic acid-dipenthaerythritol reaction products- and polypropylene glycol ether with pentaerythritol (4:1) triacrylate-blocked.
P–20–0118A	4	06/16/2022	CBI	(G) Additive in household consumer products.	(S) Pyridine, 4-methyl-2-pentyl-.
P–21–0043A	4	06/06/2022	Advanced Polymer Coatings.	(S) Component in protective coatings that provides chemical resistance.	(G) Glycidyl ether of (formaldehyde, polymer with mixed phenols).
P–22–0014A	4	06/06/2022	CBI	(G) Precursor	(G) sodium bis(chloropropanediol) phosphate.
P–22–0050A	3	06/15/2022	CBI	(G) Lubricant	(G) Alkene, alkoxy-, polymer with alkoxyalkene.
P–22–0068	2	06/23/2022	Aditya Birla Chemicals (USA), LLC.	(S) An epoxy component used in a reaction with other components to produce an epoxy article.	(S) 2-Propanamine, 1,1′-[(1-methylethylidene)bis(oxy)]bis-.
P–22–0113	3	06/16/2022	CBI	(G) Chemical intermediate, Additive.	(S) D-Glucaric acid.
P–22–0114	3	06/22/2022	CBI	(G) Anode material, Corrosion protection additive.	(G) Edge oxidized carbon matrix.
P–22–0115	3	06/06/2022	Cyclopure, Inc.	(S) Filter media integrated and encapsulated in block filter articles and packed bed filters for consumer, industrial, and commercial applications.	(G) Cyclodextrin, polymer with halocarbonitrile and quaternary ammonium salt.
P–22–0116	2	06/07/2022	CBI	(G) Monomer	(G) Carbopolycycle octa-alkene, alkenylaryloxy-.
P–22–0116A	3	06/14/2022	CBI	(G) Monomer	(G) Carbopolycycle octa-alkene, alkenylaryloxy-.
P–22–0117	2	06/15/2022	CBI	(G) Raw material in ceramic tiles production.	(S) Iron oxide (Fe2O3), mixed with silica, calcined.
P–22–0118	2	06/16/2022	Elantas PDG, Inc.	(S) RV9054 is an unsaturated polyester resin used as a diluent in a finished product.	(S) Hexanedioic acid, polymer with 1,2,3-propanetriol and 1,3,5-tris(2-hydroxyethyl)-1,3,5-triazine-2,4,6(1H,3H,5H)-trione, 3-methyl-3-buten-1-yl ester.
P–22–0119	2	06/16/2022	CBI	(G) Resin for packaging.	(G) Polyhydroxyalkanoate.
P–22–0120	2	06/16/2022	CBI	(G) Resin for packaging materials.	(G) Polyhydroxyalkanoate.
P–22–0121	1	06/03/2022	CBI	(G) Process Intermediate: New chemical substance will be used as a process intermediate.	(G) polychloroalkene.

TABLE I—PMN/SNUN/MCANS APPROVED * FROM 06/01/2022 TO 06/30/2022—Continued

Case No.	Version	Received date	Manufacturer	Use	Chemical substance
P–22–0122	1	06/08/2022	Shin-ETSU Microsi.	(G) Contained use for microlithography for electronic device manufacturing.	(G) Heterotrisubstituted-bile acid, 1-(difluorosulfomethyl)-2,2,2-trifluoroethyl ester, ion(1-), (5)-, 5-phenyldibenzothiophenium(1:1).
P–22–0123	2	06/20/2022	CBI	(G) Mineral processing aid.	(G) Propaneamine, 3-(alkyloxy)-, structural variants.
P–22–0123A	3	06/25/2022	CBI	(G) Mineral processing aid.	(G) Propaneamine, 3-(alkyloxy)-, structural variants.
P–22–0124	3	06/16/2022	CBI	(S) Site Limited Intermediate for final product.	(G) Propanenitrile, 3-(alkyloxy)-, structural variance.
P–22–0124A	4	06/25/2022	CBI	(S) Site Limited Intermediate for final product.	(G) Propanenitrile, 3-(alkyloxy)-, structural variance.
P–22–0125	2	06/20/2022	CBI	(G) Corrosion inhibitor	(G) Isononanoylamidocaproic Acid.
P–22–0126	1	06/10/2022	Takasago	(S) This polymer constitutes the wall of microcapsules containing fragrance that can be used in different home-care and personal-care applications.	(S) Cellulose, polymer with 1,1′-[2-ethyl-2-[(3-mercapto-1-oxopropoxy)methyl]-1,3-propanediyl] bis(3-mercaptopropanoate) and 1,2,3-propanetriol bis(2-methyl-2-propenoate), peroxydisulfuric acid ([(HO)S(O)2]2O2) ammonium salt (1:2)- and sodium (disulfite) (2:1)-initiated.
P–22–0126A	2	06/21/2022	Takasago	(S) This polymer constitutes the wall of microcapsules containing fragrance that can be used in different home-care and personal-care applications.	(S) Cellulose, polymer with 1,1′-[2-ethyl-2-[(3-mercapto-1-oxopropoxy)methyl]-1,3-propanediyl] bis(3-mercaptopropanoate) and 1,2,3-propanetriol bis(2-methyl-2-propenoate), peroxydisulfuric acid ([(HO)S(O)2]2O2) ammonium salt (1:2)- and sodium (disulfite) (2:1)-initiated.
P–22–0127	1	06/14/2022	CBI	(S) The NCS is used as a developer in formulation to produce thermal paper.	(S) Urea,N,N'-bis-[3-[[(4-methylphenyl)sulfonyl]oxy]phenyl]-.
P–22–0128	2	06/21/2022	Resman USA 2.	(S) Chemical tracer for production monitoring in oil and gas wells, (S) Chemical tracer for use in interwell tracing between injector and production oil and gas wells.	(G) Alkyl cycloalkane, polyfluoro-.
P–22–0129	1	06/15/2022	Shin-ETSU Microsi.	(G) Contained use for microlithography for electronic device manufacturing.	(G) Substituted heterocyclic onium compound, salt with heteropolysubstitutedalkyl substitutedtricycloalkane carboxylate (1:1), polymer with 1-alkenyl-4-[(alkylcycloalkyl)oxy]carbomonocycle, 5-ethyloctahydro-4,7-methano-1H-inden-5-yl 2-methyl-2-propenoate, hexahydro-5-oxo-2,6-methanofuro[3,2-b]furan-3-yl 2-methyl-2-propenoate and 4-hydroxyphenyl 2-methyl-2-propenoate.
P–22–0136	2	06/29/2022	CBI	(G) Functional mineral in automotive components, and plastics, lubricant in industrial machinery parts.	(G) Mica-group minerals, reaction products with triethoxylsilyl substituted-alkane.
P–22–0141	1	06/27/2022	CBI	(S) Chemical intermediate.	(G) Perhaloalkene oligomer.
P–22–0142	1	06/28/2022	CBI	(S) Heat transfer fluid	(G) Benzene, [(perfluoroalken-1-yl)oxy]-.
P–22–0143	1	06/28/2022	Huntsman Corporation.	(S) Exhaust dyeing of cotton and cotton blends.	(G) Acetamide, N-[3-[alkyl(carbomonocyclic) substituted]carbomonocycle]-, coupled with diazotized 2- substituted-3-halo-5-nitrobenzonitrile.

TABLE I—PMN/SNUN/MCANS APPROVED * FROM 06/01/2022 TO 06/30/2022—Continued

Case No.	Version	Received date	Manufacturer	Use	Chemical substance
SN–22–0004A	2	06/07/2022	HPC Holdings, Inc.	(S) Carrier Fluid for coating-type vapor degreaser and Process Solvent (Closed Systems).	(S) Propane, 1,1,1,3,3,3-hexafluoro-2-methoxy-.
SN–22–0006	2	06/14/2022	MacDermid Enthone Inc.	(G) Catalyst (contained use).	(S) Tungstate (W12(OH)2O386-), sodium (1:6).
SN–22–0007	2	06/14/2022	Braven Environmental, LLC.	(G) Product of Pyrolysis manufacturing.	(S) Waste plastics, pyrolyzed, C5–12 fraction.
SN–22–0008	2	06/14/2022	Braven Environmental, LLC.	(G) Product of Pyrolysis Manufacturing.	(S) Waste plastics, pyrolyzed, C20–55 fraction.
SN–22–0009	2	06/14/2022	Braven Environmental, LLC.	(G) Product of Pyrolysis Manufacturing.	(S) Waste plastics, pyrolyzed, C9–20 fraction.

* The term 'Approved' indicates that a submission has passed a quick initial screen ensuring all required information and documents have been provided with the submission prior to the start of the 90 day review period, and in no way reflects the final status of a complete submission review.

In Table II of this unit, EPA provides the following information (to the extent that such information is not claimed as CBI) on the NOCs that have passed an initial screening by EPA during this period: The EPA case number assigned to the NOC including whether the submission was an initial or amended submission, the date the NOC was received by EPA, the date of commencement provided by the submitter in the NOC, a notation of the type of amendment (*e.g.,* amendment to generic name, specific name, technical contact information, etc.) and chemical substance identity.

TABLE II—NOCS APPROVED * FROM 06/01/2022 TO 06/30/2022

Case No.	Received date	Commencement date	If amendment, type of amendment	Chemical substance
J–22–0005	06/01/2022	05/18/2022	N	(G) Chromosomally-modified saccharomyces cerevisiae.
P–16–0408	06/05/2022	06/01/2022	N	(G) Benzyloxy)-nitrophenyl diazen-1-yl]-hydroxy-dimethyl-2-oxo-dihydropyridine-carbonitrile.
P–16–0413	06/13/2022	01/08/2021	N	(S) Siloxanes and silicones, di-me, 3-hydroxypropyl me, me 3,3,4,4,5,5,6,6,6-nonafluorohexyl.
P–17–0195	06/03/2022	06/25/2020	Amended generic name.	(G) 1,3-propanediol, 2-methylene-, esters.
P–18–0281	06/23/2022	06/05/2022	N	(G) Cyclic sulfate.
P–19–0166	06/27/2022	06/27/2022	N	(G) Triarylsulfonium alkylestersulfonate.
P–21–0056	06/03/2022	05/31/2022	N	(G) Isocyanic acid, polyalkylenepolyarylene ester, polymer with alkyl-hydroxyalkyl-alkanediol, alkoxyalcohol and alkoxylalkoxyalcohol-blocked.
P–21–0060	06/03/2022	06/01/2022	N	(G) Bisphenol a epichlorohydrin polymer with alkylpolyalkene-polyarylene-hydroxypolyoxyalkyldiyl reaction products with alkylalkylidenealkylalkylidene-aminoalkyl-alkanepolyamine and alkylaminoalkanol.
P–21–0061	06/03/2022	06/02/2022	N	(G) Sulfur based acid, compds. with modified bisphenol a-epichlorohydrin-polyalkylene polyol ether with bisphenol a polymer-n-dialkylalkylidene-n-(dialkylalklyidene)aminoalkyl-alkanepolyamine-alkylaminoalkanol reaction products.

* The term 'Approved' indicates that a submission has passed a quick initial screen ensuring all required information and documents have been provided with the submission.

In Table III of this unit, EPA provides the following information (to the extent such information is not subject to a CBI claim) on the test information that has been received during this time period: The EPA case number assigned to the test information; the date the test information was received by EPA, the type of test information submitted, and chemical substance identity.

TABLE III—TEST INFORMATION RECEIVED FROM 06/01/2022 TO 06/30/2022

Case No.	Received date	Type of test information	Chemical substance
P–16–0543	06/06/2022	Industrial Hygiene Exposure Report	(G) Halogenophosphoric acid metal salt.
P–16–0543	06/08/2022	Industrial Hygiene Exposure Report	(G) Halogenophosphoric acid metal salt.
P–16–0543	06/17/2022	Industrial Hygiene Exposure Report (Revised)	(G) Halogenophosphoric acid metal salt.
P–18–0016	06/20/2022	Dissociation Constant Determination Study	(G) Aromatic sulfonium tricyclo fluoroalkyl sulfonic acid salt.
P–20–0042	06/20/2022	Dissociation Constant Determination Study	(G) Sulfonium, trisaryl-, 7,7-dialkyl-2-heteropolycyclic –1-alkanesulfonate (1:1).
P–21–0018	06/20/2022	Dissociation Constant Determination Study	(G) Sulfonium, triphenyl-, heterocyclic compound-carboxylate (1:1).

If you are interested in information that is not included in these tables, you may contact EPA's technical information contact or general information contact as described under **FOR FURTHER INFORMATION CONTACT** to access additional non-CBI information that may be available.

Authority: 15 U.S.C. 2601 *et seq.*

Dated: July 14, 2022.

Pamela Myrick,

Director, Project Management and Operations Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2022–15384 Filed 7–18–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2022–0162; FRL–10022–01–OCSPP]

Pesticide Experimental Use Permit; Receipt of Application; Comment Request June 2022

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's receipt of an application 524–EUP–RRT from Bayer CropScience LP requesting an experimental use permit (EUP) for the GA20ox_SUP miRNA. The Agency has determined that the permit may be of regional and national significance. Therefore, because of the potential significance, EPA is seeking comments on this application.

DATES: Comments must be received on or before August 18, 2022.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2022–0036, through the *Federal eRulemaking Portal* at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting and visiting the docket, along with more information about dockets generally, is available at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Charles Smith, Biopesticides and Pollution Prevention Division (7511M), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (202) 566–1400; email address: *BPPDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general. Although this action may be of particular interest to those persons who conduct or sponsor research on pesticides, the Agency has not attempted to describe all the specific entities that may be affected by this action.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *https://www.epa.gov/dockets/comments.html.*

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticide(s) discussed in this document, compared to the general population.

II. What action is the Agency taking?

Under section 5 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), 7 U.S.C. 136c, EPA can allow manufacturers to field test pesticides under development. Manufacturers are required to obtain an EUP before testing new pesticides or new uses of pesticides if they conduct experimental field tests on 10 acres or more of land or one acre or more of water.

Pursuant to 40 CFR 172.11(a), the Agency has determined that the following EUP application may be of regional and national significance, and therefore is seeking public comment on the EUP application:

Experimental Use Permit Number: 524–EUP–RRT. *Docket ID Number:* EPA–HQ–OPP–2022–0036. *Submitter:* Bayer CropScience LP 800 North Lindbergh Blvd. St. Louis, Missouri 63167. *Pesticide Chemical:* GA20ox_SUP miRNA. *Summary of Request:* Bayer CropScience LP is proposing to use 0.93 grams of GA20ox_SUP miRNA in MON 94804 over 10,000 acres from 2023 to 2024 as a plant-incorporated protectant for field corn. Proposed testing will include the following states and U.S. territories: AL, AR, CA, CO,

FL, GA, HI, IA, IL, IN, KS, LA, MI, MN, MO, MS, NC, ND, OH, PA, PR, SC, SD, TN, TX, WA, and WI to generate data to fulfill the requirements for Section 3 product registration under FIFRA. *Contact:* BPPD.

Following the review of the application and any comments and data received in response to this solicitation, EPA will decide whether to issue or deny the EUP request, and if issued, the conditions under which it is to be conducted. Any issuance of an EUP will be announced in the **Federal Register**.

Authority: 7 U.S.C. 136 *et seq.*

Dated: July 13, 2022.

Delores Barber,

Director, Information Technology and Resources Management Division, Office of Program Support.

[FR Doc. 2022–15382 Filed 7–18–22; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

FEDERAL REGISTER CITATION NOTICE OF PREVIOUS ANNOUNCEMENT: 87 FR 41125.

PREVIOUSLY ANNOUNCED TIME, DATE, AND PLACE OF THE MEETING: Thursday, July 14, 2022 at 10 a.m., hybrid meeting: 1050 First Street NE, Washington, DC (12th floor) and virtual.

CHANGES IN THE MEETING: *The following matter was also considered:*

Draft Advisory Opinion 2022–14: Google LLC (Extension of Comment Period)

CONTACT PERSON FOR MORE INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Authority: Government in the Sunshine Act, 5 U.S.C. 552b

Vicktoria J. Allen,

Acting Deputy Secretary of the Commission.

[FR Doc. 2022–15494 Filed 7–15–22; 4:15 pm]

BILLING CODE 6715–01–P

FEDERAL MARITIME COMMISSION

National Shipper Advisory Committee August 2022 Meeting

AGENCY: Federal Maritime Commission.

ACTION: Notice of Federal advisory committee meeting.

SUMMARY: Notice is hereby given of a meeting of the National Shipper Advisory Committee (NSAC), pursuant to the Federal Advisory Committee Act.

DATES: The Committee will meet in-person on August 10, 2022, from 1:00 p.m. until 4:00 p.m. Central Time at the offices of Brenntag North America, in Houston, TX. Please note that this meeting may adjourn early if the Committee has completed its business.

ADDRESSES: The meeting will be held in the Brenntag Conference Center located at 1500 Post Oak Blvd., Houston, TX 77056. Requests to register should be submitted to *nsac@fmc.gov* and contain ''REGISTER FOR NSAC MEETING'' in the subject line. The deadline for members of the public to register to attend the meeting in-person is Friday, August 5, at 5 p.m. Eastern Time. Members of the public are encouraged to submit registration requests via email in advance of the deadline. Seating for members of the public is limited and will be available on a first-come, first-served basis for those who register in advance. We will note when the limit of in-person attendees has been reached.

FOR FURTHER INFORMATION CONTACT: Mr. Dylan Richmond, Designated Federal Officer of the National Shipper Advisory Committee, phone: (202) 523–5810; email: *drichmond@fmc.gov.*

SUPPLEMENTARY INFORMATION:

Background: The National Shipper Advisory Committee is a federal advisory committee. It operates under the provisions of the Federal Advisory Committee Act, 5 U.S.C. App., and 46 U.S.C. chapter 425. The Committee was established on January 1, 2021, when the National Defense Authorization Act for Fiscal Year 2021 became law. Public Law 116–283, section 8604, 134 Stat. 3388 (2021). The Committee will provide information, insight, and expertise pertaining to conditions in the ocean freight delivery system to the Commission. Specifically, the Committee will advise the Federal Maritime Commission on policies relating to the competitiveness, reliability, integrity, and fairness of the international ocean freight delivery system. 46 U.S.C. 42502(b).

The Committee will receive updates from each of its subcommittees. The Committee will receive proposals for recommendations to the Federal Maritime Commission and may vote on these recommendations. These recommendations will also be available for the public to view in advance of the meeting on the NSAC's website, *https://www.fmc.gov/industry-oversight/national-shipper-advisory-committee/.*

Public Comments: Members of the public may submit written comments to NSAC at any time. Comments should be addressed to NSAC, c/o Dylan Richmond, Federal Maritime Commission, 800 North Capitol St. NW, Washington, DC 20573 or *nsac@fmc.gov.*

The Committee will also take public comment at its meeting. If attending the meeting and providing comments, please note that in the registration request. Comments are most helpful if they address the Committee's objectives or their proposed recommendations. Comments at the meeting will be limited to 3 minutes each.

A copy of all meeting documentation, including meeting minutes, will be available at *www.fmc.gov* following the meeting.

By the Commission.

Dated: July 14, 2022.

William Cody,

Secretary.

[FR Doc. 2022–15395 Filed 7–18–22; 8:45 am]

BILLING CODE 6730–02–P

FEDERAL MARITIME COMMISSION

Performance Review Board

AGENCY: Federal Maritime Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given of the names of the members of the Performance Review Board.

FOR FURTHER INFORMATION CONTACT: Courtney Killion, Director, Office of Human Resources, Federal Maritime Commission, 800 North Capitol Street NW, Washington, DC 20573.

SUPPLEMENTARY INFORMATION: Sec. 4314(c) (1) through (5) of title 5, U.S.C., requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more performance review boards. The board shall review and evaluate the initial appraisal of a senior executive's performance by the supervisor, along with any recommendations to the appointing authority relative to the performance of the senior executive.

William Cody,

Secretary.

The Members of the Performance Review Board Are

1. Max Vekich, Commissioner
2. Mary T. Hoang, Chief of Staff
3. Kristen A. Monaco, Director, Bureau of Trade Analysis
4. Lucille L. Marvin, Managing Director
5. Patrick M. Moore, Director, Enterprise Services
6. Erin M. Wirth, Chief Administrative Law Judge

[FR Doc. 2022–15403 Filed 7–18–22; 8:45 am]

BILLING CODE 6730–02–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue, NW, Washington DC 20551–0001, not later than August 18, 2022.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Terre Haute Savings MHC, Inc., Terre Haute, Indiana;* to acquire First Savings Bank, Danville, Illinois; and merge into The Hometown Savings Bank, Terre Haute, Indiana, with The Hometown Savings Bank as the resulting institution.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2022–15390 Filed 7–18–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0029; Docket No. 2022–0053; Sequence No. 16]

Submission for OMB Review; Extraordinary Contractual Action Requests

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement regarding extraordinary contractual action requests.

DATES: Submit comments on or before August 18, 2022.

ADDRESSES: Written comments and recommendations for this information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

Additionally, submit a copy to GSA through *https://www.regulations.gov* and follow the instructions on the site. This website provides the ability to type short comments directly into the comment field or attach a file for lengthier comments.

Instructions: All items submitted must cite OMB Control No. 9000–0029, Extraordinary Contractual Action Requests. Comments received generally will be posted without change to *https://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two-to-three days after submission to verify posting. If there are difficulties submitting comments, contact the GSA Regulatory Secretariat Division at 202–501–4755 or *GSARegSec@gsa.gov.*

FOR FURTHER INFORMATION CONTACT: Marissa Ryba, Procurement Analyst, at telephone 314–586–1280, or *marissa.ryba@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. OMB Control Number, Title, and Any Associated Form(s)

9000–0029, Extraordinary Contractual Action Requests.

B. Needs and Uses

This justification supports an extension of OMB Control No. 9000–0029. This clearance covers the information that contractors must submit to comply with the following Federal Acquisition Regulation (FAR) requirements:

FAR 50.103–3, Contract Adjustment. FAR 50.103–3 specifies the minimum information that a contractor must include when seeking a contract adjustment that would facilitate the national defense, as set forth in Public Law 85–804. The request, normally a letter, shall state as a minimum—

(1) The precise adjustment requested;

(2) The essential facts, summarized chronologically in narrative form;

(3) The contractor's conclusions based on these facts, showing, in terms of the considerations set forth in FAR 50.103–1 and 50.103–2, when the contractor considers itself entitled to the adjustment; and

(4) Whether or not—

(i) All obligations under the contracts involved have been discharged;

(ii) Final payment under the contracts involved has been made;

(iii) Any proceeds from the request will be subject to assignment or other transfer, and to whom; and

(iv) The contractor has sought the same, or a similar or related, adjustment from the Government Accountability Office or any other part of the Government, or anticipates doing so.

If the request exceeds the simplified acquisition threshold, the contractor must certify that the request is made in good faith and the data are accurate and complete.

FAR 50.103–4, Facts and Evidence. FAR 50.103–4 sets forth additional information that the contracting officer or other agency official may request from the contractor to support any request made under FAR 50.103–3.

FAR 50.104–3 Special Procedures for Unusually Hazardous or Nuclear Risks. FAR 50.104–3 provides the information a contractor shall submit to the contracting officer when requesting the inclusion of the indemnification clause for unusually hazardous or nuclear risks at FAR 52.250–1.

FAR 52.250–1, Indemnification Under Public Law 85–804. This clause allows contractors to be indemnified against unusually hazardous or nuclear risks. Paragraph (g) requires the contractor to

promptly notify the contracting officer and furnish pertinent information for any claim or loss that may involve indemnification under the clause.

This information is used by the Government to determine if relief can be granted to the contractor and to determine the appropriate type and amount of relief.

C. Annual Burden

Respondents: 28.
Total Annual Responses: 165.
Total Burden Hours: 6,848.

D. Public Comment

A 60-day notice was published in the **Federal Register** at 87 FR 29315, on May 13, 2022. No comments were received.

Obtaining Copies: Requesters may obtain a copy of the information collection documents from the GSA Regulatory Secretariat Division, by calling 202–501–4755 or emailing *GSARegSec@gsa.gov.* Please cite OMB Control No. 9000–0029, Extraordinary Contractual Action Requests.

Janet Fry,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2022–15363 Filed 7–18–22; 8:45 am]

BILLING CODE 6820–EP–P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0274; Docket No. 2022–0001; Sequence No. 8]

Submission for OMB Review; Art-in-Architecture Program Center for Fine Arts, GSA Form 7437

AGENCY: Public Buildings Service, General Services Administration (GSA).

ACTION: Notice of request for comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of an information collection requirement regarding the Art-in Architecture (AIA) Program Center for Fine Arts, GSA Form 7437.

DATES: Submit comments on or before August 18, 2022.

FOR FURTHER INFORMATION CONTACT: Ms. Jennifer Gibson, Office of the Chief Architect, Center for Fine Arts (PCAC), 1800 F Street NW, Room 3100 PCAC, Washington, DC 20405, at telephone 202–501–0930 or via email at *jennifer.gibson@gsa.gov.*

ADDRESSES: Written comments and recommendations for this information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

SUPPLEMENTARY INFORMATION:

A. Purpose

The AIA Program actively seeks to commission works from the full spectrum of American artists and strives to promote new media and inventive solutions for public art. The GSA Form 7437, Art in Architecture Program National Artist Registry, will be used to collect information from artists across the country to participate and to be considered for commissions.

The AIA Program is the result of a policy decision made in January 1963 by GSA Administrator Bernard L. Boudin, who served on the Ad Hoc Committee on Federal Office Space in 1961–1962.

The program has been modified over the years, most recently in 2020, to align with Executive Order (E.O.) 13934 issued July 3, 2020, *Building and Rebuilding Monuments to American Heroes.* As mandated by E.O. 13934, the AIA program prioritized the commissioning of artworks that portray historically significant Americans or events of American historical significance, or that illustrate the ideals upon which the Nation was founded. Priority was to be given to public-facing monuments to former Presidents of the United States, and to individuals and events relating to the discovery of America, the founding of the United States, and the abolition of slavery. Such works of art were to be designed to be appreciated by the general public and by those who use and interact with Federal buildings. When an artwork commissioned by GSA was meant to depict a historically significant American, the artwork was required to be a lifelike or realistic representation of that person, not an abstract or modernist representation. The AIA program has been modified in 2022 to align with E.O. 14029, *Revocation of Certain Presidential Actions and Technical Amendment,* which revoked E.O. 13934, and to support the goals of E.O. 13895, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government.*

With the implementation of the 2022 policy, the AIA program actively seeks to commission works from the full spectrum of American artists and strives to promote new media and inventive solutions for public art. In support of the AIA program's goal to commission the most talented contemporary American artists to create works for the nation's important new civic buildings, it is necessary to identify those artists. The National Artist Registry (Registry) offers the opportunity for artists across the country to participate and to be considered for commissions.

B. Annual Reporting Burden

Respondents: 300.
Responses per Respondent: 1.
Total Responses: 300.
Hours per Response: .25.
Total Burden Hours: 75.

C. Public Comments

A 60-day notice published in the **Federal Register** as part of final rule FMR 2021–02, published at 87 FR 5711 on February 2, 2022. There were three comments received on the PRA portion of the rule.

Discussion and Analysis

Two comments offered no specific suggestions. One comment provided detailed and specific suggestions and recommendations that were primarily outside of the mission of the Art in Architecture program, and in a number of instances, duplicate work already being done by the National Endowment for the Arts. In addition, the comments were operational and are either already in place or will be addressed as part of the management of the Art in Architecture program. For example, the Registry form can now be submitted directly online via the AiA website, and the site includes information on the selection process and project timeframes.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the GSA Regulatory Secretariat Division by calling 202–501–4755 or emailing *GSARegSec@gsa.gov.* Please cite OMB Control No. 3090–0274, Art-in Architecture Program Historic Buildings and the Arts, GSA Form 7437.

Beth Anne Killoran,

Deputy Chief Information Officer.

[FR Doc. 2022–15361 Filed 7–18–22; 8:45 am]

BILLING CODE 6820–34–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0136; Docket No. 2022–0053; Sequence No. 18]

Information Collection; Commercial Acquisitions

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, and the Office of Management and Budget (OMB) regulations, DoD, GSA, and NASA invite the public to comment on an extension concerning commercial acquisitions. DoD, GSA, and NASA invite comments on: whether the proposed collection of information is necessary for the proper performance of the functions of Federal Government acquisitions, including whether the information will have practical utility; the accuracy of the estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. OMB has approved this information collection for use through January 31, 2023. DoD, GSA, and NASA propose that OMB extend its approval for use for three additional years beyond the current expiration date.

DATES: DoD, GSA, and NASA will consider all comments received by September 19, 2022.

ADDRESSES: DoD, GSA, and NASA invite interested persons to submit comments on this collection through *https://www.regulations.gov* and follow the instructions on the site. This website provides the ability to type short comments directly into the comment field or attach a file for lengthier comments. If there are difficulties submitting comments, contact the GSA Regulatory Secretariat Division at 202–501–4755 or *GSARegSec@gsa.gov.*

Instructions: All items submitted must cite OMB Control No. 9000–0136, Commercial Acquisitions. Comments received generally will be posted without change to *https://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two-to-three days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT: Zenaida Delgado, Procurement Analyst, at telephone 202–969–7207, or *zenaida.delgado@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. OMB Control Number, Title, and any Associated Form(s)

9000–0136, Commercial Acquisitions.

B. Need and Uses

This clearance covers the information that offerors must submit to comply with the following Federal Acquisition Regulation (FAR) requirements:

FAR 52.212–3, Offeror Representations and Certifications—Commercial Products and Commercial Services. Paragraph (b)(2) requires offerors to identify the applicable paragraphs at (c) through (v) of this provision that the offeror has completed for the purposes of the relevant solicitation only, if any. The provision stipulates that any changes provided by the offeror under paragraph (b)(2) are applicable to that specific solicitation only, and do not result in an update to the representations and certifications posted electronically in the System for Award Management. The contracting officer will use the information to determine a contractor's eligibility for award, and to incorporate appropriate terms and conditions into the contract award.

C. Annual Burden

Respondents: 140,055.

Total Annual Responses: 414,909.

Total Burden Hours: 207,455.

Obtaining Copies: Requesters may obtain a copy of the information collection documents from the GSA Regulatory Secretariat Division by calling 202–501–4755 or emailing *GSARegSec@gsa.gov.* Please cite OMB Control No. 9000–0136, Commercial Acquisitions.

Janet Fry,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2022–15362 Filed 7–18–22; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) re-approve the proposed information collection project ''*Online Submission Form for Supplemental Evidence and Data for Systematic Reviews for the Evidence-based Practice Center Program.*''

ADDRESSES: Written comments should be submitted to: Doris Lefkowitz, Reports Clearance Officer, AHRQ, by email at *doris.lefkowitz@AHRQ.hhs.gov.*

Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by email at *doris.lefkowitz@AHRQ.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Proposed Project

''*Online Submission Form for Supplemental Evidence and Data for Systematic Reviews for the Evidence-based Practice Center Program*''

This is an ongoing activity of AHRQ's Evidence-based Practice Center (EPC) Program.

AHRQ's EPC Program develops evidence reports and technology assessments on topics relevant to clinical and other health care organization and delivery issues—specifically those that are common, expensive, and/or significant for the Medicare and Medicaid populations. For example, recent reviews have focused on clinical conditions, such as ''Radiation Therapy for Brain Metastases''; health delivery topics, such as ''Transitions of Care From Pediatric to Adult Services for Children With Special Healthcare Needs''; and specific technologies, such as ''Telehealth for Women's Preventive Services.'' These evidence reports include systematic reviews, technical briefs, and rapid reviews; and provide an essential foundation from which to

understand what we know from existing research and what critical research gaps remain. These reports, reviews, and technology assessments are based on rigorous, comprehensive syntheses and analyses of the scientific literature on topics. EPC reports and assessments emphasize explicit and detailed documentation of methods, rationale, and assumptions. EPC reports are conducted in accordance with an established policy on financial and nonfinancial interests. These scientific syntheses may include meta-analyses and cost analyses.

The EPC Program supports AHRQ's mission by synthesizing and disseminating the available research as a ''science partner'' with private and public organizations in their efforts to improve the quality, effectiveness, and appropriateness of health care. The EPC Program is a trusted source of rigorous, comprehensive, and unbiased evidence reviews for stakeholders. The resulting evidence reports and technology assessments are used by Federal and State agencies, private-sector professional societies, health delivery systems, providers, payers, and others committed to evidence-based health care. These end-users may use EPC Program evidence reports to inform policy decisions, clinical practice guidelines, and other healthcare decisions.

This research has the following goals:

○ Use research methods to gather knowledge on the effectiveness and harms of certain treatments and healthcare delivery processes and models for medical conditions, both published and unpublished, to evaluate the quality of research studies and the evidence from these studies.

○ Promote the use of evidence in healthcare decision making to improve healthcare and health.

○ Identify research gaps to inform future research investments.

This study is being conducted by AHRQ pursuant to its statutory authority to conduct and support research on healthcare and on systems for the delivery of such care, including activities with respect to the quality, effectiveness, efficiency, appropriateness and value of healthcare services and with respect to quality measurement and improvement. 42 U.S.C. 299a(a)(1) and (2).

Method of Collection

To achieve the goals of this project the following data collection will be implemented:

• Online Submission Form. This information is collected for the purposes of providing supplemental evidence and data for systematic reviews (SEADS). The online submission form (OSF) collects data from respondents on their name, organization name, description of the submission, medical condition, intervention, and email address. For the purposes of meta-analyses, trial summary data from missing and unidentified studies are sought. For the purposes of constructing evidence tables and quality ratings (*e.g.,* on public reporting of cost measures or health information exchange), data can vary (*e.g.,* URLs, study designs, and consumer-mediated exchange forms). Information on both completed and ongoing studies is requested. Submitters may alternatively email their submission to the AHRQ EPC mailbox at *epc@ahrq.hhs.gov.*

The EPC Program currently uses a broad-based announcement via email listserv and a **Federal Register** notice, as needed, to publicize the opportunity to submit scientific information about each topic. AHRQ plans to conduct one SEADS collection per topic. Up to twenty-four topics per year with SEADS portals are anticipated; over the past 5 years the number of SEADS portals has ranged from 11–20, with an average range of 0–5 potential respondents per topic. The EPC Program does not anticipate more than 40 topics per year with SEADS portals.

Estimated Annual Respondent Burden

Exhibit 1 presents estimates of the reporting burden hours for the data collection efforts. Time estimates are based on pilot testing of materials and what can reasonably be requested of respondents. The number of respondents listed in ''Number of respondents'' of Exhibit 1 reflects a projected upper range response rate per SEADS portal multiplied by the anticipated upper limit of number of SEADS portals per year, based on historical information over the past 3 years.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Hours per response	Total burden hours per SEADS
Online Submission Form (OSF)	200	1	15/60	50
Total	200	1	15/60	50

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Form name	Number of respondents	Total burden hours	Average hourly wage rate *	Total cost burden
OSF	200	50	[a] $57.62	$2,881
Total	200	50	57.62	2.881

* Occupational Employment Statistics, May 2021 National Occupational Employment and Wage Estimates United States, U.S. Department of Labor, Bureau of Labor Statistics. *http://www.bls.gov/oes/current/oes_nat.htm#b29-0000.*

[a] Based on the mean wages for *Public Relations and Fundraising Managers, 11–2030,* the occupational group most likely tasked with completing the OSF.

Request for Comments

In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501–3520, comments on AHRQ's information collection are requested with regard to any of the following: (a) whether the proposed collection of information is necessary for the proper performance of AHRQ's health care research and health care information dissemination functions, including whether the information will have practical utility;

(b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) 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 upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Dated: July 14, 2022.

Marquita Cullom,

Associate Director.

[FR Doc. 2022–15373 Filed 7–18–22; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; State Plan for the Temporary Assistance for Needy Families (TANF) (OMB #: 0970–0145)

AGENCY: Office of Family Assistance, Administration for Children and Families, Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: The Administration for Children and Families (ACF) is requesting a 3-year extension of the State Plan for the Temporary Assistance for Needy Families (TANF) (TANF State Plan; OMB #0970–0145, expiration 5/31/2022). There are no changes requested to this information collection.

DATES: *Comments due within 30 days of publication.* OMB must make a decision about the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. You can also obtain copies of the proposed collection of information by emailing *infocollection@acf.hhs.gov.* Identify all emailed requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: The TANF State Plan is a mandatory statement submitted to the Secretary of the Department of Health and Human Services by the state. It consists of an outline specifying how the state's TANF program will be administered and operated and certain required certifications by the state's Chief Executive Officer. It is used to provide the public with information about the program.

Authority to require states to submit a state TANF plan is contained in section 402 of the Social Security Act, as amended by Public Law 104–193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. States are required to submit new plans within a 27-month period.

Respondents: The 50 States of the United States, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands.

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents per year	Total number of annual responses per respondent	Average burden hours per response	Annual burden hours
Title Amendments	18	1	3	54
State TANF plan	18	1	30	540

Estimated Total Annual Burden Hours: 594.

Authority: Section 402 of the Social Security Act (42 U.S.C. 602), as amended by Pub. L. 104–193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2022–15332 Filed 7–18–22; 8:45 am]

BILLING CODE 4184–36–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

[OMB No. 0985–0036]

Agency Information Collection Activities; Proposed Collection; Comment Request; Prevention and Public Health Fund Evidence-Based Chronic Disease Self-Management Education Program Information Collection

AGENCY: Administration for Community Living, HHS.

ACTION: Notice.

SUMMARY: The Administration for Community Living (ACL) is announcing an opportunity for the public to comment on the proposed collection of information listed above. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish a notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the proposed extension and solicits comments on the information collection requirements related to ACL's Prevention and Public Health Fund Evidence-Based Chronic Disease Self-Management Education Program Information Collection.

DATES: Comments on the collection of information must be submitted

electronically by 11:59 p.m. (EST) or postmarked by September 19, 2022.

ADDRESSES: Submit electronic comments on the collection of information to: Lesha Spencer-Brown (*Lesha.spencer-brown@acl.hhs.gov*). Submit written comments on the collection of information to Administration for Community Living, Washington, DC 20201, Attention: Lesha Spencer-Brown.

FOR FURTHER INFORMATION CONTACT: Lesha Spencer-Brown, Administration for Community Living, Washington, DC 20201, *Lesha.spencer-brown@acl.hhs.gov,* (202) 795–7331.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined as and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. The PRA requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, ACL is publishing a notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, ACL invites comments on our burden estimates or any other aspect of this collection of information, including:

(1) whether the proposed collection of information is necessary for the proper performance of ACL's functions, including whether the information will have practical utility;

(2) ways to enhance the quality, utility, and clarity of the information to be collected;

(3) accuracy of ACL's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used to determine burden estimates;

(4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques when appropriate, and other forms of information technology.

(5) ways to ensure that ACL is gathering necessary and relevant demographic information to assess diversity and equity in evidence-based program scaling and participation, and advances the Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government and the Executive Order on Advancing Equality for Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex Individuals.

The Evidence-Based Chronic Disease Self-Management Education (CDSME) Grant Program is financed through the Prevention and Public Health Fund (PPHF). The statutory authority for cooperative agreements under the most recent program announcement (FY 2022) is contained in the Older Americans Act, Title IV; and the Patient Protection and Affordable Care Act, 42 U.S.C. 300u-11 (Prevention and Public Health Fund). The CDSME Grant Program supports a National CDSME Resource Center that provides technical assistance, education, and resources for the national CDSME network of partners, and awards competitive grants to implement and promote the sustainability of evidence-based CDSME programs that have been proven to provide older adults and adults with disabilities with education and tools to help them better manage chronic conditions such as diabetes, heart disease, arthritis, chronic pain, and depression. OMB approval of the existing set of CDSME data collection tools (OMB Control Number, 0985–0036) expires on 11/30/2022. This data collection continues to be necessary for the monitoring of program operations and outcomes.

ACL currently uses and proposes to continue to use a set of tools to collect information for each program including: (1) Program Information Cover Sheet and Attendance Log, to be completed by the program leaders; and a (2) Participant Information Survey to be completed by participants on a voluntary basis before or at the beginning of the first program session and to answer three questions at the last session to document their demographic and health characteristics. ACL/AoA intends to continue using an online data entry system for the program and participant survey data.

During the 60-day public comment period, ACL intends to analyze public comments received, conduct focus groups that includes a sub-set of current CDSME grantees, as well as consult with subject-matter experts to gather feedback and determine if changes to the data collection tools are warranted.

The proposed data collection tools may be found on the ACL website for review at *https://www.acl.gov/about-acl/public-input.*

Estimated Program Burden

ACL estimates the burden associated with this collection of information as follows:

Respondent/data collection activity	Number of respondents	Responses per respondent	Hours per response	Annual burden hours
Program facilitators (Program Information Cover Sheet, Attendance Log).	680	Twice per year (one set per program).	.30	408.00
Program participants (Participant Information Survey)	14,000	1	.15	2,100
Data entry staff (Program Information Cover Sheet, Attendance Log, Participant Information Survey).	78	Once per program times 1,360 programs.	.17	231.2
Total Burden Hours:				** 2,740

** Rounded to the nearest hour.

Alison Barkoff,

Acting Administrator and Assistant Secretary for Aging.

[FR Doc. 2022–15329 Filed 7–18–22; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2022–0002; Internal Agency Docket No. FEMA–B–2245]

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 October 17, 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–2245, 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.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/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
Weber County, Utah and Incorporated Areas Project: 13–08–1121S Preliminary Dates: April 21, 2021, and March 4, 2022	
City of Farr West City	City Hall, 1896 North 1800 West, Farr West City, UT 84404.
City of Harrisville	City Hall, 363 West Independence Boulevard, Harrisville, UT 84404.
City of Marriott-Slaterville	City Hall, 1570 West 400 North, Marriott-Slaterville, UT 84404.
City of North Ogden	City Hall, 505 East 2600 North, North Ogden, UT 84414.
City of Ogden	City Hall, 2549 Washington Boulevard, Ogden, UT 84401.
City of Plain City	City Hall, 4160 West 2200 North, Plain City, UT 84404.
City of Riverdale	City Hall, 4600 South Weber River Drive, Riverdale, UT 84405.
City of South Ogden	City Hall, 3950 South Adams Avenue, South Ogden, UT 84403.
City of West Haven	City Hall, 4150 South 3900 West, West Haven, UT 84401.
Unincorporated Areas of Weber County	Weber County Government Building, 2380 Washington Boulevard, Ogden, UT 84401.

[FR Doc. 2022–15334 Filed 7–18–22; 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–2243]

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 October 17, 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–2243, 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.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/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
Coal County, Oklahoma and Incorporated Areas Project: 21–06–0031S Preliminary Date: October 15, 2021	
Choctaw Nation of Oklahoma	Choctaw Nation of Oklahoma, Office of Emergency Management, 3653 Big Lots Parkway, Durant, OK 74701.
City of Coalgate	City Hall, 3 South Main Street, Coalgate, OK 74538.
City of Lehigh	Coal County Courthouse, 4 North Main Street, Coalgate, OK 74538.
City of Tupelo	Coal County Courthouse, 4 North Main Street, Coalgate, OK 74538.
Town of Phillips	Coal County Courthouse, 4 North Main Street, Coalgate, OK 74538.
Unincorporated Areas of Coal County	Coal County Courthouse, 4 North Main Street, Coalgate, OK 74538.

[FR Doc. 2022–15336 Filed 7–18–22; 8:45 am]
BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2022–0038]

Homeland Security Advisory Council

AGENCY: The Office of Partnership and Engagement (OPE), Department of Homeland Security (DHS).

ACTION: Notice of open Federal advisory committee meeting.

SUMMARY: The Homeland Security Advisory Council (HSAC) will meet virtually on Wednesday, August 3, 2022. The meeting will be open to the public.

DATES: The meeting will take place from 3 to 4 p.m. ET on Wednesday, August 3, 2022. Please note that the meeting may end early if the Council has completed its business.

ADDRESSES: The HSAC meeting will be held via teleconference. Members of the public interested in participating may do so by following the process outlined below. The public will be in listen-only mode except for the public comment portion of the meeting. Written comments can be submitted from July 19, 2022 to August 1, 2022. Comments must be identified by Docket No. DHS–2022–0038 and may be submitted by one of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: HSAC@hq.dhs.gov.* Include Docket No. DHS–2022–0038 in the subject line of the message.
- *Mail:* Michael J. Miron, Deputy Executive Director of the Homeland Security Advisory Council, Office of Partnership and Engagement, Mailstop 0385, Department of Homeland Security, 2707 Martin Luther King Jr Ave. SE, Washington, DC 20528.

Instructions: All submissions received must include the words ''Department of Homeland Security'' and ''DHS–2022–0038,'' the docket number for this action. Comments received will be posted without alteration at *https://www.regulations.gov,* including any personal information provided. You may wish to review the Privacy and Security Notice found via a link on the homepage of *www.regulations.gov*

Docket: For access to the docket to read comments received by the Council, go to *https://www.regulations.gov,* search ''DHS–2022–0038,'' ''Open Docket Folder'' to view the comments.

FOR FURTHER INFORMATION CONTACT: Michael Miron at 202–891–2876 or *HSAC@hq.dhs.gov.*

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under Section 10(a) of the Federal Advisory Committee Act (FACA), Public Law 92–463 (5 U.S.C. Appendix), which requires each FACA committee meeting to be open to the public unless the President, or the head of the agency to which the advisory committee reports, determines that a portion of the meeting may be closed to the public in accordance with 5 U.S.C. 552b(c).

The HSAC provides organizationally independent, strategic, timely, specific, actionable advice, and recommendations to the Secretary of Homeland Security on matters related to homeland security. The Council consists of senior executives from government, the private sector, academia, law enforcement, and non-governmental organizations.

The agenda for the meeting is as follows: The Council will receive the final draft report from the Disinformation Best Practices and Safeguards Subcommittee leadership. Following the presentation of the final draft report, there will be a break for members of the public who wish to provide comment. Members of the public will be in listen-only mode except during the public comment session. Members of the public may register to participate in this Council teleconference via the following procedures. Each individual must provide their full legal name and email address no later than 5 p.m. ET on Monday, August 1, 2022 to Michael J. Miron of the Council via email to *HSAC@hq.dhs.gov* or via phone at 202–891–2876. Members of the public who have registered to participate will be provided the conference call details after the closing of the public registration period and prior to the start of the meeting.

For information on services for individuals with disabilities, or to request special assistance, please email *HSAC@hq.dhs.gov* by 5 p.m. ET on August 1, 2022 or call 202–891–2876. The HSAC is committed to ensuring all participants have equal access regardless of disability status. If you require a reasonable accommodation due to a disability to fully participate, please contact Michael J. Miron at 202–891–2876 or *HSAC@hq.dhs.gov* as soon as possible.

Dated: July 13, 2022.

Michael J. Miron,

Deputy Executive Director, Homeland Security Advisory Council, Department of Homeland Security.

[FR Doc. 2022–15290 Filed 7–18–22; 8:45 am]
BILLING CODE 9112–FN–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Immigration and Customs Enforcement

[OMB Control Number 1653–0046]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Electronic Bonds Online (eBonds) Access

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

ACTION: 60-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE) invites the general public and other Federal agencies to comment on this proposed extension of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, this information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.,* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted until September 19, 2022.

ADDRESSES: All submissions received must include the OMB Control Number 1653–0046 in the body of the correspondence, the agency name and Docket ID ICEB–2009–0006. All comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

(1) *Online.* Submit comments via the Federal eRulemaking Portal website at *https://www.regulations.gov* under e-Docket ID number ICEB–2009–0006.

FOR FURTHER INFORMATION CONTACT: If you have questions related to this collection please contact: Carl Albritton, ERO Bond Management Unit, (202) 732–5918, *carl.a.albritton@ice.dhs.gov.*

SUPPLEMENTARY INFORMATION:

Comment

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information 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:* Electronic Bonds Online (eBonds) Access.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* I–352SA/I–352RA; U.S. Immigration and Customs Enforcement.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individual or Households, Business or other non-profit. The information collection is necessary for ICE to grant access to eBonds and to notify the public of the duties and responsibilities associated with accessing eBonds. The I–352SA and the I–352RA are the two instruments used to collect the information associated with this collection. The I–352SA is completed by a Surety that currently holds a Certificate of Authority to act as a Surety on Federal bonds and details the requirements for accessing eBonds as well as the documentation, in addition to the I–352SA and I–352RA, which the Surety must submit prior to being granted access to eBonds. The I–352RA provides notification that eBonds is a Federal government computer system and as such users must abide by certain conduct guidelines to access eBonds and the consequences if such guidelines are not followed.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 50 responses at 30 minutes (.50 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 25 annual burden hours.

Dated: July 13, 2022.

Scott Elmore,

PRA Clearance Officer.

[FR Doc. 2022–15289 Filed 7–18–22; 8:45 am]

BILLING CODE 9111–28–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7050–N–35; OMB Control No. 2502–0598]

30-Day Notice of Proposed Information Collection: HUD Multifamily Rental Project Closing Documents

AGENCY: Office of Policy Development and Research, Chief Data Officer, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 30 days of public comment.

DATES: *Comments Due Date:* August 18, 2022.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_submission@omb.eop.gov* or *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: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on August 13, 2021 at 86 FR 44741.

A. Overview of Information Collection

Title of Information Collection: HUD Multifamily Rental Project Closing Documents.

OMB Approval Number: 2502–0598.

Type of Request: Revision of a currently approved collection.

Form Number: HUD–91070M, HUD–91071M, HUD–91073M, HUD–91710M, HUD–91712M, HUD–91725M, HUD–91725M–CERT, HUD–91725M–INST, HUD–92023M, HUD–92070M, HUD–92223M, HUD–92408M, HUD–92412M, HUD–92414M, HUD–92434M, HUD–92441M, HUD–92442M, HUD–92450M, HUD–92452A–M, HUD–92452M, HUD–92455M, HUD–92456M, HUD–92464M, HUD–92466M, HUD–92476.M, HUD–92476a–M, HUD–92476.1M, HUD–92477M, HUD–92478M, HUD–92479M, HUD–92554M, HUD–93305M, HUD–94000M, HUD–94001M, HUD–92907M, HUD–92908M.

Description of the need for the information and proposed use:

This information collection consists of numerous existing closing forms (Closing Documents) used in FHA-insured multifamily transactions.

HUD is also adding to the collection of Closing Documents eleven (11) documents, published, or referenced in Chapter 19 of the 2020 MAP Guide, 4430.G revision date March 19, 2021. The sample forms are not new. They were previous used in the Federal Housing Administration Multifamily Program Closing Guide, 4300.G, or available on HUD's website as sample forms. HUD will assign form numbers to each document upon PRA approval. Once published, preparers will use the OMB-approved forms and discontinue use of the ''sample'' documents. The following is a list of the names of the former ''sample'' documents that will receive HUD Form numbers.

List of New Forms

9xxxM Borrower's Organizational Document Provisions, 9xxxM Building Code Verification, 9xxxM Certification of Architectural-Engineering Fees, 9xxxM Equity Bridge Loan Rider—LIHTC, 9xxxM Rider to Regulatory Agreement—Residual Receipts, 9xxxM Rider to Regulatory Agreement—Section 213, 9xxxM Rider to Security Instrument—Fee Joinder, 9xxxM Rider to Security Instrument—LIHTC Projects, 9xxxM Rider—Amendment to Restrictive Covenants, 9xxxM Survey Affidavit of No Change, 9xxxM Third Party Obligee Certification.

Respondents: FHA lenders, borrowers, housing finance agencies and other government agencies that support affordable housing, and Housing Finance Agency (HFA), counsel.

Estimated Number of Respondents: 34,886.

Estimated Number of Responses: 34,886.

Frequency of Response: Once per annum.

Average Hours per Response: 1 hour.

Total Estimated Burden: 18,143.35.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses;

(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.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507.

Colette Pollard,

Department Reports Management Officer, Office of Policy Development and Research, Chief Data Officer.

[FR Doc. 2022–15331 Filed 7–18–22; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R3–NWRS–2022–0097; FF09R50000 22X FVRS84510900000; OMB Control Number 1018–0174]

Agency Information Collection Activities; U.S. Fish and Wildlife Service Preliminary Land Acquisition Process

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the U.S. Fish and Wildlife Service (Service), are proposing to renew an existing information collection.

DATES: Interested persons are invited to submit comments on or before September 19, 2022.

ADDRESSES: Send your comments on the information collection request (ICR) by one of the following methods (please reference ''1018–0174'' in the subject line of your comments):

- *Internet (preferred): https://www.regulations.gov.* Follow the instructions for submitting comments on Docket No. FWS–R3–NWRS–2022–0097.
- *Email: Info_Coll@fws.gov.*
- *U.S. mail:* Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, 5275 Leesburg Pike, MS: PRB (JAO/3W), Falls Church, VA 22041–3803.

FOR FURTHER INFORMATION CONTACT: Madonna L. Baucum, Service Information Collection Clearance Officer, by email at *Info_Coll@fws.gov,* or by telephone at (703) 358–2503. 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: In accordance with the Paperwork Reduction Act (PRA, 44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR 1320, all information collections require approval under the PRA. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: Information collected by the U.S. Fish and Wildlife Service (in support of the land acquisition program) is required under applicable statutes, Department of Justice regulations, Departmental and Service policies, and best business practices. In addition, the land acquisition program facilitates Secretarial Orders 3356 and 3366 by tracking land acquisitions that have potential to support public hunting, fishing, and other forms of outdoor recreation, and access related thereto. Authorities for the collection of realty-related information include:

- U.S. Department of Justice; *Regulations of the Attorney General Governing the Review and Approval of*

Title for Federal Land Acquisitions (2016);

- Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601 *et al.*);
- National Wildlife Refuge Administration Act of 1966 (16 U.S.C. 668dd);
- Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718);
- Migratory Bird Conservation Act (16 U.S.C. 715–715r, as amended);
- Land and Water Conservation Fund Act of 1965 (54 U.S.C. 200301 *et seq.*);
- Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*);
- Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3901); and
- Fish and Wildlife Act of 1956, as amended (16 U.S.C. 742a).

The Service tracks information collected from landowners as part of the preliminary land acquisition process. Information collected by the Service as part of the preliminary land acquisition process may include the following:

- *Initial Requests*—Initial request to consider property, to include such items as:
  - Identifying information for the legal property owner(s), such as:
    - —Name of primary property owner, along with spouse and/or co-owner(s) whose names appear on the current deed to the property under review;
    - —Marital status;
    - —Other names used; and
    - —Contact information to include telephone numbers, personal email addresses, and mailing/home addresses.
  - Financial information, to include Social Security Numbers (necessary for final payment transaction).
  - Property description, to include such information as:
    - —Property name,
    - —Location,
    - —Legal description, and
    - —Introductory information.
- *Permission to Inspect and Appraise* (FWS Form 3–2471)—Collects information about the property owner and location, and grants permission to enter and inspect the property for real estate acquisition purposes. Inspection may include, but is not limited to:
  - Appraisal valuations;
  - Boundary survey;
  - Hazardous materials examination (contaminant survey); and
  - Physical examination of any structures on the property.

We do not use FWS Forms 3–2471 in projects that are under Memoranda of Understanding (MOU), Memoranda of Agreement (MOA), Cooperative Agreements, certain donation partnerships, and other special cases.

- *Waiver of Appraisal Requirement* (FWS Form 3–2461)—Per 49 CFR 24.102(c)(2), a willing-seller landowner may release the Service from the obligation of obtaining an appraisal for (1) land donations and (2) certain land acquisitions where the anticipated value is low and the valuation problem is uncomplicated.

Unless delivered in person, both the Permission to Inspect and Appraise (FWS Form 3–2471) and the Waiver of Appraisal Requirement (FWS Form 3–2461) will contain a cover letter referred to as the Access Permission Letter. The Access Permission Letter does not request any information but is used to explain the form or waiver process.

Information is collected and protected in accordance with the Privacy Act (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552). We will maintain the information in a secure system of records (Real Property Records, FWS–11; 64 FR 103, dated May 2, 1999). We gather Social Security numbers and banking information to assist with electronic payments and preparation of the required Internal Revenue Service 1099 Forms.

Title of Collection: U.S. Fish and Wildlife Service Preliminary Land Acquisition Process.

OMB Control Number: 1018–0174.

Form Numbers: 3–2461 and 3–2471.

Type of Review: Extension without change of a currently approved collection.

Respondents/Affected Public: Individuals/households, private sector, and State/local/Tribal governments participating in realty transactions with the Service.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: None.

Requirement	Average number of annual respondents	Average number of responses each	Average number of annual responses	Average completion time per response	Estimated annual burden hours *
Initial Requests					
Individuals	129	1	129	.5	65
Private Sector	78	1	78	1	78
Government	13	1	13	2	26
Permission to Inspect and Appraise					
Individuals	57	1	57	.5	29
Private Sector	24	1	24	.5	12
Government	4	1	4	2	8
Waiver of Appraisal Requirement					
Individuals	3	1	3	.5	2
Private Sector	56	1	56	.5	28
Government	9	1	9	2	18
Totals:	373		373		266

* Rounded.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Madonna Baucum,

Information Collection Clearance Officer, U.S. Fish and Wildlife Service.

[FR Doc. 2022–15401 Filed 7–18–22; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

[FWS–R4–ES–2022–N029; FVHC98220410150–XXX–FF04H00000]

Deepwater Horizon Oil Spill Natural Resource Damage Assessment, Alabama Trustee Implementation Group: Draft Bon Secour National Wildlife Refuge Recreation Enhancements: Supplemental Restoration Plan

AGENCY: Department of the Interior.

ACTION: Notice of availability; request for public comments.

SUMMARY: In accordance with the Oil Pollution Act of 1990 (OPA), the National Environmental Policy Act of 1969 (NEPA), the *Final Programmatic Damage Assessment Restoration Plan and Final Programmatic Environmental Impact Statement* (Final PDARP/PEIS), and the Deepwater Horizon (DWH) Consent Decree, the Federal and State natural resource trustee agencies for the Alabama Trustee Implementation Group (Alabama TIG) have prepared the *Draft Bon Secour National Wildlife Refuge Recreation Enhancements: Supplemental Restoration Plan* (SRP). The Alabama TIG proposes to add approximately $1.5 million to the Mobile Street Boardwalk project budget. This would continue the process of restoring lost recreational use in the Alabama Restoration Area that resulted from the DWH oil spill of 2010. We invite comments on the Draft SRP.

DATES: *Submitting Comments:* We will consider public comments on the Draft SRP that we receive on or before August 18, 2022.

ADDRESSES:

Obtaining Documents: You may download the Draft SRP from the following websites:

- *http://www.gulfspillrestoration.noaa.gov/restoration-areas/alabama*
- *http://www.doi.gov/deepwaterhorizon*

Alternatively, you may request a CD (compact disc) of the Draft SRP (see **FOR FURTHER INFORMATION CONTACT**).

Submitting Comments: You may submit comments on the Draft SRP by one of the following methods:

- *Via the Web: http://www.gulfspillrestoration.noaa.gov/restoration-areas/alabama.*
- *Via U.S. Mail:* U.S.F.W.S. Gulf Restoration Office, 1875 Century Blvd., Atlanta, GA 30345. In order to be considered, mailed comments must be postmarked on or before the comment deadline given in **DATES**.

FOR FURTHER INFORMATION CONTACT: Nanciann Regalado, via email at *nanciann_regalado@fws.gov* or via telephone at 678–296–6805. 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:

Introduction

On April 20, 2010, the mobile offshore drilling unit, Deepwater Horizon, which was being used to drill a well for BP Exploration and Production, Inc. (BP), in the Macondo prospect (Mississippi Canyon 252—MC252), experienced a significant explosion, fire, and subsequent sinking in the Gulf of Mexico, resulting in an unprecedented volume of oil and other discharges from the rig and from the wellhead on the seabed. The DWH oil spill is the largest oil spill in U.S. history, discharging millions of barrels of oil over a period of 87 days. In addition, well over 1 million gallons of dispersants were applied to the waters of the spill area in an attempt to disperse the spilled oil. An undetermined amount of natural gas was also released into the environment as a result of the spill.

State and Federal trustees conducted the natural resource damage assessment (NRDA) for the Deepwater Horizon oil spill under the Oil Pollution Act 1990 (OPA; 33 U.S.C. 2701 *et seq.*). Pursuant to the OPA, Federal and State agencies act as trustees on behalf of the public to assess natural resource injuries and losses and to determine the actions required to compensate the public for those injuries and losses. The OPA further instructs the designated trustees to develop and implement a plan for the restoration, rehabilitation, replacement, or acquisition of the equivalent of the injured natural resources under their trusteeship, including the loss of use and services from those resources from the time of injury until the completion of restoration to baseline (the resource quality and conditions that would exist if the spill had not occurred).

The Deepwater Horizon Trustees are:

- U.S. Department of the Interior (DOI), as represented by the National Park Service, U.S. Fish and Wildlife Service (USFWS), and Bureau of Land Management;
- National Oceanic and Atmospheric Administration (NOAA), on behalf of the U.S. Department of Commerce;
- U.S. Department of Agriculture (USDA);
- U.S. Environmental Protection Agency (EPA);
- State of Louisiana Coastal Protection and Restoration Authority, Oil Spill Coordinator's Office, Department of Environmental Quality, Department of Wildlife and Fisheries, and Department of Natural Resources;
- State of Mississippi Department of Environmental Quality;
- State of Alabama Department of Conservation and Natural Resources and Geological Survey of Alabama;
- State of Florida Department of Environmental Protection and Fish and Wildlife Conservation Commission; and
- State of Texas: Texas Parks and Wildlife Department, Texas General Land Office, and Texas Commission on Environmental Quality.

The Trustees reached and finalized a settlement of their natural resource damage claims with BP in an April 4, 2016, Consent Decree approved by the U.S. District Court for the Eastern District of Louisiana. Pursuant to that Consent Decree, restoration projects in the Alabama Restoration Area are now chosen and managed by the Alabama TIG. The Alabama TIG is composed of the following six Trustees: Alabama Department of Conservation and Natural Resources, Geological Survey of Alabama, DOI, NOAA, EPA, and USDA.

Background

The Alabama TIG Restoration Plan III/Environmental Assessment (RP III/EA) selected seven projects for implementation, allocating funds from two restoration types identified in the DWH Consent Decree: ''Provide and Enhance Recreational Opportunities'' and ''Birds.'' The Alabama TIG RP III addendum subsequently approved funding for the two projects conditionally approved in the RP III/EA, one of which was the Bon Secour National Wildlife Refuge Recreation Enhancement—Mobile Street Boardwalk

(Mobile Street Boardwalk) Project. Since then, the project cost estimate has been revised because of increased costs in materials and construction.

Overview of the Alabama TIG Draft SRP

The Draft SRP is being released in accordance with OPA, including criteria set forth in the associated Natural Resource Damage Assessment regulations found in the Code of Federal Regulations (CFR) at 15 CFR part 990, NEPA and its implementing regulations found at 40 CFR parts 1500–1508, and the Final PDARP/PEIS and Consent Decree. The Draft SRP provides supplemental OPA NRDA analysis for two Bon Secour National Wildlife Refuge (BSNWR) recreation enhancement projects considered in the RP III/EA: the Mobile Street Boardwalk and Centennial Trail Boardwalk projects. Of these two action alternatives, the Alabama TIG proposes adding funding to the previously selected Mobile Street Boardwalk project. Fully funding this project would continue the process of restoring natural resources and services injured or lost as a result of the DWH oil spill. The additional cost to carry out the proposed action would be approximately $1.5 million.

Next Steps

As described above, the Alabama TIG is requesting public review and comment on the SRP. After the public comment period ends, the Alabama TIG will consider and address the comments received before issuing a Final SRP.

Public Availability of Comments

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.

Administrative Record

The documents comprising the administrative record for the SRP can be viewed electronically at *https://www.doi.gov/deepwaterhorizon/adminrecord.*

Authority

The authority of this action is the OPA (33 U.S.C. 2701 *et seq.*), its implementing NRDA regulations found at 15 CFR part 990, and NEPA (42 U.S.C. 4321 *et seq.*) and its implementing regulations found at 40 CFR parts 1500–1508.

Mary Josie Blanchard,

Department of the Interior, Director of Gulf of Mexico Restoration.

[FR Doc. 2022–15045 Filed 7–18–22; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

[RR04900000, 222R0680R1, RR.17549897.2022000.01]

Notice of Intent To Negotiate a Contract Between Utah Water Conservancy District and Department of the Interior for Prepayment of Costs Allocated to Municipal and Industrial Water From the Bonneville Unit of the Central Utah Project, Utah County, Utah

AGENCY: Office of the Assistant Secretary for Water and Science, Interior.

ACTION: Notice of intent.

SUMMARY: The Central Utah Water Conservancy District Intends to prepay a portion of the municipal and industrial repayment obligation associated with the Utah Lake Drainage Basin Water Delivery System, a component of the Bonneville Unit of the Central Utah Project.

DATES: A public meeting to negotiate an amendatory repayment contract will be held at the Central Utah Water Conservancy District in Orem, Utah. The date and time to be announced locally.

ADDRESSES: The public meeting will be held at the Central Utah Water Conservancy District Office, 1426 East 750 North, Suite 400, Orem, Utah 84097.

FOR FURTHER INFORMATION CONTACT: Additional information on matters related to this notice can be obtained by contacting Mr. Wesley James, Program Coordinator, Central Utah Project Completion Act Office, Department of the Interior, 302 East Lakeview Parkway, Provo, Utah 84606; via telephone at (801) 379–1137; or by email at *wsjames@usbr.gov.*

SUPPLEMENTARY INFORMATION: Public Law 102–575, Central Utah Project Completion Act, Section 210, as amended through Public Law 104–286, stipulates that ''the Secretary shall allow for prepayment of the repayment contract between the United States and the Central Utah Water Conservancy District (District) dated December 28, 1965, and supplemented on November 26, 1985, or any additional or supplemental repayment contract providing for repayment of municipal and industrial water delivery facilities of the Central Utah Project for which repayment is provided pursuant to such contract, under terms and conditions similar to those contained in the supplemental contract that provided for the prepayment of the Jordan Aqueduct dated October 28, 1993. The prepayment may be provided in several installments to reflect substantial completion of the delivery facilities being prepaid and may not be adjusted on the basis of the type of prepayment financing utilized by the District.''

In accordance with Public Law 102–575, the District intends to prepay a portion of the municipal and industrial repayment obligation associated with the Utah Lake Drainage Basin Water Delivery System, a component of the Bonneville Unit of the Central Utah Project. The terms of the prepayment are to be publicly negotiated between the District and the Department of the Interior.

Roger Spence,

Acting Program Director, Central Utah Project Completion Act Office, Department of the Interior.

[FR Doc. 2022–15392 Filed 7–18–22; 8:45 am]

BILLING CODE 4332–90–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCOSO93300.L16100000.LXLUBGWC0000.DO0000.22X]

Notice of Intent To Amend Colorado Resource Management Plans Regarding Big Game Conservation and Prepare an Associated Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent.

SUMMARY: In compliance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976, as amended (FLPMA), the Bureau of Land Management (BLM) Colorado State Director intends to prepare a statewide Resource Management Plan (RMP) Amendment with an associated Environmental Impact Statement (EIS), and by this notice is announcing the beginning of the public scoping period to solicit public comments and identify issues and is providing the planning criteria for public review.

DATES: The BLM requests the public submit comments concerning the scope of the analysis, potential alternatives, and identification of relevant information and studies by September 2, 2022. To afford the BLM the opportunity to consider issues raised by commenters in the Draft RMP/EIS, please ensure your comments are received prior to the close of the 45-day scoping period. The date(s) and location(s) of any public meetings associated with this land use planning initiative will be announced at least 15 days in advance through local news media, newspapers, and the BLM website at: *https://go.usa.gov/xzXxY.*

ADDRESSES: You may submit comments related to this RMP amendment for big game conservation by any of the following methods:

- *Website: https://go.usa.gov/xzXxY*
- *Mail:* BLM Colorado State Office, Attn: Big Game Corridor Amendment/EIS, 2850 Youngfield St., Lakewood, CO 80215

Documents pertinent to this proposal may be examined online at *https://go.usa.gov/xzXxY* and at the planning initiative electronically via the ePlanning website and at all BLM District Offices and Field Offices throughout Colorado and the Colorado State Office at the address above.

FOR FURTHER INFORMATION CONTACT: Alan Bittner, Deputy State Director—Resources, telephone 303–239–3768; at the mailing address above; or email *BLM_CO_corridors_planning@blm.gov.* Contact Mr. Bittner to have your name added to the mailing list. 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: This document provides notice that the BLM Colorado State Director intends to prepare an RMP amendment with an associated EIS for big game habitat conservation, announces the beginning of the scoping process, and seeks public input on relevant issues and planning criteria. The RMP amendment is being considered to evaluate oil and gas program and other management decisions across existing BLM Colorado RMPs to promote conservation of big game corridors and other important big game habitat on BLM-administered land and minerals in Colorado.

This RMP Amendment may amend existing BLM RMPs in Colorado, except the following three plans may not be amended because minerals are withdrawn: Browns Canyon National Monument, Dominguez-Escalante National Conservation Area, and McInnis Canyons National Conservation Area. The planning area includes all 64 counties in Colorado and encompasses approximately 8.3 million acres of BLM-managed surface land and approximately 27 million acres of Federal mineral estate. This acreage includes Federal minerals on Federal lands and split-estate Federal minerals located under surface lands with non-Federal ownership. The decision area includes all BLM public lands and approximately 4.6 million acres of split-estate private, local government, and state lands. It does not include National Forest System land and other Federal land where BLM does not make planning decisions about oil and gas management or other uses. The BLM typically adopts the requirements determined by those Federal surface-managing agencies when leasing the associated mineral estate; while such lands are within the planning area, they are outside the decision area for this RMP Amendment process. In Colorado, the BLM currently manages 4,712 Federal oil and gas leases totaling 3.7 million acres.

The scope of this land use planning process does not include addressing the evaluation or designation of areas of critical environmental concern (ACECs) and the BLM is not considering ACEC nominations as part of this process.

Purpose and Need

The BLM is initiating this land use planning process under the authority of Section 202 of FLPMA, in compliance with FLPMA, NEPA, and their implementing regulations, for the preliminary purpose of evaluating alternative management approaches for the BLM planning decisions to maintain, conserve, and protect big game corridors and other important big game habitat areas on BLM-managed public lands and minerals in Colorado. This action is needed to ensure that the BLM considers current big game population and habitat data, including maps of high priority habitat, and to evaluate management consistency with plans or policies and programs of other Federal agencies, State and local governments, and Tribes, to the extent consistent with Federal laws, regulations, policies and programs applicable to public lands. The BLM also has a need for the development of this RMP amendment to comply with terms of the settlement agreement for *State of Colorado* v. *Bureau of Land Management,* 1:21–cv–00129 (D. Colo.).

The BLM may refine the preliminary purpose and need for the action based on comments or data received during the scoping period and further review of its own resource information.

Preliminary Alternatives

BLM Colorado contains millions of acres of important big game habitat. Among other threats, high density surface disturbing activities associated with oil and gas development can interfere with movement across the landscape. The BLM will propose and analyze, with the best available scientific methods and information, alternatives for planning-scale oil and gas management prescriptions for the conservation of important big game habitat. The BLM has found that existing BLM land use plans in Colorado may be inconsistent with other plans for management of big game corridors and important habitat. Recognizing the State's responsibility to conserve and manage big game species for the use, benefit, and enjoyment of the people of Colorado, BLM will consider at least one alternative that would adopt State agency recommendations to avoid and minimize impacts from oil and gas leasing and development to big game high priority habitat.

The BLM will consider whether to incorporate new or changed oil and gas management decisions in existing land use plans, such as limits on high-density development, including facility and route density limitations, and other lease stipulations that would incorporate conservation measures for important big game habitat areas in Colorado. These may include moderate constraints, such as timing limitations and controlled surface use restrictions, and major constraints such as no surface occupancy restrictions. The BLM also may consider closure of areas to future oil and gas leasing as part of the plan amendment. The BLM will consider new decisions pertinent to all BLM surface land and subsurface mineral estate, subject to valid existing rights. Planning decisions under the action alternatives could affect future oil and gas leasing; development of existing leases would be required to conform to the objectives of new planning decisions to the extent consistent with the applicable lease terms.

The BLM will consider new resource management planning decisions related to important habitat areas for the following big game species consistent with Secretarial Order 3362, specifically

for elk, mule deer, and pronghorn. Important habitat areas for these species may include migration corridors, severe winter range, winter concentration areas, concentration areas, and production areas, along with other habitat components necessary to support herd viability. The BLM does not anticipate considering new planning decisions for bighorn sheep habitat, which primarily occurs at higher elevations with low oil and gas potential.

The public is invited to comment on information for the preliminary alternatives, including information about the relationships among oil and gas management, big game habitat management, and other public land resources and uses. This information will inform the range of BLM's alternatives in the EIS. The BLM seeks information related to all high-density activities and public land uses that may cause disturbance to important big game habitat and will consider that information as appropriate in determining if additional land use planning decisions are appropriate to incorporate into the scope of the alternatives for this planning effort.

Planning Criteria

The planning criteria guide the planning effort and support effects analysis by helping the agency refine the planning issues and their analytical frameworks. The BLM has identified the following preliminary planning criteria to guide development of the RMP Amendment, and is accepting public input during the scoping period consistent with 43 CFR 1610.4–2(c):

- The RMP Amendment and associated environmental analysis will be completed in compliance with FLPMA, NEPA, and other Federal laws, Executive Orders, regulations, and management policies of the BLM;
- All existing land use plan decisions that are not affected by the amendment will remain in effect after issuance of the Record of Decision;
- The RMP Amendment may be limited to land use planning decisions specific to oil and gas management as they relate to the conservation of big game species including mule deer, elk, and pronghorn, and their important habitats. Important habitats may include migration corridors, severe winter range, winter concentration areas, concentration areas, and production areas;
- The BLM will consider the adequacy of big-game conservation measures in existing land use plans;
- The analysis in the EIS for the RMP Amendment will consider the effects of the alternatives together with the effects of past and reasonably foreseeable disturbance to big-game habitat;
- The BLM will strive for consistency with plans or policies and programs of other Federal agencies, State and Local governments, and Tribes, to the extent those plans, policies, and programs are consistent with the Federal laws, regulations, policies, and programs applicable to public lands;
- The BLM will endeavor to use current scientific information (including inventory and monitoring data) and technologies to determine appropriate management strategies to protect and conserve important habitat;
- Lands within the decision area for the RMP Amendment will be BLM-managed public lands and split-estate lands with Federal minerals; and
- The RMP Amendment will not diminish valid existing rights.

Summary of Expected Impacts

BLM personnel have identified the following potential effects to be examined during the planning process: effects of potential oil and gas leasing and development and related infrastructure on big game species and habitat; and effects of alternative oil and gas restrictions on biological, physical, and heritage resources, resource uses, and social and economic conditions. Affected resources may include big game and other wildlife, air quality, climate, oil and gas, and lands with special designations. The BLM is accepting public input on these issues during the scoping period, consistent with 43 CFR 1610.4–1. The EIS will describe the environment of the planning area that could be affected by the alternatives under consideration and will evaluate reasonably foreseeable impacts from potential oil and gas leasing and future development, and potential restrictions on leasing and development activities in important big game habitat.

The public is invited to comment on information and analyses relevant to the proposed action, including information about the relationships among oil and gas management, big game habitat management, and other public land resources and uses. This information will inform the scope of BLM's impact analysis in the EIS. The BLM seeks information related to all high-density activities and public land uses that may cause disturbance to important big game habitat and will consider that information as appropriate in describing the existing environment and reasonably foreseeable trends, or in the effects analysis.

Schedule for the Decision-Making Process

This amendment process is expected to be completed within two years. The BLM will provide additional opportunities for public participation consistent with the NEPA and land use planning processes, including a 90-day comment period on the Draft RMP Amendment/EIS and a concurrent 30-day public protest period and a 60-day Governor's consistency review on the Proposed RMP Amendment. The Draft RMP Amendment/EIS is anticipated to be available for public review in the spring of 2023 and the Proposed RMP Amendment/Final EIS is anticipated to be available for public protest of the Proposed RMP Amendment in early 2024 with an Approved RMP Amendment and Record of Decision in summer of 2024.

Public Scoping Process

This notice of intent initiates the scoping period and public review of the planning criteria, which guide the development of the Draft RMP Amendment/EIS and its analysis. The BLM anticipates holding four public scoping meetings, which may be conducted through online platforms to explain project details and obtain feedback. Representatives from BLM will be available to answer questions. The specific date(s) of these scoping meetings, along with information about how to participate, will be announced at least 15 days in advance through local media, newspapers, and the BLM's project website (see **ADDRESSES**). All comments must be received by the date shown in the **DATES** section. It is important that reviewers provide timely comments in a manner that makes them useful to the agency's preparation of the Draft RMP Amendment/EIS. Therefore, comments should clearly articulate the reviewer's concerns and contentions. Comments received in response to this solicitation, including names and addresses of those who comment, will be part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered.

Lead and Cooperating Agencies

The BLM is the lead agency for the NEPA analysis associated with this planning effort. The BLM has invited other Federal agencies, State and local government agencies, and Tribes to be cooperating agencies. Other stakeholders that may be interested in or affected by the proposed action are invited to participate in the scoping process and, if eligible, may request or

be requested by the BLM to participate in the development of the EIS as a cooperating agency.

Responsible Official

The BLM Colorado State Director is the deciding official for this planning effort.

Nature of Decision To Be Made

The nature of the decision to be made will be the State Director's selection of land use planning decisions for managing BLM-administered lands under the principles of multiple use and sustained yield in a manner that best addresses the purpose and need.

Interdisciplinary Team

The BLM will use an interdisciplinary approach that incorporates the expertise of specialists in relevant resource fields such as wildlife biology, fluid minerals, geographic information systems, and land use planning to consider the resource issues and concerns identified during development of the RMP Amendment.

Additional Information

The BLM will identify, analyze, and consider mitigation to address the reasonably foreseeable impacts to resources from the proposed plan amendment and all reasonable alternatives and, in accordance with 40 CFR 1502.14(f), include appropriate mitigation measures not already included in the proposed plan amendment or alternatives. Mitigation may include avoidance, minimization, rectification, reduction or elimination over time, and compensation; it may be considered at multiple scales, including the landscape scale.

The BLM will utilize and coordinate the NEPA and land use planning processes for this planning effort to help support compliance with applicable procedural requirements of the Endangered Species Act (16 U.S.C. 1536) and Section 106 of the National Historic Preservation Act (54 U.S.C. 306108) as implemented in 36 CFR 800.2(d)(3), including the public involvement requirements associated with Section 106. The information about historic and cultural resources and threatened and endangered species within the area potentially affected by the proposed plan amendment will assist the BLM in identifying and evaluating impacts to such resources.

The BLM will consult with Indian Tribal Nations on a government-to-government basis in accordance with Executive Order 13175, BLM Manual Section 1780 and other Departmental policies. Tribal concerns, including impacts on Indian trust assets and potential impacts to cultural resources, will be given due consideration. Federal, State, and local agencies, along with Indian Tribal Nations and other stakeholders that may be interested in or affected by the proposed plan amendment that the BLM is evaluating, are invited to participate in the scoping process and, if eligible, may request or be requested by the BLM to participate in the development of the environmental analysis as a cooperating agency.

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.

(Authority: 40 CFR 1501.9 and 43 CFR 1610.2)

Stephanie Connolly,

Acting BLM Colorado State Director.

[FR Doc. 2022–15388 Filed 7–18–22; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[223 LLUTG02000 L12200000.PM00000]

Call for Nominations for the San Rafael Swell Recreation Area Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The purpose of this notice is to request public nominations for the Bureau of Land Management's (BLM) San Rafael Swell Recreation Area Advisory Council (Council) to fill an existing vacancy as well as two member terms that are scheduled to expire.

DATES: All nominations must be received no later than August 18, 2022.

ADDRESSES: Nominations and completed applications should be sent to Lance Porter, Green River District Manager, BLM Green River District Office, 170 South 500 East, Vernal, UT 84078, Attention: San Rafael Swell Advisory Council Nominations, or email *l50porte@blm.gov* with the subject line ''San Rafael Swell Advisory Council Nominations.'' The Green River District Office will accept public nominations for 30 days from the date this notice is posted.

FOR FURTHER INFORMATION CONTACT: Angela Hawkins, Public Affairs Specialist, BLM Green River District Office, 170 South 500 East, Vernal, UT 84078; phone: (435) 781–2774; email: *ahawkins@blm.gov*. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: The John D. Dingell, Jr. Conservation, Management, and Recreation Act, Section 1223, directed the Secretary of the Interior to establish a seven-member citizen-based advisory council that is regulated by the Federal Advisory Committee Act (5 U.S.C. Appendix 2) and Section 309 of the Federal Land Policy and Management Act. The BLM rules governing advisory committees are found at 43 CFR 1784.

The Council advises the Secretary with respect to the preparation and implementation of the management plan for the San Rafael Swell Recreation Area. Congress created the San Rafael Swell Recreation Area to provide for the protection, conservation, and enhancement of the recreational, cultural, natural, scenic, wildlife, ecological, historical, and educational resources of the area. The San Rafael Swell Recreation Area features magnificent badlands of brightly colored and wildly eroded sandstone formations, deep canyons, and giant plates of stone tilted upright through massive geologic upheaval and features numerous recreational experiences including hiking, biking, four-wheel driving, horseback, canyoneering, and river running. Council duties and responsibilities are solely advisory in nature.

The Council is seeking nominations in the following categories:

(1) An elected leader of a federally recognized Tribe that has significant cultural or historical connections to, and expertise in, the landscape, archeological sites, or cultural sites within the County;

(2) A representative of motorized recreational users; and

(3) A representative of non-motorized recreational users.

Members will be appointed to the Council to serve 3-year terms.

Nominating Potential Members: Nomination forms may be obtained from

the BLM Green River District Office (address listed above) or *https://www.blm.gov/get-involved/resource-advisory-council/near-you/utah/San-Rafael-Swell-RAC.* All nominations must include a completed Resource Advisory Council application (OMB Control No. 1004–0204) *https://www.blm.gov/sites/blm.gov/files/1120-019_0.pdf,* letters of reference from the represented interests or organizations, and any other information that speaks to the candidate's qualifications.

The specific category the nominee would be representing should be identified in the letter of nomination and on the application form.

Members of the Council serve without compensation. However, while away from their homes or regular places of business, Council members engaged in Council business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by 5 U.S.C. 5703, in the same manner as persons employed intermittently in Federal Government service.

The Council will meet approximately two to four times annually, and at such other times as designated by the Designated Federal Officer.

(Authority: 43 CFR 1784.4–1)

Gregory Sheehan,

State Director.

[FR Doc. 2022–15386 Filed 7–18–22; 8:45 am]

BILLING CODE 4310–DQ–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–IMR–ROMO–32794; PPIMROMO6P, PPMPSAS1Z.YP0000]

Conversion of Potential Wilderness to Designated Wilderness, Rocky Mountain National Park

AGENCY: National Park Service, Interior.

ACTION: Notice of conversion of potential wilderness to designated wilderness.

SUMMARY: Pursuant to the Wilderness Act of 1964 and Public Law 111–11, the Secretary of the Interior has determined that all uses inconsistent with wilderness designation on certain parcels of land designated as ''potential wilderness'' within Rocky Mountain National Park have ceased, and these lands are now suitable to be designated and managed as wilderness. These lands consist of: (1) 7.12 acres, more or less, in the Cascade Cottages Property (portion of NPS Tract 02–108) as depicted on Map No. 121/138,853A dated July 15, 2021, and (2) 30.54 acres, more or less, in the Wild Basin Area (portions of NPS Tracts 05–107, 05–108, 05–111 and 05–112) as depicted on Map No. 121/176,793 dated July 15, 2021. Upon this notification in the **Federal Register** these lands will be converted to designated wilderness and will be managed as wilderness under the Wilderness Act.

ADDRESSES: The maps and legal descriptions are on file at Rocky Mountain National Park Headquarters, 1000 U.S. Hwy. 36 Estes Park, CO 80517.

FOR FURTHER INFORMATION CONTACT: Cheri Yost, *Cheri_yost@nps.gov*, Park Planner, Rocky Mountain National Park, 1000 E Highway 36, Estes Park, CO 80517, (970) 586–1320.

SUPPLEMENTARY INFORMATION: Public Law 111–11 § 1952 (123 Stat. 1071), designated approximately 249,339 acres as wilderness in Rocky Mountain National Park. In January 2010, as required by the designating legislation, the National Park Service prepared a map and boundary description, Map No. 121/101,335A, entitled ''Rocky Mountain National Park Wilderness Boundary Descriptions,'' which included areas identified as ''potential wilderness.''

Section 1952(c) of Public Law 111–11 provides that upon publication in the **Federal Register** of a notice by the Secretary that all uses inconsistent with the Wilderness Act have ceased on the land identified on the map as a ''Potential Wilderness Area'', the land shall be included in the designated wilderness area and administered as wilderness under the Wilderness Act (16 U.S.C. 1131 *et seq.*). This notice serves as the formal determination that all formerly prohibited activities have ceased. Because such lands fully comply with Congressional directions in section 1952(c) of Public Law 111–11, this notice converts a total of 37.66 acres, more or less, from potential wilderness to designated wilderness. This acreage will be added to the National Wilderness Preservation System and bring the total designated wilderness acreage of the Rocky Mountain National Park Wilderness to 249,164 acres, more or less, with 325 acres, more or less, of potential wilderness acreage remaining. The potential wilderness lands hereby reclassified as designated wilderness by this notice are described as:

Cascade Cottages Property

All of that portion of NPS Tract 02–108 lying 400 feet northwesterly of the center line of US Highway 34, containing 7.12 acres, more or less.

Wild Basin Area

All of those portions of NPS Tracts 05–107, 05–108, 05–111 and 05–112 lying 100 feet from the center line of all roads and structures and 30 feet from the center line of the existing power line that serves the Wild Basin Area, containing 30.54 acres, more or less.

Charles F. Sams, III,

Director, National Park Service.

[FR Doc. 2022–15359 Filed 7–18–22; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRSS–NPS0033669; PPWONRADE1 PPMRSNR1Y:NM0000 211P103601; OMB Control Number 1024–NEW]

Agency Information Collection Activities; NPS Preservation Values for Individual Animals

AGENCY: National Park Service, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 we, the National Park Service (NPS) are proposing a new information collection.

DATES: Interested persons are invited to submit comments on or before September 19, 2022.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to Phadrea Ponds, NPS Information Collection Clearance Officer, 12201 Sunrise Valley Drive (MS–242), Reston, Virginia 20192; or by email to *phadrea_ponds@nps.gov.* Please reference Office of Management and Budget (OMB) Control Number 1024–NEW (PVIA) in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Leslie Richardson by email at *leslie_a_richardson@nps.gov* or by telephone at 970–821–5352. Please reference OMB Control Number 1024–NEW (PVIA) in the subject line of your comments. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point of contact in the United States. You may also view the ICR at *https://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the PRA and 5 CFR 1320.8(d)(1), all information collections require approval under the PRA.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How the agency might minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The National Park Service (NPS) is authorized by the System Unit Resource Protection Act (54 U.S.C. 100721) to collect information that can be used to determine the economic value associated with the preservation (avoided loss) of individual members of a wildlife species population. The NPS Environmental Quality Division will request approval to conduct a survey to provide estimates of the full value of protecting individual animals from intentional or accidental loss. These value estimates are not currently available to the NPS and are necessary for park management decisions.

Title of Collection: NPS Preservation Values for Individual Animals.

OMB Control Number: 1024–NEW.

Form Number: None.

Type of Review: New.

Respondents/Affected Public: General Public.

Total Estimated Number of Annual Respondents: 7,101 (On-site Survey: 4,480; Non-response Survey: 1,008, Mail back Survey: 1,613).

Estimated Completion Time per Response: On-site Survey: 5 minutes; Non-response Survey: 2 minutes; Mail back Survey 15 minutes.

Total Estimated Number of Annual Burden Hours: 810.

Respondent's Obligation: Voluntary.

Frequency of Collection: Once.

Total Estimated Annual Nonhour Burden Cost: None.

An agency may not conduct or sponsor nor is a person required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Phadrea Ponds,

Information Collection Clearance Officer, National Park Service.

[FR Doc. 2022–15397 Filed 7–18–22; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1305]

Certain Electronic Exercise Systems, Stationary Bicycles and Components Thereof and Products Including Same; Notice of the Commission's Determination Not To Review an Initial Determination Terminating the Investigation on the Basis of Settlement; Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's (''ALJ'') initial determination (''ID'') (Order No. 7) terminating the investigation on the basis of settlement. The investigation is terminated in its entirety.

FOR FURTHER INFORMATION CONTACT: Amanda Pitcher Fisherow, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2737. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on March 11, 2022, based on a complaint filed iFIT Inc. (F.K.A. ICON Health & Fitness, Inc.) of Logan, Utah. 87 FR 14039 (Mar. 11, 2022). The complaint, as supplemented, alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain electronic exercise systems, stationary bicycles and components thereof and products including same by reason of infringement of certain claims of U.S. Patent No. 11,013,960. The complaint, as supplemented, further alleged that a domestic industry exists. The notice of investigation named as respondents Peloton Interactive, Inc. of New York, New York and Peloton Interactive UK Ltd. of London, England. *Id.* The Office of Unfair Import Investigations is not participating in the investigation. *Id.*

On May 20, 2022, the parties filed a joint motion to terminate the investigation in its entirety. The parties filed both public and confidential versions of the settlement agreement. The parties stated that ''there are no other agreements, written or oral, express or implied, between them concerning the subject matter of this Investigation.'' Order No. 7, at 2 (quoting Mem. at 4).

On June 17, 2022, the presiding ALJ issued Order No. 7 terminating the investigation. The ID found that the parties complied with Commission Rule 210.21(b). The ID also found that termination of the investigation will not adversely affect the public interest. No one petitioned for review of the ID.

The Commission has determined not to review the subject ID. The investigation is hereby terminated in its entirety.

The Commission vote for this determination took place on July 13, 2022.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: July 13, 2022.

William Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2022–15325 Filed 7–18–22; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1312]

Certain Mobile Electronic Devices; Notice of Commission Decision Not To Review an Initial Determination Granting in Part a Motion To Amend the Complaint and Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (''ID'') (Order No. 5) of the presiding administrative law judge (''ALJ'') granting in part a motion to amend the complaint and notice of investigation.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708–4716. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: On May 4, 2022, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (''section 337''), based on a complaint filed by Maxell, Ltd. of Kyoto, Japan (''Complainant''). *See* 87 FR 26373–74 (May 4, 2022). The complaint, as supplemented, alleges a violation of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain mobile electronic devices by reason of infringement of certain claims of U.S. Patent Nos. 7,199,821; 7,324,487; 8,170,394; 8,982,086; 10,129,590; and 10,244,284. The notice of investigation names Lenovo Group Ltd. of Beijing, China; Lenovo (United States) Inc. (''Lenovo US'') of Morrisville, North Carolina; and Motorola Mobility LLC of Libertyville, Illinois (collectively, ''Respondents''), as respondents in the investigation. *See id.* The Office of Unfair Import Investigations is also a party to the investigation. *See id.*

On May 6, 2022, Complainant filed a motion to amend the complaint and notice of investigation to: (1) remove domestic industry allegations based on the domestic activities of its licensee Apple Inc. (''Apple''); (2) add domestic industry allegations based on the domestic activities of respondent Lenovo US; and (3) amend the plain language description of accused products to include Lenovo-branded smartphones. On May 18, 2022, Respondents filed a response opposing in part Complainant's motion to amend. Specifically, while Respondents do not oppose the withdrawal of domestic industry allegations based on Apple's domestic activities, they oppose Complainant's motion to amend in all other respects. On May 23, 2022, Complainant filed a reply in support of its motion to amend.

On June 14, 2022, the ALJ issued the subject ID (Order No. 5) pursuant to Commission Rule 210.14(b) (19 CFR 210.14(b)), granting in part Complainant's motion to amend the complaint and notice of investigation. *See* ID at 2. Specifically, the ID grants Complainant's request to amend the complaint and notice of investigation to include Lenovo-branded smartphones in the plain-language description of the accused products. *See id.* at 11.

Order No. 5 also grants the motion with respect to Complainant's request to withdraw the assertions in the complaint regarding Complainant's reliance on Apple's domestic activities to satisfy the domestic industry requirement. *See id.* at 9. Order No. 5 also denies Complainant's request to amend the complaint to rely upon Lenovo US's domestic activities. *See id.* at 8–9. These aspects of Order No. 5 do not constitute an initial determination that is subject to review at this time and are therefore not currently before the Commission. 19 CFR 210.14(b); 19 CFR 210.42(c)(1).

No petition for review of the subject ID was filed.

The Commission has determined not to review the subject ID. In particular, the plain language description of the accused products in the complaint and notice of investigation is amended to recite ''certain mobile electronic devices, *i.e., Lenovo-branded and* Motorola-branded smartphones.''

The Commission's vote for this determination took place on July 14, 2022.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: July 14, 2022.

William Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2022–15380 Filed 7–18–22; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332–591]

Economic Impact of Section 232 and 301 Tariffs on U.S. Industries

ACTION: Notice; addition of two days for public hearing.

SUMMARY: Due to the large number of requests to appear at the Commission's public hearing in this investigation, the U.S. International Trade Commission (Commission) has added two additional days to the public hearing, July 20, 2022, and July 22, 2022. The public hearing originally was scheduled for one day, July 21, 2022. As rescheduled, it will be held on July 20–22, 2022. The Commission will post a schedule for the hearing on its website as soon as one is available at *https://usitc.gov/research_and_analysis/what_we_are_working_on.htm* (see Commission Investigation No. 332–591, *Economic Impact of Section 232 and 301 Tariffs on U.S. Industries*).

DATES:

July 6, 2022: Deadline for filing requests to appear at the public hearing.

July 8, 2022: Deadline for filing prehearing briefs and statements.

July 14, 2022: Deadline for filing electronic copies of oral hearing statements.

July 20–22, 2022: Public hearing.

August 12, 2022: Deadline for filing posthearing briefs and statements.

August 24, 2022: Deadline for filing all other written submissions.

March 15, 2023: Transmittal of Commission report to Appropriations Committees.

ADDRESSES: All Commission offices are in the U.S. International Trade Commission Building, 500 E Street SW, Washington, DC. Due to the COVID–19 pandemic, the Commission's building is currently closed to the public. Once the building reopens, persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000.

FOR FURTHER INFORMATION CONTACT: Project Leader Peter Herman (*Peter.Herman@usitc.gov* or 202–205–3186) or Deputy Project Leader Kelsi Van Veen (*Kelsi.VanVeen@usitc.gov* or 202–205–3086) for information specific to this investigation. For information on the legal aspects of this investigation, contact William Gearhart of the Commission's Office of the General Counsel (*William.Gearhart@usitc.gov* or 202–205–3091). The media should contact Jennifer Andberg, Office of External Relations (*Jennifer.Andberg@usitc.gov* or 202–205–1819).

The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* General information concerning the Commission may also be obtained by accessing its website (*https://www.usitc.gov*). Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal at 202–205–1810.

SUPPLEMENTARY INFORMATION: The initial notice of institution of this investigation and scheduling of a public hearing was published in the **Federal Register** on May 10, 2022 (87 FR 28035). Except for the addition of two days for the public hearing, all other information included in that notice remains the same. Additional information about how to participate in and/or view the hearing, will be posted on the Commission's website at *https://usitc.gov/research_and_analysis/what_we_are_working_on.htm.* Once on that web page, scroll down to Investigation No. 332–591, *Economic Impact of Section 232 and 301 Tariffs on U.S. Industries,* and click on the link to ''Hearing Information.'' Interested parties should check the Commission's website periodically for updates.

By order of the Commission.

Issued: July 13, 2022.

William Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2022–15323 Filed 7–18–22; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–560–561 and 731–TA–1317–1328 (Review)]

Carbon and Alloy Steel Cut-To-Length Plate From Austria, Belgium, Brazil, China, France, Germany, Italy, Japan, South Africa, South Korea, Taiwan, and Turkey; Scheduling of Full Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of full reviews pursuant to the Tariff Act of 1930 (''the Act'') to determine whether revocation of the countervailing duty orders on carbon and alloy steel cut-to-length plate (''CTL plate'') from China and South Korea and the antidumping duty orders on CTL plate from Austria, Belgium, Brazil, China, France, Germany, Italy, Japan, South Africa, South Korea, Taiwan, and Turkey would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. The Commission has determined to exercise its authority to extend the review period by up to 90 days.

DATES: July 8, 2022.

FOR FURTHER INFORMATION CONTACT: Nayana Kollanthara (202–205–2043), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for these reviews may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On March 7, 2022, the Commission determined that responses to its notice of institution of the subject five-year reviews were such that full reviews should proceed (87 FR 19121, April 1, 2022); accordingly, full reviews are being scheduled pursuant to section 751(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(5)). A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements are available from the Office of the Secretary and at the Commission's website.

Participation in the reviews and public service list.—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in these reviews as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, by 45 days after publication of this notice. A party that filed a notice of appearance following publication of the Commission's notice of institution of the reviews need not file an additional notice of appearance. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the reviews.

For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov.*) No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these reviews available to authorized applicants under the APO issued in the reviews, provided that the application is made by 45 days after publication of this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the reviews. A party granted access to BPI following publication of the Commission's notice of institution of the reviews need not reapply for such access. A separate service list will be maintained by the

Secretary for those parties authorized to receive BPI under the APO.

Staff report.—The prehearing staff report in the reviews will be placed in the nonpublic record on October 28, 2022, and a public version will be issued thereafter, pursuant to section 207.64 of the Commission's rules.

Hearing.— The Commission will hold a hearing in connection with these reviews beginning at 9:30 a.m. on November 15, 2022. Information about the place and form of the hearing, including about how to participate in and/or view the hearing, will be posted on the Commission's website at *https://www.usitc.gov/calendarpad/calendar.html.* Interested parties should check the Commission's website periodically for updates. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before November 7, 2022. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on November 8, 2022. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

Written submissions.—Each party to the reviews may submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.65 of the Commission's rules; the deadline for filing is November 4, 2022. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.67 of the Commission's rules. The deadline for filing posthearing briefs is November 22, 2022. In addition, any person who has not entered an appearance as a party to the reviews may submit a written statement of information pertinent to the subject of the reviews on or before November 22, 2022. On December 21, 2022, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before December 28, 2022, but such final comments must not contain new factual information and must otherwise comply with section 207.68 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures,* available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings.

Additional written submissions to the Commission, including requests pursuant to section 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the reviews must be served on all other parties to the reviews (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service. The Commission has determined that these reviews are extraordinarily complicated and therefore has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C.1675(c)(5)(B).

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: July 13, 2022.

William Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2022–15324 Filed 7–18–22; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under The Resource Conservation and Recovery Act

On July 13, 2022, the Department of Justice filed a complaint and lodged a proposed consent decree with the United States District Court for the Middle District of Louisiana in the lawsuit entitled *United States of America and Louisiana Department of Environmental Quality* v. *PCS Nitrogen Fertilizer, L.P.,* Civil Action No. 3:22–cv–00468–SDD–RLB. If approved by the court, the consent decree would resolve the claims of the United States and the parallel claims of the Louisiana Department of Environmental Quality (LDEQ) against PCS Nitrogen Fertilizer, L.P., (PCS Nitrogen) for injunctive relief and civil penalties for alleged violations of the Resource Conservation and Recovery Act (RCRA) at PCS Nitrogen's former phosphoric acid fertilizer facility located in Geismar, Louisiana (Facility). PCS Nitrogen made phosphate and nitrogen fertilizer products (including sulfuric acid) at the Facility beginning in the 1960s, through processes that generated large quantities of acidic wastewater and a solid material called phosphogypsum. The phosphogypsum was deposited and remains in large piles that are over 200 feet high and cover an area greater than 100 acres. The Facility ceased fertilizer production operations in December 2018 but continues to conduct remediation and closure activities at its phosphogypsum stack system and surface impoundments.

The consent decree would require PCS Nitrogen to (1) implement compliance projects at the Facility; (2) make RCRA hazardous waste determinations and properly manage all solid wastes generated, including any solid wastes generated during cleaning of equipment and phosphogypsum stack closure; (3) construct a wastewater treatment plant, repair leaks in certain impoundments, properly segregate stormwater and wastewater, and properly manage railcar and other cleaning wastes; (4) comply with specified requirements for the ongoing closure and long-term care of the Facility; and (5) provide over $84 million of financial assurance to cover the estimated cost of such obligations. In addition, the consent decree would require PCS Nitrogen to pay a civil penalty of $1,510,023. In return for PCS Nitrogen's compliance with these requirements, the consent decree would resolve past RCRA violations at the Facility that the United States' and LDEQ's complaint alleges.

The publication of this notice opens a period for public comment on the consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States of America and Louisiana Department of Environmental Quality* v. *PCS Nitrogen Fertilizer, L.P.,* D.J. Ref. No. 90–7–1–08388/22. All comments must be submitted no later than forty-five (45) days after the publication date

of this notice. Comments may be submitted either by email or by mail:

To submit comments:	Send them to:
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, D.C. 20044–7611.

During the public comment period, the consent decree, including a number of technical appendices, may be examined and downloaded at this Justice Department website: *http://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the consent decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library U.S. DOJ—ENRD P.O. Box 7611 Washington, DC 20044–7611.

Please enclose a check or money order for $147.75 (25 cents per page reproduction cost) payable to the United States Treasury. For a paper copy without the Appendices and signature pages, the cost is $16.00.

Thomas Carroll,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2022–15342 Filed 7–18–22; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Wage and Hour Division

Agency Information Collection Activities; Comment Request; Establishing Paid Sick Leave for Federal Contractors

AGENCY: Wage and Hour Division, Department of Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (Department) is soliciting comments concerning a proposed extension of the information collection request (ICR) titled ''Establishing Paid Sick Leave for Federal Contractors.'' This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA). The Department proposes to extend the approval of this existing information collection without change to existing requirements. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. A copy of the proposed information request can be obtained by contacting the office listed below in the **FOR FURTHER INFORMATION CONTACT** section of this Notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before September 19, 2022.

ADDRESSES: You may submit comments identified by Control Number 1235–0029, by either one of the following methods: *Email: WHDPRAComments@dol.gov; Mail, Hand Delivery, Courier:* Division of Regulations, Legislation, and Interpretation, Wage and Hour, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue NW, Washington, DC 20210.

Instructions: Please submit one copy of your comments by only one method. All submissions received must include the agency name and Control Number identified above for this information collection. Because we continue to experience delays in receiving mail in the Washington, DC area, commenters are strongly encouraged to transmit their comments electronically via email or to submit them by mail early. Comments, including any personal information provided, become a matter of public record. They will also be summarized and/or included in the request for Office of Management and Budget (OMB) approval of the information collection request.

FOR FURTHER INFORMATION CONTACT: Amy DeBisschop, Division of Regulations, Legislation, and Interpretation, Wage and Hour Division, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue NW, Washington, DC 20210; telephone: (202) 693–0406 (this is not a toll-free number). Alternative formats are available upon request by calling 1–866–487–9243. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION:

I. *Background:* On September 7, 2015, President Barack Obama signed Executive Order 13706, ''Establishing Paid Sick Leave for Federal Contractors.'' 80 FR 54697. The Executive Order established paid sick leave for Federal Contractors. Executive Order 13706 stated that the Federal Government's procurement interests in efficiency and cost savings are promoted when the Federal Government contracts with sources that ensure workers on those contracts can earn paid sick leave. The Executive Order therefore required parties who contract with the Federal Government to provide their employees with up to 7 days of paid sick time annually, including paid time allowing for family care. The Executive Order directed the Secretary to issue regulations by September 30, 2016, to the extent permitted by law and consistent with the requirements of 40 U.S.C. 121, to implement the Order's requirements. The Final Rule established standards and procedures for implementing and enforcing the paid sick leave requirements of Executive Order 13706. 81 FR 67598.

Among other requirements, the regulations at 29 CFR 13 require employers subject to the Order to make and maintain records for notifications to employees on leave accrual and requests to use paid sick leave, dates and amounts of paid sick leave used, written responses to requests to use paid sick leave, records relating to certification and documentation where an employer requires this from an employee using at least 3 consecutive days of leave, tracking of or calculations related to an employee's accrual or use of paid sick leave, the relevant covered contract, pay and benefits provided to an employee using leave, and any financial payment for unused sick leave made to an employee on separation from employment.

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 under the PRA 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 Control Number. See 5 CFR 1320.5(a) and 1320.6. The Department obtains OMB approval for this information collection under Control Number 1235–0029.

OMB authorization for an ICR cannot be for more than 3 years without renewal, and the current approval for this collection will expire on January 31, 2023. The Department seeks to extend PRA authorization for this information collection for 3 more years, without any change to existing requirements. The Department notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review.

Interested parties are encouraged to send comments to the Department at the address shown in the **ADDRESSES** section within 60 days of publication of this notice in the **Federal Register**. To help ensure appropriate consideration, comments should mention OMB Control Number 1235–0029.

II. *Review Focus:* The Department of Labor is particularly interested in comments which:

- 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;
- Enhance the quality, utility, and clarity of the information to be collected;
- 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;
- Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

III. *Current Actions:* The Department of Labor seeks approval for an extension of this information collection to ensure effective administration of paid sick leave programs for federal contractors.

Type of Review: Extension.

Agency: Wage and Hour Division.

Title: Establishing Paid Sick Leave for Federal Contractors.

OMB Control Number: 1235–0029.

Affected Public: Private Sector: Businesses or other for-profits; not-for-profit institutions.

Total Respondents: 1,039,200.

Total Annual Responses: 30,700,566.

Estimated Total Burden Hours: 604,685.

Estimated Time per Response: Varies with type of request.

Frequency: On occasion.

Total Burden Costs: $29,338,712.

Total Burden Costs (Operations/Maintenance): $1,168,157.

Dated: July 13, 2022.

Amy DeBisschop,

Director, Division of Regulations, Legislation, and Interpretation.

[FR Doc. 2022–15313 Filed 7–18–22; 8:45 am]

BILLING CODE 4510–27–P

MERIT SYSTEMS PROTECTION BOARD

Public Availability of the Merit Systems Protection Board FY 2019 Service Contract Inventory

AGENCY: Merit Systems Protection Board.

ACTION: Notice.

SUMMARY: The Merit Systems Protection Board (MSPB) is publishing this notice to advise the public of the availability of its FY 2019 Service Contract Inventory as required by the Consolidated Appropriations Act of 2010. This inventory provides information on service contract actions over $25,000 awarded in FY 2019. The inventory was developed in accordance with guidance issued on November 5, 2010, by the Office of Management and Budget's Office of Federal Procurement Policy (OFPP). The OFPP's guidance is available at: *https://obamawhitehouse.archives.gov/sites/default/files/omb/procurement/memo/service-contract-inventories-guidance-11052010.pdf.* The MSPB posted its inventory on its website at *https://www.mspb.gov/publicaffairs/contracting.htm.*

FOR FURTHER INFORMATION CONTACT: Tset Wong, Contracting Officer, Office of Finance and Administrative Management, Merit Systems Protection Board, 1615 M Street NW, Washington, DC 20419; telephone 202–254–4408; email *tset.wong@mspb.gov.*

Jennifer Everling,

Acting Clerk of the Board.

[FR Doc. 2022–15338 Filed 7–18–22; 8:45 am]

BILLING CODE 7400–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (22–056)]

Notice of Intent To Grant an Exclusive, Co-Exclusive or Partially Exclusive Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of intent to grant exclusive, co-exclusive or partially exclusive patent license.

SUMMARY: NASA hereby gives notice of its intent to grant an exclusive, co-exclusive or partially exclusive patent license to practice the inventions described and claimed in the patents and/or patent applications listed in **SUPPLEMENTARY INFORMATION** below.

DATES: The prospective exclusive, co-exclusive or partially exclusive license may be granted unless NASA receives written objections including evidence and argument, no later than August 3, 2022 that establish that the grant of the license would not be consistent with the requirements regarding the licensing of federally owned inventions as set forth in the Bayh-Dole Act and implementing regulations. Competing applications completed and received by NASA no later than August 3, 2022 will also be treated as objections to the grant of the contemplated exclusive, co-exclusive or partially exclusive license. Objections submitted in response to this notice will not be made available to the public for inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act.

ADDRESSES: Written objections relating to the prospective license or requests for further information may be submitted to Agency Counsel for Intellectual Property, NASA Headquarters at email: *hq-patentoffice@mail.nasa.gov.* Questions may be directed to Phone: (202) 358–3437.

SUPPLEMENTARY INFORMATION: NASA intends to grant an exclusive, co-exclusive, or partially exclusive patent license in the United States to practice the inventions described and claimed in: Cold Installation of Elastomeric Valve Seat, U.S. Patent Number 10,197,165, Two-Part Fill Valve for Space-Limited Applications, U.S. Patent Application Serial Number 17/300,707, and Solenoid-Controlled, Liquid Cryogenic-Hydraulically Actuated Isolation Valve Assembly, U.S. Patent Number 10,746,132, to Flight Works, Inc., having its principal place of business in Irvine, CA. The fields of use may be limited. NASA has not yet made a final determination to grant the requested license and may deny the requested license even if no objections are submitted within the comment period.

This notice of intent to grant an exclusive, co-exclusive or partially exclusive patent license is issued in accordance with 35 U.S.C. 209(e) and 37 CFR 404.7(a)(1)(i). The patent rights in these inventions have been assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. The prospective license will comply with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Information about other NASA inventions available for licensing can be

found online at *https://technology.nasa.gov.*

Helen M. Galus,

Agency Counsel for Intellectual Property.

[FR Doc. 2022–15291 Filed 7–18–22; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (22–055)]

Notice of Prospective Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of prospective patent license.

SUMMARY: NASA hereby gives notice of a prospective exclusive, co-exclusive or partially exclusive patent license to practice the inventions described and claimed in the patents and/or patent applications listed in **SUPPLEMENTARY INFORMATION** below.

DATES: The prospective exclusive, co-exclusive or partially exclusive license may be granted unless NASA receives written objections including evidence and argument, no later than August 3, 2022 that establish that the grant of the license would not be consistent with the requirements regarding the licensing of federally owned inventions as set forth in the Bayh-Dole Act and implementing regulations. Competing applications completed and received by NASA no later than August 3, 2022 will also be treated as objections to the grant of the contemplated exclusive, co-exclusive or partially exclusive license. Objections submitted in response to this notice will not be made available to the public for inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act.

ADDRESSES: Written objections relating to the prospective license or requests for further information may be submitted to Agency Counsel for Intellectual Property, NASA Headquarters at Email: *hq-patentoffice@mail.nasa.gov.* Questions may be directed to Phone: (202) 358–3437.

SUPPLEMENTARY INFORMATION: NASA hereby gives notice regarding a prospective exclusive, co-exclusive, or partially exclusive patent license in the United States to practice the inventions described and claimed in: U.S. Patent No. 8,384,614 Deployable Wireless Fresnel Lens to Net Force Corporation having its principal place of business in 15421 E. Gale Avenue #90083, City of Industry, CA. The fields of use may be limited. NASA has not yet made a final determination to grant the requested license and may deny the requested license even if no objections are submitted within the comment period.

This notice is issued in accordance with 35 U.S.C. 209(e) and 37 CFR 404.7(a)(1)(i). The patent rights in these inventions have been assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. The prospective license will comply with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Information about other NASA inventions available for licensing can be found online at *https://technology.nasa.gov.*

Helen M. Galus,

Agency Counsel for Intellectual Property.

[FR Doc. 2022–15292 Filed 7–18–22; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act Meetings

TIME AND DATE: 10 a.m., July 21, 2022

PLACE: Due to the COVID–19 Pandemic, the meeting will be open to the public via live webcast only. Visit the agency's homepage (*www.ncua.gov*) and access the provided webcast link.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

1. Board Briefing, 2022 Mid-Session Budget.
2. NCUA Rules and Regulations, Asset and Supervision Threshold for Determining the Appropriate Supervisory Office.
3. NCUA Rules and Regulations, Cyber Incident Notification Requirements.

CONTACT PERSON FOR MORE INFORMATION: Melane Conyers-Ausbrooks, Secretary of the Board, Telephone: 703–518–6304.

Melane Conyers-Ausbrooks,

Secretary of the Board.

[FR Doc. 2022–15461 Filed 7–15–22; 11:15 am]

BILLING CODE 7535–01–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request

AGENCY: National Science Foundation.

ACTION: Submission for OMB Review; comment request.

SUMMARY: The National Science Foundation (NSF) has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1995. This is the second notice for public comment; the first was published in the **Federal Register**, and no comments were received. NSF is forwarding the proposed submission to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice.

DATES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAmain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314, or send email to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including federal holidays).

Copies of the submission may be obtained by calling 703–292–7556. NSF may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number, and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

SUPPLEMENTARY INFORMATION:

Title of Collection: Presidential Awards for Excellence in Mathematics and Science Teaching (PAEMST): State Coordinators Questionnaire.

OMB Number: 3145–0241.

Abstract: The PAEMST is a White House program established by Congress in 1983 authorizing the President to bestow up to 108 awards each year to teachers of mathematics and science at the elementary and secondary levels. The NSF is the designated federal agency for administration of this Presidential program. Awards are given in the Mathematics Category (includes mathematics and Computer Science/Technology) and the Science Category (includes science and engineering) to teachers from each of the 50 states and four U.S. jurisdictions. The jurisdictions are Washington DC; Puerto Rico; Department of Defense Education

Activity schools; and the U.S. territories as a group (American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the U.S. Virgin Islands). The award recognizes those teachers who develop and implement a high-quality instructional program that is informed by content knowledge and enhances student learning. Since the program's inception, more than 5,200 teachers have been recognized for their contributions in the classroom and to their profession. Awardees serve as models for their colleagues, inspiration to their communities, and leaders in the improvement of STEM education.

The State or Jurisdiction Coordinator (SC) manages the PAEMST program within his or her state or jurisdiction. SCs recruit eligible nominees, select and assign mentors to nominees, coordinate the selection committee, and plan local recognition events within their State or Jurisdiction. They also carry out the responsibilities as noted in the ''Operational Handbook for State and Jurisdiction STEM Coordinators.''

The purpose of this survey is to seek feedback from the approximately 120 SCs regarding PAEMST management within their state or jurisdiction. The NSF PAEMST support team will ask directed questions using the survey to gather information that may specifically address the methods and recruitment efforts that SCs use to support the attracting of prospective award nominees. Additional survey areas may also include:

- Applicant Mentoring
- Mentor Training
- State or Jurisdiction selection Committee
- State or Jurisdiction selection Process
- Applicant and State or Jurisdiction Finalist Notification and Recognition
- In-kind contributions

The survey will evaluate the impact SCs have on attracting prospective award nominees to PAEMST. This will be conducted as a web-based survey.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 30–40 minutes for State/Jurisdiction Coordinators.

Respondents: Individuals.

Estimated Number of Responses per Form: 120 Coordinators.

Estimated Total Annual Burden on Respondents: 80 hours (120 Coordinators at 40 minutes per survey = 80 hours).

Frequency of Response: One per application cycle.

Dated: July 13, 2022.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2022–15339 Filed 7–18–22; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Intent To Prepare an Environmental Impact Statement and Initiate Section 106 Consultation for a Potential National Science Foundation Investment in the Construction and Operation of an Extremely Large Telescope Located in the Northern Hemisphere and Notice of Public Scoping Meetings and Comment Period

AGENCY: National Science Foundation.

ACTION: Notice.

SUMMARY: In compliance with the National Environmental Policy Act of 1969, as amended, the National Science Foundation (NSF) intends to prepare an Environmental Impact Statement (EIS) to evaluate environmental effects of an NSF investment in the construction and operation of an Extremely Large Telescope (ELT) located in the Northern Hemisphere, which is a potential future funding action. (Refer to supplementary information below for more detail about NSF's decision-making process.)

DATES: This notice initiates the public scoping process for the EIS and the Section 106 consultation process pursuant to *Code of Federal Regulations* title 36, section 800.2(d). Comments on issues may be submitted during the scoping meetings scheduled for August 9 through 12, 2022, on the Island of Hawaii (refer to details below) or in writing electronically or via postal mail until September 17, 2022. To be eligible for inclusion in the Draft EIS, all comments must be received prior to the close of the scoping period. Comments on NSF's Draft CEP may also be submitted prior to, and during, the scoping meetings or in writing through September 17, 2022. The public will be notified of the dates, times, and locations of the Section 106 meetings at a later date.

ADDRESSES: You may submit comments related to this Proposed Action by either of the following methods. Note that comments will be accepted via the website starting at approximately 9 a.m. EDT on July 19, 2022:

- *Website: https://beta.nsf.gov/tmt.*
- *Mail to:* Ms. Elizabeth Pentecost, RE: ELT, National Science Foundation, Room W9152, 2415 Eisenhower Ave., Alexandria, VA 22314.

Scoping Meetings

NSF will host four in-person public scoping meetings from 6:00 p.m. to 8:00 p.m. at the following locations and dates:

- *Hilo:* August 9, 2022, at the Grand Naniloa Doubletree by Hilton Hotel, Crown Room, 93 Banyan Dr., Hilo, HI 96720.
- *Naalehu:* August 10, 2022, at the Naalehu Community Center, 95–5635 Hawaii Belt Rd., Naalehu, HI 96772.
- *Kona:* August 11, 2022, at the Outrigger Kona Resort & Spa, Kaleiopapa Convention Center, 78–128 Ehukai St., Kailua-Kona, HI 96740.
- *Kamuela (Waimea):* August 12, 2022, at the Kahilu Town Hall, 67–1182 Lindsey Rd., Kamuela, HI 96743.

Comments will be accepted during the meetings in writing and verbally. Please contact NSF at least one week in advance of each meeting if you would like to request special accommodations (*e.g.,* sign language interpretation). Comments can also be provided in the Hawaiian language, which will subsequently be translated to the English language to facilitate NSF's consideration of those comments.

FOR FURTHER INFORMATION CONTACT: For further information regarding the EIS process or the Section 106 consultation process, please contact: Ms. Elizabeth Pentecost, National Science Foundation, Division of Astronomical Sciences, Room W9152, 2415 Eisenhower Ave., Alexandria, VA 22314; telephone: (703) 292–4907; email: *EIS.106.TMT@nsf.gov.*

SUPPLEMENTARY INFORMATION: By this notice, NSF is announcing the beginning of the scoping process to solicit public comments and identify issues to be analyzed in the EIS. NSF welcomes public comments on potential alternatives, information, and analyses relevant to the environmental review. NSF also intends to initiate consultation under Section 106 of the National Historic Preservation Act (NHPA) (Section 106) to evaluate anticipated effects on historic properties resulting from a potential NSF investment in the construction and operation of a Northern Hemisphere ELT located on the summit of Maunakea, Hawaii Island, Hawaii, which is the only location in the United States for which alternatives will be analyzed. NSF enters into this process with an understanding that the issue of constructing an ELT on Maunakea is a sensitive one, with both strong proponents and strong opponents of the proposed project; NSF was informed of the reasons for these varying positions through numerous informal meetings, spanning a 16-month period, with individuals and groups

with a connection to Maunakea. NSF also received numerous written comments. As a result of those meetings and written comments, NSF heard that it should be proactive in its engagement with the Native Hawaiian community during any environmental review by providing additional opportunities for meaningful and effective public participation. To that end, NSF also invites the public to comment on NSF's plans to engage the public in its EIS and Section 106 compliance processes through review of and comment on NSF's Draft Community Engagement Plan (Draft CEP), located at *https://beta.nsf.gov/tmt* (starting at approximately 9 a.m. EDT on July 19, 2022).

The Draft CEP is also available at the following local libraries:

Oahu

- James & Abigail Campbell Library, University of Hawaii at West Oahu, 91–1001 Farrington Hwy., Kapolei, HI 96707.
- Hawaii Kai Public Library, 249 Lunalilo Home Rd., Honolulu, HI 96825.

Hawaii

- Edwin H. Mookini Library, University of Hawaii at Hilo, 200 W Kawili St., Hilo, HI 96720–4091.
- Thelma Parker Memorial Public and School Library, 67–1209 Mamalahoa Hwy., Kamuela, HI 96743.
- Hilo Public Library, 300 Waianuenue Ave., Hilo, HI 96720.
- Pahala Public and School Library, 96–3150 Pikake St., Pahala, HI 96777.
- Kailua-Kona Public Library, 75–138 Hualalai Rd., Kailua-Kona, HI 96740.

Kauai

- Lihue Public Library, 4344 Hardy St., Lihue, HI 96766.
- Princeville Public Library, 4343 Emmalani Dr., Princeville, HI 96722.

Maui

- Kihei Public Library, 35 Waimahaihai St., Kihei, HI 96753.

Background

The U.S. astronomy community via the National Academies of Sciences, Engineering, and Medicine (NASEM) recently completed its 2020 Astronomy and Astrophysics Decadal Survey (Astro2020) culminating with the October 2021 release of the final report titled, *Pathways to Discovery in Astronomy and Astrophysics for the 2020s*.[1] Astro2020 is the seventh decadal survey of the field and provides valuable advice to federal agency sponsors regarding astronomy and astrophysics research priorities for the upcoming decade (2020–2030). In its report, the Astro2020 committee concluded that ''U.S. ELT is a critical priority for investment for ground-based astronomy in the coming decade.'' Because NSF is the steward of ground-based astronomy in the United States, the committee recommended that the ''National Science Foundation (NSF) should achieve a federal investment in at least one and ideally both of the two extremely large telescope projects—the Giant Magellan Telescope and the Thirty Meter Telescope.''

The first step toward implementing Astro2020's highest-priority recommendation would be for NSF to initiate a US–ELT Program comprising a Northern Hemisphere ELT, a Southern Hemisphere ELT, or both. The purpose of a US–ELT Program would be to provide access for the U.S. scientific community to the cutting-edge capabilities of this new class of telescopes. The angular resolution and light-gathering power of these ELTs with large equivalent apertures (*e.g.,* 25–40 meters) would enable astronomers to search for signatures of life on Earth-like planets; probe the fundamental physics of gravitational waves, dark matter, and dark energy; and study in detail the assembly of galaxies in the early Universe.

The NSF Directorate for Mathematical and Physical Sciences, Division of Astronomical Sciences, based upon advice from the academic community, has identified the need to acquire the unique capabilities of an ELT located in the Northern Hemisphere to be included in a US–ELT Program. NSF takes recommendations from the astronomy community like those from Astro2020 seriously; therefore, the Proposed Action under consideration is an NSF investment in the construction and operation of an ELT in the Northern Hemisphere. The only proposed Northern Hemisphere ELT identified in the Astro2020 report is the Thirty Meter Telescope (TMT), which has a preferred site on the summit of Maunakea, Hawaii Island, Hawaii, and an alternative site on Roque de los Muchachos, La Palma, in the Canary Islands.

Purpose of Public Scoping Process

The purpose of the public scoping process is to determine relevant issues that will influence the scope of the environmental analysis, including identification of viable alternatives, and to guide the process for developing the EIS. Federal, state, and local agencies, along with members of the public who may be interested or affected by NSF's ultimate decision on this Proposed Action, are invited to participate in the scoping process and, if eligible, may request to participate as a cooperating agency.

Preliminary Proposed Alternatives

Alternatives to be evaluated in the EIS will be refined through public input, with preliminary proposed alternatives that include the following:

- No NSF investment in the construction and operation of an ELT in the Northern Hemisphere (No Action Alternative).
- Investment in the construction and operation of TMT (as the ELT in the Northern Hemisphere) located on Maunakea, Hawaii Island, Hawaii (Action Alternative 1).
- Investment in the construction and operation of TMT (as the ELT in the Northern Hemisphere) located on Maunakea, Hawaii Island, Hawaii, with an NSF-facilitated plan to define and practice responsible astronomy in Hawaii in partnership with the Mauna Kea Stewardship and Oversight Authority, the Maunakea Observatories, and the affected Hawaiian community (Action Alternative 2).
- Investment in the construction and operation of TMT (as the ELT in the Northern Hemisphere) located on Roque de los Muchachos, La Palma, Canary Islands (Action Alternative 3).

Proposed Scope of Environmental Review

The EIS will evaluate the potential environmental (including cultural) direct, indirect, and cumulative effects resulting from the implementation of the Proposed Action and Action Alternatives. At present, NSF has identified the following resource areas for analysis of potential impacts. Cultural resources will be analyzed for potential impacts on traditional cultural places; archaeological resources; and historic buildings and structures. Visual resources will include an analysis of sensitive viewsheds. The socioeconomics analysis will consider potential impacts on population and housing; the economy, employment, and income; education; tourism; and environmental justice. The land use evaluation will include an analysis of potential impacts on existing plans, policies, and controls, as well as coastal zone management. The health and safety evaluation will analyze potential impacts on natural resources; occupational health and public safety; and protection of children. Biological resources will be evaluated for potential impacts on native vegetation; sensitive

[1] *https://www.nap.edu/catalog/26141/pathways-to-discovery-in-astronomy-and-astrophysics-for-the-2020s.*

vegetation species; invasive vegetation species; native wildlife; sensitive wildlife species; invasive wildlife species; and the United Nations Education, Scientific, and Cultural Organization (UNESCO) Biosphere Reserve near La Palma, Canary Islands (Alternative 3). Geological resources will be analyzed for potential impacts on geology, soils, and topography, including slope stability. Water resources will be evaluated for potential impacts on surface water, groundwater, and stormwater. The public services and utilities evaluation will include an analysis of potential impacts on power, communications, potable water, wastewater, and solid waste. Traffic and transportation will be analyzed for potential impacts on traffic and roadway conditions. Additional resources analyzed for potential impacts will include hazardous materials and waste, climate change, air quality, and noise. The level of review in the EIS will be proportionate with the anticipated level of effects on each resource from the Proposed Action and Action Alternatives. The EIS will analyze measures that would avoid, minimize, or mitigate potential environmental effects. Based on a preliminary evaluation of these resources, NSF expects the EIS to identify adverse effects on cultural/archaeological resources, biological resources, visual resources, and geological resources. Adverse effects to additional resources, as well as potential beneficial effects (*e.g.,* on socioeconomics), will likely be identified based on public input and the result of any new studies or analyses.

NSF may conduct additional studies to inform the environmental review process, including a cultural resources study, archaeology survey, and ethnographic research; updated visual modeling; economic modeling; an environmental justice assessment (Hawaiian homeland locations); updated species/habitat surveys; a geology survey; a surface water/groundwater study; migratory bird study; and a contamination assessment.

In addition to NEPA, federal permits and other federal authorizations will be required. These processes, as well as consultation under Section 106 of the NHPA and Section 7 of the Endangered Species Act, as appropriate, will occur concurrently with the NEPA process. Other authorizations may be required pursuant to the Coastal Zone Management Act, the Migratory Bird Treaty Act, the Clean Water Act, the Rivers and Harbors Act, and the Clean Air Act. Because of the international location of Alternative 3, NSF would apply the provisions of Executive Order 12114, *Environmental Effects Abroad of Major Federal Actions* in analyzing that Alternative.

NSF Environmental Review Timeline

The following is a list of milestones and anticipated timeframes for the EIS and Section 106 processes:

- Scoping period will occur from July 19, 2022 through September 17, 2022.
- A draft plan for any needed resource studies/analyses will be posted to the NSF web page (*https://beta.nsf.gov/tmt*) for additional public comment in Fall/Winter 2022.
- NSF will finalize the CEP based on public input (target late 2022) and implement the measures identified therein throughout the remainder of the process.
- NSF will host a workshop to help inform Alternative 2 and the Section 106 process in Winter 2022/2023.
- Section 106 consulting parties will meet to consult on the Area of Potential Effects and identify historic properties during Winter 2022/2023.
- NSF will conduct any necessary studies and analyses and prepare the Draft EIS between Winter 2022 and Summer 2023.
- The Draft EIS and accompanying public comment period, including public meetings, are anticipated in Summer 2023; NSF will continue to meet with consulting parties, pursuant to Section 106, to identify and resolve adverse effects to historic properties between Summer 2023 and Spring/Summer 2024.
- Final EIS is anticipated in Spring/Summer 2024.
- Record of Decision is anticipated in Fall 2024.

NSF will not make a funding decision until after it considers the following:

- Public input.
- Environmental review of the telescope.
- Project's technical readiness.
- Project proponent's management capabilities.
- Availability of federal funding.
- Telescope's alignment with other NSF priorities.

(Please note that a decision by NSF not to go forward with an investment in the construction and operations of TMT could be made at any time, including before the EIS process has concluded.)

Proposal Information: Information will be posted throughout the EIS process at *https://beta.nsf.gov/tmt.*

Dated: July 14, 2022.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2022–15349 Filed 7–18–22; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2022–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of July 11, 18, 25, August 1, 8, 15, 22, 2022. The schedule for Commission meetings is subject to change on short notice. The NRC Commission Meeting Schedule can be found on the internet at: *https://www.nrc.gov/public-involve/public-meetings/schedule.html.*

PLACE: The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* Braille, large print), please notify Anne Silk, NRC Disability Program Specialist, at 301–287–0745, by videophone at 240–428–3217, or by email at *Anne.Silk@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

STATUS: Public.

Members of the public may request to receive the information in these notices electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555, at 301–415–1969, or by email at *Wendy.Moore@nrc.gov* or *Betty.Thweatt@nrc.gov.*

MATTERS TO BE CONSIDERED:

Week of July 11, 2022

Friday, July 15, 2022

1 p.m. Affirmation Session (Public Meeting) (Tentative)

(a) Entergy Nuclear Operations, Inc., Entergy Nuclear Palisades, LLC, Holtec International, and Holtec Decommissioning International, LLC (Palisades Nuclear Plant and Big Rock Point) (Tentative)

(b) Energy*Solutions,* LLC—Indirect License Transfer (Zion Nuclear Power Station, Units 1 and 2; Three Mile Island Nuclear Station, Unit 2; La Crosse Boiling Water Reactor; Kewaunee Power Station; Radioactive Materials License; Export Licenses) (Tentative)

Additional Information: By a vote of 3–0 on July 14, 2022, the Commission determined pursuant to 5 U.S.C. 552b(e)(1) and 10 CFR 9.107 that this item be affirmed with less than one week notice to the public. (Contact: Wesley Held: 301–287–3591)

Additional Information: The public is invited to attend the Commission's

meeting live; via teleconference. Details for joining the teleconference in listen only mode can be found at *https://www.nrc.gov/pmns/mtg.*

Week of July 18, 2022

Thursday, July 21, 2022

9 a.m. Update on 10 CFR part 53 Licensing and Regulation of Advanced Nuclear Reactors (Contact: Greg Oberson: 301–415–2183)

Additional Information: The meeting will be held in the Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland. The public is invited to attend the Commission's meeting in person or watch live via webcast at the web address—*https://video.nrc.gov/.*

Week of July 25, 2022—Tentative

There are no meetings scheduled for the week of July 25, 2022.

Week of August 1, 2022—Tentative

There are no meetings scheduled for the week of August 1, 2022.

Week of August 8, 2022—Tentative

There are no meetings scheduled for the week of August 8, 2022.

Week of August 15, 2022—Tentative

There are no meetings scheduled for the week of August 15, 2022.

Week of August 22, 2022—Tentative

There are no meetings scheduled for the week of August 22, 2022.

CONTACT PERSON FOR MORE INFORMATION: For more information or to verify the status of meetings, contact Wesley Held at 301–287–3591 or via email at *Wesley.Held@nrc.gov.*

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: July 14, 2022.

For the Nuclear Regulatory Commission.

Wesley W. Held,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2022–15431 Filed 7–15–22; 11:15 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95270; File No. SR–FINRA–2022–013]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To Amend FINRA Rule 6730 To Enhance TRACE Reporting Obligations for U.S. Treasury Securities

July 13, 2022.

On May 23, 2022, the Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend FINRA Rule 6730 to enhance Trade Reporting and Compliance Engine (TRACE) reporting obligations for U.S. Treasury Securities. The proposed rule change was published for comment in the **Federal Register** on June 3, 2022.[3]

Section 19(b)(2) of the Act [4] provides that, within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is July 18, 2022.

The Commission is extending this 45-day time period. The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change in order to consider the proposed rule change and the comments received. Accordingly, pursuant to Section 19(b)(2) of the Act,[5] the Commission designates September 1, 2022, as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–FINRA–2022–013).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–15305 Filed 7–18–22; 8:45 am]

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 95003 (May 27, 2022), 87 FR 33844 (June 3, 2022). Comments received on the proposed rule change are available at: *https://www.sec.gov/comments/sr-finra-2022-013/srfinra2022013.htm.*

[4] 15 U.S.C. 78s(b)(2).

[5] *Id.*

[6] 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95272; File No. SR–EMERALD–2022–23]

Self-Regulatory Organizations; MIAX Emerald, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rule 518, Complex Orders, and Exchange Rule 515, Execution of Orders and Quotes, To Permit Pricing of Stock-Option Complex Strategies in any Decimal Price the Exchange Determines

July 13, 2022.

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 1, 2022, MIAX Emerald, LLC (''MIAX Emerald'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Rulebook to permit pricing of stock-option complex strategies in any decimal price the Exchange determines.

The text of the proposed rule change is available on the Exchange's website at *http://www.miaxoptions.com/rule-filings/emerald* at MIAX Emerald's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Exchange Rule 518, Complex Orders, and Exchange Rule 515, Execution of Orders and Quotes, to permit pricing of stock-option complex strategies in any decimal price the Exchange determines. The Exchange notes that this proposal is substantively identical to a recent proposal by the MIAX Options Exchange that was noticed by the Commission.[3]

Background

In August 2019, the Exchange adopted rules governing the trading in, and detailing the functionality of the Emerald Options System[4] in the handling of complex orders on the Exchange.[5] The Exchange defines a ''complex order'' as any order involving the concurrent purchase and/or sale of two or more different options in the same underlying security (the ''legs'' or ''components'' of the complex order), for the same account, in a ratio that is equal to or greater than one-to-three (.333) and less than or equal to three-to-one (3.00) and for the purposes of executing a particular investment strategy. Mini-options may only be part of a complex order that includes other mini-options. Only those complex orders in the classes designated by the Exchange and communicated to Members[6] via Regulatory Circular with no more than the applicable number of legs, as determined by the Exchange on a class-by-class basis and communicated to Members via Regulatory Circular,[7] are eligible for processing. A Post-Only order may not be a component of a complex order and will be rejected by the System.[8]

A complex order can also be a ''stock-option order'' as described further, and subject to the limitations set forth, in Interpretation and Policy .01 of this Rule. A stock-option order is an order to buy or sell a stated number of units of an underlying security (stock or Exchange Traded Fund Share (''ETF'')) or a security convertible into the underlying stock (''convertible security'') coupled with the purchase or sale of options contract(s) on the opposite side of the market representing either (i) the same number of units of the underlying security or convertible security, or (ii) the number of units of the underlying stock necessary to create a delta neutral position, but in no case in a ratio greater than eight-to-one (8.00), where the ratio represents the total number of units of the underlying security or convertible security in the option leg to the total number of units of the underlying security or convertible security in the stock leg. Only those stock-option orders in the classes designated by the Exchange and communicated to Members via Regulatory Circular with no more than the applicable number of legs as determined by the Exchange on a class-by-class basis and communicated to Members via Regulatory Circular,[9] are eligible for processing.[10]

Additionally, the Exchange offers a Complex Qualified Contingent Cross Order or ''cQCC'' Order which is comprised of an originating complex order to buy or sell where each component is at least 1,000 contracts that is identified as being part of a qualified contingent trade, as defined in Rule 516, Interpretations and Policies .01,[11] coupled with a contra-side complex order or orders totaling an equal number of contracts. The trading of cQCC Orders is governed by Rule 515(h)(4).[12]

Exchange Rule 515(h)(4) currently provides that, cQCC Orders, as defined in Rule 518(b)(6), are automatically executed upon entry provided that, with respect to each option leg of the cQCC Order, the execution (i) is not at the same price as a Priority Customer Order on the Exchange's Book; and (ii) is at or between the NBBO. The System will reject a cQCC Order if, at the time of receipt of the cQCC Order: (i) the strategy is subject to a cPRIME Auction pursuant to Rule 515A, Interpretation and Policy .12 or to a Complex Auction pursuant to Rule 518(d); or (ii) any component of the strategy is subject to a SMAT Event as described in Rule 518(a)(16). Further paragraph (A) of Exchange Rule 515(h)(4) provides that cQCC Orders will be automatically canceled if they cannot be executed. Paragraph (B) of Exchange Rule 515(h)(4) provides that, cQCC Orders may only be entered in the minimum trading increments applicable to complex orders under Rule 518(c)(1)(i). Paragraph (C) of Exchange Rule 515(h)(4) provides that, the Exchange will determine, on a class-by-class basis, the option classes in which cQCC Orders are available for trading on the Exchange, and will announce such classes to Members via Regulatory Circular.[13]

Trading of complex orders on the Exchange is governed by Exchange Rule 518, Complex Orders. Minimum increments and trade prices for complex orders are described in current subparagraph (i) of Rule 518(c)(1) which states, bids and offers on complex orders and quotes may be expressed in $0.01 increments, and the component(s) of a complex order may be executed in $0.01 increments, regardless of the minimum increments otherwise applicable to individual components of the complex order. Current subparagraph (ii) of Exchange Rule 518(c)(1) states, if any component of a complex strategy would be executed at a price that is equal to a Priority

[3] *See* Securities Exchange Act Release No. 94836 (May 3, 2022), 87 FR 27670 (May 9, 2022) (SR–MIAX–2022–17) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change by Miami International Securities Exchange, LLC to Amend Exchange Rule 518, Complex Orders and Exchange Rule 515, Execution of Orders and Quotes, To Permit Pricing of Stock-Option Complex Strategies In any Decimal Price the Exchange Determines).

[4] The term ''System'' means the automated trading system used by the Exchange for the trading of securities. *See* Exchange Rule 100.

[5] *See* Securities Exchange Act Release No. 85345 (March 18, 2019), 84 FR 10848 (March 22, 2019) (SR–EMERALD–2019–13).

[6] The term ''Member'' means an individual or organization approved to exercise the trading rights associated with a Trading Permit. Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100.

[7] *See* MIAX Emerald Regulatory Circular 2019–67, Trading of Complex Orders on MIAX Emerald (August 13, 2019) available at *https://www.miaxoptions.com/sites/default/files/circular-files/MIAX_Emerald_RC_2019_67.pdf.*

[8] *See* Exchange Rule 518(a)(5).

[9] *See supra* note 7.

[10] *See* Exchange Rule 518(a)(5).

[11] A ''qualified contingent trade'' is a transaction consisting of two or more component orders, executed as agent or principal, where: (a) At least one component is an NMS Stock, as defined in Rule 600 of Regulation NMS under the Exchange Act; (b) all components are effected with a product or price contingency that either has been agreed to by all the respective counterparties or arranged for by a broker-dealer as principal or agent; (c) the execution of one component is contingent upon the execution of all other components at or near the same time; (d) the specific relationship between the component orders (*e.g.,* the spread between the prices of the component orders) is determined by the time the contingent order is placed; (e) the component orders bear a derivative relationship to one another, represent different classes of shares of the same issuer, or involve the securities of participants in mergers or with intentions to merge that have been announced or cancelled; and (f) the transaction is fully hedged (without regard to any prior existing position) as a result of other components of the contingent trade. *See* Interpretations and Polices .01 of Exchange Rule 516.

[12] *See* Exchange Rule 518(b)(6).

[13] *See* Exchange Rule 515(h)(4).

Customer [14] bid or offer on the Simple Order Book,[15] at least one other component of the complex strategy must trade at a price that is better than the corresponding EBBO.[16] Current subparagraph (iii) of Exchange Rule 518(c)(1) states, a complex order will not be executed at a net price that would cause any component of the complex strategy to be executed: (A) at a price of zero; or (B) ahead of a Priority Customer order on the Simple Order Book without improving the EBBO of at least one component of the complex strategy. Current subparagraph (iv) of Exchange Rule 518(c)(1) states, a complex order or eQuote (as defined in Interpretation and Policy .02 of this Rule) will not be executed at a price that is outside of its MPC Price (as defined in Interpretation and Policy .05(f) of this Rule) or its limit price.

Proposal

The Exchange now proposes to (i) amend its rule pertaining to the pricing of complex orders to permit the pricing of stock-option complex strategies in any decimal price the Exchange determines; and (ii) make additional changes to the Exchange's rulebook necessary to support the implementation of the proposed pricing structure. The Exchange notes that its proposal is substantively identical to a recent proposal made by the Exchange's affiliate, MIAX Options.[17]

Rule 518 Complex Orders

Specifically, the Exchange proposes to amend subsection (c)(1) Minimum Increments and Trade Prices of Rule 518, to adopt new paragraph (ii), and to renumber current paragraph (c)(1)(ii) as paragraph (c)(1)(iii). New paragraph (c)(1)(ii) will provide that, bids and offers on complex orders, quotes, and RFR Responses for stock-option complex strategies (including a cQCC Order entered with a stock component) may be expressed in any decimal price the Exchange determines. The option component(s) of such a complex order may be executed in $0.01 increments, regardless of the minimum increments otherwise applicable to individual components of the complex order, and the stock component of such a complex order may be executed in any decimal price permitted in the equity market. The Exchange notes that its proposed rule text is identical to that of the Exchange's affiliate, MIAX Options.[18] Minimum increments less than $0.01 are appropriate for stock-option orders as the stock component can trade at finer decimal increments permitted by the equity market. Furthermore, the Exchange notes that even with the flexibility provided in the proposed rule, the individual options and stock legs must trade at increments allowed by the Commission in the options and equities markets.

To support the pricing of stock-option orders in any decimal price the Exchange determines, the Exchange is proposing to make a number of conforming changes throughout its Rulebook to clearly differentiate pricing and support of complex strategies with only option components, (which remains unchanged under this proposal in $0.01 increments), and pricing and support of stock-option complex strategies which may be in sub-penny increments, as determined by the Exchange. The Exchange notes that the proposed changes described herein are substantively identical to changes made by the Exchange's affiliate, MIAX Options.[19]

Therefore, the Exchange proposes to make a minor conforming change to the rule text of current paragraph (c)(1)(ii) of Rule 518, which will be renumbered as paragraph (c)(1)(iii). The current rule text states that, if any component of a complex strategy would be executed at a price that is equal to a Priority Customer bid or offer on the Simple Order Book, at least one other component of the complex strategy must trade at a price that is better than the corresponding EBBO. The Exchange now proposes to amend the rule to add additional detail and specificity by stating that, if any component of a complex strategy would be executed at a price that is equal to a Priority Customer bid or offer on the Simple Order Book, at least one other option component of the complex strategy must trade at a price that is better than the corresponding EBBO. The Exchange believes that clarifying that the component of the complex strategy must be an option component adds additional detail to the rule and makes it clear in the Exchange's rules that a Priority Customer bid or offer must be improved by at least $0.01 by the option component of either a complex strategy with only option components or the option component of a stock-option complex strategy. The Exchange notes that its proposed rule text is identical to that of the Exchange's affiliate, MIAX Options.[20]

Additionally, the Exchange proposes to amend paragraph (i) of subsection (c)(1), Minimum Increments and Trade Prices, of Exchange Rule 518, to add additional detail and clarity to the rule text. Currently, the rule provides that, bids and offers on complex orders and quotes may be expressed in $0.01 increments, and the component(s) of a complex order may be executed in $0.01 increments, regardless of the minimum increments otherwise applicable to individual components of the complex order. The Exchange now proposes to amend the rule text to provide that, bids and offers on complex orders, quotes, and RFR Responses for complex strategies having only option components may be expressed in $0.01 increments, and the component(s) of such a complex order may be executed in $0.01 increments, regardless of the minimum increments otherwise applicable to individual components of the complex order. The Exchange notes that its proposed rule text is identical to that of the Exchange's affiliate, MIAX Options.[21]

Paragraph (c)(1)(i) pertains to complex strategies that have only option components (as opposed to paragraph (c)(1)(ii) which pertains to stock-option complex strategies) and therefore provides that bids, offers, and RFR Responses for complex strategies having only option components may be expressed in $0.01 increments. The Exchange believes this change is necessary to differentiate between which strategies are required to be priced in $0.01 increments (complex strategies having only option components) and which strategies may be priced in an increment other than $0.01 (stock-option complex strategies). The Exchange believes this amendment provides additional detail and clarity regarding the pricing of complex strategies having only option components, which is not changing under this proposal.

The Exchange also proposes to amend the rule text of current paragraph (c)(1)(iii) of Rule 518 to make two minor conforming changes and to renumber the paragraph as new paragraph (c)(1)(iv). Currently, the rule states that, a complex order will not be executed at a net price that would cause any component of the complex strategy to be

[14] The term ''Priority Customer'' means a person or entity that (i) is not a broker or dealer in securities, and (ii) does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). *See* Exchange Rule 100.

[15] The term ''Simple Order Book'' is the Exchange's regular electronic book of orders and quotes. *See* Exchange Rule 518(a)(15).

[16] The term ''EBBO'' means the best bid or offer on the Simple Order Book on the Exchange. *See* Exchange Rule 518(a)(10).

[17] *See supra* note 3.

[18] *See* MIAX Options Exchange Rule 518(c)(1)(ii).

[19] *See supra* note 3.

[20] *See* MIAX Options Exchange Rule 518(c)(1)(iii).

[21] *See* MIAX Options Exchange Rule 518(c)(1)(i).

executed: (A) at a price of zero; or (B) ahead of a Priority Customer order on the Simple Order Book without improving the EBBO of at least one component of the complex strategy. The Exchange now proposes to add additional detail and specificity to the rule to state that, a complex order will not be executed at a net price that would cause any option component of the complex strategy to be executed: (A) at a price of zero; or (B) ahead of a Priority Customer order on the Simple Order Book without improving the EBBO of at least one option component of the complex strategy.[22] The Exchange believes that clarifying that the component of the complex strategy must be an option component adds additional detail and clarity to the rule. The Exchange also proposes to make a non-substantive change to existing paragraph (c)(1)(iv) to renumber the paragraph as (c)(1)(v). The Exchange notes that its proposed rule text is identical to that of the Exchange's affiliate, MIAX Options.[23]

The Exchange proposes to amend subparagraph (i) of section (c)(4), Managed Interest Process for Complex Orders, of Rule 518 to add additional detail and clarity to the rule text. The managed interest process for complex orders ensures that a complex order will never be executed at a price that is through the individual component prices on the Simple Order Book.

Currently, the rule provides that, when the opposite side icEBBO[24] includes a Priority Customer Order, the System will book and display such booked complex order on the Strategy Book[25] at a price (the ''book and display price'') that is $0.01 away from the current opposite side icEBBO. The Exchange proposes to amend the rule text to provide that, when the opposite side icEBBO includes a Priority Customer Order, the System will book and display such booked complex order on the Strategy Book at a price (the ''book and display price'') such that at least one option component is priced $0.01 away from the current opposite side EBBO. The EBBO is comprised of the best bid and the best offer on the Simple Order Book on the Exchange.[26]

This change supports the proposed change to 518(c)(1)(iii) which provides that if any component of a complex strategy would be executed at a price that is equal to a Priority Customer bid or offer on the Simple Order Book, at least one option component of the complex strategy must trade at a price that is better than the corresponding EBBO. Together, these changes ensure that no complex strategy (either a complex strategy with only option components or a stock-option complex strategy) will execute ahead of a Priority Customer order on the Simple Order Book without improving the EBBO of at least one option component of the complex strategy by at least $0.01.[27] The Exchange believes this change provides additional detail and clarity regarding the managed interest process for complex strategies with only option components and for stock-option complex strategies, and harmonizes the rule text to the System behavior. The Exchange notes that its proposed rule text is substantively identical to that of the Exchange's affiliate, MIAX Options.[28]

The Exchange proposes to amend paragraph (d)(4), RFR Response, of Rule 518 to make a conforming change to the rule necessary to support pricing of stock-option complex strategies in any decimal price determined by the Exchange. Currently, Rule 518(d)(4) provides that, RFR responses may be submitted in $0.01 increments. The Exchange proposes to amend this provision to provide that RFR Responses may be submitted in the increments defined in proposed subparagraphs (c)(1)(i) and (c)(1)(ii) of this Rule. This proposed change is consistent with the proposed change to Rule 518(c)(1), Minimum Increments and Trade Prices, as described above, and aligns the pricing of complex strategies with only option components in $0.01, which is not changing under this proposal, and the pricing of complex strategies with a stock component in any decimal price the Exchange determines as proposed herein. RFR responses submitted for a complex strategy having only option components may be expressed in $0.01 increments as proposed in subparagraph (c)(1)(i), whereas RFR responses submitted for a stock-option complex strategy may be expressed in any decimal price the Exchange determines as proposed in subparagraph (c)(1)(ii). This change aligns RFR responses for complex strategies with only option components to the current price interval for complex orders of $0.01, which is not changing under this proposal, and aligns the pricing interval for stock-option complex strategies with the proposed change discussed herein to be in any decimal price as determined by the Exchange.[29] The Exchange notes that its proposed rule text is identical to that of the Exchange's affiliate, MIAX Options.[30]

The Exchange proposes to amend paragraph (d)(6)(i) of Rule 518 to add additional detail and clarity to the operation of the rule necessary to support pricing of stock-option complex strategies in sub-penny increments and clarify that the pricing and processing of complex strategies with only option components will remain unchanged under this proposal. Currently, the rule states that, at the conclusion of the Response Time Interval, Complex Auction-eligible orders will be priced and executed as follows, and allocated pursuant to subparagraph (7) of Rule 518:[31] (i) Using $0.01 inside the current icEBBO as the boundary (the ''boundary''), the System will calculate the price where the maximum quantity of contracts can trade and also determine whether there is an imbalance.[32]

The Exchange now proposes to amend the rule text to state that, at the conclusion of the Response Time Interval, Complex Auction-eligible orders will be priced and executed as follows, and allocated pursuant to subparagraph (7) of Rule 518: (i) Using $0.01 inside the current icEBBO for complex strategies with only option components or using a decimal price increment (as determined by the Exchange) inside the current icEBBO for stock-option complex strategies as the boundary (the ''boundary''), the System will calculate the price where the maximum quantity of contracts can trade and also determine whether there is an imbalance. This proposed change is consistent with the proposed change to Rule 518(c)(1), Minimum Increments and Trade Prices, as described above and allows the Exchange to accurately

[22] The Exchange also proposes to make an identical conforming change to paragraph (d)(6) of Rule 518 that is identical to MIAX Options Exchange Rule 518(d)(6).

[23] *See* MIAX Options Exchange Rule 518(c)(1)(iv).

[24] The icEBBO is a calculation that uses the best price from the Simple Order Book for each component of a complex strategy including displayed and non-displayed trading interest. For stock-option orders, the icEBBO for a complex strategy will be calculated using the best price (whether displayed or non-displayed) on the Simple Order Book in the individual option component(s), and the NBBO in the stock component. *See* Exchange Rule 518(a)(12).

[25] The ''Strategy Book'' is the Exchange's electronic book of complex orders and complex quotes. *See* Exchange Rule 518(a)(17).

[26] *See supra* note 16.

[27] *See* Exchange Rule 518(c)(1)(iv) as proposed herein.

[28] *See* MIAX Options Exchange Rule 518(c)(4)(i) (The MIAX Options Exchange's rule text references the MBBO whereas the proposed rule text references the EBBO).

[29] The Exchange also proposes to make an identical conforming change to Rule 518(e) for cLEP Responses that is identical to MIAX Options Exchange Rule 518(e), Responses.

[30] *See* MIAX Options Exchange Rule 518(d)(4).

[31] *See* Exchange Rule 518(d)(6).

[32] *See* Exchange Rule 518(d)(6)(i).

calculate prices for stock-option complex strategies. Using the same pricing increments that each complex strategy is priced in ($0.01 for complex strategies with only option components and the decimal price increment as determined by the Exchange for stock-option complex strategies) ensures that there are no calculation or rounding errors which ensures the accuracy and integrity of the Exchange's price calculations and the System's determination of the price where the maximum quantity of contracts can trade and also the System's determination of an imbalance. The Exchange believes this change adds additional detail and clarity to the rule, by clarifying current behavior as it relates to complex strategies with only option components and facilitates the proposed change to permit pricing of complex strategies with an option component in any decimal price the Exchange determines. The Exchange notes that its proposed rule text is substantively identical to that of the Exchange's affiliate, MIAX Options.[33]

The Exchange proposes to amend paragraph (d)(6)(i)(A)2.a. of Rule 518 to provide for calculations in $0.01 increments to support complex strategies with only option components and to provide for calculations in any decimal price increment as determined by the Exchange to support stock-option complex strategies. Currently, the rule provides that, if the midpoint price is not in a $0.01 increment, the System will round toward the midpoint of the dcEBBO[34] to the nearest $0.01. The Exchange now proposes to amend the rule text to state that, for complex strategies with only option components if the midpoint price is not in a $0.01 increment, the System will round toward the midpoint of the dcEBBO to the nearest $0.01; for stock-option complex strategies, if the midpoint price is not in a decimal price increment as determined by the Exchange, the System will round toward the midpoint of the dcEBBO to the nearest decimal price increment as determined by the Exchange. The Exchange notes that its proposed rule text is substantively identical to that of the Exchange's affiliate, MIAX Options.[35]

Similarly, the Exchange also proposes to amend paragraph (d)(6)(i)(A)2.b. of Rule 518 to provide for calculations in $0.01 increments to support complex strategies with only option components and to provide for calculations in any decimal increment as determined by the Exchange to support stock-option complex strategies. Currently, the rule provides that if the midpoint of the highest and lowest prices is also the midpoint of the dcEBBO and is not in a $0.01 increment the System will round the price up to the next $0.01 increment. The Exchange now proposes to amend the rule text to state that, if the midpoint of the highest and lowest prices is also the midpoint of the dcEBBO and is not in a $0.01 increment for complex strategies with only option components or in a decimal price increment as determined by the Exchange for stock-option complex strategies, the System will round the price up to the next $0.01 increment for complex strategies with only option components or to a decimal price increment as determined by the Exchange for stock-option complex strategies The Exchange notes that its proposed rule text is identical to that of the Exchange's affiliate, MIAX Options.[36]

To properly perform the internal calculations described in Exchange Rule 518(d)(6)(i)(A)2.a. and b. correctly it is imperative that the decimal increment being used in the calculation properly aligns to the decimal quoting increment being used on the Exchange for that strategy, be it for complex strategies with only option components or stock-option complex strategies. Using the appropriate decimal increment that the strategy is priced in ($0.01 for complex strategies with only option components or any decimal price as determined by the Exchange for stock-option complex strategies) ensures that the Exchange accurately calculates the auction start price to the proper decimal precision for either complex strategies with only option components (which may only be in $0.01 increments) or stock-option complex strategies (which may be in any price increment as determined by the Exchange). The Exchange believes these changes provide additional detail and clarification regarding the differentiation in calculations for complex strategies with only option components that are priced in $0.01 increments, which remains unchanged under this proposal, and calculations for stock-option complex strategies, which may be priced in increments other than $0.01. This change is necessary to support the proposed change discussed herein to price stock-option strategies in any decimal price increment as determined by the Exchange. The Exchange notes that its proposed rule text is substantively identical to that of the Exchange's affiliate, MIAX Options.[37]

Rule 515 Execution of Orders and Quotes

Customer to Customer Cross Orders

The Exchange proposes to amend paragraph (h), Crossing Orders, of Rule 515, to clarify that Complex Customer Cross (''cC2C'') pricing is not changing under this proposal. Currently, subparagraph (B) of paragraph (3), of Rule 515(h), Complex Customer Cross (''cC2C'') Orders provides that cC2C Orders[38] may only be entered in the minimum trading increments applicable to complex orders under Rule 518(c)(1)(i). Current Rule 518(c)(1)(i) provides that the minimum trading increments applicable to complex orders is $0.01.[39] The Exchange proposes to amend subparagraph (B) to state that, cC2C Orders may only be entered in minimum trading increments of $0.01. The Exchange notes that its proposed rule text is identical to that of the Exchange's affiliate, MIAX Options.[40]

Complex Qualified Contingent Cross Orders

cQCC Orders[41] may be entered into the Exchange's System with a stock

[33] *See* MIAX Options Exchange Rule 518(d)(6)(i) (MIAX Options Exchange's rule text references the icMBBO whereas the proposed rule text references the icEBBO).

[34] The dcEBBO is calculated using the best displayed price for each component of a complex strategy from the Simple Order Book. For stock-option orders, the dcEBBO for a complex strategy will be calculated using the Exchange's best displayed bid or offer in the individual option component(s) and the NBBO in the stock component. *See* Exchange Rule 518(a)(8).

[35] *See* MIAX Options Exchange Rule 518(d)(6)(i)(A)2.a. (MIAX Options Exchange's rule text references the dcMBBO whereas the proposed rule text references the dcEBBO).

[36] *See* MIAX Options Exchange Rule 518(d)(6)(i)(A)2.b.

[37] *See* MIAX Options Exchange Rule 518(d)(6)(i) (MIAX Options Exchange's rule text references the icMBBO whereas the proposed rule text references the icEBBO).

[38] A Complex Customer Cross or ''cC2C'' Order is comprised of one Priority Customer complex order to buy and one Priority Customer complex order to sell at the same price and for the same quantity. Trading of cC2C Orders is governed by Rule 515(h)(3). *See* Exchange Rule 518(b)(5).

[39] Bids and offers on complex orders and quotes may be expressed in $0.01 increments, and the component(s) of a complex order may be executed in $0.01 increments, regardless of the minimum increments otherwise applicable to individual components of the complex order. *See* Exchange Rule 518(c)(1)(i).

[40] *See* MIAX Options Exchange Rule 515(h)(3)(B).

[41] A Complex Qualified Contingent Cross or ''cQCC'' Order is comprised of an originating complex order to buy or sell where each component is at least 1,000 contracts that is identified as being part of a qualified contingent trade, as defined in Rule 516, Interpretations and Policies .01, coupled with a contra-side complex order or orders totaling an equal number of contracts. Trading of cQCC

Continued

component or without the stock component. To support and facilitate the pricing proposal for stock-option strategies as proposed herein, a cQCC entered without the stock component will be treated as a complex strategy with only option components for pricing purposes (pricing in $0.01 increments only), whereas a cQCC entered with the stock component will be treated as a complex strategy with a stock component under the Exchange's new quoting structure as proposed herein. Therefore, the Exchange proposes to amend subparagraph (B) of paragraph (4), Complex Qualified Contingent Cross (''cQCC'') Orders to provide that cQCC Orders may only be entered in the minimum trading increments applicable to complex orders under proposed Rule 518(c)(1)(i) or 518(c)(1)(ii) if the cQCC Order includes the stock component upon entry. The Exchange notes that its proposed rule text is identical to that of the Exchange's affiliate, MIAX Options.[42]

Additionally, the Exchange proposes to adopt new subparagraph (D) to paragraph (4) of Rule 515(h) to provide a more fulsome description of cQCC Order handling of a cQCC Order entered without the stock component and a cQCC Order entered with the stock component. New subparagraph (D) will provide that, a cQCC Order may be entered with or without the stock component. A cQCC Order entered without the stock component will be treated as a complex strategy with only option components. A cQCC Order entered with the stock component shall be subject to Rule 518.01. A Member that submits a cQCC Order to the Exchange (with or without the stock component) represents that such order satisfies the requirements of a qualified contingent trade (as described in Interpretations and Policies .01 of Rule 516) and agrees to provide information to the Exchange related to the execution of the stock component as determined by the Exchange and communicated via Regulatory Circular.[43] The Exchange notes that its proposed rule text is identical to that of the Exchange's affiliate, MIAX Options.[44]

Implementation Date

The Exchange plans to implement the proposed rule change at the end of Q3, 2022, or early Q4 of 2022, and will announce the implementation date to its Members via Regulatory Circular.

2. Statutory Basis

The Exchange believes that its proposed rule change is consistent with Section 6(b) of the Act[45] in general, and furthers the objectives of Section 6(b)(5) of the Act[46] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change benefits investors and promotes just and equitable principles of trade because it provides investors with the ability to price stock-option complex strategies with greater precision.[47] This provides investors with greater opportunities for execution as it allows for more accurate pricing of stock-option complex strategies. The net price of a complex strategy with a stock component may result in a price that is accurately expressed in a finer decimal increment than $0.01 as a result of the stock ratio being used.

Example 1 Stock-Option Complex Strategy

The current market is:

EBBO XYZ Jan 15 Put 0.95 (10) × 1.00 (10)

NBBO XYZ Stock 20.00 (100) × 20.01 (100)

Customer strategy: A customer order to Buy 1 XYZ Jan 15 Put and Buy 33 Shares of XYZ is received. The customer would like to pay $1.00 for the option and pay $20.01 for the stock for a net price $7.6033 as per the calculation of the strategy market below.

The market for the Strategy is:

*Strategy Bid = (Option Bid * Option Ratio) + (Stock Bid * Stock Ratio/ 100)*
*Strategy Bid = (0.95 * 1) + (20.00 * .33)*
Strategy Bid = 7.5500
*Strategy Ask = (Option Ask * Option Ratio) + (Stock Ask * Stock Ratio/ 100)*
*Strategy Ask = (1.00 * 1) + (20.01 * .33)*
Strategy Ask = 7.6033
Strategy market = 7.5500 × 7.6033

As the Exchange does not support stock option strategies priced in four decimal increments this strategy would be sent to a venue that supports four decimal pricing for execution.

Under the Exchange's proposal to permit stock-option complex strategies to be expressed in any decimal price as determined by the Exchange, if the Exchange determines to price stock-option complex strategies in $0.0001 increments, the above strategy could be placed on the Exchange's Strategy Book at its calculated net price. The customer who would like to pay $1.00 for the option and pay $20.01for the stock can now pay $1.00 for the option and pay $20.01 for the stock for a net price of $7.6033 as per the calculation above.

Pricing stock-option complex strategies in sub-penny increments permits more precision pricing and allows for complex strategies with a stock component to be effectively traded on the Exchange. Currently, firms that wish to execute these types of strategies will not send them to the MIAX Emerald Exchange due to the current System limitation which constrains the price to two decimal places, whereas the strategy may be more precisely priced in sub-penny increments on exchanges that permit sub-penny pricing of stock-option complex strategies to four decimal places.[48]

Further, the Exchange believes that the proposed rule change removes impediments to and perfects the mechanisms of a free and open market and a national market system and, in general, protects investors and the public interest by offering similar functionality to Members that can be found on other competing option exchanges.[49] Competition benefits investors by providing investors an additional venue to choose from when making order routing decisions.

Additionally, the Exchange believes its proposal to leave Complex Customer Cross Order functionality unchanged promotes just and equitable principles of trade, removes impediments to and perfects the mechanisms of a free and open market and a national market system and, in general, to protects investors and the public interest. A Complex Customer Cross Order is

Orders is governed by Rule 515(h)(4). *See* Exchange Rule 518(b)(6).

[42] *See* MIAX Options Exchange Rule 515(h)(4)(B).

[43] *See* proposed Rule 515(h)(4)(D) and *see also* MIAX Emerald Regulatory Circular 2019–66, Regulatory Requirements when entering a Qualified Contingent Cross Order (''QCC'') or a Complex Qualified Contingent Cross Order (''cQCC'') (August 13, 2019) available at: *https://www.miaxoptions.com/sites/default/files/circular-files/MIAX_Emerald_RC_2019_66.pdf.*

[44] *See* MIAX Options Exchange Rule 515(h)(4)(D).

[45] 15 U.S.C. 78f(b).

[46] 15 U.S.C. 78f(b)(5).

[47] The Exchange notes that other options exchanges permit stock-option orders to be priced in decimal increments. *See* Cboe Options Rule 5.33(f)(i)(B), Nasdaq ISE Options 3, Section 14(c)(1), Cboe EDGX Rule 21.20(f)(1)(B); and MIAX Options Exchange Rule 518(c)(1)(ii).

[48] *See id.*

[49] *See id.*

comprised of one Priority Customer complex order to buy and one Priority Customer complex order to sell at the same price and for the same quantity.[50] Complex Customer Cross Orders are not exposed to the marketplace and are executed upon entry, provided that the execution is at least $0.01 better than the icEBBO, or the best net price of a complex order on the Strategy Book, whichever is more aggressive.[51] The Exchange believes that requiring a minimum improvement of $0.01 benefits investors and the public interest as it is not a de minimis price improvement amount. Further, the Exchange does not believe that Members on the Exchange are disadvantaged in any way by not being able to execute Complex Customer Cross Orders with a stock component in a sub-penny interval, as Members may use the cQCC Order type for stock-option complex strategies, or expose their stock-option complex strategy order to the market via the Exchange's cPRIME for price improvement in sub-penny increments.

To support the pricing of stock-option orders in any decimal price the Exchange determines, the Exchange is proposing to make a number of non-substantive conforming changes throughout its rules to clearly differentiate pricing and support of complex strategies with only option components, (which remains unchanged under this proposal in $0.01 increments), and pricing and support of stock-option complex strategies, which may be in any decimal price the Exchange determines. The Exchange believes that its proposed non-substantive changes to add additional detail and clarity to the Exchange's rulebook benefits investors and the public interest as it provides transparency and eliminates the potential for confusion regarding the operation of the Exchange's rules.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that its proposal will impose any burden on intra-market competition that is not necessary or appropriate in furtherance of the purposes of the Act because all Members of the Exchange that transact stock-option complex strategies will be able to price stock-option complex strategies in more precise increments.

The Exchange does not believe that the proposed rule change will impose any burden on inter-market competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that its proposal may benefit inter-market competition as other competing option exchanges offer similar price precision for stock-option complex strategies.[52]

Additionally, the non-substantive changes proposed by the Exchange will have no impact on competition as they provide additional clarity and detail in the Exchange's rules and are not changes made for any competitive purpose.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[53] and subparagraph (f)(6) of Rule 19b–4 thereunder.[54]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–EMERALD–2022–23 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–EMERALD–2022–23. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the

[50] *See* Exchange Rule 518(b)(2)(d).

[51] *See* Exchange Rule 515(h)(3).

[52] *See* CboeEDGX Exchange Rule 21.20(f)(1)(B) which provides that Users may express bids and offers for a stock-option order (including a QCC with Stock Order) in any decimal price the Exchange determines. The option leg(s) of a stock-option order may be executed in $0.01 increments, regardless of minimum increments otherwise applicable to the option leg(s), and the stock leg of a stock-option order may be executed in any decimal price permitted in the equity market; and Cboe Exchange Rule 5.33(f)(1)(B) which similarly provides that Users may express bids and offers for a stock-option order (including a QCC with Stock Order) in any decimal price the Exchange determines. The minimum increment for the option leg(s) of a stock-option order is $0.01 or greater, which the Exchange may determine on a class-by-class basis, regardless of the minimum increments otherwise applicable to the option leg(s), and the stock leg of a stock-option order may be executed in any decimal price permitted in the equity market. *See also* Tradedesk Updates, Cboe Options Exchange Announces Support for QCC with an Equity Leg and Improved Pricing Precision on Complex Orders with an Equity Leg (March 2, 2018) (allowing a price with four decimal places on all complex orders that include a stock leg and that are routed for electronic trading) available at *https://cdn.cboe.com/resources/release_notes/2018/QCC-w-equity-leg-and-CPS-4-digit-decimal.pdf; See also* MIAX Options Exchange Rule 518(c)(1)(ii).

[53] 15 U.S.C. 78s(b)(3)(A)(iii).

[54] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–EMERALD–2022–23, and should be submitted on or before August 9, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[55]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–15307 Filed 7–18–22; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95269; File No. SR–NYSEAMER–2022–27]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Modify Rule 7.31E

July 13, 2022.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on July 6, 2022, NYSE American LLC (''NYSE American'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to modify Rule 7.31E to (1) permit certain non-routable order types to be designated to cancel if they would be displayed at a price other than their limit price; (2) allow ALO Orders to be designated as non-displayed; (3) permit ALO Orders to be entered in any size; (4) modify the operation of the Non-Display Remove Modifier and eliminate its use with MPL–ALO Orders; and (5) make MPL Orders eligible to trade at their limit price and eliminate the ''No Midpoint Execution'' Modifier. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 7.31E to (1) permit certain non-routable order types to be designated to cancel if they would be displayed at a price other than their limit price; (2) allow ALO Orders to be designated as non-displayed; (3) permit ALO Orders to be entered in any size; (4) modify the handling of orders designated with the Non-Display Remove Modifier and eliminate the use of the Non-Display Remove Modifier for MPL–ALO Orders; and (5) allow MPL Orders to trade at either the midpoint or their limit price and eliminate the ''No Midpoint Execution'' Modifier.

Designation To Cancel

The Exchange proposes to modify Rules 7.31E(e)(1), 7.31E(e)(2), and 7.31E(e)(3)(D) to permit Non-Routable Limit Orders, displayed ALO Orders,[4] and Day ISO ALO Orders to be designated to cancel if they would be displayed at a price other than their limit price for any reason.

As proposed, Non-Routable Limit Orders, displayed ALO Orders, and Day ISO ALO Orders would be eligible to be designated to cancel at the ATP Holder's instruction, thereby providing ATP Holders with increased flexibility with respect to order handling and the ability to have greater determinism regarding order processing when such orders would be repriced to display at a price other than their limit price. The Exchange notes that this designation would be optional, and if not designated to cancel, Non-Routable Limit Orders, displayed ALO Orders, and Day ISO ALO Orders would continue to function as set forth in current Exchange rules (except as proposed in this filing with respect to the function of the Non-Display Remove Modifier and odd lots). The Exchange further notes that providing ATP Holders with the ability to designate orders to cancel if they would be repriced is not novel, and other cash equity exchanges currently offer their members a similar option.[5]

To effect this change, the Exchange proposes the following modifications to Rules 7.31E(e)(1), 7.31E(e)(2), and 7.31E(e)(3)(D):

- Rule 7.31E(e)(1)—Non-Routable Limit Orders

As defined in Rule 7.31E(e)(1), a Non-Routable Limit Order is a Limit Order that does not route. Currently, a Non-Routable Limit Order to buy (sell) will trade with orders to sell (buy) on the Exchange Book that are priced at or below (above) the PBO (PBB) and will be repriced based on updates to the Away Market PBO (PBB) as set forth in current Rules 7.31E(e)(1)(A)(i) through (iv).

The Exchange proposes to delete the current text of Rule 7.31E(e)(1)(A) and add new text to provide that a Non-Routable Limit Order would not be displayed at a price that would lock or cross the PBO (PBB) of an Away Market, and such order to buy (sell) would trade with orders on the Exchange Book that are priced equal to or below (above) the PBO (PBB) of an Away Market. These

[55] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] As noted above, the Exchange also proposes in this filing to permit ALO Orders to be designated as non-displayed, and discussion of the proposed modification of Rule 7.31E(e)(2) to effect that change appears in the ''Non-Displayed ALO'' section below. The proposed new designation to cancel would be inapplicable to Non-Displayed ALO Orders, as proposed, because such orders are not eligible to be displayed.

[5] *See, e.g.,* Members Exchange (''MEMX'') Rules 11.6(a) (defining the Cancel Back instruction, which a User may attach to an order to instruct that such order be cancelled if it cannot be posted to the MEMX Book at its limit price) and 11.6(l)(2) (defining the Post Only instruction; an order with such instruction functions similarly to the ALO Order and may be designated to be cancelled by the User); Cboe BZX Exchange, Inc. (''BZX'') Rules 11.9(c)(6) and 11.9(g)(d) (defining the BZX Post Only Order, which functions similarly to the ALO Order and may be designated to be cancelled at the User's instruction); Cboe BYX Exchange, Inc. (''BYX'') Rule 11.9(c)(6) and 11.9(g)(d) (defining the BYX Post Only Order, which functions similarly to the ALO Order and may be designated to be cancelled at the User's instruction); Nasdaq Stock Exchange LLC (''Nasdaq'') Rule 4702(b)(4)(A) (defining the Post-Only Order, which functions similarly to the ALO Order and may be designated to be cancelled back to the Participant at the Participant's election).

proposed changes would merely rephrase and clarify the existing behavior of a Non-Routable Limit Order as already set forth in Rule 7.31E(e)(1)(A), without substantive changes.

The Exchange further proposes to modify Rule 7.31E(e)(1)(A)(i) to delete the current text and add new text providing for the option to designate a Non-Routable Limit Order to be cancelled, as described above.

The Exchange also proposes to modify Rule 7.31E(e)(1)(A)(ii) and add new subparagraphs thereunder to describe how any untraded quantity of a Non-Routable Limit Order would be processed if not designated to cancel. New subparagraph (a) would contain the rule text previously set forth in Rule 7.31E(e)(1)(A)(i), without substantive changes, and provide that, if the limit price of a Non-Routable Limit Order to buy (sell) locks or crosses the PBO (PBB) of an Away Market, it would have a working price equal to the PBO (PBB) of the Away Market and a display price one MPV below (above) the PBO (PBB) of the Away Market. Proposed new subparagraph (b) would contain rule text currently set forth in Rule 7.31E(e)(1)(A)(ii) describing how a Non-Routable Limit Order would be processed when the PBO (PBB) of an Away Market reprices higher (lower), without substantive changes. Finally, the Exchange proposes to renumber current Rules 7.31E(e)(1)(A)(iii) and (iv) as Rules 7.31E(e)(1)(A)(ii)(c) and (d), respectively, with no changes to the rule text.

- Rule 7.31E(e)(2)—ALO Orders

Rule 7.31E(e)(2) and the subparagraphs thereunder define the ALO Order, which is a Non-Routable Limit Order that will trade with contra-side interest if its limit price crosses the working price of any displayed or non-displayed orders to sell (buy) on the Exchange Book priced equal to or below (above) the PBO (PBB) of an Away Market. In other words, an ALO Order will not remove liquidity from the Exchange Book unless it receives price improvement. Accordingly, the Exchange proposes to modify Rule 7.31E(e)(2) to simplify the definition of an ALO Order, without any substantive changes, and state that ALO Orders are Non-Routable Limit Orders that would not remove liquidity from the Exchange Book unless they receive price improvement. The Exchange also proposes to add new text to Rule 7.31E(e)(2)[6] to effect the change described above, permitting an ALO Order to be designated to cancel if it would be displayed at a price other than its limit price for any reason.

The Exchange next proposes to reorganize Rules 7.31E(e)(2)(A) through (C) to describe the operation of the ALO Order in a more logical flow, but without any substantive changes to the operation of the order type. Specifically, the Exchange proposes to reorganize Rules 7.31E(e)(2)(A) through (C) to first describe when an ALO Order would trade, then describe how any untraded quantity of an ALO Order not designated to cancel would be processed, and then describe the handling of any untraded quantity of an ALO Order that locks non-displayed interest.

First, the Exchange proposes to delete the current text of Rule 7.31E(e)(2)(A), which states only that an ALO Order will be assigned a working price and display price pursuant to Rule 7.31E(e)(2)(B) and is thus redundant of the substantive rule text in Rule 7.31E(e)(2)(B) and its subparagraphs. The Exchange proposes to add new rule text in Rule 7.31E(e)(2)(A) providing that an Aggressing ALO Order to buy (sell) would trade if its limit price crosses the working price of any displayed or non-displayed orders to sell (buy) on the Exchange Book priced equal to or below (above) the PBO (PBB) of an Away Market, in which case, the ALO Order would trade as the liquidity taker with such orders. The Exchange notes that this change is not intended to propose any modification to the current operation of the ALO Order and merely restates text that currently appears in Rule 7.31E(e)(2)(B)(ii), describing when an ALO Order may trade, with no substantive changes. The Exchange believes that this proposed reorganization would improve the clarity of Rule 7.31E(e)(2) by describing how an ALO Order would trade before progressing on to describe how any untraded quantity of an ALO Order would be handled if it is not designated to cancel upon repricing.

The Exchange next proposes to delete the current text of Rule 7.31E(e)(2)(B) and reorganize Rule 7.31E(e)(2)(B) and the subparagraphs thereunder. Rule 7.31E(e)(2)(B) and the subparagraphs that follow would, as proposed, specify how untraded quantities of an ALO Order would be processed if such order has not been designated to cancel. To effect this change, the Exchange proposes that Rule 7.31E(e)(2)(B) would now provide that, if an ALO Order is not designated to cancel, any untraded quantity of such order would trade as described in subparagraphs (i) and (ii).

In subparagraph (i), the Exchange proposes to delete the existing rule text and modify subparagraph (i) to provide that, if the limit price of an ALO Order locks the display price of any order to sell (buy) ranked Priority 2—Display Orders on the Exchange Book, it would have a working price and display price (if it has been designated to display) one MPV below (above) the price of the displayed order on the Exchange Book. The Exchange notes that the content of Rule 7.31E(e)(2)(B)(i) would be incorporated into Rule 7.31E(e)(2)(B)(ii) (as proposed below) and that this proposed change merely moves rule text from where it is currently located in Rule 7.31E(e)(2)(B)(iii) and does not reflect any proposed change to the operation of the ALO Order when the limit price of any untraded quantity of such order locks displayed interest on the Exchange Book.

The Exchange next proposes to delete the current text of Rule 7.31E(e)(2)(B)(ii) and replace it with text that would provide that, if the limit price of an ALO Order locks or crosses the PBO (PBB) of an Away Market, it would have a working price equal to the PBO (PBB) of the Away Market and a display price (if designated to display) one MPV below (above) the PBO (PBB) of the Away Market. The Exchange notes that proposed Rule 7.31E(e)(2)(B)(ii) rephrases text currently set forth in Rules 7.31E(e)(2)(B)(i) and (iv) and is not intended to propose any change to the operation of the ALO Order when the limit price of any untraded quantity of such order locks or crosses the PBBO of an Away Market. The Exchange also notes that the current text of Rule 7.31E(e)(2)(B)(ii) was, as described above, incorporated into revised Rule 7.31E(e)(2)(A).

The Exchange further proposes to delete current Rules 7.31E(e)(2)(B)(iii) and (iv) (including subparagraph (a) under Rule 7.31E(e)(2)(B)(iv)), as the content of such Rules has been covered by the proposed Rules described above and would be incorporated into proposed Rule 7.31E(e)(2)(C) (as discussed below), without changes to the current operation of the ALO Order. Specifically, Rule 7.31E(e)(2)(B)(iii) has been incorporated into proposed Rule 7.31E(e)(2)(B)(i), the content of Rule 7.31E(e)(2)(B)(iv) would be clarified by proposed Rules 7.31E(e)(2)(B)(ii) and 7.31E(e)(2)(C), and the content of Rule 7.31E(e)(2)(B)(iv)(a) would be covered by proposed Rule 7.31E(e)(2)(B)(i). The

[6] As noted above, the Exchange also proposes in this filing to permit ALO Orders to be designated as non-displayed and to permit ALO Orders to be entered in odd lots, and discussion of the proposed modification of Rule 7.31E(e)(2) to effect those changes appears in the ''Non-Displayed ALO'' and ''ALO Odd Lots'' sections below.

Exchange also proposes to delete subparagraph (b) under 7.31E(e)(2)(B)(iv), which currently describes how ALO Orders would interact with resting Non-Displayed Limit Orders and Non-Routable Limit Orders designated with the Non-Displayed Remove Modifier, as repetitive of rule text in Rule 7.31E(d)(2)(B) with respect to Non-Displayed Limit Orders and in Rule 7.31E(e)(1)(C) with respect to Non-Routable Limit Orders.

Proposed Rule 7.31E(e)(2)(C) would next provide that if any untraded quantity of an ALO Order to buy (sell), whether designated to cancel or not, locks non-displayed interest on the Exchange Book, it would have a working price and display price (if designated to display) equal to its limit price. The Exchange notes that this rule text reflects the current behavior of ALO Orders when their limit price locks non-displayed interest on the Exchange Book, which would not change based on whether an ALO Order has been designated to cancel, as proposed.

The Exchange next proposes to rename current Rule 7.31E(e)(2)(B)(v) as Rule 7.31E(e)(2)(D) and current Rule 7.31E(e)(2)(C) as Rule 7.31E(e)(2)(E). The Exchange also proposes changes to subparagraphs (i) and (ii) of proposed Rule 7.31E(e)(2)(E). In subparagraphs (i) and (ii), the Exchange proposes to add clarity to its Rules by specifying that the reference to the PBO (PBB) is of an Away Market and proposes to update the paragraph references to reflect the reorganization of the Rule as described above. Specifically, the Exchange proposes to update subparagraph (i) to refer to paragraphs (e)(2)(A) (which now describes when an Aggressing ALO Order is eligible to trade), (e)(2)(B)(i)—(ii) (which now describe the processing of any untraded quantity of an ALO Order that is not designated to cancel), and (e)(2)(C) of the Rule (which now describes the processing of any untraded quantity of an ALO Order that locks non-displayed interest). The Exchange further proposes to update subparagraph (ii) to refer to paragraphs (e)(1)(A)(ii)(c) and (d) of the Rule, which simply updates the paragraph references consistent with the changes described above to renumber paragraphs (e)(1)(A)(iii) and (iv) as paragraphs (e)(1)(A)(ii)(c) and (d).[7]

The Exchange also proposes to rename current Rule 7.31E(e)(2)(D) as Rule 7.31E(e)(2)(F) and modify new Rule 7.31E(e)(2)(F) to provide that an ALO Order would not trigger a contra-side MPL Order that is resting at the midpoint to trade, except as specified in Rule 7.31E(d)(3)(F). Rule 7.31E(d)(3)(F), in relevant part and as modified in this filing, would provide that an MPL Order designated with the Non-Display Remove Modifier would trade as the liquidity-taking order with an Aggressing ALO Order or MPL–ALO Order that has a working price equal to the working price of the MPL Order.[8]

Finally, the Exchange proposes to add new Rule 7.31E(e)(2)(G), which would provide that the ALO designation would be ignored for ALO Orders that participate in an Auction. This rule text would be similar to the text that currently appears in Rule 7.31E(e)(2)(A), without substantive changes.

The Exchange notes that the proposed changes described above are intended only to implement the addition of the option to designate an ALO Order to cancel and, in connection with such proposal, to improve the clarity and organization of Rule 7.31E(e)(2). The proposed changes set forth above otherwise reflect how an ALO Order currently behaves and are not intended to propose any other changes to the operation of the order type.[9]

- Rule 7.31E(e)(3)(D)—Day ISO ALO Orders

Rule 7.31E(e)(3) provides that an Intermarket Sweep Order (''ISO'') is a Limit Order that does not route and meets the requirements of Rule 600(b)(30) of Regulation NMS. Rule 7.31E(e)(3)(C) provides that an ISO designated Day (''Day ISO''), if marketable on arrival, will be immediately traded with contra-side interest in the Exchange Book up to its full size and limit price, and that any untraded quantity of a Day ISO will be displayed at its limit price and may lock or cross a protected quotation that was displayed at the time of arrival of the Day ISO. Rule 7.31E(e)(3)(D) provides that a Day ISO ALO is a Day ISO that has been designated with an ALO Modifier and, on arrival, may trade through or lock or cross a protected quotation that was displayed at the time of arrival of the Day ISO ALO.

In order to effect the change described above to permit a Day ISO ALO Order to be designated to cancel if it would be displayed at a price other than its limit price for any reason, the Exchange proposes to modify and reorganize Rule 7.31E(e)(3)(D) and the paragraphs thereunder similar to its proposal with respect to Rule 7.31E(e)(2) for ALO Orders. As in proposed Rule 7.31E(e)(2), the Exchange proposes to reorganize Rule 7.31E(e)(3)(D) to describe when a Day ISO ALO Order would trade, how any untraded quantity of a Day ISO ALO Order not designated to cancel would be processed, and the handling of any untraded quantity of a Day ISO ALO Order that locks non-displayed interest, in that logical order.

First, the Exchange proposes to modify Rule 7.31E(e)(3)(D) to add text providing that a Day ISO ALO can be designated to cancel. The Exchange does not propose any changes to the first sentence of current Rule 7.31E(e)(3)(D)(i), which describes when a Day ISO ALO Order may trade, but proposes to combine the second sentence of current Rule 7.31E(e)(3)(D)(i) with Rule 7.31E(e)(3)(D)(ii). Rule 7.31E(e)(3)(D)(ii) would now specify that, if not designated to cancel, any untraded quantity of a Day ISO ALO Order to buy (sell) would be assigned a working price and display price one MPV below (above) the price of the displayed order on the Exchange Book when the limit price of the Day ISO ALO Order locks the display price of a displayed order on the Exchange Book.

The Exchange next proposes to delete the current text of Rule 7.31E(e)(3)(D)(iii) and the subparagraphs thereunder and add new rule text specifying that any untraded quantity of a Day ISO ALO Order that locks non-displayed interest on the Exchange Book would have a working price and display price equal to its limit price. The Exchange notes that this proposed change merely rephrases current Rule 7.31E(e)(3)(D)(iii) and eliminates redundant rule text (thereby simplifying Exchange rules) and is not intended to change the meaning or operation of such rules. The Exchange notes that current Rule 7.31E(e)(3)(D)(iii)(a) would be covered by Rule 7.31E(e)(3)(D)(ii), as proposed, and that it proposes to delete Rule 7.31E(e)(3)(D)(iii)(b) because, like Rule 7.31E(e)(2)(B)(iv), it is redundant of rule text describing the behavior of the Non-Displayed Remove Modifier in Rule 7.31E(d)(2)(B) with respect to Non-Displayed Limit Orders and in Rule 7.31E(e)(1)(C) with respect to Non-Routable Limit Orders.

Finally, the Exchange proposes to make clarifying changes to Rule 7.31E(e)(3)(D)(iv). First, the Exchange

[7] In addition, to effect the proposed change to permit ALO Orders to be designated as non-displayed, the Exchange proposes an additional revision to Rule 7.31E(e)(2)(E)(ii) discussed below in the ''Non-Displayed ALO'' section.

[8] Changes to Rule 7.31E(d)(3)(F) to effect the proposed modification of the Non-Display Remove Modifier's operation with respect to MPL–ALO Orders are discussed further in the ''Non-Display Remove Modifier'' section below.

[9] The Exchange notes that its proposed changes to provide for a non-displayed ALO Order, to permit ALO Orders to be entered in odd lots, and to modify the operation of the Non-Display Remove Modifier are discussed below.

proposes to replace ''After being displayed'' with ''Once resting on the Exchange Book'' to align the rule text with existing rule text in current Rule 7.31E(e)(2)(C), which similarly describes how ALO Orders would be processed once resting on the Exchange Book. The Exchange further proposes to clarify that the PBO (PBB) referenced in this subparagraph is of an Away Market. The Exchange also proposes to update the reference to paragraphs (e)(2)(C)(i) and (ii) of Rule 7.31E to paragraphs (e)(2)(E)(i) and (ii) to reflect the proposed reorganization of Rule 7.31E(e)(2) as described above.

The Exchange notes that the proposed changes described above are not intended to impact the operation of the Day ISO ALO Order other than to implement the new optional designation to cancel and, in connection with that proposed change, to improve the clarity and organization of Rule 7.31E(e)(3)(D).[10] The proposed changes set forth above otherwise reflect how a Day ISO ALO Order currently behaves and are not intended to propose any other changes to the operation of the order type.

Non-Displayed ALO Order

As noted above, the Exchange proposes to permit ALO Orders to be designated as non-displayed, and to effect this change, proposes to modify Rule 7.31E(e)(2) to add text specifying that ALO Orders may be designated as non-displayed orders. The Exchange proposes that a non-displayed ALO Order would function in the same way as an ALO Order currently behaves except that it would not have a display price (and thus would not be eligible to be designated to cancel, as such proposed option is described above) and would be repriced when crossed by the PBO (PBB) of an Away Market.

The Exchange also proposes to add text to Rule 7.31E(e)(2)(E)(ii) (as renumbered above) to provide that, if the PBO (PBB) of an Away Market reprices lower (higher) than the working price of a non-displayed ALO Order to buy (sell), the non-displayed ALO Order would have a working price equal to the PBO (PBB) of the Away Market. This proposed rule text would indicate, as noted above, a difference in behavior between a non-displayed ALO Order, as proposed, and a displayed ALO Order.

The Exchange believes that permitting an ALO Order to be non-displayed would provide ATP Holders with greater flexibility with respect to the operation of an existing order type and would provide ATP Holders with the option to designate ALO Orders to be non-displayed in accordance with their desired trading strategy.

The Exchange notes that displayed ALO Orders would continue to be available for use by ATP Holders, and designating an ALO Order to be non-displayed would be at the ATP Holder's option. The Exchange also believes that other cash equity exchanges similarly permit order types analogous to the ALO Order to be non-displayed and that this proposed change thus does not raise any novel issues.[11]

ALO Odd Lots

Currently, Rules 7.31E(e)(2) and 7.31E(e)(3)(D) provide that ALO Orders and Day ISO ALO Orders, respectively, must be entered with a minimum of one displayed round lot. The Exchange proposes to permit ALO Orders and Day ISO ALO Orders to be entered in any size, and thus proposes to delete the round lot requirement from Rules 7.31E(e)(2) and 7.31E(e)(3)(D). The Exchange believes that requiring ALO Orders and Day ISO ALO Orders to be entered in round lots is unnecessary, particularly since the Exchange already permits odd-lot residual quantities for ALO Orders and Day ISO ALO Orders. The Exchange also believes that permitting ALO Orders and Day ISO ALO Orders to be entered in odd lots could increase liquidity and enhance opportunities for order execution on the Exchange. The Exchange notes that permitting odd-lot order quantities, including for ALO Orders, is not novel on the Exchange or other cash equity exchanges and thus believes that this proposed change would align the Exchange's treatment of ALO Orders and Day ISO ALO Orders with features available on other cash equity exchanges.[12]

Non-Display Remove Modifier

The Exchange proposes to modify the handling of orders designated with the Non-Display Remove Modifier (''NDR Modifier''). Currently, Exchange rules provide that Non-Displayed Limit Orders, Non-Routable Limit Orders (when not displayed), MPL Orders, and MPL–ALO Orders are eligible to be designated with the NDR Modifier.[13] When so designated, Non-Displayed Limit Orders and Non-Routable Limit Orders would trade as the liquidity-taking order with an incoming ALO Order with a working price equal to the working price of such order. MPL Orders and MPL–ALO Orders designated with the NDR Modifier will, on arrival, trade with resting MPL Orders at the midpoint of the PBBO and be the liquidity taker; a resting MPL Order or MPL–ALO Order with the NDR Modifier will be the liquidity taker when trading with arriving MPL Orders and MPL–ALO Orders that do not include the NDR Modifier.

The Exchange proposes to modify the operation of the NDR Modifier to provide that any resting order with the NDR Modifier would remove liquidity when it is locked by any ALO Order. The Exchange believes that this proposed change would expand the circumstances under which an order with the NDR Modifier would be eligible to trade, thereby increasing opportunities for order execution to the benefit of all market participants. Non-Displayed Limit Orders, Non-Routable Limit Orders (when not displayed), and MPL Orders would continue to be eligible to be designated with the NDR Modifier, but the Exchange proposes to provide that MPL–ALO Orders may no longer be designated with the NDR Modifier. The Exchange proposes to eliminate use of the NDR Modifier with MPL–ALO Orders because designating such order with an NDR Modifier is inconsistent with the purpose of the order type (as an MPL–ALO Order is not intended to remove liquidity at the midpoint). Moreover, because ATP Holders have not used the NDR Modifier with MPL–ALO Orders, the Exchange believes that eliminating this order type-modifier combination will simplify its Rules.

To effect the proposed modification to the operation of the NDR Modifier, the Exchange proposes the following changes:

- The Exchange proposes to modify Rule 7.31E(d)(2)(B) to provide that, when a Non-Displayed Limit Order is designated with the NDR Modifier, it would trade as the liquidity-taking order with an Aggressing ALO Order or MPL–ALO Order when the working price of such order locks the working price of the Non-Displayed Limit Order.

[10] The Exchange notes that it also proposes a modification to Rule 7.31E(e)(3)(D) in connection with its proposal to permit Day ISO ALO Orders to be entered in odd lots, which is described below in the ''ALO Odd Lots'' section.

[11] *See, e.g.,* MEMX Rules 11.8(b)(3) and (7) (providing that a Limit Order may be non-displayed and designated with a Post Only instruction). The Exchange also notes that BZX Rule 11.9(g)(1)(D) and BYX Rule 11.9(g)(1)(D) refer to ''display-eligible'' BZX Post Only Orders and BYX Post Only Orders, respectively, suggesting that such orders could also be designated as non-displayed.

[12] *See, e.g.,* MEMX Rules 11.8(b)(2) and (7) (providing that a Limit Order may be of odd lot size and designated with the Post Only instruction). The Exchange also notes that the rules of Nasdaq, BZX, and BYX do not appear to prohibit entry of their order types analogous to the ALO Order in odd lots.

[13] *See* Rules 7.31E(d)(2)(B); 7.31E(e)(1)(C); 7.31E(d)(3)(F).

• The Exchange proposes to modify Rule 7.31E(d)(3)(F) to delete the reference to MPL–ALO Orders, as it proposes that such orders may no longer be designated with the NDR Modifier. The Exchange also proposes to modify Rule 7.31E(d)(3)(F) to provide that an MPL Order designated with the NDR Modifier would trade as the liquidity-taking order with an Aggressing ALO Order or MPL–ALO Order that has a working price equal to the working price of the MPL Order.

• The Exchange proposes to modify Rule 7.31E(e)(1)(C) to provide that, when a Non-Routable Limit Order is designated with the NDR Modifier and has a working price (but not display price) equal to the working price of an Aggressing ALO Order or MPL–ALO Order, the Non-Routable Limit Order would trade as the liquidity taker against the ALO Order or MPL–ALO Order.

• The Exchange also proposes to add new subparagraph (d)(3)(E)(iii) to Rule 7.31E to provide that an MPL–ALO Order may not be designated with a NDR Modifier.

The Exchange believes that the operation of the NDR Modifier, as proposed, would not be novel and that the modifier would function similarly to modifiers offered by other cash equity exchanges.[14]

MPL Orders

A Mid-Point Liquidity Order or MPL Order is currently defined in Rule 7.31E(d)(3) as a non-displayed, non-routable Limit Order with a working price of the midpoint of the PBBO. The Exchange proposes to modify the definition of an MPL Order to provide that an MPL Order to buy (sell) would have a working price of the lower (higher) of the midpoint of the PBBO or its limit price. In other words, the Exchange proposes that an MPL Order would be eligible to trade at the less aggressive of the midpoint of the PBBO or its limit price. The Exchange believes that permitting MPL Orders to trade at the less aggressive of the midpoint of the PBBO or their limit price would provide ATP Holders with increased opportunities for order execution, thereby enhancing market quality for all market participants. The Exchange notes that permitting MPL Orders to trade at the less aggressive of the midpoint of the PBBO or at their limit price is not novel and that comparable order types on other cash equity exchanges currently behave in this manner.[15]

To effect this change, the Exchange proposes to modify the following portions of Rule 7.31E(d)(3):

• Rule 7.31E(d)(3) currently provides that an MPL Order has a working price of the midpoint of the PBBO. The Exchange proposes to modify this Rule to provide that an MPL Order to buy (sell) would have a working price at the lower (higher) of the midpoint of the PBBO or its limit price.

• Rule 7.31E(d)(3)(A) currently provides that an MPL Order to buy (sell) is eligible to trade only if the midpoint of the PBBO is at or below (above) the limit price of the MPL Order. The Exchange proposes to modify this Rule to provide that an MPL Order would be eligible to trade at the working price of the order (which, as described above, would be defined to be the less aggressive of the midpoint of the PBBO or the limit price of the MPL Order).

• Rule 7.31E(d)(3)(C) currently provides that an Aggressing MPL Order to buy (sell) will trade with resting orders to sell (buy) with a working price at or below (above) the midpoint of the PBBO at the working price of the resting orders. The Exchange proposes to modify this Rule to provide that an Aggressing MPL Order would trade with a resting order, at the working price of such order, when the resting order has a working price at or below (above) the working price of the MPL Order. Rule 7.31E(d)(3)(C) also currently states that resting MPL Orders to buy (sell) will trade at the midpoint of the PBBO against all Aggressing Orders to sell (buy) priced at or below (above) the midpoint of the PBBO. The Exchange proposes to instead provide that resting MPL Orders would trade against Aggressing Orders priced at or below (above) the working price of the MPL Order, consistent with the proposed changes described above to permit MPL Orders to trade at the less aggressive of the midpoint of the PBBO or their limit price.

• Rule 7.31E(d)(3)(E) currently provides that an MPL–ALO Order is an MPL Order that has been designated with an ALO Modifier. The Exchange proposes to revise subparagraphs (i) and (ii) thereunder to make changes consistent with those described above with respect to MPL Orders. Specifically, the Exchange proposes to modify Rule 7.31E(d)(3)(E)(i) to be similar to Rule 7.31E(d)(3)(C) but with modified phrasing specific to the behavior of MPL–ALO Orders. Accordingly, Rule 7.31E(d)(3)(E)(i), as proposed, would provide that an Aggressing MPL–ALO Order to buy (sell) would trade with a resting order, at the working price of such order, when the resting order has a working price below (above) the less aggressive of the midpoint of the PBBO or the limit price of the MPL–ALO Order. In addition, to reflect the operation of the ALO Modifier, the Exchange further proposes to modify Rule 7.31E(d)(3)(E)(i) to specify that an MPL–ALO Order would not trade with resting orders priced equal to the less aggressive of the midpoint of the PBBO or the limit price of the MPL–ALO Order.[16] The Exchange believes that these proposed changes would provide additional clarity with respect to the particular behavior of MPL–ALO Orders, as such orders (unlike MPL Orders) would not take liquidity at the less aggressive of the midpoint of the PBBO or their limit price.

In addition, because the Exchange proposes to allow MPL Orders—including MPL–ALO Orders—to trade at the less aggressive of the midpoint of the PBBO or their limit price, the Exchange proposes to modify Rule 7.31E(d)(3)(E)(ii) to replace the reference to the ''midpoint'' with the ''working price of the MPL–ALO Order'' (consistent with the revised definition of MPL Order proposed above).

To effect the proposed change to eliminate the ''No Midpoint Execution'' Modifier, the Exchange proposes to modify Rule 7.31E(d)(3)(C) to delete text providing that an incoming Limit Order may be designated with a ''No Midpoint Execution'' Modifier and that orders so designated would not trade with resting

[14] *See, e.g.,* BYX Rule 11.9(c)(12) (providing for the Non-Displayed Swap or ''NDS'' Order, which is an instruction on an order resting on the BYX book that, when locked by an incoming BYX Post Only Order that does not remove liquidity, causes such order to be converted to an executable order that removes liquidity against such incoming order); BZX Rule 11.9(c)(12) (providing for the Non-Displayed Swap or ''NDS'' Order, which is an instruction on an order resting on the BZX book that, when locked by an incoming BZX Post Only Order that does not remove liquidity, causes such order to be converted to an executable order that removes liquidity against such incoming order).

[15] *See, e.g.,* MEMX Rule 11.6(h)(2) (providing that a Pegged Order with a Midpoint Peg instruction may execute at its limit price or better when its limit price is less aggressive than the midpoint of the NBBO); Cboe EDGA Exchange, Inc. Rule 11.8(d) (describing the MidPoint Peg Order, which is a non-displayed Market Order or Limit Order with an instruction to execute at the midpoint of the NBBO, but that may execute at its limit price or better when its limit price is less aggressive than the midpoint of the NBBO); Cboe EDGX Exchange, Inc. Rule 11.8(d) (same); Nasdaq Rule 4702(b)(5)(A) (describing the Midpoint Peg Post-Only Order, which will be priced at the midpoint between the NBBO or at its limit price when the midpoint is higher than (lower than) the limit price of such order).

[16] The proposed changes to Rule 7.31E(d)(3)(E)(i) relating to the operation of the NDR Modifier are described above in the ''Non-Display Remove Modifier'' section.

MPL Orders and may trade through MPL Orders.

The Exchange believes that the elimination of the ''No Midpoint Execution'' Modifier would simplify order processing on the Exchange and, in conjunction with the proposed changes to MPL Orders described above, encourage the use of MPL Orders and provide increased opportunities for order execution.

Finally, the Exchange proposes a modification to Rule 7.11E, which sets forth rules pertaining to the Limit Up-Limit Down (''LULD'') Plan. The proposed change would modify the handling of MPL Orders relative to the Upper and Lower Price Bands, consistent with the proposed changes described above with respect to the behavior of MPL Orders. Specifically, the Exchange proposes to modify Rule 7.11E(a)(5), which describes the repricing or cancellation of orders to buy (sell) that are priced or could be traded above (below) the Upper (Lower) Price Band. Rule 7.11E(a)(5)(F) currently provides that, if the midpoint of the PBBO is above (below) the Upper (Lower) Price Band, an MPL Order will not be repriced or rejected and will not be eligible to trade unless the ATP Holder enters an instruction to cancel or reject such MPL Order.

The Exchange proposes to delete the text of Rule 7.11E(a)(5)(F) and designate the Rule as Reserved. The Exchange believes Rule 7.11E(a)(5)(F) is no longer necessary because MPL Orders, as proposed, would be permitted to reprice and trade relative to LULD Price Bands. The Exchange believes that this change is consistent with the proposed change to permit MPL Orders to trade at prices other than the midpoint of the PBBO and would similarly increase execution opportunities for MPL Orders within the bounds of the LULD Price Bands in effect. The Exchange notes that MPL Orders would behave in the same way as other Limit Orders with respect to LULD Price Bands and would thus be processed as set forth in current Rule 7.11E(a)(5)(B).

Reserve Orders

Rule 7.31E(d)(1) provides for Reserve Orders, which are Limit or Inside Limit Orders with a quantity of the size displayed and with a reserve quantity that is not displayed. Rule 7.31E(d)(1)(C) provides that a Reserve Order must be designated Day and may only be combined with a Non-Routable Limit Order.

The Exchange proposes to modify Rule 7.31E(d)(1)(C) to clarify that a Reserve Order may not be designated as an ALO Order. Rule 7.31E(d)(1)(C) currently provides that a Reserve Order may be combined with a Non-Routable Limit Order. However, although an ALO Order is a Non-Routable Limit Order, the Exchange currently does not permit Reserve Orders to be designated as ALO Orders and thus proposes a clarifying change to Rule 7.31E(d)(1)(C) to specify accordingly. The Exchange notes that this change is intended only to clarify and reflect current behavior and does not propose any changes to the current operation of Reserve Orders or ALO Orders.

* * * * *

Because of the technology changes associated with this proposed rule change, the Exchange will announce the implementation date by Trader Update, which, subject to effectiveness of this proposed rule change, will be in the third quarter of 2022.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,[17] in general, and furthers the objectives of Section 6(b)(5),[18] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to, and perfect the mechanism of, a free and open market and a national market system and, in general, to protect investors and the public interest.

With respect to the proposed changes to permit Non-Routable Limit Orders, displayed ALO Orders, and Day ISO ALO Orders to be designated to cancel, the Exchange believes that the proposed changes would remove impediments to, and perfect the mechanism of, a free and open market and a national market system because it would offer ATP Holders the option to cancel such orders when they would be displayed at a price other than their limit price. The Exchange believes that providing ATP Holders with this option would afford them increased flexibility with respect to order handling for existing order types, as well as the ability to have greater determinism regarding order processing in times when such orders would be repriced to display at a price other than their limit price. The Exchange notes that this designation would be optional for ATP Holders, and if not designated to cancel, Non-Routable Limit Orders, displayed ALO Orders, and Day ISO ALO Orders would continue to function as set forth in current Exchange rules (except as otherwise proposed in this filing). The Exchange also notes that providing ATP Holders with the option to designate orders to cancel if they would be repriced is not novel, and would align the Exchange's rules with those of other cash equity exchanges that currently offer their members similar functionality.[19] The Exchange also believes that the proposed changes described above to reorganize and rephrase rule text that describes the current operation of Non-Routable Limit Orders, displayed ALO Orders, and Day ISO ALO Orders are designed to remove impediments to, and perfect the mechanism of, a free and open market and a national market system and, in general, to protect investors and the public interest because they do not propose any functional changes other than to add the option to cancel instead of repricing and would improve the clarity of Exchange rules governing such orders in connection with the proposed addition of the option to designate such orders to cancel.

With respect to the proposed change to permit ALO Orders to be designated as non-displayed, the Exchange believes that the proposed change would remove impediments to, and perfect the mechanism of, a free and open market and a national market system and protect investors and the public interest because it would offer ATP Holders greater flexibility with respect to the entry of ALO Orders and could offer ATP Holders increased opportunities for order execution. The Exchange believes that permitting an ALO Order to be non-displayed would simply provide ATP Holders with increased options with respect to an existing order type, and ATP Holders are free to designate ALO Orders to be non-displayed or to continue using displayed ALO Orders as provided under current Exchange rules. The Exchange further believes that permitting ALO Orders to be designated as non-displayed is not novel and that this proposed change would remove impediments to, and perfect the mechanism of, a free and open market and a national market system by aligning Exchange rules with the rules of other cash equity exchanges.[20]

With respect to the proposed change to permit ALO Orders and Day ISO ALO Orders to be entered in any size, the Exchange also believes that the proposed change would promote just and equitable principles of trade, remove impediments to, and perfect the

[17] 15 U.S.C. 78f(b).

[18] 15 U.S.C. 78f(b)(5).

[19] *See* note 5, *supra.*

[20] *See* note 11, *supra.*

mechanism of, a free and open market and a national market system, and protect investors and the public interest. Specifically, the Exchange believes that the proposed change would provide ATP Holders with the flexibility and optionality to enter ALO Orders and Day ISO ALO Orders in odd-lot sized orders, which could increase liquidity and enhance opportunities for order execution on the Exchange, to the benefit of all market participants. The Exchange also believes that the proposed change would align Exchange rules with the treatment of post-only orders on other cash equity exchanges, thereby removing impediments to, and perfecting the mechanism of, a free and open market and a national market system.[21]

The Exchange also believes that the proposed change to modify the operation of the NDR Modifier would remove impediments to, and perfect the mechanism of, a free and open market and a national market system and protect investors and the public interest. Specifically, the Exchange believes that this proposed change, which would provide that any resting order with the NDR Modifier would remove liquidity when it is locked by any ALO Order, would expand the circumstances under which an order with the NDR Modifier would be eligible to trade, thereby increasing opportunities for order execution to the benefit of all market participants. The Exchange also believes that eliminating the use of the NDR Modifier with MPL–ALO Orders would remove impediments to, and perfect the mechanism of, a free and open market and a national market system because the order type-modifier combination is inconsistent with the purpose of an MPL–ALO Order (and has not been used by ATP Holders), and the elimination of the NDR Modifier in this context would simplify the Exchange's rules. The Exchange further believes that the operation of the NDR Modifier, as modified, would not be novel and that the proposed change would promote just and equitable principles of trade and remove impediments to, and perfect the mechanism of, a free and open market and a national market system because the NDR Modifier would function similarly to analogous modifiers offered by other cash equity exchanges.[22]

The Exchange also believes that the proposed changes to make an MPL Order eligible to trade at the less aggressive of the midpoint of the PBBO or its limit price and to permit an MPL Order to reprice and trade relative to LULD Price Bands would promote just and equitable principles of trade and remove impediments to, and perfect the mechanism of, a free and open market and a national market system because MPL Orders could have more opportunities to trade with contra-side interest, thereby providing ATP Holders with increased opportunities for order execution and enhancing market quality for all market participants. The Exchange also believes that this proposed change would remove impediments to, and perfect the mechanism of, a free and open market and a national market system because permitting MPL Orders to trade at the less aggressive of the midpoint of the PBBO or at their limit price is not novel and that comparable order types on other cash equity exchanges currently behave in this manner.[23] The Exchange further believes that the proposed change to eliminate the ''No Midpoint Execution'' Modifier would remove impediments to, and perfect the mechanism of, a free and open market and a national market system because the proposed change, along with the proposed changes to MPL Orders, could result in greater opportunities for order execution, thereby enhancing market quality on the Exchange.

Finally, the Exchange believes that its proposed change to specify that Reserve Orders may not be designated as an ALO Order would remove impediments to, and perfect the mechanism of, a free and open market and a national market system and protect investors and the public interest because it is not intended to effect any functional change but would instead add clarity to Exchange rules regarding the current behavior of Reserve Orders.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. As noted above, the Exchange believes the proposed rule changes would generally align order handling on the Exchange with behavior on other cash equity exchanges[24] and thus would promote competition among exchanges by offering ATP Holders similar functionality and order handling options available on other cash equity exchanges. The Exchange also believes that, to the extent the proposed changes would increase opportunities for order execution, the proposed change would promote competition by making the Exchange a more attractive venue for order flow and enhancing market quality for all market participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[25] and Rule 19b–4(f)(6) thereunder.[26] Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[27] and Rule 19b–4(f)(6)(iii) thereunder.[28]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[29] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act.

[21] *See* note 12, *supra.*

[22] *See* note 14, *supra.*

[23] *See* note 15, *supra.*

[24] *See* notes 5, 11, 12, 14, 15, *supra.*

[25] 15 U.S.C. 78s(b)(3)(A)(iii).

[26] 17 CFR 240.19b–4(f)(6).

[27] 15 U.S.C. 78s(b)(3)(A)(iii).

[28] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has complied with this requirement.

[29] 15 U.S.C. 78s(b)(2)(B).

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NYSEAMER–2022–27 on the subject line.

Paper Comments

- Send paper comments in triplicate to: Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEAMER–2022–27. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEAMER–2022–27 and should be submitted on or before August 9, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[30]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–15303 Filed 7–18–22; 8:45 am]

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[30] 17 CFR 200.30–3(a)(12), (59).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95271; File No. SR–CBOE–2022–037]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Certain of Its Rules Related to Market-Makers

July 13, 2022.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 5, 2022, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe Exchange, Inc. (''Cboe Options'' or the ''Exchange'') is filing with the Securities and Exchange Commission (the ''Commission'') a proposed rule change to amend certain of its Rules related to Market-Makers. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend certain of its Rules related to Market-Makers. Specifically, the Exchange proposes to amend its Rules to permit a Trading Permit Holder (''TPH'') organization to register separate market-maker aggregation units as separate Market-Makers, each of which would be subject to Market-Maker obligations on an individual basis. Currently, Cboe interprets the term ''Market-Maker'' to apply at a firm level, including with respect to obligations.[3] However, the Exchange understands TPH organizations have Market-Maker units that are completely separate from each other for operational and profit/loss purposes, with appropriate information barriers between units.[4] Because of this operational separation, such organizations may prefer to have those units be treated as individual Market-Makers under the Exchange's Rules consistent with those organizations' internal operations.

The proposed rule change amends certain Rules to provide TPH organizations with this flexibility:

[3] The Exchange notes it used to permit a TPH organization to determine whether to have Market-Maker continuous quoting obligations apply on an individual or collective basis. *See* Securities Exchange Act Release No. 82974 (March 30, 2018), 83 FR 14685 (April 5, 2018) (SR–CBOE–2018–021). The Exchange eliminated this flexibility and began applying the current interpretation as of October 2019. *See* Securities Exchange Act Release No. 87024 (September 19, 2019), 84 FR 50545 (September 25, 2019) (SR–CBOE–2019–059). However, the language permitting this flexibility inadvertently remained in Rules 5.54(a)(1)(C), 5.55(a)(1)(B), and 5.56(a)(2) with respect to the continuous quoting obligations of Designated Primary Market-Makers (''DPMs''), Lead Market-Makers (''LMMs''), and Preferred Market-Makers (''PMMs''), respectively. The proposed rule change deletes these outdated provisions and re-numbers or re-letters, as applicable, the subparagraphs as applicable. While the proposed rule change will permit a TPH organization to have continuous quoting obligations apply below the firm level, it will not permit application of continuous quoting obligations at the individual level, as was the case pursuant to the prior rule. Instead, the proposed rule change will permit a TPH organization to have continuous quoting obligations apply at the firm level or business unit level (if sufficient information barriers are in place).

[4] Cboe Options Rules currently contemplate that TPHs may have separate Market-Maker aggregation units. *See, e.g.,* Rule 5.89(b)(1). Various other rules (for example contemplate TPH organizations having separate business units and require information barriers in the form of appropriate policies and procedures that reflect the TPH's business to establish those separate business units. *See, e.g.,* Rules 5.89 (risk-weighted assets transactions); 8.10 (prevention of the misuse of material, nonpublic information); and 8.30, Interpretations and Policies .03 (position limits).

• Rule 3.52 currently provides that TPHs registered as Market-Makers have certain rights and bear certain responsibilities beyond those of other TPHs. The proposed rule change adds Interpretation and Policy .01 to provide that if a TPH organization is comprised of multiple market-making aggregation units and has in place appropriate information barriers or segregation requirements,[5] the TPH may register each individual aggregation unit as a separate Market-Maker. The proposed rule change also adds a similar interpretation and policy to Rules 3.53, 3.55, and 3.56 regarding DPMs, LMMs, and PMMs, respectively.

• The proposed rule change adds Rule 5.50, Interpretation and Policy .01 to provide that Market-Maker appointments would apply to each individual Market-Maker aggregation unit and adds Rule 5.53, Interpretation and Policy .01 to provide that each Market-Maker aggregation unit will be evaluated for good standing on an individual basis.

• The proposed rule change amends Rules 5.33, Interpretation and Policy .02 and adds Rule 5.51, Interpretation and Policy .01; Rule 5.52, Interpretation and Policy .01; Rule 5.54, Interpretation and Policy .01; Rule 5.55, Interpretation and Policy .01; and Rule 5.56, Interpretation and Policy .01 to provide that Market-Maker obligations (including those with respect to DPMs, LMMs, and PMMs, when applicable), will apply to individual Market-Maker aggregation units if a TPH organization registers separate aggregation units as Market-Makers.

• The proposed rule change adds Rule 5.24, Interpretation and Policy .02 to require any individual Market-Maker aggregation unit within a single firm to connect to the Exchange's backup systems and participate in functional and performance testing announced by the Exchange if that unit satisfies the connection criteria set forth in Rule 5.24(b).

• The proposed rule change adds Rule 5.37, Interpretation and Policy .04 (related to the Automated Improvement Mechanism (''AIM'')) and Rule 5.39, Interpretation and Policy .04 (related to the Solicitation Auction Mechanism (''SAM'')) to provide that the restriction in the introductory paragraph of each Rule that prohibits a solicited order for the account of any Market-Maker with an appointment in the applicable class on the Exchange in all classes except SPX applies to an individual Market-Maker aggregation unit if a TPH has multiple aggregation units registered as separate Market-Makers.[6]

These proposed changes are consistent with the concept of treating individual Market-Maker aggregation units within a single firm as separate Market-Makers.

The proposed rule change states that a TPH organization may register separate aggregation units as individual Market-Makers if the organization has in place appropriate information barriers or segregation units. The proposed language provides TPHs with flexibility to adapt their policies and procedures to reflect their business model and activities, including changes thereto. This flexibility is similar to other rules that require information barriers, such as Rule 8.10, which requires every TPH to establish, maintain, and enforce written policies and procedures reasonably designed, taking into consideration the nature of the TPH's business, to prevent the misuse, in violation of the Exchange Act and Exchange Rules, of material nonpublic information by the TPH or persons associated with the TPH. In accordance with this proposed rule change, pursuant to Rule 8.10, a TPH organization that registers separate business units as individual Market-Makers would be obligated to ensure that its policies and procedures reflect the current state of its business and continue to be reasonably designed to prevent the misuse of material, nonpublic information. Separate market-making units registered as individual Market-Makers may dictate that an information barrier or functional separation be part of the appropriate set of policies and procedures that would be reasonably designed to achieve compliance with the proposed rule change. The proposed rule change has no pre-approval requirement; however, appropriate information barriers would be subject to review as part of the process to register the separate aggregation units as individual Market-Makers with the Exchange.[7] Additionally, these policies and procedures would be subject to regular review by the Exchange's Regulation Division, such as part of the routine examination or testing process or as part of internal surveillances and investigations.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[8] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[9] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[10] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes the proposed rule change will promote just and equitable principles of trade and remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, protect investors and the public interest, because it will provide TPH organizations with flexibility to register its business units as Market-Makers with the Exchange, and have the Exchange regulate those Market-Maker business units, in a manner consistent with these organizations' internal business operations. The Exchange believes this will permit these organizations to manage the entirety of their Market-Maker operations—including Market-Maker registrations, appointments, and quoting—as they deem appropriate based on the nature of their businesses, which may ultimately benefit the efficiency of their Market-Maker businesses. The Exchange does not propose to modify any Market-Maker responsibilities or obligations. The Exchange does not believe the proposed rule change will reduce liquidity, as any individual Market-Maker aggregation unit (as opposed to the TPH

[5] The TPH organization will need to provide the Exchange with sufficient evidence of separation of these units.

[6] For example, if Firm ABC has aggregation units DEF and GHI each registered as separate Market-Makers, if Market-Maker DEF has an appointment in class XYZ but Market-Maker GHI does not, Market-Maker GHI could be solicited to be the contra-side order in an AIM or SAM auction in class XYZ, but Market-Maker DEF could not.

[7] The Exchange's Regulatory Division intends to announce by Regulatory Circular a method by which a TPH organization may seek pre-approval of the policies and procedures comprising the information barriers.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] *Id.*

organization collectively) will need to satisfy all Market-Maker obligations, including continuous quoting obligations, on its own.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change will not impose any burden on intramarket competition, because it will apply in the same manner to all TPH organizations that register with the Exchange as Market-Makers. Whether a TPH organization registers separate business units as Market-Makers is within the sole discretion of that organization. With respect to TPH organizations that elect to register separate business units as Market-Makers, the proposed rule change will apply all applicable Market-Maker rules, including those regarding Market-Maker obligations and responsibilities, in the same manner to those units. The Exchange does not propose to modify any Market-Maker obligations or responsibilities, and thus does not believe the proposed rule change will diminish liquidity on the Exchange. The proposed rule change will not impose any burden on intermarket competition, because the proposed rule change applies only to how TPH organizations may register with the Exchange as a Market-Maker and how the Exchange will determine Market-Maker compliance with Exchange-imposed Market-Maker obligations and responsibilities.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[11] and Rule 19b–4(f)(6) thereunder.[12]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[13] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange requested that the Commission waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The proposal provides flexibility to a TPH organization to register separate market-maker aggregation units as separate Market-Makers, each of which would be subject to Market-Maker obligations on an individual basis, if appropriate information barriers or segregation requirements are in place. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest because the proposed rule change does not raise any new or novel issues. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposed rule change operative upon filing.[14]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2022–037 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2022–037. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change.

Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2022–037 and should be submitted on or before August 9, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–15306 Filed 7–18–22; 8:45 am]

BILLING CODE 8011–01–P

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[13] 17 CFR 240.19b–4(f)(6)(iii).

[14] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–779; OMB Control No. 3235–0732]

Submission for OMB Review; Comment Request: Extension: Business Conduct Standards for Security-Based Swap Dealers and Major Security-Based Swap Participants

Upon Written Request, Copies Available From: U.S. Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Business Conduct Standards for Security-Based Swap Dealers and Major Security-Based Swap Participants.[1] (17 CFR 240.3a67–10, 240.3a71–3,240.3a71–6, 240.15Fh–1 through 15Fh–6 and 240.15Fk–1), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

In 2010, Congress passed the Dodd-Frank Act, establishing a comprehensive framework for regulating the over-the-counter swaps markets. As required by Title VII of the Dodd-Frank Act, new section 15F(h) of the Exchange Act established business conduct standards for security-based swap (''SBS'') Dealers and Major SBS Participants (''collectively ''SBS Entities'') in their dealings with counterparties, including special entities. In 2016, in order to implement the Dodd-Frank Act, the Commission adopted the BCS Rules for SBS Dealers and Major SBS Participants,[2] a comprehensive set of business conduct standards and chief compliance officer requirements applicable to SBS Entities, that are designed to enhance transparency, facilitate informed customer decision-making, and heighten standards of professional conduct to better protect investors.[3]

Rules 15Fh–1 through 15Fh–6 and 15Fk–1 require SBS Entities to:

- Verify whether a counterparty is an eligible contract participant and whether it is a special entity;
- Disclose to the counterparty material information about the SBS, including material risks, characteristics, incentives and conflicts of interest;
- Provide the counterparty with information concerning the daily mark of the SBS;
- Provide the counterparty with information regarding the ability to require clearing of the SBS;
- Communicate with counterparties in a fair and balanced manner based on principles of fair dealing and good faith;
- Establish a supervisory and compliance infrastructure; and
- Designate a chief compliance officer that is required to fulfill the described duties and provide an annual compliance report.

The rules also require SBS Dealers to:

- Determine that recommendations they make regarding SBS are suitable for their counterparties.
- Establish, maintain and enforce written policies and procedures reasonably designed to obtain and retain a record of the essential facts concerning each known counterparty that are necessary to conduct business with such counterparty; and
- Comply with rules designed to prevent ''pay-to-play.''

The rules also define what it means to ''act as an advisor'' to a special entity, and require an SBS Dealer who acts as an advisor to a special entity to:

- Make a reasonable determination that any security-based swap or trading strategy involving a security-based swap recommended by the SBS Dealer is in the best interests of the special entity whose identity is known at a reasonably sufficient time prior to the execution of the transaction to permit the SBS Dealer to comply with this obligation; and
- Make reasonable efforts to obtain such information that the SBS Dealer considers necessary to make a reasonable determination that a security-based swap or trading strategy involving a security-based swap is in the best interests of the known special entity.

In addition, the rules require SBS Entities acting as counterparties to special entities to reasonably believe that the counterparty has an independent representative who meets the following requirements:

- Has sufficient knowledge to evaluate the transaction and risks;
- Is not subject to a statutory disqualification;
- Undertakes a duty to act in the best interests of the special entity;
- Makes appropriate and timely disclosures to the special entity of material information concerning the security-based swap;
- Evaluates, consistent with any guidelines provided by the special entity, the fair pricing and the appropriateness of the security-based swap;
- Is independent of the security-based swap dealer or major security-based swap participant that is the counterparty to a proposed security-based swap.

Under the rules, the special entity's independent representative must also be subject to pay-to-play regulations, and if the special entity is an ERISA plan, the independent representative must be an ERISA fiduciary.

The information that must be collected pursuant to the BCS Rules is intended to increase accountability and transparency in the market. The information will therefore help establish a framework that protects investors and promotes efficiency, competition and capital formation.

Based on a review of recent data, as of 2020, the Commission estimates the number of respondents to be as follows: 44 SBS Dealers, 0 Major SBS Participants, for a total of 44 ''SBS Entities''.[4] Further, we estimate that approximately 41 of these 44 SBS Entities will be dually registered with the CFTC as Swap Entities. We also estimate that there are currently 15,187 security-based swap market participants of which 11,531 are also swap market participants. In 2020, there were approximately 354,814 security-based swap transactions between an SBS Dealer and counterparty that is not an SBS Dealer of which 225,924 were new and 6,841 amended trades (totaling 232,765). The Commission estimates there are 329 independent, third-party representatives and 23 in-house

[1] *Business Conduct Standards for Security-Based Swap Dealers and Major Security-Based Swap Participants,* Exchange Act Release 77617 (Apr. 14, 2016), 81 FR 29959 (May 13, 2016). *See also Business Conduct Standards for Security-Based Swap Dealers and Major Security-Based Swap Participants; Correction,* Exchange Act Release 77617A (May 19, 2016), 81 FR 32643 (May 24, 2016). (together, 'the Business Conduct Rules for SBSDs and MSBSPs'' or ''BCS Rules'')

[2] *Id.*

[3] Commission staff has prepared separate supporting statements pursuant to the Paperwork Reduction Act (''PRA'') regarding final Rules 3a71–3(c) and 3a71–6, which address the cross-border application of the business conduct standards and the availability of substituted compliance. The Office of Management and Budget (''OMB'') has assigned control number 3235–0717 to Rule 3a71–3(c) and 3235–0715 to Rule 3a71–6. Rule 3a67–10(d) is a definitional rule and does not have a PRA burden associated with it. Rules 3a71–3(a), 15Fh–1 and 15Fh–2(b) and (c) address scope of the rules and definitions and so do not have PRA burdens associated with them.

[4] Unless otherwise noted, estimates were derived from the DTCC–TIW data set (November 2006 through December 2020).

independent representatives.[5] We estimate that there are approximately 11,219 unique SBS Dealer and non-SBS-Dealer pairs. We have used these estimates in calculating the hour and cost burdens for the rule provisions that we anticipate have a ''collection of information'' burden within the meaning of the PRA.

The Commission estimates that the aggregate burden of the ongoing reporting and disclosures required by the BCS Rules, as described above, is approximately 486,535 hours and $1,812,800 calculated as follows:

Section	Type of burden	Respondents	Ongoing annual burden	Ongoing annual burden	Industry-wide annual burden	Industry-wide annual burden
			Hours	Cost	Hours	Cost
15Fh–3(b), (c), (d): Disclosures—SBS Entities	Reporting	44	4,120	$0	181,280	$0
15Fh–3(b), (c), (d): Disclosures—SBS Transactions Between SBS Dealer and Non-SBSD Counterparty.	Reporting	232,765	1	0	232,765	0
15Fh–3(e), (f): Know Your Counterparty and Recommendations (SBS Dealers).	Reporting	44	128	0	5,610	0
15Fh–3(g): Fair and Balanced Communications	Reporting	44	2	3,600	88	158,400
15Fh–3(h): Supervision	Reporting	44	540	4,800	23,760	211,200
15Fh–5: SBS Entities Acting as Counterparties to Special Entities.	Reporting	44	352	0	15,488	0
15Fh–5: SBS Entities Acting as Counterparties to Special Entities.	Third-Party Disclosure.	44	352	0	15,488	0
15Fh–6: Political Contributions	Reporting	44	1	25,600	44	1,126,400
15Fk–1: Chief Compliance Officer	Reporting	44	273	7,200	12,012	316,800
Total					486,535	1,812,800

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Written comments and recommendations for the proposed information collection should be sent by August 18, 2022 to (i) *www.reginfo.gov/public/do/PRAMain* and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.*

Dated: July 13, 2022.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–15315 Filed 7–18–22; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 34648; 812–15319]

Quaker Investment Trust and Community Capital Management, LLC

July 13, 2022.

AGENCY: Securities and Exchange Commission (''Commission'' or ''SEC'').

ACTION: Notice.

Notice of an application under section 6(c) of the Investment Company Act of 1940 (''Act'') for an exemption from section 15(a) of the Act, and rule 18f–2 under the Act, as well as from certain disclosure requirements in rule 20a–1 under the Act, Item 19(a)(3) of Form N–1A, Items 22(c)(1)(ii), 22(c)(1)(iii), 22(c)(8) and 22(c)(9) of Schedule 14A under the Securities Exchange Act of 1934, and Sections 6–07(2)(a), (b), and (c) of Regulation S–X (''Disclosure Requirements'').

Summary of Application: The requested exemption would permit Applicants to enter into and materially amend subadvisory agreements with certain subadvisors without shareholder approval and grant relief from the Disclosure Requirements as they relate to fees paid to the subadvisors.

Applicants: Quaker Investment Trust and Community Capital Management, LLC.

Filing Dates: The application was filed on April 14, 2022, and amended on June 10, 2022 and June 29, 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* 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 August 8, 2022, and should be accompanied by proof of service on the 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.

[5] See, Exchange Act Rule 15Fh–5.

ADDRESSES: The Commission: *Secretarys-Office@sec.gov.* Applicants: Jonathan M. Kopcsik, *jkopcsik@stradley.com.*

FOR FURTHER INFORMATION CONTACT: Steven I. Amchan, 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' second amended and restated application, dated June 29, 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 *https://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. 2022–15317 Filed 7–18–22; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95273; File No. SR–NYSEArca–2022–38]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Modify Rule 7.31–E

July 13, 2022.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that on July 6, 2022, NYSE Arca, Inc. (''NYSE Arca'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to modify Rule 7.31–E to (1) permit certain non-routable order types to be designated to cancel if they would be displayed at a price other than their limit price; (2) allow ALO Orders to be designated as non-displayed; (3) permit ALO Orders to be entered in any size; (4) modify the operation of the Non-Display Remove Modifier and eliminate its use with MPL–ALO Orders; and (5) make MPL Orders eligible to trade at their limit price and eliminate the ''No Midpoint Execution'' Modifier. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 7.31–E to (1) permit certain non-routable order types to be designated to cancel if they would be displayed at a price other than their limit price; (2) allow ALO Orders to be designated as non-displayed; (3) permit ALO Orders to be entered in any size; (4) modify the handling of orders designated with the Non-Display Remove Modifier and eliminate the use of the Non-Display Remove Modifier for MPL–ALO Orders; and (5) allow MPL Orders to trade at either the midpoint or their limit price and eliminate the ''No Midpoint Execution'' Modifier.

Designation To Cancel

The Exchange proposes to modify Rules 7.31–E(e)(1), 7.31–E(e)(2), and 7.31–E(e)(3)(D) to permit Non-Routable Limit Orders, displayed ALO Orders,[4] and Day ISO ALO Orders to be designated to cancel if they would be displayed at a price other than their limit price for any reason.

As proposed, Non-Routable Limit Orders, displayed ALO Orders, and Day ISO ALO Orders would be eligible to be designated to cancel at the ETP Holder's instruction, thereby providing ETP Holders with increased flexibility with respect to order handling and the ability to have greater determinism regarding order processing when such orders would be repriced to display at a price other than their limit price. The Exchange notes that this designation would be optional, and if not designated to cancel, Non-Routable Limit Orders, displayed ALO Orders, and Day ISO ALO Orders would continue to function as set forth in current Exchange rules (except as proposed in this filing with respect to the function of the Non-Display Remove Modifier and odd lots). The Exchange further notes that providing ETP Holders with the ability to designate orders to cancel if they would be repriced is not novel, and other cash equity exchanges currently offer their members a similar option.[5]

To effect this change, the Exchange proposes the following modifications to Rules 7.31–E(e)(1), 7.31–E(e)(2), and 7.31–E(e)(3)(D):

• Rule 7.31–E(e)(1)—Non-Routable Limit Orders

As defined in Rule 7.31–E(e)(1), a Non-Routable Limit Order is a Limit Order that does not route. Currently, a Non-Routable Limit Order to buy (sell) will trade with orders to sell (buy) on

[4] As noted above, the Exchange also proposes in this filing to permit ALO Orders to be designated as non-displayed, and discussion of the proposed modification of Rule 7.31–E(e)(2) to effect that change appears in the ''Non-Displayed ALO'' section below. The proposed new designation to cancel would be inapplicable to Non-Displayed ALO Orders, as proposed, because such orders are not eligible to be displayed.

[5] *See, e.g.,* Members Exchange (''MEMX'') Rules 11.6(a) (defining the Cancel Back instruction, which a User may attach to an order to instruct that such order be cancelled if it cannot be posted to the MEMX Book at its limit price) and 11.6(l)(2) (defining the Post Only instruction; an order with such instruction functions similarly to the ALO Order and may be designated to be cancelled by the User); Cboe BZX Exchange, Inc. (''BZX'') Rules 11.9(c)(6) and 11.9(g)(d) (defining the BZX Post Only Order, which functions similarly to the ALO Order and may be designated to be cancelled at the User's instruction); Cboe BYX Exchange, Inc. (''BYX'') Rule 11.9(c)(6) and 11.9(g)(d) (defining the BYX Post Only Order, which functions similarly to the ALO Order and may be designated to be cancelled at the User's instruction); Nasdaq Stock Exchange LLC (''Nasdaq'') Rule 4702(b)(4)(A) (defining the Post-Only Order, which functions similarly to the ALO Order and may be designated to be cancelled back to the Participant at the Participant's election).

the NYSE Arca Book that are priced at or below (above) the PBO (PBB) and will be repriced based on updates to the Away Market PBO (PBB) as set forth in current Rules 7.31–E(e)(1)(A)(i) through (iv).

The Exchange proposes to delete the current text of Rule 7.31–E(e)(1)(A) and add new text to provide that a Non-Routable Limit Order would not be displayed at a price that would lock or cross the PBO (PBB) of an Away Market, and such order to buy (sell) would trade with orders on the NYSE Arca Book that are priced equal to or below (above) the PBO (PBB) of an Away Market. These proposed changes would merely rephrase and clarify the existing behavior of a Non-Routable Limit Order as already set forth in Rule 7.31–E(e)(1)(A), without substantive changes.

The Exchange further proposes to modify Rule 7.31–E(e)(1)(A)(i) to delete the current text and add new text providing for the option to designate a Non-Routable Limit Order to be cancelled, as described above.

The Exchange also proposes to modify Rule 7.31–E(e)(1)(A)(ii) and add new subparagraphs thereunder to describe how any untraded quantity of a Non-Routable Limit Order would be processed if not designated to cancel. New subparagraph (a) would contain the rule text previously set forth in Rule 7.31–E(e)(1)(A)(i), without substantive changes, and provide that, if the limit price of a Non-Routable Limit Order to buy (sell) locks or crosses the PBO (PBB) of an Away Market, it would have a working price equal to the PBO (PBB) of the Away Market and a display price one MPV below (above) the PBO (PBB) of the Away Market. Proposed new subparagraph (b) would contain rule text currently set forth in Rule 7.31–E(e)(1)(A)(ii) describing how a Non-Routable Limit Order would be processed when the PBO (PBB) of an Away Market reprices higher (lower), without substantive changes. Finally, the Exchange proposes to renumber current Rules 7.31–E(e)(1)(A)(iii) and (iv) as Rules 7.31–E(e)(1)(A)(ii)(c) and (d), respectively, with no changes to the rule text.

The Exchange also proposes non-substantive changes to Rules 7.31–E(e)(1)(B) and (C)[6] to delete the word ''Only'' in ''Non-Routable Limit Only Order'' to reflect the correct name of the order type, thus promoting clarity and consistency in Exchange rules.[7]

[6] Additional proposed changes to Rule 7.31–E(e)(1)(C) relating to the Non-Display Remove Modifier are discussed in the ''Non-Display Remove Modifier'' section below.

[7] *See* Securities Exchange Act Release No. 83967 (August 28, 2018), 83 FR 44984 (September 4, 2018) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Amend Rule 7.31–E relating to Reserve Orders, to Re-Name Two Order Types, and to Delete Inoperative Rule Text).

- Rule 7.31–E(e)(2)—ALO Orders

Rule 7.31–E(e)(2) and the subparagraphs thereunder define the ALO Order, which is a Non-Routable Limit Order that will trade with contra-side interest if its limit price crosses the working price of any displayed or non-displayed orders to sell (buy) on the NYSE Arca Book priced equal to or below (above) the PBO (PBB) of an Away Market. In other words, an ALO Order will not remove liquidity from the NYSE Arca Book unless it receives price improvement. Accordingly, the Exchange proposes to modify Rule 7.31–E(e)(2) to simplify the definition of an ALO Order, without any substantive changes, and state that ALO Orders are Non-Routable Limit Orders that would not remove liquidity from the NYSE Arca Book unless they receive price improvement. The Exchange also proposes to add new text to Rule 7.31–E(e)(2)[8] to effect the change described above, permitting an ALO Order to be designated to cancel if it would be displayed at a price other than its limit price for any reason.

The Exchange next proposes to reorganize Rules 7.31–E(e)(2)(A) through (C) to describe the operation of the ALO Order in a more logical flow, but without any substantive changes to the operation of the order type. Specifically, the Exchange proposes to reorganize Rules 7.31–E(e)(2)(A) through (C) to first describe when an ALO Order would trade, then describe how any untraded quantity of an ALO Order not designated to cancel would be processed, and then describe the handling of any untraded quantity of an ALO Order that locks non-displayed interest.

First, the Exchange proposes to delete the current text of Rule 7.31–E(e)(2)(A), which states only that an ALO Order will be assigned a working price and display price pursuant to Rule 7.31–E(e)(2)(B) and is thus redundant of the substantive rule text in Rule 7.31–E(e)(2)(B) and its subparagraphs. The Exchange proposes to add new rule text in Rule 7.31–E(e)(2)(A) providing that an Aggressing ALO Order to buy (sell) would trade if its limit price crosses the working price of any displayed or non-displayed orders to sell (buy) on the NYSE Arca Book priced equal to or below (above) the PBO (PBB) of an Away Market, in which case, the ALO Order would trade as the liquidity taker with such orders. The Exchange notes that this change is not intended to propose any modification to the current operation of the ALO Order and merely restates text that currently appears in Rule 7.31–E(e)(2)(B)(ii) describing when an ALO Order may trade, with no substantive changes. The Exchange believes that this proposed reorganization would improve the clarity of Rule 7.31–E(e)(2) by describing how an ALO Order would trade before progressing on to describe how any untraded quantity of an ALO Order would be handled if it is not designated to cancel upon repricing.

The Exchange next proposes to delete the current text of Rule 7.31–E(e)(2)(B) and reorganize Rule 7.31–E(e)(2)(B) and the subparagraphs thereunder. Rule 7.31–E(e)(2)(B) and the subparagraphs that follow would, as proposed, specify how untraded quantities of an ALO Order would be processed if such order has not been designated to cancel. To effect this change, the Exchange proposes that Rule 7.31–E(e)(2)(B) would now provide that, if an ALO Order is not designated to cancel, any untraded quantity of such order would trade as described in subparagraphs (i) and (ii).

In subparagraph (i), the Exchange proposes to delete the existing rule text and modify subparagraph (i) to provide that, if the limit price of an ALO Order locks the display price of any order to sell (buy) ranked Priority 2—Display Orders on the NYSE Arca Book, it would have a working price and display price (if it has been designated to display) one MPV below (above) the price of the displayed order on the NYSE Arca Book. The Exchange notes that the content of Rule 7.31–E(e)(2)(B)(i) would be incorporated into Rule 7.31–E(e)(2)(B)(ii) (as proposed below) and that this proposed change merely moves rule text from where it is currently located in Rule 7.31–E(e)(2)(B)(iii) and does not reflect any proposed change to the operation of the ALO Order when the limit price of any untraded quantity of such order locks displayed interest on the NYSE Arca Book.

The Exchange next proposes to delete the current text of Rule 7.31–E(e)(2)(B)(ii) and replace it with text that would provide that, if the limit price of an ALO Order locks or crosses the PBO (PBB) of an Away Market, it would have a working price equal to the PBO (PBB) of the Away Market and a display price (if designated to display) one MPV

[8] As noted above, the Exchange also proposes in this filing to permit ALO Orders to be designated as non-displayed and to permit ALO Orders to be entered in odd lots, and discussion of the proposed modification of Rule 7.31–E(e)(2) to effect those changes appears in the ''Non-Displayed ALO'' and ''ALO Odd Lots'' sections below.

below (above) the PBO (PBB) of the Away Market. The Exchange notes that proposed Rule 7.31–E(e)(2)(B)(ii) rephrases text currently set forth in Rules 7.31–E(e)(2)(B)(i) and (iv) and is not intended to propose any change to the operation of the ALO Order when the limit price of any untraded quantity of such order locks or crosses the PBBO of an Away Market. The Exchange also notes that the current text of Rule 7.31–E(e)(2)(B)(ii) was, as described above, incorporated into revised Rule 7.31–E(e)(2)(A).

The Exchange further proposes to delete current Rules 7.31–E(e)(2)(B)(iii) and (iv) (including subparagraph (a) under Rule 7.31–E(e)(2)(B)(iv)), as the content of such Rules has been covered by the proposed Rules described above and would be incorporated into proposed Rule 7.31–E(e)(2)(C) (as discussed below), without changes to the current operation of the ALO Order. Specifically, Rule 7.31–E(e)(2)(B)(iii) has been incorporated into proposed Rule 7.31–E(e)(2)(B)(i), the content of Rule 7.31–E(e)(2)(B)(iv) would be clarified by proposed Rules 7.31–E(e)(2)(B)(ii) and 7.31–E(e)(2)(C), and the content of Rule 7.31–E(e)(2)(B)(iv)(a) would be covered by proposed Rule 7.31–E(e)(2)(B)(i). The Exchange also proposes to delete subparagraph (b) under 7.31–E(e)(2)(B)(iv), which currently describes how ALO Orders would interact with resting Non-Displayed Limit Orders and Non-Routable Limit Orders designated with the Non-Displayed Remove Modifier, as repetitive of rule text in Rule 7.31–E(d)(2)(B) with respect to Non-Displayed Limit Orders and in Rule 7.31–E(e)(1)(C) with respect to Non-Routable Limit Orders.

Proposed Rule 7.31–E(e)(2)(C) would next provide that if any untraded quantity of an ALO Order to buy (sell), whether designated to cancel or not, locks non-displayed interest on the NYSE Arca Book, it would have a working price and display price (if designated to display) equal to its limit price. The Exchange notes that this rule text reflects the current behavior of ALO Orders when their limit price locks non-displayed interest on the NYSE Arca Book, which would not change based on whether an ALO Order has been designated to cancel, as proposed.

The Exchange next proposes to rename current Rule 7.31–E(e)(2)(B)(v) as Rule 7.31–E(e)(2)(D) and current Rule 7.31–E(e)(2)(C) as Rule 7.31–E(e)(2)(E). The Exchange also proposes changes to subparagraphs (i) and (ii) of proposed Rule 7.31–E(e)(2)(E). In subparagraphs (i) and (ii), the Exchange proposes to add clarity to its Rules by specifying that the reference to the PBO (PBB) is of an Away Market and proposes to update the paragraph references to reflect the reorganization of the Rule as described above. Specifically, the Exchange proposes to update subparagraph (i) to refer to paragraphs (e)(2)(A) (which now describes when an Aggressing ALO Order is eligible to trade), (e)(2)(B)(i)–(ii) (which now describe the processing of any untraded quantity of an ALO Order that is not designated to cancel), and (e)(2)(C) of the Rule (which now describes the processing of any untraded quantity of an ALO Order that locks non-displayed interest). The Exchange further proposes to update subparagraph (ii) to refer to paragraphs (e)(1)(A)(ii)(c) and (d) of the Rule, which simply updates the paragraph references consistent with the changes described above to renumber paragraphs (e)(1)(A)(iii) and (iv) as paragraphs (e)(1)(A)(ii)(c) and (d).[9]

The Exchange also proposes to rename current Rule 7.31–E(e)(2)(D) as Rule 7.31–E(e)(2)(F) and modify new Rule 7.31–E(e)(2)(F) to provide that an ALO Order would not trigger a contra-side MPL Order that is resting at the midpoint to trade, except as specified in Rule 7.31–E(d)(3)(F). Rule 7.31–E(d)(3)(F), in relevant part and as modified in this filing, would provide that an MPL Order designated with the Non-Display Remove Modifier would trade as the liquidity-taking order with an Aggressing ALO Order or MPL–ALO Order that has a working price equal to the working price of the MPL Order.[10]

Finally, the Exchange proposes to add new Rule 7.31–E(e)(2)(G), which would provide that the ALO designation would be ignored for ALO Orders that participate in an Auction. This rule text would be similar to the text that currently appears in Rule 7.31–E(e)(2)(A), without substantive changes.

The Exchange notes that the proposed changes described above are intended only to implement the addition of the option to designate an ALO Order to cancel and, in connection with such proposal, to improve the clarity and organization of Rule 7.31–E(e)(2). The proposed changes set forth above otherwise reflect how an ALO Order currently behaves and are not intended to propose any other changes to the operation of the order type.[11]

• Rule 7.31–E(e)(3)(D)—Day ISO ALO Orders

Rule 7.31–E(e)(3) provides that an Intermarket Sweep Order (''ISO'') is a Limit Order that does not route and meets the requirements of Rule 600(b)(30) of Regulation NMS. Rule 7.31–E(e)(3)(C) provides that an ISO designated Day (''Day ISO''), if marketable on arrival, will be immediately traded with contra-side interest in the NYSE Arca Book up to its full size and limit price, and that any untraded quantity of a Day ISO will be displayed at its limit price and may lock or cross a protected quotation that was displayed at the time of arrival of the Day ISO. Rule 7.31–E(e)(3)(D) provides that a Day ISO ALO is a Day ISO that has been designated with an ALO Modifier and, on arrival, may trade through or lock or cross a protected quotation that was displayed at the time of arrival of the Day ISO ALO.

In order to effect the change described above to permit a Day ISO ALO Order to be designated to cancel if it would be displayed at a price other than its limit price for any reason, the Exchange proposes to modify and reorganize Rule 7.31–E(e)(3)(D) and the paragraphs thereunder similar to its proposal with respect to Rule 7.31–E(e)(2) for ALO Orders. As in proposed Rule 7.31–E(e)(2), the Exchange proposes to reorganize Rule 7.31–E(e)(3)(D) to describe when a Day ISO ALO Order would trade, how any untraded quantity of a Day ISO ALO Order not designated to cancel would be processed, and the handling of any untraded quantity of a Day ISO ALO Order that locks non-displayed interest, in that logical order.

First, the Exchange proposes to modify Rule 7.31–E(e)(3)(D) to add text providing that a Day ISO ALO can be designated to cancel. The Exchange does not propose any changes to the first sentence of current Rule 7.31–E(e)(3)(D)(i), which describes when a Day ISO ALO Order may trade, but proposes to combine the second sentence of current Rule 7.31–E(e)(3)(D)(i) with Rule 7.31–E(e)(3)(D)(ii). Rule 7.31–E(e)(3)(D)(ii) would now specify that, if not designated to cancel, any untraded quantity of a Day ISO ALO Order to buy (sell) would be assigned a working price and display price one MPV below (above) the price of the displayed order

[9] In addition, to effect the proposed change to permit ALO Orders to be designated as non-displayed, the Exchange proposes an additional revision to Rule 7.31–E(e)(2)(E)(ii) discussed below in the ''Non-Displayed ALO'' section.

[10] Changes to Rule 7.31–E(d)(3)(F) to effect the proposed modification of the Non-Display Remove Modifier's operation with respect to MPL–ALO Orders are discussed further in the ''Non-Display Remove Modifier'' section below.

[11] The Exchange notes that its proposed changes to provide for a non-displayed ALO Order, to permit ALO Orders to be entered in odd lots, and to modify the operation of the Non-Display Remove Modifier are discussed below.

on the NYSE Arca Book when the limit price of the Day ISO ALO Order locks the display price of a displayed order on the NYSE Arca Book.

The Exchange next proposes to delete the current text of Rule 7.31–E(e)(3)(D)(iii) and the subparagraphs thereunder and add new rule text specifying that any untraded quantity of a Day ISO ALO Order that locks non-displayed interest on the NYSE Arca Book would have a working price and display price equal to its limit price. The Exchange notes that this proposed change merely rephrases current Rule 7.31–E(e)(3)(D)(iii) and eliminates redundant rule text (thereby simplifying Exchange rules) and is not intended to change the meaning or operation of such rules. The Exchange notes that current Rule 7.31–E(e)(3)(D)(iii)(a) would be covered by Rule 7.31–E(e)(3)(D)(ii), as proposed, and that it proposes to delete Rule 7.31–E(e)(3)(D)(iii)(b) because, like Rule 7.31–E(e)(2)(B)(iv), it is redundant of rule text describing the behavior of the Non-Displayed Remove Modifier in Rule 7.31–E(d)(2)(B) with respect to Non-Displayed Limit Orders and in Rule 7.31–E(e)(1)(C) with respect to Non-Routable Limit Orders.

Finally, the Exchange proposes to make clarifying changes to Rule 7.31–E(e)(3)(D)(iv). First, the Exchange proposes to replace ''After being displayed'' with ''Once resting on the NYSE Arca Book'' to align the rule text with existing rule text in current Rule 7.31–E(e)(2)(C), which similarly describes how ALO Orders would be processed once resting on the NYSE Arca Book. The Exchange further proposes to clarify that the PBO (PBB) referenced in this subparagraph is of an Away Market. The Exchange also proposes to update the reference to paragraphs (e)(2)(C)(i) and (ii) of Rule 7.31–E to paragraphs (e)(2)(E)(i) and (ii) to reflect the proposed reorganization of Rule 7.31–E(e)(2) as described above.

The Exchange notes that the proposed changes described above are not intended to impact the operation of the Day ISO ALO Order other than to implement the new optional designation to cancel and, in connection with that proposed change, to improve the clarity and organization of Rule 7.31–E(e)(3)(D).[12] The proposed changes set forth above otherwise reflect how a Day ISO ALO Order currently behaves and are not intended to propose any other changes to the operation of the order type.

Non-Displayed ALO Order

As noted above, the Exchange proposes to permit ALO Orders to be designated as non-displayed, and to effect this change, proposes to modify Rule 7.31–E(e)(2) to add text specifying that ALO Orders may be designated as non-displayed orders. The Exchange proposes that a non-displayed ALO Order would function in the same way as an ALO Order currently behaves except that it would not have a display price (and thus would not be eligible to be designated to cancel, as such proposed option is described above) and would be repriced when crossed by the PBO (PBB) of an Away Market.

The Exchange also proposes to add text to Rule 7.31–E(e)(2)(E)(ii) (as renumbered above) to provide that, if the PBO (PBB) of an Away Market reprices lower (higher) than the working price of a non-displayed ALO Order to buy (sell), the non-displayed ALO Order would have a working price equal to the PBO (PBB) of the Away Market. This proposed rule text would indicate, as noted above, a difference in behavior between a non-displayed ALO Order, as proposed, and a displayed ALO Order.

The Exchange believes that permitting an ALO Order to be non-displayed would provide ETP Holders with greater flexibility with respect to the operation of an existing order type and would provide ETP Holders with the option to designate ALO Orders to be non-displayed in accordance with their desired trading strategy.

The Exchange notes that displayed ALO Orders would continue to be available for use by ETP Holders, and designating an ALO Order to be non-displayed would be at the ETP Holder's option. The Exchange also believes that other cash equity exchanges similarly permit order types analogous to the ALO Order to be non-displayed and that this proposed change thus does not raise any novel issues.[13]

ALO Odd Lots

Currently, Rules 7.31–E(e)(2) and 7.31–E(e)(3)(D) provide that ALO Orders and Day ISO ALO Orders, respectively, must be entered with a minimum of one displayed round lot. The Exchange proposes to permit ALO Orders and Day ISO ALO Orders to be entered in any size, and thus proposes to delete the round lot requirement from Rules 7.31–E(e)(2) and 7.31–E(e)(3)(D). The Exchange believes that requiring ALO Orders and Day ISO ALO Orders to be entered in round lots is unnecessary, particularly since the Exchange already permits odd-lot residual quantities for ALO Orders and Day ISO ALO Orders. The Exchange also believes that permitting ALO Orders and Day ISO ALO Orders to be entered in odd lots could increase liquidity and enhance opportunities for order execution on the Exchange. The Exchange notes that permitting odd-lot order quantities, including for ALO Orders, is not novel on the Exchange or other cash equity exchanges and thus believes that this proposed change would align the Exchange's treatment of ALO Orders and Day ISO ALO Orders with features available on other cash equity exchanges.[14]

Non-Display Remove Modifier

The Exchange proposes to modify the handling of orders designated with the Non-Display Remove Modifier (''NDR Modifier''). Currently, Exchange rules provide that Non-Displayed Limit Orders, Non-Routable Limit Orders (when not displayed), MPL Orders, and MPL–ALO Orders are eligible to be designated with the NDR Modifier.[15] When so designated, Non-Displayed Limit Orders and Non-Routable Limit Orders would trade as the liquidity-taking order with an incoming ALO Order with a working price equal to the working price of such order. MPL Orders and MPL–ALO Orders designated with the NDR Modifier will, on arrival, trade with resting MPL Orders at the midpoint of the PBBO and be the liquidity taker; a resting MPL Order or MPL–ALO Order with the NDR Modifier will be the liquidity taker when trading with arriving MPL Orders and MPL–ALO Orders that do not include the NDR Modifier.

The Exchange proposes to modify the operation of the NDR Modifier to provide that any resting order with the NDR Modifier would remove liquidity when it is locked by any ALO Order. The Exchange believes that this proposed change would expand the circumstances under which an order with the NDR Modifier would be

[12] The Exchange notes that it also proposes a modification to Rule 7.31–E(e)(3)(D) in connection with its proposal to permit Day ISO ALO Orders to be entered in odd lots, which is described below in the ''ALO Odd Lots'' section.

[13] *See, e.g.,* MEMX Rules 11.8(b)(3) and (7) (providing that a Limit Order may be non-displayed and designated with a Post Only instruction). The Exchange also notes that BZX Rule 11.9(g)(1)(D) and BYX Rule 11.9(g)(1)(D) refer to ''display-eligible'' BZX Post Only Orders and BYX Post Only Orders, respectively, suggesting that such orders could also be designated as non-displayed.

[14] *See, e.g.,* MEMX Rules 11.8(b)(2) and (7) (providing that a Limit Order may be of odd lot size and designated with the Post Only instruction). The Exchange also notes that the rules of Nasdaq, BZX, and BYX do not appear to prohibit entry of their order types analogous to the ALO Order in odd lots.

[15] *See* Rules 7.31–E(d)(2)(B); 7.31–E(e)(1)(C); 7.31–E(d)(3)(F).

eligible to trade, thereby increasing opportunities for order execution to the benefit of all market participants. Non-Displayed Limit Orders, Non-Routable Limit Orders (when not displayed), and MPL Orders would continue to be eligible to be designated with the NDR Modifier, but the Exchange proposes to provide that MPL–ALO Orders may no longer be designated with the NDR Modifier. The Exchange proposes to eliminate use of the NDR Modifier with MPL–ALO Orders because designating such order with an NDR Modifier is inconsistent with the purpose of the order type (as an MPL–ALO Order is not intended to remove liquidity at the midpoint). Moreover, because ETP Holders have not used the NDR Modifier with MPL–ALO Orders, the Exchange believes that eliminating this order type-modifier combination will simplify its Rules.

To effect the proposed modification to the operation of the NDR Modifier, the Exchange proposes the following changes:

• The Exchange proposes to modify Rule 7.31–E(d)(2)(B) to provide that, when a Non-Displayed Limit Order is designated with the NDR Modifier, it would trade as the liquidity-taking order with an Aggressing ALO Order or MPL–ALO Order when the working price of such order locks the working price of the Non-Displayed Limit Order.

• The Exchange proposes to modify Rule 7.31–E(d)(3)(F) to delete the reference to MPL–ALO Orders, as it proposes that such orders may no longer be designated with the NDR Modifier. The Exchange also proposes to modify Rule 7.31–E(d)(3)(F) to provide that an MPL Order designated with the NDR Modifier would trade as the liquidity-taking order with an Aggressing ALO Order or MPL–ALO Order that has a working price equal to the working price of the MPL Order.

• The Exchange proposes to modify Rule 7.31–E(e)(1)(C) to provide that, when a Non-Routable Limit Order is designated with the NDR Modifier and has a working price (but not display price) equal to the working price of an Aggressing ALO Order or MPL–ALO Order, the Non-Routable Limit Order would trade as the liquidity taker against the ALO Order or MPL–ALO Order.

• The Exchange also proposes to add new subparagraph (d)(3)(E)(iii) to Rule 7.31–E to provide that an MPL–ALO Order may not be designated with a NDR Modifier.

The Exchange believes that the operation of the NDR Modifier, as proposed, would not be novel and that the modifier would function similarly to modifiers offered by other cash equity exchanges.[16]

MPL Orders

A Mid-Point Liquidity Order or MPL Order is currently defined in Rule 7.31–E(d)(3) as a non-displayed, non-routable Limit Order with a working price of the midpoint of the PBBO. The Exchange proposes to modify the definition of an MPL Order to provide that an MPL Order to buy (sell) would have a working price of the lower (higher) of the midpoint of the PBBO or its limit price. In other words, the Exchange proposes that an MPL Order would be eligible to trade at the less aggressive of the midpoint of the PBBO or its limit price. The Exchange believes that permitting MPL Orders to trade at the less aggressive of the midpoint of the PBBO or their limit price would provide ETP Holders with increased opportunities for order execution, thereby enhancing market quality for all market participants. The Exchange notes that permitting MPL Orders to trade at the less aggressive of the midpoint of the PBBO or at their limit price is not novel and that comparable order types on other cash equity exchanges currently behave in this manner.[17]

To effect this change, the Exchange proposes to modify the following portions of Rule 7.31–E(d)(3):

• Rule 7.31–E(d)(3) currently provides that an MPL Order has a working price of the midpoint of the PBBO. The Exchange proposes to modify this Rule to provide that an MPL Order to buy (sell) would have a working price at the lower (higher) of the midpoint of the PBBO or its limit price.

• Rule 7.31–E(d)(3)(A) currently provides that an MPL Order to buy (sell) is eligible to trade only if the midpoint of the PBBO is at or below (above) the limit price of the MPL Order. The Exchange proposes to modify this Rule to provide that an MPL Order would be eligible to trade at the working price of the order (which, as described above, would be defined to be the less aggressive of the midpoint of the PBBO or the limit price of the MPL Order).

• Rule 7.31–E(d)(3)(C) currently provides that an Aggressing MPL Order to buy (sell) will trade with resting orders to sell (buy) with a working price at or below (above) the midpoint of the PBBO at the working price of the resting orders. The Exchange proposes to modify this Rule to provide that an Aggressing MPL Order would trade with a resting order, at the working price of such order, when the resting order has a working price at or below (above) the working price of the MPL Order. Rule 7.31–E(d)(3)(C) also currently states that resting MPL Orders to buy (sell) will trade at the midpoint of the PBBO against all Aggressing Orders to sell (buy) priced at or below (above) the midpoint of the PBBO. The Exchange proposes to instead provide that resting MPL Orders would trade against Aggressing Orders priced at or below (above) the working price of the MPL Order, consistent with the proposed changes described above to permit MPL Orders to trade at the less aggressive of the midpoint of the PBBO or their limit price.

• Rule 7.31–E(d)(3)(E) currently provides that an MPL–ALO Order is an MPL Order that has been designated with an ALO Modifier. The Exchange proposes to revise subparagraphs (i) and (ii) thereunder to make changes consistent with those described above with respect to MPL Orders. Specifically, the Exchange proposes to modify Rule 7.31–E(d)(3)(E)(i) to be similar to Rule 7.31–E(d)(3)(C) but with modified phrasing specific to the behavior of MPL–ALO Orders. Accordingly, Rule 7.31–E(d)(3)(E)(i), as proposed, would provide that an Aggressing MPL–ALO Order to buy (sell) would trade with a resting order, at the working price of such order, when the resting order has a working price below (above) the less aggressive of the midpoint of the PBBO or the limit price of the MPL–ALO Order. In addition, to reflect the operation of the ALO Modifier, the Exchange further proposes to modify Rule 7.31–E(d)(3)(E)(i) to specify that an MPL–ALO Order would not trade with resting orders priced

[16] *See, e.g.,* BYX Rule 11.9(c)(12) (providing for the Non-Displayed Swap or ''NDS'' Order, which is an instruction on an order resting on the BYX book that, when locked by an incoming BYX Post Only Order that does not remove liquidity, causes such order to be converted to an executable order that removes liquidity against such incoming order); BZX Rule 11.9(c)(12) (providing for the Non-Displayed Swap or ''NDS'' Order, which is an instruction on an order resting on the BZX book that, when locked by an incoming BZX Post Only Order that does not remove liquidity, causes such order to be converted to an executable order that removes liquidity against such incoming order).

[17] *See, e.g.,* MEMX Rule 11.6(h)(2) (providing that a Pegged Order with a Midpoint Peg instruction may execute at its limit price or better when its limit price is less aggressive than the midpoint of the NBBO); Cboe EDGA Exchange, Inc. Rule 11.8(d) (describing the MidPoint Peg Order, which is a non-displayed Market Order or Limit Order with an instruction to execute at the midpoint of the NBBO, but that may execute at its limit price or better when its limit price is less aggressive than the midpoint of the NBBO); Cboe EDGX Exchange, Inc. Rule 11.8(d) (same); Nasdaq Rule 4702(b)(5)(A) (describing the Midpoint Peg Post-Only Order, which will be priced at the midpoint between the NBBO or at its limit price when the midpoint is higher than (lower than) the limit price of such order).

equal to the less aggressive of the midpoint of the PBBO or the limit price of the MPL–ALO Order.[18] The Exchange believes that these proposed changes would provide additional clarity with respect to the particular behavior of MPL–ALO Orders, as such orders (unlike MPL Orders) would not take liquidity at the less aggressive of the midpoint of the PBBO or their limit price. In addition, because the Exchange proposes to allow MPL Orders—including MPL–ALO Orders—to trade at the less aggressive of the midpoint of the PBBO or their limit price, the Exchange proposes to modify Rule 7.31–E(d)(3)(E)(ii) to replace the reference to the ''midpoint'' with the ''working price of the MPL–ALO Order'' (consistent with the revised definition of MPL Order proposed above).

To effect the proposed change to eliminate the ''No Midpoint Execution'' Modifier, the Exchange proposes to modify Rule 7.31–E(d)(3)(C) to delete text providing that an incoming Limit Order may be designated with a ''No Midpoint Execution'' Modifier and that orders so designated would not trade with resting MPL Orders and may trade through MPL Orders.[19]

The Exchange believes that the elimination of the ''No Midpoint Execution'' Modifier would simplify order processing on the Exchange and, in conjunction with the proposed changes to MPL Orders described above, encourage the use of MPL Orders and provide increased opportunities for order execution.

Finally, the Exchange proposes a modification to Rule 7.11–E, which sets forth rules pertaining to the Limit Up-Limit Down (''LULD'') Plan. The proposed change would modify the handling of MPL Orders relative to the Upper and Lower Price Bands, consistent with the proposed changes described above with respect to the behavior of MPL Orders. Specifically, the Exchange proposes to modify Rule 7.11–E(a)(5), which describes the repricing or cancellation of orders to buy (sell) that are priced or could be traded above (below) the Upper (Lower) Price Band. Rule 7.11–E(a)(5)(F) currently provides that, if the midpoint of the PBBO is above (below) the Upper (Lower) Price Band, an MPL Order will not be repriced or rejected and will not be eligible to trade.

The Exchange proposes to delete the text of Rule 7.11–E(a)(5)(F) providing that an MPL Order will not be repriced or rejected and will not be eligible to trade if the midpoint of the PBBO is above (below) the Upper (Lower) Price Band. The Exchange believes this rule text is no longer necessary because MPL Orders, as proposed, would be permitted to reprice and trade relative to LULD Price Bands. The Exchange believes that this change is consistent with the proposed change to permit MPL Orders to trade at prices other than the midpoint of the PBBO and would similarly increase execution opportunities for MPL Orders within the bounds of the LULD Price Bands in effect. The Exchange notes that MPL Orders would behave in the same way as other Limit Orders with respect to LULD Price Bands and would thus be processed as set forth in current Rule 7.11–E(a)(5)(B).

Reserve Orders

Rule 7.31–E(d)(1) provides for Reserve Orders, which are Limit or Inside Limit Orders with a quantity of the size displayed and with a reserve quantity that is not displayed. Rule 7.31–E(d)(1)(C) provides that a Reserve Order must be designated Day and may only be combined with a Non-Routable Limit Order or a Primary Pegged Order.

The Exchange proposes to modify Rule 7.31–E(d)(1)(C) to clarify that a Reserve Order may not be designated as an ALO Order. Rule 7.31–E(d)(1)(C) currently provides that a Reserve Order may be combined with a Non-Routable Limit Order. However, although an ALO Order is a Non-Routable Limit Order, the Exchange currently does not permit Reserve Orders to be designated as ALO Orders and thus proposes a clarifying change to Rule 7.31–E(d)(1)(C) to specify accordingly. The Exchange notes that this change is intended only to clarify and reflect current behavior and does not propose any changes to the current operation of Reserve Orders or ALO Orders.

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Because of the technology changes associated with this proposed rule change, the Exchange will announce the implementation date by Trader Update, which, subject to effectiveness of this proposed rule change, will be in the third quarter of 2022.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,[20] in general, and furthers the objectives of Section 6(b)(5),[21] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to, and perfect the mechanism of, a free and open market and a national market system and, in general, to protect investors and the public interest.

With respect to the proposed changes to permit Non-Routable Limit Orders, displayed ALO Orders, and Day ISO ALO Orders to be designated to cancel, the Exchange believes that the proposed changes would remove impediments to, and perfect the mechanism of, a free and open market and a national market system because it would offer ETP Holders the option to cancel such orders when they would be displayed at a price other than their limit price. The Exchange believes that providing ETP Holders with this option would afford them increased flexibility with respect to order handling for existing order types, as well as the ability to have greater determinism regarding order processing in times when such orders would be repriced to display at a price other than their limit price. The Exchange notes that this designation would be optional for ETP Holders, and if not designated to cancel, Non-Routable Limit Orders, displayed ALO Orders, and Day ISO ALO Orders would continue to function as set forth in current Exchange rules (except as otherwise proposed in this filing). The Exchange also notes that providing ETP Holders with the option to designate orders to cancel if they would be repriced is not novel, and would align the Exchange's rules with those of other cash equity exchanges that currently offer their members similar functionality.[22] The Exchange also believes that the proposed changes described above to reorganize and rephrase rule text that describes the current operation of Non-Routable Limit Orders, displayed ALO Orders, and Day ISO ALO Orders are designed to remove impediments to, and perfect the mechanism of, a free and open market and a national market system and, in general, to protect investors and the public interest because they do not propose any functional changes other than to add the option to cancel instead of repricing and would improve the

[18] The proposed changes to Rule 7.31–E(d)(3)(E)(i) relating to the operation of the NDR Modifier are described above in the ''Non-Display Remove Modifier'' section.

[19] The Exchange also proposes to modify Rule 7.44–E(k) to effect the proposed elimination of the ''No Midpoint Execution'' Modifier. Rule 7.44–E(k) currently provides that Retail Orders may not be designated with a ''No Midpoint Execution'' Modifier, and the Exchange proposes to delete such reference to reflect the proposed elimination of the ''No Midpoint Execution'' Modifier.

[20] 15 U.S.C. 78f(b).

[21] 15 U.S.C. 78f(b)(5).

[22] *See* note 5, *supra.*

clarity of Exchange rules governing such orders in connection with the proposed addition of the option to designate such orders to cancel.

With respect to the proposed change to permit ALO Orders to be designated as non-displayed, the Exchange believes that the proposed change would remove impediments to, and perfect the mechanism of, a free and open market and a national market system and protect investors and the public interest because it would offer ETP Holders greater flexibility with respect to the entry of ALO Orders and could offer ETP Holders increased opportunities for order execution. The Exchange believes that permitting an ALO Order to be non-displayed would simply provide ETP Holders with increased options with respect to an existing order type, and ETP Holders are free to designate ALO Orders to be non-displayed or to continue using displayed ALO Orders as provided under current Exchange rules. The Exchange further believes that permitting ALO Orders to be designated as non-displayed is not novel and that this proposed change would remove impediments to, and perfect the mechanism of, a free and open market and a national market system by aligning Exchange rules with the rules of other cash equity exchanges.[23]

With respect to the proposed change to permit ALO Orders and Day ISO ALO Orders to be entered in any size, the Exchange also believes that the proposed change would promote just and equitable principles of trade, remove impediments to, and perfect the mechanism of, a free and open market and a national market system, and protect investors and the public interest. Specifically, the Exchange believes that the proposed change would provide ETP Holders with the flexibility and optionality to enter ALO Orders and Day ISO ALO Orders in odd-lot sized orders, which could increase liquidity and enhance opportunities for order execution on the Exchange, to the benefit of all market participants. The Exchange also believes that the proposed change would align Exchange rules with the treatment of post-only orders on other cash equity exchanges, thereby removing impediments to, and perfecting the mechanism of, a free and open market and a national market system.[24]

The Exchange also believes that the proposed change to modify the operation of the NDR Modifier would remove impediments to, and perfect the mechanism of, a free and open market and a national market system and protect investors and the public interest. Specifically, the Exchange believes that this proposed change, which would provide that any resting order with the NDR Modifier would remove liquidity when it is locked by any ALO Order, would expand the circumstances under which an order with the NDR Modifier would be eligible to trade, thereby increasing opportunities for order execution to the benefit of all market participants. The Exchange also believes that eliminating the use of the NDR Modifier with MPL–ALO Orders would remove impediments to, and perfect the mechanism of, a free and open market and a national market system because the order type-modifier combination is inconsistent with the purpose of an MPL–ALO Order (and has not been used by ETP Holders), and the elimination of the NDR Modifier in this context would simplify the Exchange's rules. The Exchange further believes that the operation of the NDR Modifier, as modified, would not be novel and that the proposed change would promote just and equitable principles of trade and remove impediments to, and perfect the mechanism of, a free and open market and a national market system because the NDR Modifier would function similarly to analogous modifiers offered by other cash equity exchanges.[25]

The Exchange also believes that the proposed changes to make an MPL Order eligible to trade at the less aggressive of the midpoint of the PBBO or its limit price and to permit an MPL Order to reprice and trade relative to LULD Price Bands would promote just and equitable principles of trade and remove impediments to, and perfect the mechanism of, a free and open market and a national market system because MPL Orders could have more opportunities to trade with contra-side interest, thereby providing ETP Holders with increased opportunities for order execution and enhancing market quality for all market participants. The Exchange also believes that this proposed change would remove impediments to, and perfect the mechanism of, a free and open market and a national market system because permitting MPL Orders to trade at the less aggressive of the midpoint of the PBBO or at their limit price is not novel and that comparable order types on other cash equity exchanges currently behave in this manner.[26] The Exchange further believes that the proposed change to eliminate the ''No Midpoint Execution'' Modifier would remove impediments to, and perfect the mechanism of, a free and open market and a national market system because the proposed change, along with the proposed changes to MPL Orders, could result in greater opportunities for order execution, thereby enhancing market quality on the Exchange.

Finally, the Exchange believes that its proposed change to specify that Reserve Orders may not be designated as an ALO Order would remove impediments to, and perfect the mechanism of, a free and open market and a national market system and protect investors and the public interest because it is not intended to effect any functional change but would instead add clarity to Exchange rules regarding the current behavior of Reserve Orders.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. As noted above, the Exchange believes the proposed rule changes would generally align order handling on the Exchange with behavior on other cash equity exchanges[27] and thus would promote competition among exchanges by offering ETP Holders similar functionality and order handling options available on other cash equity exchanges. The Exchange also believes that, to the extent the proposed changes would increase opportunities for order execution, the proposed change would promote competition by making the Exchange a more attractive venue for order flow and enhancing market quality for all market participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section

[23] *See* note 13, *supra.*

[24] *See* note 14, *supra.*

[25] *See* note 16, *supra.*

[26] *See* note 17, *supra.*

[27] *See* notes 5, 13, 14, 16, 17, *supra.*

19(b)(3)(A) of the Act[28] and Rule 19b-4(f)(6) thereunder.[29]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2022–38 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2022–38. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2022–38 and should be submitted on or before August 9, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[30]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–15308 Filed 7–18–22; 8:45 am]

BILLING CODE 8011–01–P

[28] 15 U.S.C. 78s(b)(3)(A).

[29] 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[30] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95268; File No. SR–NYSECHX–2022–14]

Self-Regulatory Organizations; NYSE Chicago, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Modify Rule 7.31

July 13, 2022.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on July 6, 2022, the NYSE Chicago, Inc. (''NYSE Chicago'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to modify Rule 7.31 to (1) permit certain non-routable order types to be designated to cancel if they would be displayed at a price other than their limit price; (2) allow ALO Orders to be designated as non-displayed; (3) permit ALO Orders to be entered in any size; (4) modify the operation of the Non-Display Remove Modifier and eliminate its use with MPL–ALO Orders; and (5) make MPL Orders eligible to trade at their limit price and eliminate the ''No Midpoint Execution'' Modifier. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 7.31 to (1) permit certain non-routable order types to be designated to cancel if they would be displayed at a price other than their limit price; (2) allow ALO Orders to be designated as non-displayed; (3) permit ALO Orders to be entered in any size; (4) modify the handling of orders designated with the Non-Display Remove Modifier and eliminate the use of the Non-Display Remove Modifier for MPL–ALO Orders; and (5) allow MPL Orders to trade at either the midpoint or their limit price and eliminate the ''No Midpoint Execution'' Modifier.

Designation To Cancel

The Exchange proposes to modify Rules 7.31(e)(1), 7.31(e)(2), and 7.31(e)(3)(D) to permit Non-Routable Limit Orders, displayed ALO Orders,[4]

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] As noted above, the Exchange also proposes in this filing to permit ALO Orders to be designated as non-displayed, and discussion of the proposed modification of Rule 7.31(e)(2) to effect that change appears in the ''Non-Displayed ALO'' section below. The proposed new designation to cancel would be inapplicable to Non-Displayed ALO Orders, as proposed, because such orders are not eligible to be displayed.

and Day ISO ALO Orders to be designated to cancel if they would be displayed at a price other than their limit price for any reason.

As proposed, Non-Routable Limit Orders, displayed ALO Orders, and Day ISO ALO Orders would be eligible to be designated to cancel at the Participant's instruction, thereby providing Participants with increased flexibility with respect to order handling and the ability to have greater determinism regarding order processing when such orders would be repriced to display at a price other than their limit price. The Exchange notes that this designation would be optional, and if not designated to cancel, Non-Routable Limit Orders, displayed ALO Orders, and Day ISO ALO Orders would continue to function as set forth in current Exchange rules (except as proposed in this filing with respect to the function of the Non-Display Remove Modifier and odd lots). The Exchange further notes that providing Participants with the ability to designate orders to cancel if they would be repriced is not novel, and other cash equity exchanges currently offer their members a similar option.[5]

To effect this change, the Exchange proposes the following modifications to Rules 7.31(e)(1), 7.31(e)(2), and 7.31(e)(3)(D):

- Rule 7.31(e)(1)—Non-Routable Limit Orders

As defined in Rule 7.31(e)(1), a Non-Routable Limit Order is a Limit Order that does not route. Currently, a Non-Routable Limit Order to buy (sell) will trade with orders to sell (buy) on the Exchange Book that are priced at or below (above) the PBO (PBB) and will be repriced based on updates to the Away Market PBO (PBB) as set forth in current Rules 7.31(e)(1)(A)(i) through (iv).

The Exchange proposes to delete the current text of Rule 7.31(e)(1)(A) and add new text to provide that a Non-Routable Limit Order would not be displayed at a price that would lock or cross the PBO (PBB) of an Away Market, and such order to buy (sell) would trade with orders on the Exchange Book that are priced equal to or below (above) the PBO (PBB) of an Away Market. These proposed changes would merely rephrase and clarify the existing behavior of a Non-Routable Limit Order as already set forth in Rule 7.31(e)(1)(A), without substantive changes.

The Exchange further proposes to modify Rule 7.31(e)(1)(A)(i) to delete the current text and add new text providing for the option to designate a Non-Routable Limit Order to be cancelled, as described above.

The Exchange also proposes to modify Rule 7.31(e)(1)(A)(ii) and add new subparagraphs thereunder to describe how any untraded quantity of a Non-Routable Limit Order would be processed if not designated to cancel. New subparagraph (a) would contain the rule text previously set forth in Rule 7.31(e)(1)(A)(i), without substantive changes, and provide that, if the limit price of a Non-Routable Limit Order to buy (sell) locks or crosses the PBO (PBB) of an Away Market, it would have a working price equal to the PBO (PBB) of the Away Market and a display price one MPV below (above) the PBO (PBB) of the Away Market. Proposed new subparagraph (b) would contain rule text currently set forth in Rule 7.31(e)(1)(A)(ii) describing how a Non-Routable Limit Order would be processed when the PBO (PBB) of an Away Market reprices higher (lower), without substantive changes. Finally, the Exchange proposes to renumber current Rules 7.31(e)(1)(A)(iii) and (iv) as Rules 7.31(e)(1)(A)(ii)(c) and (d), respectively, with no changes to the rule text.

- Rule 7.31(e)(2)—ALO Orders

Rule 7.31(e)(2) and the subparagraphs thereunder define the ALO Order, which is a Non-Routable Limit Order that will trade with contra-side interest if its limit price crosses the working price of any displayed or non-displayed orders to sell (buy) on the Exchange Book priced equal to or below (above) the PBO (PBB) of an Away Market. In other words, an ALO Order will not remove liquidity from the Exchange Book unless it receives price improvement. Accordingly, the Exchange proposes to modify Rule 7.31(e)(2) to simplify the definition of an ALO Order, without any substantive changes, and state that ALO Orders are Non-Routable Limit Orders that would not remove liquidity from the Exchange Book unless they receive price improvement. The Exchange also proposes to add new text to Rule 7.31(e)(2)[6] to effect the change described above, permitting an ALO Order to be designated to cancel if it would be displayed at a price other than its limit price for any reason.

The Exchange next proposes to reorganize Rules 7.31(e)(2)(A) through (C) to describe the operation of the ALO Order in a more logical flow, but without any substantive changes to the operation of the order type. Specifically, the Exchange proposes to reorganize Rules 7.31(e)(2)(A) through (C) to first describe when an ALO Order would trade, then describe how any untraded quantity of an ALO Order not designated to cancel would be processed, and then describe the handling of any untraded quantity of an ALO Order that locks non-displayed interest.

First, the Exchange proposes to delete the current text of Rule 7.31(e)(2)(A), which states only that an ALO Order will be assigned a working price and display price pursuant to Rule 7.31(e)(2)(B) and is thus redundant of the substantive rule text in Rule 7.31(e)(2)(B) and its subparagraphs. The Exchange proposes to add new rule text in Rule 7.31(e)(2)(A) providing that an Aggressing ALO Order to buy (sell) would trade if its limit price crosses the working price of any displayed or non-displayed orders to sell (buy) on the Exchange Book priced equal to or below (above) the PBO (PBB) of an Away Market, in which case, the ALO Order would trade as the liquidity taker with such orders. The Exchange notes that this change is not intended to propose any modification to the current operation of the ALO Order and merely restates text that currently appears in Rule 7.31(e)(2)(B)(ii) describing when an ALO Order may trade, with no substantive changes. The Exchange believes that this proposed reorganization would improve the clarity of Rule 7.31(e)(2) by describing how an ALO Order would trade before progressing on to describe how any untraded quantity of an ALO Order would be handled if it is not designated to cancel upon repricing.

The Exchange next proposes to delete the current text of Rule 7.31(e)(2)(B) and reorganize Rule 7.31(e)(2)(B) and the subparagraphs thereunder. Rule 7.31(e)(2)(B) and the subparagraphs that

[5] *See, e.g.,* Members Exchange (''MEMX'') Rules 11.6(a) (defining the Cancel Back instruction, which a User may attach to an order to instruct that such order be cancelled if it cannot be posted to the MEMX Book at its limit price) and 11.6(l)(2) (defining the Post Only instruction; an order with such instruction functions similarly to the ALO Order and may be designated to be cancelled by the User); Cboe BZX Exchange, Inc. (''BZX'') Rules 11.9(c)(6) and 11.9(g)(d) (defining the BZX Post Only Order, which functions similarly to the ALO Order and may be designated to be cancelled at the User's instruction); Cboe BYX Exchange, Inc. (''BYX'') Rule 11.9(c)(6) and 11.9(g)(d) (defining the BYX Post Only Order, which functions similarly to the ALO Order and may be designated to be cancelled at the User's instruction); Nasdaq Stock Exchange LLC (''Nasdaq'') Rule 4702(b)(4)(A) (defining the Post-Only Order, which functions similarly to the ALO Order and may be designated to be cancelled back to the Participant at the Participant's election).

[6] As noted above, the Exchange also proposes in this filing to permit ALO Orders to be designated as non-displayed and to permit ALO Orders to be entered in odd lots, and discussion of the proposed modification of Rule 7.31(e)(2) to effect those changes appears in the ''Non-Displayed ALO'' and ''ALO Odd Lots'' sections below.

follow would, as proposed, specify how untraded quantities of an ALO Order would be processed if such order has not been designated to cancel. To effect this change, the Exchange proposes that Rule 7.31(e)(2)(B) would now provide that, if an ALO Order is not designated to cancel, any untraded quantity of such order would trade as described in subparagraphs (i) and (ii).

In subparagraph (i), the Exchange proposes to delete the existing rule text and modify subparagraph (i) to provide that, if the limit price of an ALO Order locks the display price of any order to sell (buy) ranked Priority 2—Display Orders on the Exchange Book, it would have a working price and display price (if it has been designated to display) one MPV below (above) the price of the displayed order on the Exchange Book. The Exchange notes that the content of Rule 7.31(e)(2)(B)(i) would be incorporated into Rule 7.31(e)(2)(B)(ii) (as proposed below) and that this proposed change merely moves rule text from where it is currently located in Rule 7.31(e)(2)(B)(iii) and does not reflect any proposed change to the operation of the ALO Order when the limit price of any untraded quantity of such order locks displayed interest on the Exchange Book.

The Exchange next proposes to delete the current text of Rule 7.31(e)(2)(B)(ii) and replace it with text that would provide that, if the limit price of an ALO Order locks or crosses the PBO (PBB) of an Away Market, it would have a working price equal to the PBO (PBB) of the Away Market and a display price (if designated to display) one MPV below (above) the PBO (PBB) of the Away Market. The Exchange notes that proposed Rule 7.31(e)(2)(B)(ii) rephrases text currently set forth in Rules 7.31(e)(2)(B)(i) and (iv) and is not intended to propose any change to the operation of the ALO Order when the limit price of any untraded quantity of such order locks or crosses the PBBO of an Away Market. The Exchange also notes that the current text of Rule 7.31(e)(2)(B)(ii) was, as described above, incorporated into revised Rule 7.31(e)(2)(A).

The Exchange further proposes to delete current Rules 7.31(e)(2)(B)(iii) and (iv) (including subparagraph (a) under Rule 7.31(e)(2)(B)(iv)), as the content of such Rules has been covered by the proposed Rules described above and would be incorporated into proposed Rule 7.31(e)(2)(C) (as discussed below), without changes to the current operation of the ALO Order. Specifically, Rule 7.31(e)(2)(B)(iii) has been incorporated into proposed Rule 7.31(e)(2)(B)(i), the content of Rule 7.31(e)(2)(B)(iv) would be clarified by proposed Rules 7.31(e)(2)(B)(ii) and 7.31(e)(2)(C), and the content of Rule 7.31(e)(2)(B)(iv)(a) would be covered by proposed Rule 7.31(e)(2)(B)(i). The Exchange also proposes to delete subparagraph (b) under 7.31(e)(2)(B)(iv), which currently describes how ALO Orders would interact with resting Non-Displayed Limit Orders and Non-Routable Limit Orders designated with the Non-Displayed Remove Modifier, as repetitive of rule text in Rule 7.31(d)(2)(B) with respect to Non-Displayed Limit Orders and in Rule 7.31(e)(1)(C) with respect to Non-Routable Limit Orders.

Proposed Rule 7.31(e)(2)(C) would next provide that if any untraded quantity of an ALO Order to buy (sell), whether designated to cancel or not, locks non-displayed interest on the Exchange Book, it would have a working price and display price (if designated to display) equal to its limit price. The Exchange notes that this rule text reflects the current behavior of ALO Orders when their limit price locks non-displayed interest on the Exchange Book, which would not change based on whether an ALO Order has been designated to cancel, as proposed.

The Exchange next proposes to rename current Rule 7.31(e)(2)(B)(v) as Rule 7.31(e)(2)(D) and current Rule 7.31(e)(2)(C) as Rule 7.31(e)(2)(E). The Exchange also proposes changes to subparagraphs (i) and (ii) of proposed Rule 7.31(e)(2)(E). In subparagraphs (i) and (ii), the Exchange proposes to add clarity to its Rules by specifying that the reference to the PBO (PBB) is of an Away Market and proposes to update the paragraph references to reflect the reorganization of the Rule as described above. Specifically, the Exchange proposes to update subparagraph (i) to refer to paragraphs (e)(2)(A) (which now describes when an Aggressing ALO Order is eligible to trade), (e)(2)(B)(i)–(ii) (which now describe the processing of any untraded quantity of an ALO Order that is not designated to cancel), and (e)(2)(C) of the Rule (which now describes the processing of any untraded quantity of an ALO Order that locks non-displayed interest). The Exchange further proposes to update subparagraph (ii) to refer to paragraphs (e)(1)(A)(ii)(c) and (d) of the Rule, which simply updates the paragraph references consistent with the changes described above to renumber paragraphs (e)(1)(A)(iii) and (iv) as paragraphs (e)(1)(A)(ii)(c) and (d).[7]

The Exchange also proposes to rename current Rule 7.31(e)(2)(D) as Rule 7.31(e)(2)(F) and modify new Rule 7.31(e)(2)(F) to provide that an ALO Order would not trigger a contra-side MPL Order that is resting at the midpoint to trade, except as specified in Rule 7.31(d)(3)(F). Rule 7.31(d)(3)(F), in relevant part and as modified in this filing, would provide that an MPL Order designated with the Non-Display Remove Modifier would trade as the liquidity-taking order with an Aggressing ALO Order or MPL–ALO Order that has a working price equal to the working price of the MPL Order.[8]

The Exchange notes that the proposed changes described above are intended only to implement the addition of the option to designate an ALO Order to cancel and, in connection with such proposal, to improve the clarity and organization of Rule 7.31(e)(2). The proposed changes set forth above otherwise reflect how an ALO Order currently behaves and are not intended to propose any other changes to the operation of the order type.[9]

- Rule 7.31(e)(3)(D)—Day ISO ALO Orders

Rule 7.31(e)(3) provides that an Intermarket Sweep Order (''ISO'') is a Limit Order that does not route and meets the requirements of Rule 600(b)(30) of Regulation NMS. Rule 7.31(e)(3)(C) provides that an ISO designated Day (''Day ISO''), if marketable on arrival, will be immediately traded with contra-side interest in the Exchange Book up to its full size and limit price, and that any untraded quantity of a Day ISO will be displayed at its limit price and may lock or cross a protected quotation that was displayed at the time of arrival of the Day ISO. Rule 7.31(e)(3)(D) provides that a Day ISO ALO is a Day ISO that has been designated with an ALO Modifier and, on arrival, may trade through or lock or cross a protected quotation that was displayed at the time of arrival of the Day ISO ALO.

In order to effect the change described above to permit a Day ISO ALO Order to be designated to cancel if it would be displayed at a price other than its limit price for any reason, the Exchange

[7] In addition, to effect the proposed change to permit ALO Orders to be designated as non-displayed, the Exchange proposes an additional revision to Rule 7.31(e)(2)(E)(ii) discussed below in the ''Non-Displayed ALO'' section.

[8] Changes to Rule 7.31(d)(3)(F) to effect the proposed modification of the Non-Display Remove Modifier's operation with respect to MPL–ALO Orders are discussed further in the ''Non-Display Remove Modifier'' section below.

[9] The Exchange notes that its proposed changes to provide for a non-displayed ALO Order, to permit ALO Orders to be entered in odd lots, and to modify the operation of the Non-Display Remove Modifier are discussed below.

proposes to modify and reorganize Rule 7.31(e)(3)(D) and the paragraphs thereunder similar to its proposal with respect to Rule 7.31(e)(2) for ALO Orders. As in proposed Rule 7.31(e)(2), the Exchange proposes to reorganize Rule 7.31(e)(3)(D) to describe when a Day ISO ALO Order would trade, how any untraded quantity of a Day ISO ALO Order not designated to cancel would be processed, and the handling of any untraded quantity of a Day ISO ALO Order that locks non-displayed interest, in that logical order.

First, the Exchange proposes to modify Rule 7.31(e)(3)(D) to add text providing that a Day ISO ALO can be designated to cancel. The Exchange does not propose any changes to the first sentence of current Rule 7.31(e)(3)(D)(i), which describes when a Day ISO ALO Order may trade, but proposes to combine the second sentence of current Rule 7.31(e)(3)(D)(i) with Rule 7.31(e)(3)(D)(ii). Rule 7.31(e)(3)(D)(ii) would now specify that, if not designated to cancel, any untraded quantity of a Day ISO ALO Order to buy (sell) would be assigned a working price and display price one MPV below (above) the price of the displayed order on the Exchange Book when the limit price of the Day ISO ALO Order locks the display price of a displayed order on the Exchange Book.

The Exchange next proposes to delete the current text of Rule 7.31(e)(3)(D)(iii) and the subparagraphs thereunder and add new rule text specifying that any untraded quantity of a Day ISO ALO Order that locks non-displayed interest on the Exchange Book would have a working price and display price equal to its limit price. The Exchange notes that this proposed change merely rephrases current Rule 7.31(e)(3)(D)(iii) and eliminates redundant rule text (thereby simplifying Exchange rules) and is not intended to change the meaning or operation of such rules. The Exchange notes that current Rule 7.31(e)(3)(D)(iii)(a) would be covered by Rule 7.31(e)(3)(D)(ii), as proposed, and that it proposes to delete Rule 7.31(e)(3)(D)(iii)(b) because, like Rule 7.31(e)(2)(B)(iv), it is redundant of rule text describing the behavior of the Non-Displayed Remove Modifier in Rule 7.31(d)(2)(B) with respect to Non-Displayed Limit Orders and in Rule 7.31(e)(1)(C) with respect to Non-Routable Limit Orders.

Finally, the Exchange proposes to make clarifying changes to Rule 7.31(e)(3)(D)(iv). First, the Exchange proposes to replace ''After being displayed'' with ''Once resting on the Exchange Book'' to align the rule text with existing rule text in current Rule 7.31(e)(2)(C), which similarly describes how ALO Orders would be processed once resting on the Exchange Book. The Exchange further proposes to clarify that the PBO (PBB) referenced in this subparagraph is of an Away Market. The Exchange also proposes to update the reference to paragraphs (e)(2)(C)(i) and (ii) of Rule 7.31 to paragraphs (e)(2)(E)(i) and (ii) to reflect the proposed reorganization of Rule 7.31(e)(2) as described above.

The Exchange notes that the proposed changes described above are not intended to impact the operation of the Day ISO ALO Order other than to implement the new optional designation to cancel and, in connection with that proposed change, to improve the clarity and organization of Rule 7.31(e)(3)(D).[10] The proposed changes set forth above otherwise reflect how a Day ISO ALO Order currently behaves and are not intended to propose any other changes to the operation of the order type.

Non-Displayed ALO Order

As noted above, the Exchange proposes to permit ALO Orders to be designated as non-displayed, and to effect this change, proposes to modify Rule 7.31(e)(2) to add text specifying that ALO Orders may be designated as non-displayed orders. The Exchange proposes that a non-displayed ALO Order would function in the same way as an ALO Order currently behaves except that it would not have a display price (and thus would not be eligible to be designated to cancel, as such proposed option is described above) and would be repriced when crossed by the PBO (PBB) of an Away Market.

The Exchange also proposes to add text to Rule 7.31(e)(2)(E)(ii) (as renumbered above) to provide that, if the PBO (PBB) of an Away Market reprices lower (higher) than the working price of a non-displayed ALO Order to buy (sell), the non-displayed ALO Order would have a working price equal to the PBO (PBB) of the Away Market. This proposed rule text would indicate, as noted above, a difference in behavior between a non-displayed ALO Order, as proposed, and a displayed ALO Order.

The Exchange believes that permitting an ALO Order to be non-displayed would provide Participants with greater flexibility with respect to the operation of an existing order type and would provide Participants with the option to designate ALO Orders to be non-displayed in accordance with their desired trading strategy.

The Exchange notes that displayed ALO Orders would continue to be available for use by Participants, and designating an ALO Order to be non-displayed would be at the Participant's option. The Exchange also believes that other cash equity exchanges similarly permit order types analogous to the ALO Order to be non-displayed and that this proposed change thus does not raise any novel issues.[11]

ALO Odd Lots

Currently, Rules 7.31(e)(2) and 7.31(e)(3)(D) provide that ALO Orders and Day ISO ALO Orders, respectively, must be entered with a minimum of one displayed round lot. The Exchange proposes to permit ALO Orders and Day ISO ALO Orders to be entered in any size, and thus proposes to delete the round lot requirement from Rules 7.31(e)(2) and 7.31(e)(3)(D). The Exchange believes that requiring ALO Orders and Day ISO ALO Orders to be entered in round lots is unnecessary, particularly since the Exchange already permits odd-lot residual quantities for ALO Orders and Day ISO ALO Orders. The Exchange also believes that permitting ALO Orders and Day ISO ALO Orders to be entered in odd lots could increase liquidity and enhance opportunities for order execution on the Exchange. The Exchange notes that permitting odd-lot order quantities, including for ALO Orders, is not novel on the Exchange or other cash equity exchanges and thus believes that this proposed change would align the Exchange's treatment of ALO Orders and Day ISO ALO Orders with features available on other cash equity exchanges.[12]

Non-Display Remove Modifier

The Exchange proposes to modify the handling of orders designated with the Non-Display Remove Modifier (''NDR Modifier''). Currently, Exchange rules provide that Non-Displayed Limit Orders, Non-Routable Limit Orders (when not displayed), MPL Orders, and MPL–ALO Orders are eligible to be

[10] The Exchange notes that it also proposes a modification to Rule 7.31(e)(3)(D) in connection with its proposal to permit Day ISO ALO Orders to be entered in odd lots, which is described below in the ''ALO Odd Lots'' section.

[11] *See, e.g.,* MEMX Rules 11.8(b)(3) and (7) (providing that a Limit Order may be non-displayed and designated with a Post Only instruction). The Exchange also notes that BZX Rule 11.9(g)(1)(D) and BYX Rule 11.9(g)(1)(D) refer to ''display-eligible'' BZX Post Only Orders and BYX Post Only Orders, respectively, suggesting that such orders could also be designated as non-displayed.

[12] *See, e.g.,* MEMX Rules 11.8(b)(2) and (7) (providing that a Limit Order may be of odd lot size and designated with the Post Only instruction). The Exchange also notes that the rules of Nasdaq, BZX, and BYX do not appear to prohibit entry of their order types analogous to the ALO Order in odd lots.

designated with the NDR Modifier.[13] When so designated, Non-Displayed Limit Orders and Non-Routable Limit Orders would trade as the liquidity-taking order with an incoming ALO Order with a working price equal to the working price of such order. MPL Orders and MPL–ALO Orders designated with the NDR Modifier will, on arrival, trade with resting MPL Orders at the midpoint of the PBBO and be the liquidity taker; a resting MPL Order or MPL–ALO Order with the NDR Modifier will be the liquidity taker when trading with arriving MPL Orders and MPL–ALO Orders that do not include the NDR Modifier.

The Exchange proposes to modify the operation of the NDR Modifier to provide that any resting order with the NDR Modifier would remove liquidity when it is locked by any ALO Order. The Exchange believes that this proposed change would expand the circumstances under which an order with the NDR Modifier would be eligible to trade, thereby increasing opportunities for order execution to the benefit of all market participants. Non-Displayed Limit Orders, Non-Routable Limit Orders (when not displayed), and MPL Orders would continue to be eligible to be designated with the NDR Modifier, but the Exchange proposes to provide that MPL–ALO Orders may no longer be designated with the NDR Modifier. The Exchange proposes to eliminate use of the NDR Modifier with MPL–ALO Orders because designating such order with an NDR Modifier is inconsistent with the purpose of the order type (as an MPL–ALO Order is not intended to remove liquidity at the midpoint). Moreover, because Participants have not used the NDR Modifier with MPL–ALO Orders, the Exchange believes that eliminating this order type-modifier combination will simplify its Rules.

To effect the proposed modification to the operation of the NDR Modifier, the Exchange proposes the following changes:

- The Exchange proposes to modify Rule 7.31(d)(2)(B) to provide that, when a Non-Displayed Limit Order is designated with the NDR Modifier, it would trade as the liquidity-taking order with an Aggressing ALO Order or MPL–ALO Order when the working price of such order locks the working price of the Non-Displayed Limit Order.
- The Exchange proposes to modify Rule 7.31(d)(3)(F) to delete the reference to MPL–ALO Orders, as it proposes that such orders may no longer be designated with the NDR Modifier. The Exchange also proposes to modify Rule 7.31(d)(3)(F) to provide that an MPL Order designated with the NDR Modifier would trade as the liquidity-taking order with an Aggressing ALO Order or MPL–ALO Order that has a working price equal to the working price of the MPL Order.
- The Exchange proposes to modify Rule 7.31(e)(1)(C) to provide that, when a Non-Routable Limit Order is designated with the NDR Modifier and has a working price (but not display price) equal to the working price of an Aggressing ALO Order or MPL–ALO Order, the Non-Routable Limit Order would trade as the liquidity taker against the ALO Order or MPL–ALO Order.
- The Exchange also proposes to add new subparagraph (d)(3)(E)(iii) to Rule 7.31 to provide that an MPL–ALO Order may not be designated with a NDR Modifier.

The Exchange believes that the operation of the NDR Modifier, as proposed, would not be novel and that the modifier would function similarly to modifiers offered by other cash equity exchanges.[14]

MPL Orders

A Mid-Point Liquidity Order or MPL Order is currently defined in Rule 7.31(d)(3) as a non-displayed, non-routable Limit Order with a working price of the midpoint of the PBBO. The Exchange proposes to modify the definition of an MPL Order to provide that an MPL Order to buy (sell) would have a working price of the lower (higher) of the midpoint of the PBBO or its limit price. In other words, the Exchange proposes that an MPL Order would be eligible to trade at the less aggressive of the midpoint of the PBBO or its limit price. The Exchange believes that permitting MPL Orders to trade at the less aggressive of the midpoint of the PBBO or their limit price would provide Participants with increased opportunities for order execution, thereby enhancing market quality for all market participants. The Exchange notes that permitting MPL Orders to trade at the less aggressive of the midpoint of the PBBO or at their limit price is not novel and that comparable order types on other cash equity exchanges currently behave in this manner.[15]

To effect this change, the Exchange proposes to modify the following portions of Rule 7.31(d)(3):

- Rule 7.31(d)(3) currently provides that an MPL Order has a working price of the midpoint of the PBBO. The Exchange proposes to modify this Rule to provide that an MPL Order to buy (sell) would have a working price at the lower (higher) of the midpoint of the PBBO or its limit price.
- Rule 7.31(d)(3)(A) currently provides that an MPL Order to buy (sell) is eligible to trade only if the midpoint of the PBBO is at or below (above) the limit price of the MPL Order. The Exchange proposes to modify this Rule to provide that an MPL Order would be eligible to trade at the working price of the order (which, as described above, would be defined to be the less aggressive of the midpoint of the PBBO or the limit price of the MPL Order).
- Rule 7.31(d)(3)(C) currently provides that an Aggressing MPL Order to buy (sell) will trade with resting orders to sell (buy) with a working price at or below (above) the midpoint of the PBBO at the working price of the resting orders. The Exchange proposes to modify this Rule to provide that an Aggressing MPL Order would trade with a resting order, at the working price of such order, when the resting order has a working price at or below (above) the working price of the MPL Order. Rule 7.31(d)(3)(C) also currently states that resting MPL Orders to buy (sell) will trade at the midpoint of the PBBO against all Aggressing Orders to sell (buy) priced at or below (above) the midpoint of the PBBO. The Exchange proposes to instead provide that resting MPL Orders would trade against Aggressing Orders priced at or below (above) the working price of the MPL Order, consistent with the proposed changes described above to permit MPL Orders to trade at the less aggressive of

[13] *See* Rules 7.31(d)(2)(B); 7.31(e)(1)(C); 7.31(d)(3)(F).

[14] *See, e.g.,* BYX Rule 11.9(c)(12) (providing for the Non-Displayed Swap or ''NDS'' Order, which is an instruction on an order resting on the BYX book that, when locked by an incoming BYX Post Only Order that does not remove liquidity, causes such order to be converted to an executable order that removes liquidity against such incoming order); BZX Rule 11.9(c)(12) (providing for the Non-Displayed Swap or ''NDS'' Order, which is an instruction on an order resting on the BZX book that, when locked by an incoming BZX Post Only Order that does not remove liquidity, causes such order to be converted to an executable order that removes liquidity against such incoming order).

[15] *See, e.g.,* MEMX Rule 11.6(h)(2) (providing that a Pegged Order with a Midpoint Peg instruction may execute at its limit price or better when its limit price is less aggressive than the midpoint of the NBBO); Cboe EDGA Exchange, Inc. Rule 11.8(d) (describing the MidPoint Peg Order, which is a non-displayed Market Order or Limit Order with an instruction to execute at the midpoint of the NBBO, but that may execute at its limit price or better when its limit price is less aggressive than the midpoint of the NBBO); Cboe EDGX Exchange, Inc. Rule 11.8(d) (same); Nasdaq Rule 4702(b)(5)(A) (describing the Midpoint Peg Post-Only Order, which will be priced at the midpoint between the NBBO or at its limit price when the midpoint is higher than (lower than) the limit price of such order).

the midpoint of the PBBO or their limit price.

• Rule 7.31(d)(3)(E) currently provides that an MPL–ALO Order is an MPL Order that has been designated with an ALO Modifier. The Exchange proposes to revise subparagraphs (i) and (ii) thereunder to make changes consistent with those described above with respect to MPL Orders. Specifically, the Exchange proposes to modify Rule 7.31(d)(3)(E)(i) to be similar to Rule 7.31(d)(3)(C), but with modified phrasing specific to the behavior of MPL–ALO Orders. Accordingly, Rule 7.31(d)(3)(E)(i), as proposed, would provide that an Aggressing MPL–ALO Order to buy (sell) would trade with a resting order, at the working price of such order, when the resting order has a working price below (above) the less aggressive of the midpoint of the PBBO or the limit price of the MPL–ALO Order. In addition, to reflect the operation of the ALO Modifier, the Exchange further proposes to modify Rule 7.31(d)(3)(E)(i) to specify that an MPL–ALO Order would not trade with resting orders priced equal to the less aggressive of the midpoint of the PBBO or the limit price of the MPL–ALO Order.[16] The Exchange believes that these proposed changes would provide additional clarity with respect to the particular behavior of MPL–ALO Orders, as such orders (unlike MPL Orders) would not take liquidity at the less aggressive of the midpoint of the PBBO or their limit price. In addition, because the Exchange proposes to allow MPL Orders—including MPL–ALO Orders—to trade at the less aggressive of the midpoint of the PBBO or their limit price, the Exchange proposes to modify Rule 7.31(d)(3)(E)(ii) to replace the reference to the ''midpoint'' with the ''working price of the MPL–ALO Order'' (consistent with the revised definition of MPL Order proposed above).

To effect the proposed change to eliminate the ''No Midpoint Execution'' Modifier, the Exchange proposes to modify Rule 7.31(d)(3)(C) to delete text providing that an incoming Limit Order may be designated with a ''No Midpoint Execution'' Modifier and that orders so designated would not trade with resting MPL Orders and may trade through MPL Orders.

The Exchange believes that the elimination of the ''No Midpoint Execution'' Modifier would simplify order processing on the Exchange and, in conjunction with the proposed changes to MPL Orders described above, encourage the use of MPL Orders and provide increased opportunities for order execution.

Finally, the Exchange proposes a modification to Rule 7.11, which sets forth rules pertaining to the Limit Up-Limit Down (''LULD'') Plan. The proposed change would modify the handling of MPL Orders relative to the Upper and Lower Price Bands, consistent with the proposed changes described above with respect to the behavior of MPL Orders. Specifically, the Exchange proposes to modify Rule 7.11(a)(5), which describes the repricing or cancellation of orders to buy (sell) that are priced or could be traded above (below) the Upper (Lower) Price Band. Rule 7.11(a)(5)(F) currently provides that, if the midpoint of the PBBO is above (below) the Upper (Lower) Price Band, an MPL Order will not be repriced or rejected and will not be eligible to trade unless the Participant enters an instruction to cancel or reject such MPL Order.

The Exchange proposes to delete the text of Rule 7.11(a)(5)(F) and designate the Rule as Reserved. The Exchange believes Rule 7.11(a)(5)(F) is no longer necessary because MPL Orders, as proposed, would be permitted to reprice and trade relative to LULD Price Bands. The Exchange believes that this change is consistent with the proposed change to permit MPL Orders to trade at prices other than the midpoint of the PBBO and would similarly increase execution opportunities for MPL Orders within the bounds of the LULD Price Bands in effect. The Exchange notes that MPL Orders would behave in the same way as other Limit Orders with respect to LULD Price Bands and would thus be processed as set forth in current Rule 7.11(a)(5)(B).

Reserve Orders

Rule 7.31(d)(1) provides for Reserve Orders, which are Limit or Inside Limit Orders with a quantity of the size displayed and with a reserve quantity that is not displayed. Rule 7.31(d)(1)(C) provides that a Reserve Order must be designated Day and may only be combined with a Non-Routable Limit Order or a Primary Pegged Order.

The Exchange proposes to modify Rule 7.31(d)(1)(C) to clarify that a Reserve Order may not be designated as an ALO Order. Rule 7.31(d)(1)(C) currently provides that a Reserve Order may be combined with a Non-Routable Limit Order. However, although an ALO Order is a Non-Routable Limit Order, the Exchange currently does not permit Reserve Orders to be designated as ALO Orders and thus proposes a clarifying change to Rule 7.31(d)(1)(C) to specify accordingly. The Exchange notes that this change is intended only to clarify and reflect current behavior and does not propose any changes to the current operation of Reserve Orders or ALO Orders.

* * * * *

Because of the technology changes associated with this proposed rule change, the Exchange will announce the implementation date by Trader Update, which, subject to effectiveness of this proposed rule change, will be in the third quarter of 2022.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,[17] in general, and furthers the objectives of Section 6(b)(5),[18] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to, and perfect the mechanism of, a free and open market and a national market system and, in general, to protect investors and the public interest.

With respect to the proposed changes to permit Non-Routable Limit Orders, displayed ALO Orders, and Day ISO ALO Orders to be designated to cancel, the Exchange believes that the proposed changes would remove impediments to, and perfect the mechanism of, a free and open market and a national market system because it would offer Participants the option to cancel such orders when they would be displayed at a price other than their limit price. The Exchange believes that providing Participants with this option would afford them increased flexibility with respect to order handling for existing order types, as well as the ability to have greater determinism regarding order processing in times when such orders would be repriced to display at a price other than their limit price. The Exchange notes that this designation would be optional for Participants, and if not designated to cancel, Non-Routable Limit Orders, displayed ALO Orders, and Day ISO ALO Orders would continue to function as set forth in current Exchange rules (except as otherwise proposed in this filing). The Exchange also notes that providing Participants with the option to designate orders to cancel if they would be repriced is not novel, and would align

[16] The proposed changes to Rule 7.31(d)(3)(E)(i) relating to the operation of the NDR Modifier are described above in the ''Non-Display Remove Modifier'' section.

[17] 15 U.S.C. 78f(b).

[18] 15 U.S.C. 78f(b)(5).

the Exchange's rules with those of other cash equity exchanges that currently offer their members similar functionality.[19] The Exchange also believes that the proposed changes described above to reorganize and rephrase rule text that describes the current operation of Non-Routable Limit Orders, displayed ALO Orders, and Day ISO ALO Orders are designed to remove impediments to, and perfect the mechanism of, a free and open market and a national market system and, in general, to protect investors and the public interest because they do not propose any functional changes other than to add the option to cancel instead of repricing and would improve the clarity of Exchange rules governing such orders in connection with the proposed addition of the option to designate such orders to cancel.

With respect to the proposed change to permit ALO Orders to be designated as non-displayed, the Exchange believes that the proposed change would remove impediments to, and perfect the mechanism of, a free and open market and a national market system and protect investors and the public interest because it would offer Participants greater flexibility with respect to the entry of ALO Orders and could offer Participants increased opportunities for order execution. The Exchange believes that permitting an ALO Order to be non-displayed would simply provide Participants with increased options with respect to an existing order type, and Participants are free to designate ALO Orders to be non-displayed or to continue using displayed ALO Orders as provided under current Exchange rules. The Exchange further believes that permitting ALO Orders to be designated as non-displayed is not novel and that this proposed change would remove impediments to, and perfect the mechanism of, a free and open market and a national market system by aligning Exchange rules with the rules of other cash equity exchanges.[20]

With respect to the proposed change to permit ALO Orders and Day ISO ALO Orders to be entered in any size, the Exchange also believes that the proposed change would promote just and equitable principles of trade, remove impediments to, and perfect the mechanism of, a free and open market and a national market system, and protect investors and the public interest. Specifically, the Exchange believes that the proposed change would provide Participants with the flexibility and optionality to enter ALO Orders and Day ISO ALO Orders in odd-lot sized orders, which could increase liquidity and enhance opportunities for order execution on the Exchange, to the benefit of all market participants. The Exchange also believes that the proposed change would align Exchange rules with the treatment of post-only orders on other cash equity exchanges, thereby removing impediments to, and perfecting the mechanism of, a free and open market and a national market system.[21]

The Exchange also believes that the proposed change to modify the operation of the NDR Modifier would remove impediments to, and perfect the mechanism of, a free and open market and a national market system and protect investors and the public interest. Specifically, the Exchange believes that this proposed change, which would provide that any resting order with the NDR Modifier would remove liquidity when it is locked by any ALO Order, would expand the circumstances under which an order with the NDR Modifier would be eligible to trade, thereby increasing opportunities for order execution to the benefit of all market participants. The Exchange also believes that eliminating the use of the NDR Modifier with MPL–ALO Orders would remove impediments to, and perfect the mechanism of, a free and open market and a national market system because the order type-modifier combination is inconsistent with the purpose of an MPL–ALO Order (and has not been used by Participants), and the elimination of the NDR Modifier in this context would simplify the Exchange's rules. The Exchange further believes that the operation of the NDR Modifier, as modified, would not be novel and that the proposed change would promote just and equitable principles of trade and remove impediments to, and perfect the mechanism of, a free and open market and a national market system because the NDR Modifier would function similarly to analogous modifiers offered by other cash equity exchanges.[22]

The Exchange also believes that the proposed changes to make an MPL Order eligible to trade at the less aggressive of the midpoint of the PBBO or its limit price and to permit an MPL Order to reprice and trade relative to LULD Price Bands would promote just and equitable principles of trade and remove impediments to, and perfect the mechanism of, a free and open market and a national market system because MPL Orders could have more opportunities to trade with contra-side interest, thereby providing Participants with increased opportunities for order execution and enhancing market quality for all market participants. The Exchange also believes that this proposed change would remove impediments to, and perfect the mechanism of, a free and open market and a national market system because permitting MPL Orders to trade at the less aggressive of the midpoint of the PBBO or at their limit price is not novel and that comparable order types on other cash equity exchanges currently behave in this manner.[23] The Exchange further believes that the proposed change to eliminate the ''No Midpoint Execution'' Modifier would remove impediments to, and perfect the mechanism of, a free and open market and a national market system because the proposed change, along with the proposed changes to MPL Orders, could result in greater opportunities for order execution, thereby enhancing market quality on the Exchange.

Finally, the Exchange believes that its proposed change to specify that Reserve Orders may not be designated as an ALO Order would remove impediments to, and perfect the mechanism of, a free and open market and a national market system and protect investors and the public interest because it is not intended to effect any functional change but would instead add clarity to Exchange rules regarding the current behavior of Reserve Orders.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. As noted above, the Exchange believes the proposed rule changes would generally align order handling on the Exchange with behavior on other cash equity exchanges[24] and thus would promote competition among exchanges by offering Participants similar functionality and order handling options available on other cash equity exchanges. The Exchange also believes that, to the extent the proposed changes would increase opportunities for order execution, the proposed change would promote competition by making the Exchange a more attractive venue for order flow and enhancing market quality for all market participants.

[19] *See* note 5, *supra.*

[20] *See* note 11, *supra.*

[21] *See* note 12, *supra.*

[22] *See* note 14, *supra.*

[23] *See* note 15, *supra.*

[24] *See* notes 5, 11, 12, 14, 15, *supra.*

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [25] and Rule 19b–4(f)(6) thereunder.[26] Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [27] and Rule 19b-4(f)(6)(iii) thereunder.[28]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [29] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSECHX–2022–14 on the subject line.

Paper Comments

- Send paper comments in triplicate to: Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSECHX–2022–14. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSECHX–2022–14 and should be submitted on or before August 9, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[30]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–15302 Filed 7–18–22; 8:45 am]

BILLING CODE 8011–01–P

[25] 15 U.S.C. 78s(b)(3)(A)(iii).

[26] 17 CFR 240.19b–4(f)(6).

[27] 15 U.S.C. 78s(b)(3)(A)(iii).

[28] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has complied with this requirement.

[29] 15 U.S.C. 78s(b)(2)(B).

[30] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–808, OMB Control No. 3235–0762]

Proposed Collection; Comment Request; Extension: Rule 15*l*–1

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the existing collection of information provided for in Rule 15*l*–1 (17 CFR 240.15*l*–1), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Rule 15*l*–1 established a standard of conduct for broker-dealers and natural persons who are associated persons of a broker-dealer (together, ''broker-dealers'') when making a recommendation of any securities transaction or investment strategy involving securities to a retail customer (''Regulation Best Interest''). Regulation Best Interest requires broker-dealers, when making a recommendation of any securities transaction or investment strategy involving securities to a retail customer, to act in the best interest of the retail customer at the time the recommendation is made, without placing the financial or other interest of the broker-dealer or natural person who is an associated person making the recommendation ahead of the interest of the retail customer.

The information that must be collected pursuant to Regulation Best Interest is intended to: (1) improve disclosure about the scope and terms of the broker-dealer's relationship with the retail customer, which would foster retail customers' understanding of their relationship with a broker-dealer; (2) enhance the quality of recommendations provided by establishing an express best interest obligation under the federal securities laws; (3) enhance the disclosure of a broker-dealer's conflicts of interest; and (4) establish obligations that require mitigation, and not just disclosure, of conflicts of interest arising from financial incentives associated with broker-dealer recommendations. The information will therefore help establish a framework that protects investors and

promotes efficiency, competition, and capital formation.

There are approximately 2,683 respondents that must comply with Rule 15*l*–1. The aggregate annual burden for all respondents is estimated to be 2,568,434 hours, or 957 hours per respondent (2,568,434 hours/2,683 respondents). Under Rule 15*l*–1, respondents will also incur cost burdens. The aggregate annual cost burden for all respondents is estimated to be $12,085,860, or $4,505 per respondent ($12,085,860/2,681 respondents).

Written comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (b) the accuracy of the Commission's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information 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 in writing by September 19, 2022.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F Street NE, Washington, DC 20549, or send an email to: *PRA_Mailbox@sec.gov.*

Dated: July 13, 2022.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–15314 Filed 7–18–22; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–651, OMB Control No. 3235–0702]

Submission for OMB Review; Comment Request: Extension: Rule 18a–3

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 18a–3 (17 CFR 240.18a–3), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (''Exchange Act'').

Rule 18a–3 establishes minimum margin requirements for nonbank security-based swap dealers (''SBSDs'') and nonbank major security-based swap participants (''MSBSPs'') for non-cleared security-based swaps. Under paragraph (e) of Rule 18a–3 nonbank SBSDs are required to monitor the risk of each account that holds non-cleared security based swaps for a counterparty and to establish, maintain, and document procedures and guidelines for monitoring the risk of accounts as part of its risk management control system required under Exchange Act Rule 15c3–4. In addition, paragraph (d)(2) of Rule 18a–3 provides that a nonbank SBSD seeking approval to use a model to calculate initial margin will be subject to an application process consistent with Exchange Act Rule 15c3–1e and paragraph (d) of Exchange Act Rule 18a–1, as applicable, governing the use of internal models to compute net capital.[1]

The total annual hour burden associated with Rule 18a–3 is approximately 2,243 hours calculated as follows:

The Commission staff estimates that there are 7 nonbank SBSDs that are subject to Rule 18a–3. The staff further estimates that each would spend an average of approximately 210 hours establishing and documenting their Rule 18a–3 counterparty risk monitoring procedures, for a one-time industry-wide hour burden of approximately 1,470 recordkeeping hours or 490 hours per year when annualized over three years.[2] In addition, the staff estimates that each nonbank SBSD would spend an average of approximately 60 hours per year reviewing risks associated with its counterparties, for an annual industry-wide burden of approximately 420 recordkeeping hours.[3] Taken together, the annual industry-wide hour burden is approximately 910 hours.[4]

The Commission estimates it will take a nonbank SBSD approximately 50 hours to prepare and submit an application to the Commission to seek authorization to use an internal model to calculate initial margin. The staff estimates that five non-bank SBSDs have sought Commission approval to use an internal model to calculate initial margin, resulting in a total industry-wide one-time hour burden of approximately 250 hours or approximately 83 hours per year when annualized over three years.[5] The Commission also estimates that each nonbank SBSD will spend approximately 250 hours per year reviewing, updating, and back testing their initial margin model, resulting in a total industry-wide annual hour burden of approximately 1,250 recordkeeping hours.[6] Taken together, the Commission estimates an annual industry-wide hour burden of approximately 1,333 hours.[7]

The total annual hour burden associated with Rule 18a–3 is thus approximately 2,243 hours (910 hours + 1,333 hours).

The total annual cost burden associated with Rule 18a–3 is approximately $3,333 calculated as follows:

The 7 respondents subject to the collection of information may incur start-up costs in order to comply with this collection of information. These costs may vary depending on the size and complexity of the nonbank SBSD. In addition, the start-up costs may be less for the 2 nonbank SBSD respondents also registered as broker-dealers because these firms may already be subject to similar requirements with respect to other margin rules. For the remaining 5 nonbank SBSDs, because these written procedures may be novel undertakings for these firms, the Commission staff assumes these nonbank SBSDs will have their written risk analysis methodology reviewed by outside counsel. Therefore, the staff estimates that these 5 nonbank SBSDs will engage an outside counsel to review their written risk analysis methodology, at a rate of approximately $400 per hour for 5 hours (*i.e.,* $2,000 in legal costs). This will result in a one-time industry-wide external recordkeeping cost of approximately $10,000, or

[1] While Rule 18a–3 contains requirements that apply to both nonbank SBSDs and MSBSPs, the particular requirements that constitute a collection of information relate only to nonbank SBSDs.

[2] 7 nonbank SBSDs × 210 hours = 1,470 hours. These amounts are annualized over three years resulting in 70 (210 hours/3 years) hours per nonbank SBSD per year and an industry wide annual burden of 490 recordkeeping hours.

[3] 7 nonbank SBSDs × 60 hours = 420 hours.

[4] 490 hours + 420 hours = 910 hours.

[5] 5 nonbank SBSDs × 50 hours = 250 hours. These amounts are annualized over three years resulting in 16.67 (50 hours/3 years) hours per nonbank SBSD per year and an industry wide annual burden of 83.33 recordkeeping hours, rounded down to 83 hours.

[6] 5 nonbank SBSDs × 250 hours = 1,250 hours.

[7] (250 hours/3 years) + 1,250 hours = 1,333.33 hours, rounded down to 1,333 hours.

approximately $3,333 [8] annualized over 3 years.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Written comments and recommendations for the proposed information collection should be sent by August 18, 2022 to (i) *www.reginfo.gov/public/do/PRAMain* and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.*

Dated: July 13, 2022.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–15316 Filed 7–18–22; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF STATE

[Public Notice 11790]

Review of the Designations as Foreign Terrorist Organizations of Communist Party of the Philippines New People's Army and Jaish-e-Mohammed (and Other Aliases)

Based on a review of the Administrative Record assembled pursuant to Section 219(a)(4)(C) of the Immigration and Nationality Act, amended (8 U.S.C. 1189(a)(4)(C))(''INA''), and in consultation with the Attorney General and the Secretary of the Treasury, I conclude that the circumstances that were the bases for the designations of the aforementioned organizations as Foreign Terrorist Organizations have not changed in such a manner as to warrant revocation of the designations and that the national security of the United States does not warrant a revocation of the designations.

Therefore, I hereby determine that the designation of the aforementioned organizations as Foreign Terrorist Organizations, pursuant to Section 219 of the INA (8 U.S.C. 1189), shall be maintained.

This determination shall be published in the **Federal Register**.

Dated: July 6, 2022.

Antony J. Blinken,

Secretary of State.

[FR Doc. 2022–15383 Filed 7–18–22; 8:45 am]

BILLING CODE 4710–AD–P

DEPARTMENT OF STATE

[Public Notice 11788]

Notice: International Digital Economy and Telecommunication (IDET) Advisory Committee Charter Renewal

ACTION: Notice of charter renewal—IDET.

In accordance with the provisions of the Federal Advisory Committee Act (FACA) and the general authority of the Secretary of State and the Department of State, the charter of the International Digital Economy and Telecommunication (IDET) Advisory Committee has been renewed for two years.

The IDET consists of members of the telecommunications industry, including network operators and service providers, equipment vendors, members of academia; members of organizations, institutions, or entities with specific interest in digital economy, digital connectivity, economic aspects of emerging digital technologies, telecommunications, and communications and information policy matters; members of civil society; and officials of interested government agencies. The IDET provides views and advice to the Department of State on positions concerning international digital economy, telecommunications, and information policy matters. This advice has been a major factor in ensuring that the United States was well prepared to participate effectively in the international telecommunications and information policy arena, including the International Telecommunication Union (ITU), the Organization of American States Inter-American Telecommunication Commission (CITEL), the Organization for Economic Cooperation and Development (OECD), the Asia Pacific Economic Cooperation Forum Telecommunications and Information Working Group (APEC TELWG), the Group of Seven (G&), the Group of Twenty (G20) Digital Economy Task Force, and relevant standards setting bodies.

FOR FURTHER INFORMATION CONTACT: Please contact the Designated Federal Officer (DFO) Daniel Oates, or Brian Mattys at *IDET@state.gov* or (202) 647–5205, or (202) 878–2010.

Authority: 5 U.S.C. Appendix; 22 U.S.C. 2656.

Kevin E. Bryant,

Acting Director, Office of Directives Management, Department of State.

[FR Doc. 2022–15341 Filed 7–18–22; 8:45 am]

BILLING CODE 4710–10–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2022–0057]

Petition for Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that by letter dated May 17, 2022, Symans Enterprises (Symans) petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR 230.17, *One thousand four hundred seventy-two (1472) service day inspection.* FRA assigned the petition Docket Number FRA–2022–0057.

Specifically, Symans requests relief for steam locomotive VC 6, which is used in public tourist excursions. Regarding the locomotive's 1472 service day inspection, Symans requests to extend the period in which the inspection is due from July 7, 2022, to December 31, 2023. Symans states that the annual inspection of VC 6 was completed in October 2021, and the extension would allow Symans to recover from revenue losses caused by the COVID–19 pandemic. In support of its request, Symans states that the locomotive has been stored inside and has operated without incident.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov*.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted at *http://*

[8] 5 nonbank SBSDs × $400/hour × 5 hours = $10,000. This amount annualized is $3,333.33 per nonbank SBSD, rounded down to $3,333.

www.regulations.gov. Follow the online instructions for submitting comments.

Communications received by September 2, 2022 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable. Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), the U.S. Department of Transportation (DOT) solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy*. See also *https://www.regulations.gov/privacy-notice* for the privacy notice of *regulations.gov*.

Issued in Washington, DC.

Carolyn Hayward-Williams,

Director, Office of Railroad Systems and Technology.

[FR Doc. 2022–15330 Filed 7–18–22; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[Docket No. FTA–2022–0013]

Notice of Proposed Buy America Waiver and Request for Comment

AGENCY: Federal Transit Administration, Department of Transpiration (DOT).

ACTION: Notice; request for comment.

SUMMARY: The Federal Transit Administration (FTA) has received multiple individual requests for a Buy America waiver for non-ADA accessible passenger vans and minivans that can be used in vanpool programs, based on the nonavailability of Buy America-compliant vehicles. FTA is proposing a partial general nonavailability waiver of limited duration for mass-produced, unmodified non-ADA accessible vans and minivans. Under FTA's proposal, in lieu of applying Buy America's rolling stock standard to these vans and minivans, FTA would require the vans and minivans to have their place of final assembly and engine country of origin in the United States as reported under the American Automobile Labeling Act. FTA proposes that this partial waiver will expire after two years, or when a compliant vehicle becomes available, whichever is first. FTA seeks public and industry comment on whether FTA should grant the waiver as proposed, or in a modified form.

DATES: Comments must be received by August 3, 2022. Late-filed comments will be considered only to the extent practicable.

ADDRESSES: Please submit all comments electronically to the Federal eRulemaking Portal. Go to *https://www.regulations.gov* and follow the instructions for submitting comments.

Instructions: All submissions must refer to the Federal Transit Administration and the docket number in this notice (FTA–2022–0013). Note that all submissions received, including any personal information provided, will be posted without change and will be available to the public on *https://www.regulations.gov.* You may review DOT's complete Privacy Act Statement in the **Federal Register** published April 11, 2000 (65 FR 19477), or at *https://www.transportation.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Jason Luebbers, FTA Attorney-Advisor, at (202) 366–8864 or *Jason.Luebbers@dot.gov.*

SUPPLEMENTARY INFORMATION: The purpose of this notice is to seek public comment on whether FTA should grant a partial Buy America waiver of limited duration for the procurement of mass-produced, unmodified (complete and fully assembled as provided by the original equipment manufacturer) non-ADA accessible passenger vans and minivans.

Background

Under FTA's Buy America statute, FTA may obligate funds for a project to procure rolling stock only if the cost of components and subcomponents produced in the United States is more than 70 percent of the cost of all components of the rolling stock, and final assembly of the rolling stock occurs in the United States. 49 U.S.C. 5323(j)(2)(C). A manufacturer of rolling stock must submit to pre-award and post-delivery audits and independent inspections to verify its compliance with Buy America. 49 U.S.C. 5323(m).

FTA may waive Buy America requirements for a product if, among other reasons, a compliant version of the product is not produced in a sufficient and reasonably available amount or is not of a satisfactory quality. 49 U.S.C. 5323(j)(2)(B). FTA cannot deny a request for a nonavailability waiver unless it can provide the waiver applicant with a written certification that: the item is produced in the United States in a sufficient and reasonably available amount; the item produced in the United States is of a satisfactory quality; and includes a list of known manufacturers in the United States from which the item can be obtained. 49 U.S.C. 5323(j)(6).

On October 20, 2016, FTA granted a general public interest waiver for mass-produced, unmodified non-ADA-accessible vans and minivans, only from its domestic content requirement, for three years or until a compliant manufacturer came forward, whichever came first. (*https://www.govinfo.gov/content/pkg/FR-2016-10-20/pdf/2016-25370.pdf*). At that time FTA had identified some models of van or minivan for which final assembly occurred in the United States, but could not identify a van or minivan that also satisfied the domestic content requirement. FTA, therefore, temporarily waived the domestic content requirement, but continued to require final assembly in the United States for mass-produced, unmodified non-ADA accessible vans and minivans. The waiver expired on September 30, 2019. Since the waiver's expiration, FTA has received requests to reissue a general public interest waiver for non-ADA-accessible vans and minivans from grant recipients, the American Public Transit Association (APTA), and turnkey vanpool service provider Enterprise.

In 2021, FTA received three applications for waivers for non-ADA accessible vans and minivans to be used as vanpool vehicles, based on the nonavailability of compliant vehicles. A vanpool vehicle is a vehicle with seating capacity for at least six adults not including the driver. 49 U.S.C. 5323(i)(2)(C). The three applicants are Coast Transit Authority of Biloxi, Mississippi; the Metropolitan Transportation Commission of San Francisco, California; and the Ann Arbor Area Transportation Authority in Michigan. All three applications are to support procurements of service contracts with ''Commute with Enterprise'' to carry out vanpool programs of between 40 and 250 vehicles.

Today, final assembly for a number of mass-produced, unmodified non-ADA accessible van and minivan models occurs in the United States. FTA recipients, however, cannot verify the domestic content of such vehicles because manufacturers are unwilling to sign the required Buy America certification regarding minimum domestic content or submit to FTA's pre-award and post-delivery audit requirements. Reasons that some of these manufacturers have provided to

FTA for their unwillingness to comply with these requirement include: (1) FTA-funded procurements do not generate a large percentage of overall sales of such vehicles, and therefore, their distribution chain is not set up for compliance with FTA Buy America requirements; and (2) it is burdensome to determine the components and subcomponents and their origin for Buy America audit purposes, and there are concerns regarding confidentiality of component pricing in audit reporting.

FTA, therefore, currently is unable to identify a model that complies with its Buy America's 70- percent domestic content requirement. FTA recipients and their contractors use these vehicles to operate vanpool service. Without a waiver, recipients could not procure these vehicles with FTA funds, which may result in such consequences as the operation of vehicles beyond their useful life; procurement of larger Buy America compliant vehicles that are more expensive and have less desirable access/egress characteristics compared to minivans; or termination of vanpool programs or failure to form new vanpool service, which could have climate change and equity impacts because vanpools provide an important transportation alternative to private passenger vehicles both in large cities and rural areas, and service to the elderly and disabled who do not need an ADA-accessible van.

Proposed Waiver

Under the American Automobile Labeling Act (AALA), manufacturers of mass-produced passenger motor vehicles for sale in the United States must report to the National Highway Traffic Safety Administration (NHTSA), by carline and by model year, information about each vehicle's place of assembly and the country of origin of its engine and transmission. See, 49 U.S.C. 32304 and 49 CFR part 583. This information is available on NHTSA's website at *https://www.nhtsa.gov/part-583-american-automobile-labeling-act-reports.*

In response to the three individual applications for nonavailability waivers of non-ADA accessible vans and minivans, FTA proposes the following partial general nonavailability waiver for mass-produced, unmodified non-ADA accessible vans and minivans with seating capacity for at least six adults not including the driver. In lieu of applying the Buy America standards for rolling stock, FTA would require:

(1) Final assembly must be in the United States, as reported to NHTSA under the AALA;

(2) The country of origin of the engine, or (in the case of electric vehicles) motor must be the United States, as reported to NHTSA under the AALA;

(3) The waiver is available to all grant recipients;

(4) The waiver would expire two years from issuance, or upon a fully Buy America—compliant van or minivan becoming available, whichever occurs first.

FTA is proposing to require that engines/motors be of United States origin, as reported under the AALA, as an easily verifiable way to maximize domestic content in vans and minivans absent a fully compliant vehicle. Manufacturers already report this information, and the information is readily available to the public, thus limiting burdens for manufacturers and procuring entities. For the duration of this partial general nonavailability waiver, FTA recipients would not have to submit individual applications for nonavailability waivers for mass-produced, unmodified non-ADA accessible vans and minivans.

FTA is not proposing to require that transmissions must be of United States origin, so that the procurement of hybrid vans or minivans with transmissions manufactured outside the United States would be eligible for FTA funding, and because electric vehicles do not have transmissions. The availability of hybrid and electric vehicles for use in federally funded vanpool service will contribute to the reduction of greenhouse gas emissions and environmental justice. FTA could revise this proposed waiver to require transmissions for hybrid vehicles be of United States origin if comments or later changes in market conditions demonstrate hybrid vans and minivans are available with transmissions made in the United States.

Request for Comment

This notice satisfies FTA's requirement to publish any proposed Buy America waiver in the **Federal Register** and provide the public with a reasonable period of time for notice and comment. 49 U.S.C. 5323(j)(3). FTA seeks public and industry comment from all interested parties. In particular, FTA seeks comment regarding whether the waiver should be approved, and, if so, whether it should be modified from FTA's proposal and why. Relevant information and comments will help FTA understand completely the facts surrounding the waiver requests and FTA's proposal.

Nuria I. Fernandez,

Administrator.

[FR Doc. 2022–15356 Filed 7–18–22; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[FTA Docket No. FTA 2022–0021]

Agency Information Collection Activity Under OMB Review: National Transit Database (NTD)

AGENCY: Federal Transit Administration, Department of Transportation.

ACTION: Notice of request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the Federal Transit Administration (FTA) to request the Office of Management and Budget (OMB) to approve the extension of a currently approved information collection: National Transit Database.

DATES: Comments must be submitted before September 19, 2022.

ADDRESSES: To ensure that your comments are not entered more than once into the docket, submit comments identified by the docket number by only one of the following methods:

1. *Website: www.regulations.gov.* Follow the instructions for submitting comments on the U.S. Government electronic docket site. (Note: The U.S. Department of Transportation's (DOT's) electronic docket is no longer accepting electronic comments.) All electronic submissions must be made to the U.S. Government electronic docket site at *www.regulations.gov.* Commenters should follow the directions below for mailed and hand-delivered comments.

2. *Fax:* 202–366–7951.

3. *Mail:* U.S. Department of Transportation, 1200 New Jersey Avenue SE, Docket Operations, M–30, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.

4. *Hand Delivery:* U.S. Department of Transportation, 1200 New Jersey Avenue SE, Docket Operations, M–30, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001 between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

Instructions: You must include the agency name and docket number for this notice at the beginning of your comments. Submit two copies of your comments if you submit them by mail. For confirmation that FTA has received

your comments, include a self-addressed stamped postcard. Note that all comments received, including any personal information, will be posted and will be available to internet users, without change, to *www.regulations.gov.* You may review DOT's complete Privacy Act Statement in the **Federal Register** published April 11, 2000, (65 FR 19477), or you may visit *www.regulations.gov.* Docket: For access to the docket to read background documents and comments received, go to www.regulations.gov at any time. Background documents and comments received may also be viewed at the U.S. Department of Transportation, 1200 New Jersey Avenue SE, Docket Operations, M–30, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001 between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: Thomas Coleman, Office of Budget & Policy (202) 366–5333 or *Thomas.Coleman@dot.gov.*

SUPPLEMENTARY INFORMATION: Interested parties are invited to send comments regarding any aspect of this information collection, including: (1) the necessity and utility of the information collection for the proper performance of the functions of the FTA; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the collected information; and (4) ways to minimize the collection burden without reducing the quality of the collected information. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection.

Title: National Transit Database (NTD)

(OMB Number: 2132–0008)

Background: 49 U.S.C. 5335 requires the Secretary of Transportation to maintain a reporting system, using a uniform system of accounts, to collect financial, operating, geographic service area coverage, and asset condition information from the nation's public transportation systems. Congress created the NTD to be the repository of transit data for the nation to support public transportation service planning. FTA has established the NTD to meet these requirements and has collected data for over 35 years. The NTD is comprised of several modules, Rural, Urban Annual, Monthly, and Safety Event Reporting. FTA continues to seek ways to reduce the burden of NTD reporting.

The existing information collection request (ICR) is currently scheduled to expire on January 31, 2023. This ICR incorporates the information collection activities associated with changes FTA is proposing to the NTD reporting requirements which include geographic service area coverage, transit worker assaults, and bus collision fatalities data as required by the Bipartisan Infrastructure Law, enacted as the Infrastructure Investment and Jobs Act (Pub. L. 117–58). The estimated burden from these changes is reflected in this notice's burden estimate. This notice serves to inform the public that a renewal of the ICR under the Paperwork Reduction Act with changes will be requested. FTA is soliciting comments to proposed changes to NTD reporting requirements in a separate **Federal Register** Notice.

Respondents: Recipients of Chapter 53 funds that either own, operate, or manage capital assets used in providing public transportation services.

Estimated Annual Number of Respondents: 2,481 respondents.

Estimated Total Annual Burden: 456,179 hours.

Frequency: Annual.

Nadine Pembleton,

Deputy Associate Administrator, Office of Administration.

[FR Doc. 2022–15381 Filed 7–18–22; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number MARAD–2018–0088]

Center of Excellence for Domestic Maritime Workforce; Notice of Opportunity To Apply for Maritime Training and Education Designation

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice of application opportunity.

SUMMARY: This notice invites eligible and qualified training entities to apply to the Maritime Administration (MARAD) for designation as a Center of Excellence for Domestic Maritime Workforce Training and Education (CoE). The National Defense Authorization Act of 2018 (the Act) provided the Secretary of Transportation with the discretionary authority to designate eligible and qualified entities as CoEs. CoE designations serve to assist the maritime industry in obtaining and maintaining the highest quality workforce. MARAD issued a notice in the **Federal Register** on October 23, 2020 entitled Center of Excellence for Domestic Maritime Workforce: Notice of Opportunity to Apply for Training and Education Designation, and on the MARAD website at *www.MARAD.dot.gov,* requesting applications from qualified training entities seeking to be designated as a CoE. The application period closed on December 22, 2020. Thirty applications for designation were received. Upon the Secretary's approval, twenty-seven institutions were designated on May 19, 2021 as CoEs for the 2021 program year. The purpose of this notice is to solicit applications from eligible and qualified training entities for the next round of CoE designations for the 2022 program year.

DATES: Applications, including all supporting information and documents, must be submitted by 8:00 p.m. E.D.T. on September 19, 2022.

ADDRESSES: Applications, including all supporting information and documents, must be submitted via electronic mail to *CoEDMWTE@dot.gov.* The original application letter, including one copy of all supporting information and documents, may also be submitted by mail addressed to U.S. Department of Transportation, Maritime Administration, Deputy Associate Administrator for Maritime Education and Training, Attention: CoE Designation Program, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Gerard Wall, Centers of Excellence for Domestic Maritime Workforce Training and Education (CoE) Program Manager, via electronic mail at *gerard.wall@dot.gov* or call 202–366–7273.

SUPPLEMENTARY INFORMATION: Following the enactment of the National Defense Authorization Act of 2018, Public Law 115–91 (the ''Act''), codified at 46 U.S.C. 51706, MARAD developed a procedure to recommend to the Secretary the designation of eligible institutions as Centers of Excellence for Domestic Maritime Workforce Training and Education (CoE). Pursuant to the Act, the Secretary of Transportation may designate certain eligible and qualified training entities as CoEs and may subsequently execute Cooperative Agreements with CoE designees. Authority to administer the CoE program is delegated to MARAD in 49 CFR 1.93(a).

Qualified training entities seeking to be designated as a CoE need to apply to MARAD. MARAD has developed this policy to provide interested parties with comprehensive agency guidance on how to apply for CoE designation and how the CoE program will be administered. Applications should include information to demonstrate that the

applicant institution meets certain eligibility requirements, selection criteria, and qualitative attributes consistent with Section 3507 of the Act.

The MARAD application procedure and program details are listed below and are also available to the public on its website at *https://www.maritime.dot.gov/education/maritime-centers-excellence.*

Prior Federal Action

As the first step in developing a CoE policy, MARAD issued a **Federal Register** notice requesting comments on its proposed application process entitled Centers of Excellence for Domestic Maritime Workforce Training and Education, 83 FR 25109 (May 31, 2018). In response to the notice, we received 18 written comments. On July 19, 2019, MARAD published another notice (84 FR 34994) in which MARAD responded to comments received and sought comments on the proposed policy to which five comments were received. On March 6, 2020, MARAD published its final CoE designation policy in the **Federal Register** (85 FR 13231) in which MARAD responded to comments received and sought new comments to the Office of Management and Budget on the information collection requirements in the CoE designation policy. No comments were received.

After receipt of an Information Collection Review (ICR) one-year approval from OMB, MARAD issued a notice in the **Federal Register** (85 FR 67599) on October 23, 2020 entitled Center of Excellence for Domestic Maritime Workforce: Notice of Opportunity to Apply for Training and Education Designation, and on the MARAD website at *www.MARAD.dot.gov,* requesting applications from qualified training entities seeking to be designated as CoEs. The application period closed on December 22, 2020. Thirty applications for designation were received. Upon the Secretary's approval, twenty-seven institutions were designated on May 19, 2021 as CoEs for the 2021 program year.

On April 27, 2021, MARAD published a notice in the **Federal Register** (86 FR 18115) requesting comments on its intention to request approval, for three years, of the previously approved information collection related to designating CoEs. No comments were received. On July 6, 2021 a 30-day comment period notice announcing that the ICR was being forwarded to the Office of Management and Budget (OMB) for review and comments was published in the **Federal Register** (86 FR 35561). One public comment was received. After careful review of the comment by MARAD's Office of Maritime Labor and Training, it was determined to be non-related to the notice and/or collection. In December 2021, OMB approved the three-year ICR request.

Unabridged comments are available for review electronically at *www.regulations.gov* by searching DOT Docket Id ''MARAD–2018–0088'' or by visiting the DOT Docket, Room PL–401, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except for Federal Holidays.

How To Be Designated a Center of Excellence for Domestic Maritime Workforce Training and Education

Introduction

The Secretary of Transportation, acting through the Maritime Administrator, may designate certain eligible and qualified training entities as Centers of Excellence for Domestic Maritime Workforce Training and Education (CoE) and may subsequently execute Cooperative Agreements with CoE designees. MARAD developed the CoE Program to provide interested parties with comprehensive agency guidance on how best to apply for CoE designation. However, conformity with this CoE applicant guidance, except to the extent that it references statutory requirements, is voluntary. MARAD will review and consider all applications it receives and may contact applicants with questions to assist in reviewing their applications. The CoE Program is a voluntary program. Each eligible and qualified training entity is free to decide whether it wishes to participate in the program and apply for a CoE designation. Applications should include information to demonstrate that the applicant institution meets certain eligibility criteria, designation requirements, and attributes consistent with 46 U.S.C. 51706.

Key Terms

The following list of key terms are either (1) directly taken from the statute or (2) have been developed by MARAD or from comments received from the public during our earlier notice and comment periods. The list is intended to assist applicants by providing context and insight into the approval process. If you believe that your institution qualifies for CoE designee status under an alternate interpretation or by qualifications not otherwise clearly articulated in the statute, your application should include a cogent justification for any such alternative and it will be given due consideration during our review.

1. ''Afloat Career'' is a term developed by MARAD to mean a career as a merchant mariner compensated for service aboard a vessel in the U.S. Maritime Industry.

2. ''Arctic'' as explicitly stated in the statute means all United States and foreign territory north of the Arctic Circle and all United States territory north and west of the boundary formed by the Porcupine, Yukon, and Kuskokwim Rivers; all contiguous seas, including the Arctic Ocean and the Beaufort, Bering, and Chukchi Seas; and the Aleutian chain. [Section 112 of the Arctic Research and Policy Act of 1984, codified at 15 U.S.C. 4111];

3. ''Ashore Career'' is a term developed by MARAD to mean a shore-based compensated occupation in the United States Maritime Industry.

4. ''Community or Technical College'' is interpreted by MARAD to mean an institution of higher education that —

a. admits as regular students, persons who are beyond the age of compulsory school attendance, or are enrolled in a high school and concurrently are participating in a dual credit or similar program, in the State in which the institution is located or in an adjoining State or region; and

b. has primary focus on awarding Associate (or equivalent) degrees; and

c. provides an educational program that is acceptable for full credit toward a bachelor's or equivalent degree or that may culminate in a professional or technical certificate or credential, stackable certificates and credentials, and/or two-year degree;

5. ''Maritime Training Center'' is interpreted by MARAD to mean a training institution that:

a. does not grant baccalaureate or higher levels of academic degree;

b. is not a ''Community or Technical College''; and

c. provides a structured program of training courses to prepare students and/or enhance their skills for Afloat Careers and/or Ashore Careers in the United States Maritime Industry.

6. ''Mississippi River System'' is interpreted by MARAD to mean the mostly riverine network of the United States which includes the Mississippi River, and all connecting waterways, natural tributaries and distributaries. The system includes the Arkansas, Illinois, Missouri, Ohio, Red, Allegheny, Tennessee, Wabash and Atchafalaya rivers. Important connecting waterways include the Illinois Waterway, the Tennessee-Tombigbee Waterway, and the Gulf Intracoastal Waterway.

7. ''Operated by, or under the supervision of, a State'' is interpreted by MARAD to mean operated by or under the supervision of a public entity of a State government or one of its subdivisions, as well as county governments, and city or local governments;

a. ''operated by'' a State is interpreted by MARAD to mean that the State controls or provides direct oversight to the Maritime Training Center or the Community or Technical College through:

i. a State charter process, or other equivalent documents and system; and

ii. a State oversight body.

b. ''under the supervision of a State'' is interpreted by MARAD to mean that the State oversees in some manner the Maritime Training Center or the Community or Technical College through at least one of the following means:

i. Accreditation or similar review, validation, and approval by a public entity of the State government or one of its subdivisions as well as, county governments, and city or local governments;

ii. Registration approval by a State Apprenticeship Agency (SAA), in accordance with 29 CFR part 29, of an apprenticeship program offered by the Maritime Training Center to qualified students from the public; or

iii. Other means which demonstrate to MARAD that the State is supervising the educational process for which a CoE designation is sought.

c. ''State'' is interpreted by MARAD to mean a State of the United States, the District of Columbia, Guam, Puerto Rico, the Virgin Islands, American Samoa, the Northern Mariana Islands, and any other territory or possession of the United States.

d. ''United States Maritime Industry'' is a term developed by MARAD that includes all segments of the maritime-related transportation system of the United States, both in domestic and foreign trade, coastal and inland waters, as well as non-commercial maritime activities, such as pleasure boating, marine sciences (including all scientific research vessels) and all of the industries that support such uses, including, but not limited to vessel construction and repair, vessel operations, ship logistics supply, berthing, port operations, port intermodal operations, marine terminal operations, vessel design, marine brokerage, marine insurance, marine financing, chartering, maritime-oriented supply chain operations, offshore industry, including offshore wind energy, and maritime-oriented research and development.

Applicant Information

1. Who is eligible to apply for designation as a Center of Excellence for Domestic Maritime Workforce Training and Education (CoE)?

Participation in the CoE program is entirely voluntary for an eligible educational institution. An eligible educational institution is not required to seek a CoE designation. Under the statute, an educational institution that provides training and education for the domestic maritime workforce is eligible to apply so long as it meets the following criteria:

a. An institution located in a State that borders on at least one of the following bodies of water:

1. Gulf of Mexico;
2. Atlantic Ocean;
3. Long Island Sound;
4. Pacific Ocean;
5. Great Lakes;
6. Mississippi River System;
7. Arctic; or
8. Gulf of Alaska.

b. The institution is:

1. A Community or Technical College; or

2. A Maritime Training Center—

i. Operated by, or under the supervision of a State; and

ii. With a maritime training program in operation in its curriculum on 12/12/2017; or

3. A group of Community or Technical Colleges and/or Maritime Training Centers that:

i. Consists only of members that meet the eligibility criteria at (1)(a) and either (1)(b)(1) or (1)(b)(2), and the selection criteria under (2);

ii. Names a member of such group as a lead entity. The lead entity will serve as the primary point of contact with MARAD and will be responsible for all duties, including administrative, legal and financial, as related to the CoE designation. For example, the lead entity is responsible for submitting the CoE application, responding to any inquiries from MARAD, and coordinating and executing any cooperative agreements with MARAD; and

iii. Has a legally binding agreement signed by all members. That agreement must include the name of the group, which will receive the CoE designation if one is granted and list the lead entity and its responsibilities consistent with (ii) of this section.

2. How does MARAD interpret the selection criteria for CoE designation?

I. Assuming no alternative qualifications are provided, MARAD will consider applicants eligible for designation if they can demonstrate compliance with all the following criteria:

a. The academic programs offered by the institution include:

1. One or more Afloat Career preparation tracks in the United States Maritime Industry, and/or

2. One or more Ashore Career preparation tracks in the United States Maritime Industry.

b. Applicant institutions offering Afloat Career and/or Ashore Career tracks have been accredited as follows:

1. ''Community or Technical Colleges'' hold current accreditation of the institution from a Regional Accreditation Agency or a Nationally Recognized Agency on the list of Accrediting Agencies approved by the U.S. Department of Education.

2. ''Maritime Training Centers'' hold current accreditation—

i. *either* of the institution, from a Regional Accreditation Agency or a Nationally Recognized Agency on the list of Accrediting Agencies approved by the U.S. Department of Education; *or*

ii. of the maritime training program offered by the institution from either:

A. the State Apprenticeship Agency (SAA) in accordance with 29 CFR part 29,

B. the State's Department of Education or equivalent State agency,

C. the United States Coast Guard (USCG), or

D. other appropriate external review body which is specifically authorized to review and validate post-secondary education programs and is acceptable to MARAD.

c. As applicable, maintain USCG approval for the merchant mariner training program and/or merchant mariner training course(s) offered by the institution.

d. Provide data and statistics to demonstrate institutional and/or program effectiveness. This should include, but is not limited to, recruitment data, past/current enrollment (trends), attrition rates, student program completion data, post-program job and placement statistics (to the extent available to the institution), and program effectiveness feedback from students, faculty, alumni, and other stakeholders.

e. As applicable, maintain authorization and/or endorsement of the program and/or course(s) by an applicable professional society or industry body (including, but not limited to Welding, Electrician, Electronics, Maritime Construction, Maritime Logistics, Maritime Systems, etc.) to issue industry accepted

certifications that reflect professional recognition of the level of educational or technical skill achievement.

II. Additional factors to be considered include the following qualitative attributes fostered by the institution:

a. Supporting workforce needs of the local, state, or regional economy;

b. Promoting diversity, equity, inclusion, and accessibility within the institution, including among the student body, faculty, and staff;

c. Building Science, Technology, Engineering, and Math (STEM) competencies of local/future workforce through maritime programs to meet emerging local, regional, and national economic interests;

d. Offering a broad-based curriculum and stackable credentials where applicable;

e. Engaging and/or collaborating with the maritime industry including, but not limited to employers, associations, and other industry organizations or partners;

f. Engaging and/or collaborating with employer-led maritime training practices and programs through Sector Partnerships as authorized in the 2014 Workforce Innovation and Opportunity Act Section 3(26);

g. Engaging and/or collaborating with local and regional maritime high schools or other high schools with maritime, maritime related, Career Technical Education (CTE) or STEM programs;

h. Engaging and/or collaborating with maritime academies as appropriate and other applicable institutions or organizations for advanced proficiency and higher education; and

i. Conducting other significant domestic maritime workforce development related activities.

3. What agreement may MARAD execute with a designated CoE?

Designation as a CoE does not entitle any entity to any federal funding and does not necessarily lead to a cooperative agreement with MARAD. The Maritime Administrator, or designee, may enter into a cooperative agreement with a CoE to support maritime workforce training and education, including but not limited to, efforts of the CoE to:

a. Recruit, admit, and train students;

b. Recruit and train faculty;

c. Expand or enhance facilities;

d. Create new maritime career pathways;

e. Award students credit for prior experience, including military service;

f. Expand and improve employer-led maritime training practices and programs through the establishment of Sector Partnerships as authorized in the 2014 Workforce Innovation and Opportunity Act Section 3(26); and

g. Conduct such other CoE activities that are determined by MARAD to further maritime workforce training and education.

4. What specific assistance may MARAD offer to a designated CoE under a Cooperative Agreement?

By entering into a cooperative agreement, MARAD may be able to offer the following types of assistance:

a. Donation of surplus equipment to CoEs that also meet the requirements of 46 U.S.C. 51103(b)(2)(C);

b. Temporary use of MARAD vessels and assets for indoctrination, training, and assistance, subject to availability and approval by MARAD and the Department of Defense when applicable. For any CoE requests relating to temporary use of a MARAD Training Ship operated by a State Maritime Academy, the MARAD approval process will include consultation with that Academy;

c. Availability of MARAD subject matter experts to address students when feasible; and

d. Funding, to the extent such funds are properly appropriated and made available for this purpose.

Implementation and Administration

MARAD will evaluate the applicant's supporting documentation and either approve or disapprove the request for designation. During the evaluation of the application and the documentation, MARAD may request clarifications or additional information from the applicant. Upon approval, the Maritime Administrator or his/her designee will make a designation. MARAD will thereafter publish the CoE's name and contact information on its website. After issuance of the designation, MARAD may enter into a cooperative agreement with the CoE.

5. When and where should I submit my application for designation?

a. MARAD will publish notifications in the **Federal Register** and on its website indicating the application period for the next designation cycle. Anticipated time frame for application invitation announcement is early summer, with application submission expected within 60 days of announcement. Applicants will be provided 60 days to prepare and submit their applications.

b. An eligible training entity seeking designation as a CoE may submit applications, including all supporting information and documents, by email to *CoEDMWTE@dot.gov* or, by mail addressed as follows: Department of Transportation, Maritime Administration, Deputy Associate Administrator for Maritime Education and Training, Attention: CoE Designation Program, 1200 New Jersey Ave. SE, Washington, DC 20590.

6. How will I know the outcome of my designation request application?

MARAD will notify each applicant of the status of their designation request. During the evaluation period, MARAD may request clarification or additional information from the applicant.

7. Does my CoE designation expire?

Yes. CoE designation is valid only for the period of the program year and until the next round of designees is named. CoE designations are identified by year (*e.g.,* X has been designated a Center of Excellence for Domestic Maritime Workforce Training and Education for 2021). Successful applicants from one designation cycle are encouraged to reapply during any subsequent designation cycle.

How To Apply for a CoE Designation

8. What should be included in my CoE Designation Application?

Special Instructions: To assist MARAD in its review of your application and to ensure that your application is identified as complete, your institution should provide only concise and relevant information and supporting documentation to demonstrate your eligibility and compliance with the statutory designation criteria. To that end, MARAD encourages your institution to ensure that each responsive section and each page of any document or enclosure in your application clearly references the question number(s) and section(s) listed in this guidance and or the statute. See the examples that follow:

Example 1. ''*Mar Ex*'' *is eligible for the CoE program as a community college. (Q3). Please find enclosed our Articles of Incorporation, Certificate of Status, State supervision and validation document. (Q3, a, b, c).*

Example 2. ''*Mar Ex*'' *is enclosing the following supporting documents to demonstrate that our Maritime Training Center offers Afloat Track programs and that we are State accredited. (Q5, Section b): U.S. Department of Education Accrediting Agency XYZ accreditation (Q5, Section b,ii,B).*

Note: MARAD will host two (2) ''Center of Excellence Application'' sessions to provide guidance to prospective applicants on the content of this **Federal Register** notice. The dates and times of these sessions will be announced on the MARAD CoE homepage

within forty-eight (48) hours of the publication of this Notice of Opportunity to Apply. Attendance at either of these information sessions is entirely voluntary and not a requirement of the application process.

Information To Include in Your Application

All submitted documents should clearly reference the question number(s) and section(s) listed in this guidance and/or the statute.

1. Letter applying for CoE designation from the Chief Executive of the applicant institution.

2. Applicant contact information:

a. Legal name of applicant institution and address.

b. Chief executive's name, position title, address, phone number(s) and email.

c. Points of contact (POC) name(s), position titles, phone number(s), emails.

3. Indicate if the applicant institution is claiming eligibility for the CoE program as a ''Community or Technical College'' or ''Maritime Training Center'', and submit the following supporting information and documents:

a. Charter, Articles of Incorporation, Certificate of Incorporation, or equivalent, if applicable.

b. Certificate of Status (also known as Certificate of Existence or Certificate of Good Standing), a document issued by a State official (usually the Secretary of State), if applicable.

c. State operation or State supervision validation documents, if applicable.

d. Non-Profit certification, if applicable.

e. Accreditation approval letter(s) from an accrediting agency(ies).

f. Approval letter from a State Apprenticeship Agency (SAA) in accordance with 29 CFR part 29, if applicable.

g. Approval letter from the State's Department of Education or equivalent State agency, if applicable.

h. Approval letter from the United States Coast Guard (USCG), if applicable.

i. ISO 9001 or other quality management certification (Maritime Training Centers only), if applicable.

j. Data and statistics to demonstrate institutional effectiveness. This should include, but not be limited to, recruitment data, past/current enrollment (trends), attrition rates, student program completion data, post-program job and placement statistics (to the extent available to the institution), and program effectiveness feedback from students, faculty, alumni, and other stakeholders.

Note: This information corresponds to the types of data commonly collected annually as part of a higher education institution's Performance Accountability Report (PAR).

4. Indicate the total number of Afloat Career preparation tracks and/or the total number of Ashore Career preparation tracks your institution offers in the United States Maritime Industry and submit the following supporting information:

a. Program summary;

b. A description of applicable courses offered (only relevant maritime related program-specific pages from the catalogue);

c. If applicable, letters of authorization and/or endorsement of the course/program and/or course(s) by an applicable professional society or industry body (including, but not limited to Welding, Electrician, Electronics, Maritime Construction, Maritime Logistics, Maritime Systems, etc.) to issue industry accepted certifications that reflect a professionally recognized level of educational or technical skill achievement; and

d. Any other relevant supporting documentation.

Note: Applicant institutions offering both Ashore and Afloat Career tracks should submit supporting information for both tracks.

5. Applicant institutions offering Afloat Career and/or Ashore Career tracks should indicate that they have satisfied accreditation requirements, as set forth below:

a. ''Community and Technical Colleges'' hold current accreditation of the institution from a Regional Accreditation Agency or a Nationally Recognized Agency on the list of Accrediting Agencies approved by the U.S. Department of Education.

b. ''Maritime Training Centers'' hold current accreditation—

i. either of the institution from a Regional Accreditation Agency or a Nationally Recognized; Agency on the list of Accrediting Agencies approved by the U.S. Department of Education; or

ii. of the maritime training program offered by the institution from one or more of the following:

A. a State Apprenticeship Agency (SAA) in accordance with 29 CFR part 29,

B. the State's Department of Education or equivalent State agency,

C. the United States Coast Guard (USCG), if applicable; or

D. other appropriate external review body which is specifically authorized to review and validate post-secondary education programs and is acceptable to MARAD.

6. All applicant institutions should submit a brief narrative statement * for one or more qualitative attributes fostered by the institution to accomplish the following:

a. Support the workforce needs of the local, state, or regional economy;

b. Build the STEM (Science, Technology, Engineering, and Math) competencies of local/future workforce to meet emerging local, regional, and national economic interests;

c. Promote diversity, equity, inclusion, and accessibility within the institution, including among the student body, faculty, and staff;

d. Offer a broad-based curriculum and stackable credentials, where applicable;

e. Engage and/or collaborate with the maritime industry, including, but not limited to employers, associations, and other industry organizations or partners;

f. Engage and/or collaborate with employer-led maritime training practices and programs through Sector Partnerships as authorized in the 2014 Workforce Innovation and Opportunity Act Section 3(26);

g. Engage and/or collaborate with local and regional maritime high schools with maritime, maritime related, Career Technical Education (CTE) or STEM programs;

h. Engage and/or collaborate with maritime academies and other institutions or organizations for advanced proficiency and higher education; and

i. Conduct other significant domestic maritime workforce development related activities.

j. All applicant institutions may provide any relevant endorsements, awards, recognition, and significant accomplishments in support of their application.

*** Note:** As part of designation, CoE designee institutions are geolocated on MARAD's CoE Interactive Map located on the MARAD website. Aside from identifying geographic location, this map also provides a link to a landing page for each institution and a brief narrative statement, an Institution Overview, about each institution's maritime program. Applicants are encouraged to take into consideration that the information they submit for 6a-6j may serve dual purpose: application support and content for a one-page institutional overview that highlights your institution's achievements and aspirations.

Paperwork Reduction Act

The information collection requirements in the final CoE designation policy have been approved under information collection number 2133–0549 by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501, *et seq.* In accordance with 5 CFR

1320.5(b)(2)(i), persons are not required to provide information to the Government unless the information collection displays a current and valid OMB control number. This application process is operating under the following current and valid OMB control number: 2133–0549.

(Authority: The National Defense Authorization Act of 2018, Pub. L. 115–91 (December 12, 2017), 46 U.S.C. 51706, The Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35, as amended, 49 CFR 1.49)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–15389 Filed 7–18–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2022–0077]

Pipeline Safety: Meeting of the Liquid Pipeline Advisory Committee

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Transportation (DOT).

ACTION: Notice of advisory committee meeting.

SUMMARY: This notice announces a virtual public meeting of the Liquid Pipeline Advisory Committee (LPAC) to discuss the interim final rule (IFR) titled: ''Unusually Sensitive Areas for the Great Lakes, Coastal Beaches, and Certain Coastal Waters.''

DATES: PHMSA will hold a virtual public meeting on August 17, 2022. The LPAC will meet from 10:30 a.m. to 2:30 p.m. ET to discuss the IFR. Members of the public who wish to attend are asked to register no later than August 12, 2022. PHMSA requests that individuals who require accommodations because of a disability notify Tewabe Asebe at least five days prior to the meeting. Public comments on the proceedings of the LPAC meeting must be submitted by September 19, 2022.

ADDRESSES: The meeting will be held virtually. The agenda and any additional information, including information on how to participate in the virtual meeting will be published on the meeting website at *https://primis.phmsa.dot.gov/meetings/MtgHome.mtg?mtg=160.* Presentations will be available on the meeting website and on *https://www.regulations.gov/,* in docket number PHMSA–2022–0077 no later than 30 days following the meeting. You may submit comments, identified by Docket No. PHMSA–2022–0077, by any of the following methods:

- *Web: https://www.regulations.gov.* This site allows the public to enter comments on any **Federal Register** notice issued by any agency. Follow the online instructions for submitting comments.
- *Fax:* 1 (202) 493–2251.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building: Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building: Room W12–140, Washington, DC 20590–0001, between 9:00 a.m. and 5:00 p.m. ET Monday through Friday, except federal holidays.
- *Instructions:* Identify Docket No. PHMSA–2022–0077 at the beginning of your comments. If you submit your comments by mail, submit two copies. Internet users may submit comments at *https://www.regulations.gov.* If you would like confirmation that PHMSA received your comments, please include a self-addressed stamped postcard that is labeled ''Comments on PHMSA–2022–0077.'' The docket clerk will date stamp the postcard prior to returning it to you via the U.S. mail.
- *Note:* All comments received will be posted without edits to *https://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading for more information. Anyone can use the site to search all comments by the name of the submitting individual or, if the comment was submitted on behalf of an association, business, labor union, etc., the name of the signing individual. Therefore, please review the complete U.S. Department of Transportation Privacy Act Statement in the **Federal Register** (65 FR 19477) or the Privacy Notice at *https://www.regulations.gov* before submitting comments.
- *Privacy Act Statement:* DOT may solicit comments from the public regarding certain general notices. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at *www.dot.gov/privacy.*
- *Confidential Business Information:* Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments in response to this notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this notice, it is important that you clearly designate the submitted comments as CBI. Pursuant to 49 CFR 190.343, you may ask PHMSA to provide confidential treatment to information you give to the agency by taking the following steps: (1) mark each page of the original document submission containing CBI as ''Confidential;'' (2) send PHMSA a copy of the original document with the CBI deleted along with the original, unaltered document; and (3) explain why the information you are submitting is CBI. Submissions containing CBI should be sent to Tewabe Asebe, DOT, PHMSA, 1200 New Jersey Avenue SE, PHP–30, Washington, DC 20590–0001. Also, submission containing CBI can be emailed to Tewabe Asebe by encrypted email at *tewabe.asebe@dot.gov.* Any commentary PHMSA receives that is not specifically designated as CBI will be placed in the public docket.
- *Docket:* For access to the docket or to read background documents or comments, go to *https://www.regulations.gov.* Follow the online instructions for accessing the dockets. Alternatively, this information is available by visiting DOT at 1200 New Jersey Avenue SE, West Building: Room W12–140, Washington, DC 20590–0001, between 9:00 a.m. and 5:00 p.m. ET Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: Tewabe Asebe, Office of Pipeline Safety, by phone at 202–366–5523 or by email at *tewabe.asebe@dot.gov.*

SUPPLEMENTARY INFORMATION:

I. Meeting Agenda

On August 17, 2022, the LPAC will meet to discuss the IFR titled: ''Unusually Sensitive Areas for the Great Lakes, Coastal Beaches, and Certain Coastal Waters'' that PHMSA published in the **Federal Register** on December 27, 2021, (86 FR 73173). Comments that have been submitted on the IFR can be found on *https://www.regulations.gov* in Docket No. PHMSA–2017–0152. The LPAC will review the IFR and its associated regulatory analyses (including, but not limited to, the cost-benefit and risk assessment analyses within the IFR and the regulatory impact analysis; the environmental assessment; and other materials pertaining to the IFR provided in the public docket under PHMSA–2017–0152. PHMSA will post additional

details on the meeting website in advance of the meeting.

In the IFR, PHMSA amended the pipeline safety regulations in 49 CFR part 195 to explicitly state that certain coastal waters, the Great Lakes, and coastal beaches are classified as unusually sensitive areas for the purpose of compliance with the hazardous liquid integrity management regulations. The amendment implemented mandates contained in the Protecting our Infrastructure of Pipelines and Enhancing Safety (PIPES) Act of 2016, as amended by the PIPES Act of 2020. Under the IFR, a hazardous liquid pipeline that could affect these newly designated areas would have been included in an operator's integrity management program. PHMSA requested public comments with a submission deadline of February 25, 2022. PHMSA received four comments on the IFR. Following the meeting, PHMSA will publish a final rule that addresses the comments received and relevant information from the LPAC meeting report.

II. Background

The LPAC is a statutorily mandated advisory committee that provides PHMSA and the Secretary of Transportation with recommendations on proposed standards for the transportation of hazardous liquids by pipeline. The committee was established in accordance with 49 U.S.C. 60115 and the Federal Advisory Committee Act, as amended (5 U.S.C. App. 2), to review PHMSA's regulatory initiatives and determine their technical feasibility, reasonableness, cost-effectiveness, and practicability. The committee consists of 15 members, with membership evenly divided among federal and state governments, regulated industry, and the general public.

III. Public Participation

The meeting will be open to the public. Members of the public who wish to attend virtually must register on the meeting website and include their names and affiliations. PHMSA will provide members of the public with opportunities to make a statement during this meeting. Additionally, PHMSA will record the meeting and post a record to the public docket. PHMSA is committed to providing all participants with equal access to this meeting. If you need an accommodation because of a disability, please contact Tewabe Asebe by phone at 202–366–5523 or by email at *tewabe.asebe@dot.gov.*

PHMSA is not always able to publish a notice in the **Federal Register** quickly enough to provide timely notice regarding last-minute issues that impact a previously announced advisory committee meeting. Therefore, individuals should check the meeting website or contact Tewabe Asebe regarding any possible changes.

Issued in Washington, DC, on July 13, 2022, under authority delegated in 49 CFR 1.97.

Alan K. Mayberry,

Associate Administrator for Pipeline Safety.

[FR Doc. 2022–15299 Filed 7–18–22; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF THE TREASURY

Community Development Financial Institutions Fund

Funding Opportunity: Community Development Financial Institutions Fund

Funding Opportunity Title: Change to Notice of Funds Availability (NOFA) inviting Applications for grants under the CDFI Equitable Recovery Program (CDFI ERP).

Announcement Type: Change of Application deadline and other key deadlines; technical correction related to eligibility requirements.

Catalog of Federal Domestic Assistance (CFDA) Number: 21.033.

Executive Summary: On June 24, 2022, the Community Development Financial Institutions Fund (CDFI Fund) published a Notice of Funds Availability (NOFA) for grants under the CDFI Equitable Recovery Program (CDFI ERP) in the **Federal Register** (87 FR 37912, June 24, 2022) announcing the availability of approximately $1.73 billion in grants, pursuant to § 523 (Section 523) of Division N of the Consolidated Appropriations Act, 2021 (Pub. L. 116–260). The CDFI Fund is issuing this notice to amend the below six deadlines contained within the NOFA. The revised deadlines are listed in Table A.

TABLE A—REVISED DEADLINES FOR CDFI ERP APPLICANTS

Description	Original deadline	Revised deadline
Submit OMB Standard Form-424 Mandatory (Application for Federal Assistance) (SF–424).	11:59 p.m. Eastern Time (ET) on July 26, 2022.	11:59 p.m. ET on August 18, 2022.
Enter Employer Identification Number (EIN) and Unique Entity Identifier (UEI) numbers in AMIS.	11:59 p.m. ET on July 26, 2022	11:59 p.m. ET on August 18, 2022.
Last day to contact CDFI Fund with questions about the CDFI ERP	5:00 p.m. ET on August 19, 2022	5:00 p.m. ET on September 20, 2022.
Last day to contact CDFI Fund with questions about Compliance or CDFI Certification.	5:00 p.m. ET on August 19, 2022	5:00 p.m. ET on September 20, 2022.
Last day to contact AMIS–IT Help Desk (regarding AMIS technical problems only).	5:00 p.m. ET on August 23, 2022	5:00 p.m. ET on September 22, 2022.
Submit complete CDFI ERP Application Package	11:59 p.m. ET on August 23, 2022	11:59 p.m. ET on September 22, 2022.

All other deadlines shall remain in accordance with the NOFA published on June 24, 2022.

Additionally, the CDFI Fund is issuing a technical correction to one of the eligibility requirements outlined in Table 3 of the NOFA published on June 24, 2022. The NOFA requires that each ''Applicant has audited financial statements encompassing its two most recent historic fiscal years prior to the publication date of this NOFA.'' The CDFI Fund adds the following clarification to this requirement:

If, for any reason, the audit for the Applicant's most recent historic fiscal year is not complete as of the due date of the AMIS Application, the Applicant must have audited financial statements for its two historic fiscal years prior to the most recent historic fiscal year. A Regulated Institution that files call reports to its regulator is exempt from the requirement to have audits.

To correspond with this correction, Table 4 in the NOFA, outlining required Application documents and attachments, is edited to reflect which attachments are required. For loan funds, venture funds, and other non-regulated institutions, if the audit for the Applicant's most recent historic fiscal year is not complete as of the due date of the AMIS Application, the Applicant should attach audited financial statements encompassing its

two historic fiscal years prior to the most recent historic fiscal year.

Capitalized terms used but not defined in the NOFA are defined in the Regulations, the Application, the Application Materials, or the Uniform Requirements. All other information and requirements set forth in the NOFA published on June 24, 2022, shall remain effective, as published.

I. Agency Contacts

A. General information and CDFI Fund support: The CDFI Fund will respond to questions concerning the NOFA and the Application between the hours of 9:00 a.m. and 5:00 p.m. Eastern Time, starting on the date that the NOFA was published through the dates listed in this notice. The CDFI Fund strongly recommends Applicants submit questions to the CDFI Fund via an AMIS service request for the CDFI ERP, Office of Certification Evaluation and Policy, the Office of Compliance Monitoring and Evaluation, or IT Help Desk. The CDFI Fund will post on its website information to clarify the NOFA and Application. Other information regarding the CDFI Fund and its programs may be obtained from the CDFI Fund's website at *http://www.cdfifund.gov.*

B. The CDFI Fund's contact information is as follows:

TABLE B—CONTACT INFORMATION

Type of question	Preferred method	Telephone No. (not toll free)	Email addresses
CDFI ERP Questions	Service Request via AMIS	202–653–0421	*erp@cdfi.treas.gov.*
CDFI Certification	Service Request via AMIS	202–653–0423	*ccme@cdfi.treas.gov.*
Compliance Monitoring and Evaluation	Service Request via AMIS	202–653–0423	*ccme@cdfi.treas.gov.*
AMIS—IT Help Desk	Service Request via AMIS	202–653–0422	*AMIS@cdfi.treas.gov.*

C. Communication with the CDFI Fund: The CDFI Fund will use the contact information in AMIS to communicate with Applicants and Recipients. It is imperative therefore, that Applicants, Recipients, Subsidiaries, Affiliates, and signatories maintain accurate contact information in their accounts. This includes information such as contact names (especially for the Authorized Representative), email addresses, fax and phone numbers, and office locations. For more information about AMIS, please see the AMIS Landing Page at *https://amis.cdfifund.gov.*

Authority: Pub L. 116–260; 12 U.S.C. 4701, *et seq.;* 12 CFR parts 1805 and 1815; 2 CFR part 200.

Jodie L. Harris,

Director, Community Development Financial Institutions Fund.

[FR Doc. 2022–15357 Filed 7–14–22; 11:15 am]

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DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

[Docket ID: OCC–2022–0013]

Mutual Savings Association Advisory Committee and Minority Depository Institutions Advisory Committee; Request for Nominations

AGENCY: Office of the Comptroller of the Currency, Department of the Treasury (OCC).

ACTION: Request for nominations.

SUMMARY: The OCC is seeking nominations for members of the Mutual Savings Association Advisory Committee (MSAAC) and the Minority Depository Institutions Advisory Committee (MDIAC). The MSAAC and the MDIAC assist the OCC in assessing the needs and challenges facing mutual savings associations and minority depository institutions, respectively. The OCC is seeking nominations of individuals who are officers and/or directors of federal mutual savings associations, or officers and/or directors of federal stock savings associations that are part of a mutual holding company structure, to be considered for selection as MSAAC members. The OCC also is seeking nominations of individuals who are officers and/or directors of OCC-regulated minority depository institutions, or officers and/or directors of other OCC-regulated depository institutions with a commitment to supporting minority depository institutions, to be considered for selection as MDIAC members.

DATES: Nominations must be received on or before September 6, 2022.

ADDRESSES: Nominations of MSAAC members should be sent to *msaac.nominations@occ.treas.gov* or mailed to: Michael R. Brickman, Deputy Comptroller for Thrift Supervision, 400 7th Street SW, Washington, DC 20219.

Nominations of MDIAC members should be sent to *mdiac.nominations@occ.treas.gov* or mailed to: Beverly F. Cole, Acting Senior Deputy Comptroller for Midsize and Community Bank Supervision, 400 Seventh Street SW, Washington DC, 20219.

FOR FURTHER INFORMATION CONTACT:

For inquires regarding the MSAAC, Michael R. Brickman, Deputy Comptroller for Thrift Supervision: *msaac.nominations@occ.treas.gov* or (202) 649–5420.

For inquires regarding the MDIAC, Beverly F. Cole, Acting Senior Deputy Comptroller for Midsize and Community Bank Supervision: *mdiac.nominations@occ.treas.gov* or (202) 649–5420.

SUPPLEMENTARY INFORMATION: The MSAAC and the MDIAC are administered in accordance with the Federal Advisory Committee Act, 5 U.S.C. App. 2. The MSAAC advises the OCC on meeting the goals established by section 5(a) of the Home Owners' Loan Act, 12 U.S.C. 1464. The MSAAC advises the OCC regarding mutual savings associations on means to: (1) provide for the organization, incorporation, examination, operation and regulation of associations to be known as federal savings associations (including federal savings banks); and (2) issue charters therefore, giving primary consideration of the best practices of thrift institutions in the United States. The MSAAC helps meet those goals by providing the OCC with informed advice and recommendations regarding the current and future circumstances and needs of mutual savings associations. The MDIAC advises the OCC on ways to meet the goals established by section 308 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, Public Law 101–73, Title III, 103 Stat. 353, 12 U.S.C. 1463 note. The goals of section 308 are to preserve the present number of minority institutions, preserve the minority character of minority-owned institutions in cases involving mergers or acquisitions, provide technical assistance, and encourage the creation of new minority institutions. The

MDIAC helps the OCC meet those goals by providing informed advice and recommendations regarding a range of issues involving minority depository institutions. Nominations should describe and document the proposed member's qualifications for MSAAC or MDIAC membership, as appropriate. Existing MSAAC or MDIAC members may reapply themselves or may be renominated. The OCC will use this nomination process to achieve a balanced advisory committee membership and ensure that diverse views are represented among the membership of officers and directors of mutual and minority institutions. The MSAAC and MDIAC members will not be compensated for their time but will be eligible for reimbursement of travel expenses in accordance with applicable federal law and regulations.

Michael J. Hsu,

Acting Comptroller of the Currency.

[FR Doc. 2022–15296 Filed 7–18–22; 8:45 am]

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DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

[Docket ID OCC–2022–0012]

Minority Depository Institutions Advisory Committee

AGENCY: Office of the Comptroller of the Currency (OCC), Department of the Treasury.

ACTION: Notice.

SUMMARY: The OCC has determined that the renewal of the charter of the OCC Minority Depository Institutions Advisory Committee (MDIAC) is necessary and in the public interest. The OCC hereby gives notice of the renewal of the charter.

DATES: The charter of the OCC MDIAC has been renewed for a two-year period that began on June 23, 2022.

FOR FURTHER INFORMATION CONTACT: Beverly F. Cole, Acting Senior Deputy Comptroller for Midsize and Community Bank Supervision and Designated Federal Officer, (202) 649–5420, Office of the Comptroller of the Currency, 400 Seventh Street SW, 20219.

SUPPLEMENTARY INFORMATION: Notice of the renewal of the MDIAC charter is hereby given, with the approval of the Secretary of the Treasury, pursuant to section 9(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. The Comptroller of the Currency has determined that the renewal of the MDIAC charter is necessary and in the public interest to provide advice and information about the current circumstances and future development of minority depository institutions, in accordance with the goals established by section 308 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA), Public Law 101–73, Title III, 103 Stat. 353, 12 U.S.C. 1463 note, which are to preserve the present number of minority depository institutions, preserve the minority character of minority depository institutions in cases involving mergers or acquisitions, provide technical assistance, and encourage the creation of new minority depository institutions.

Michael J. Hsu,

Acting Comptroller of the Currency.

[FR Doc. 2022–15297 Filed 7–18–22; 8:45 am]

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DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

[Docket ID OCC–2022–0014]

Mutual Savings Association Advisory Committee; Charter Renewal

AGENCY: Department of the Treasury, Office of the Comptroller of the Currency (OCC).

ACTION: Notice.

SUMMARY: The OCC has determined that the renewal of the charter of the OCC Mutual Savings Association Advisory Committee (MSAAC) is necessary and in the public interest. The OCC hereby gives notice of the renewal of the charter.

DATES: The charter of the OCC MSAAC has been renewed for a two-year period that began on June 23, 2022.

FOR FURTHER INFORMATION CONTACT: Michael R. Brickman, Deputy Comptroller for Thrift Supervision and Designated Federal Officer, 202–649–5420, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Notice of the renewal of the MSAAC charter is hereby given, with the approval of the Secretary of the Treasury, pursuant to section 9(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. 2. The Comptroller of the Currency has determined that the renewal of the MSAAC charter is necessary and in the public interest in order to provide advice and information concerning the condition of mutual savings associations, the regulatory changes or other steps the OCC may be able to take to ensure the health and viability of mutual savings associations, and other issues of concern to mutual savings associations, all in accordance with the goals of Section 5(a) of the Home Owners' Loan Act, 12 U.S.C. 1464.

Michael J. Hsu,

Acting Comptroller of the Currency.

[FR Doc. 2022–15298 Filed 7–18–22; 8:45 am]

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FEDERAL REGISTER

Vol. 87 Tuesday,
No. 137 July 19, 2022

Part II

Department of Housing and Urban Development

24 CFR Parts 3280, 3282, 3285, et al.
Manufactured Home Construction and Safety Standards; Proposed Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Parts 3280, 3282, 3285, and 3286

[Docket No. FR–6233–P–01]

RIN 2502–AJ58

Manufactured Home Construction and Safety Standards

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend the Federal Manufactured Home Construction and Safety Standards (the Construction and Safety Standards) by adopting the fourth and fifth group of recommendations made to HUD by the Manufactured Housing Consensus Committee (MHCC). This rule would also amend the Manufactured Home Procedural and Enforcement Regulations, the Model Manufactured Home Installation Standards and the Manufactured Home Installation Program regulations. The National Manufactured Housing Construction and Safety Standards Act of 1974 (the Act), as amended by the Manufactured Housing Improvement Act of 2000, requires HUD to publish in the **Federal Register** any proposed revised Construction and Safety Standard submitted by the MHCC. The MHCC has prepared and submitted to HUD its fourth and fifth groups of recommendations to improve various aspects of the Construction and Safety Standards. HUD has reviewed those proposals and has made a number of editorial revisions to them. These recommendations are being published to provide notice of the proposed revisions and an opportunity for public comment.

DATES: *Comment Due Date:* September 19, 2022.

ADDRESSES: Interested persons are invited to submit comments regarding this rule to the Office of General Counsel, Regulations Division, Department of Housing and Urban Development, 451 7th Street SW, Room 10276, Washington, DC 20410–0500. All submissions should refer to the above docket number and title. Submission of public comments may be carried out by hard copy or electronic submission.

1. Submission of Hard Copy Comments. Comments may be submitted by mail or hand delivery. Each commenter submitting hard copy comments, by mail or hand delivery, should submit comments to the address above, addressed to the Regulations Division. Due to security measures at all federal agencies, submission of comments by mail often results in delayed delivery. To ensure timely receipt of comments, HUD recommends that any comments submitted by mail be submitted at least 2 weeks in advance of the public comment deadline. All hard copy comments received by mail or hand delivery are a part of the public record and will be posted to *www.regulations.gov* without change.

2. Electronic Submission of Comments. Interested persons may submit comments electronically through the Federal eRulemaking Portal at *www.regulations.gov.* HUD strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt by HUD, and enables HUD to make them immediately available to the public. Comments submitted electronically through the *www.regulations.gov* website can be viewed by other commenters and interested members of the public. Commenters should follow the instructions provided on that site to submit comments electronically.

Note: To receive consideration as public comments, comments must be submitted through one of the two methods specified above. Again, all submissions must refer to the docket number and title of the rule.

3. No Facsimile Comments. Facsimile (FAX) comments are not acceptable.

4. Public Inspection of Public Comments. All properly submitted comments and communications submitted to HUD will be available for public inspection and copying between 8 a.m. and 5 p.m. weekdays at the above address, or at *www.regulations.gov.* HUD strongly encourages the public to view the docket file at *www.regulations.gov.* Due to security measures at the HUD Headquarters building, an advance appointment to review the public comments must be scheduled by calling the Regulations Division at 202–402–3055 (this is not a toll-free number). Individuals with speech or hearing impairments may access this number via TTY by calling the Federal Relay Service at 800–877–8339 (this is a toll-free number). Copies of all comments submitted are available for inspection and downloading at *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Teresa B. Payne, Administrator, Office of Manufactured Housing Programs, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; telephone (202) 402–2698 (this is not a toll-free number). Persons with hearing or speech impairments may access this number via TTY by calling the Federal Relay Service at (800) 877–8389 (this is a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

The National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401–5426) (the Act) authorizes HUD to establish and amend the Federal Manufactured Home Construction and Safety Standards (the Construction and Safety Standards or MHCSS) codified in title 24 of the Code of Federal Regulations (CFR), part 3280. The Act was amended by the Manufactured Housing Improvement Act of 2000 (Pub. L. 106–569, Approved December 27, 2000) which expanded the purposes of the Act, created the Manufactured Housing Consensus Committee (MHCC), a consensus committee responsible for providing HUD recommendations to adopt, revise and interpret HUD's Construction and Safety Standards, and established the MHCC and regulatory development process. HUD's Construction and Safety Standards only apply to the design, construction, and installation of new manufactured homes.

The MHCC held its first meeting in August of 2002 and began work on reviewing possible revisions to the Construction and Safety Standards. The MHCC developed its own priorities for preparing proposed revisions for HUD to consider. As the MHCC proceeded, proposed revisions to the Construction and Safety Standards were divided into sets.

This proposed rule is based on the fourth and fifth sets of MHCC recommendations to improve various aspects of the Construction and Safety Standards. HUD reviewed those recommendations submitted by the MHCC and adopted them after making editorial revisions and some additions. The following is a discussion of the specific revisions to the Construction and Safety Standards that are included in this proposed rule.

II. Proposed Changes

The proposed rule would revise 24 CFR part 3280, the Construction and Safety Standards, and would also revise the incorporated by reference standards, where indicated. It also proposes revisions to HUD's Procedural and Enforcement Regulations (24 CFR part 3282), Model Manufactured Home Installation Standards (24 CFR part 3285), and Manufactured Home

Installation Program (24 CFR part 3286). Many of the proposed changes would codify existing building practices or conform HUD standards to other existing residential building codes. As identified in the summary table below, HUD has identified eight (8) standards in this proposed rule that would have an economic impact on the production costs of manufactured homes: changes to allowed moisture content of treated lumber, modifications to the temperature ratings for air ducts, adding a requirement for the water resistive barrier, modifications to kitchen cabinet fire protection, changes to the maximum distance from the fixture trap to vent, under-chassis line-voltage wiring protection, updated reference standards allowing reduced design values for certain lumber, and modifications to structural design requirements for attics. HUD is requesting comment whether any of the other proposed changes would have an economic impact or impose additional costs on the production of manufactured housing, specifically on the analysis supporting this proposed rule and the assumptions used.

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Table 1. Summary of Proposed Changes by MHCC Log Item and Projected Economic Impacts

Table 1 – Summary of Proposed Changes and Projected Economic Impacts					
HUD Ref. #	**Log Item**	Reference	**Description**	**Economic Impact on Production Costs**	**Summary and Benefits**
1	# 78	§ 3280.304(a) Materials	Provide for moisture content of pressure treated lumber to be used for exterior purposes.	X (Decrease)	Decreases construction costs. Lumber prices are highly variable. Results in minimal time savings.
2	# 88	§ 3280.715(a) Circulating air systems	Air ducts temperature ratings.	X (Decrease)	Decreases construction costs. Increases options for design.
3	# 91	§ 3280.603(b)(4)(ii) Freezing §3285.603(d)(3) Use of heat tape or pipe heating cable	Piping manufacturer installation instructions statement.		No calculable cost impact. Increases options for design.
4	# 92	§ 3280.709(a) Installation of appliances	Installed appliances manufacturer's instructions.		No calculable cost impact but would decrease manufacturer costs with time savings. Eliminates duplication.
5	# 93	§ 3280.709(g) Installation of appliances § 3285.503(b) Fireplaces and wood stoves.	Fireplaces and wood stoves.		No cost impact. Increases options for consumers and manufacturers.
6	# 94	§ 3280.707(a) Heat Producing Appliances	Heat producing appliances and vents.		No calculable cost impact. Increases options for manufacturers and may reduce utility costs for consumers.

7	# 95	§ 3280.102 Definitions § 3280.103 Light and ventilation	Ventilation.		No cost impact. Potential to reduce costs during design stage.
8	# 98	§ 3280.307 Resistance to elements and use	Resistance to elements and use – water resistive barrier.	X (Increase)	Increases construction costs . Increases home resiliency for consumers.
9	# 100	§ 3280.203 Flame spread limitations and fire protection requirements § 3280.204 Kitchen cabinet protection	Kitchen cabinet fire protection.	X (Decrease)	Decreases construction costs. Increases fire safety where range hood finishes are used.
10	# 101	§ 3280.611(c) Vents and venting, size of vent piping	Maximum distance of fixture trap to vent.	X (Decrease)	Decreases construction costs. Affords more flexibility in designing circuit vents for floorplans. Aligns with industry standards.
11	# 103	§ 3280.808(k) Wiring in wet locations	Under-chassis line-voltage wiring protection.	X (Decrease)	Decreases construction costs. and streamlines site installation efforts.
12	# 104	§ 3285.5 Definitions § 3285.801(f) Hinged roofs and eaves	Peak cap and peak flip roof assemblies.		No cost impact. May streamline site installation efforts.
13	# 107	§ 3280.2 Definitions	Certification label.		No cost impact. Editorial changes.
14	# 108	§ 3280.607(b)(3) Shower compartment	Shower compartment.		No calculable cost impact. Increases consumer options. Reduces burden by eliminating need for AC letter.
15	# 112	§ 3280.4 Incorporation by reference	Contact information for AHRI.		No cost impact
16	# 113	§ 3280.4 Incorporation by Reference	Reference to AHRI 210/240, Unitary Air-Conditioning & Air-Source Heat Pump Equipment.		No cost impact. Aligns MHCSS with more current industry standards.
17	# 114	§ 3280.4 Incorporation by reference	Reference to ANSI Z21.47, Gas Fired Central Furnaces.		No cost impact. Aligns MHCSS with more current industry standards.
18	# 115	§ 3280.4 Incorporation by reference	Reference to UL 1995, Heating and Cooling Equipment.		No cost impact. Aligns MHCSS with more current industry standards.
19	# 116	§ 3280.4 Incorporation by reference	Reference to NFPA 54, National Fuel Gas Code.		No cost impact. Aligns MHCSS with more current industry standards.

20	# 117	§ 3280.4 Incorporation by reference	Reference to NGPA 90B, Warm Air Heating and Air Conditioning Systems.		No cost impact. Aligns MHCSS with more current industry standards.
21	# 118	§ 3280.4 Incorporation by reference § 3280.703 Minimum Standards	Reference to UL 60335-2-4, Safety of Houschold and Similar Electronic Appliances.		No cost impact. Aligns MHCSS with more current industry standards.
22	# 124	§ 3280.714 Appliances, Cooling	AHRI 210/240 in section on appliances, cooling.		No calculable cost impact. Aligns MHCSS with more current industry standards.
23	# 125	§ 3280.714 Appliances, Cooling	Heat pump Coefficient of Performance (COP) ratios.		No calculable cost impact. Aligns MHCSS with current federal minimum efficiency standards.
24	# 128	§ 3280 Subpart A - General (§§ 3280.2, 3280.4 and 3280.5) § 3280 Subpart B – Planning Considerations (§§ 3280.103(b), 3280.105(a), 3280.109(a) and 3280.115) § 3280 Subpart C – Fire Safety (§§ 3280.203, 3280.204, 3280.214, 3280.215, and 3280.216) § 3280 Subpart F – Thermal Protections (§§ 3280.510 and 3280.511) § 3280 Subpart G – Plumbing Systems (§§ 3280.603 and 3280.609(a)(2)) § 3280 Subpart H – Heating, Cooling and Fuel Burning	Multi-dwelling unit manufactured homes.		No calculable cost impact. Increases consumer options.

		Systems (§ 3280.705(j)) § 3280 Subpart I – Electrical Systems (§§ 3280.802 and 3280.805) § 3285.603 Water Supply			
25	# 129	§ 3280 Subpart A – General (§ 3280.4) § 3280.304 Materials (Wood and Wood Products)	Reference to AWC National Design Specification for Wood Construction. (Refer to #57 of Table 2 of this preamble)	X (Increase)	Increases construction costs. Improves quality of homes for consumers and aligns manufactured housing code with site built construction standards.
26	# 130	§ 3280.105(a)(2)(i) Number and location of exterior doors	Exterior doors.		No calculable cost impact. Increases consumer options.
27	# 131	§ 3280.305(k)(2) Structural Design Requirements	Structural design requirements for attics.	X (Decrease)	Decreases construction costs. Clarifies existing provisions for attic design.
28	# 134	§ 3280.304(b)(1) Materials – Steel	Specification for Structural Steel Buildings.		No cost impact. Allows flexibility for structural engineers to use modern design format that may offer a more efficient solution.
29	# 135	§ 3285.603(e)(1) Water supply	Water system piping testing procedures.		Decreases on-site testing time.
30	# 136	§ 3286.205(d) Prerequisites for installation license	Prerequisites for installation license.		No calculable cost impact. Increases flexibility for installers.
31	# 137	§ 3286.207(d) Process for obtaining installation license	Process for obtaining installation license.		No calculable cost impact. Increases flexibility for installers.
32	# 138	§ 3286.209(b)(8)(vi) Denial, suspension, or revocation of installation license	Denial, suspension, or revocation of installation license.		No calculable cost impact. Increases flexibility for installers.
33	# 139	§ 3280.4 Reference Standards	Various reference specifications, standards, and codes.		No cost impact. Manufacturers and designers can use more recent publications and aligns MHCSS with more current industry standards.

34	# 201	§ 3280.403 Requirements for Windows 3280.404 Egress Window Systems 3280.405 Exterior passage doors	North American Fenestration Standard/Specification for windows, doors, and skylights.		No cost impact. Aligns MHCSS with more current industry standards.
35	# 141	§ 3286.409 Obtaining inspection	Obtaining inspection		No cost impact. Rule change clarifies MHCSS.
36	# 142	§ 3286.103 DAPIA-approved installation instructions.	DAPIA-approved installation instructions.		No cost impact. Rule change clarifies MHCSS and ensures consumers have necessary documentation regarding their homes.
37	# 143	§ 3280.711 Instructions	Appliance QR code.		Reduces paperwork and bookkeeping. Increases convenience for manufacturers and consumers.
38	# 144	§ 3280.304(b)(1) Materials – Steel, Wood, Unclassified	Standard for power driven staples and nails.		No cost impact. Adds option for ICC codes to be used for a baseline for compliance to help streamline compliance and aligns standards with common construction practices.
39	# 145	§ 3280.5(i) Data plate	Data plate.		No cost impact.

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The following is a discussion of the specific revisions to the Construction and Safety Standards that are proposed by this rule.

A. General Update of the Standards and New Standards Incorporated by Reference

HUD proposes to revise the definitions for ''Certification label'' and ''Dwelling unit'' in § 3280.2 to correct references and clarify the criteria for defining dwelling units. HUD proposes to add additional definitions for ''Dwelling,'' ''Multipurpose fire sprinkler system,'' ''Stand-alone fire sprinkler system,'' and ''Water resistive barrier'' to further clarify terms regarding standards revisions and standards incorporated by reference that are recommended by the MHCC.

A significant goal of this proposed rule is to update standards incorporated by reference under § 3280.4 to align the regulations at 24 CFR part 3280 to more current building codes and practices. As a result, this rule proposes to revise 70 current standards, add 16 new standards, and incorporate by reference 2 standards in a new location, for a total of 88 standards, under § 3280.4 (see Table 2 for more detail and information). Notable changes to the reference standards being added or revised are updated references for unitary air-conditioning and air-source heat pump equipment (NSI/AHRI Standard 210/240–2008 with Addenda 1 and 2); gas fired central furnaces (ANSI Z21.47); heating and cooling equipment and systems (UL 1995); and safety of household and electronic appliances (UL 60335–2–34). New standards will allow for the use of more modern gas-fired appliances, such as tankless water heaters (ANSI Z21.10.3) and will eliminate the need for Alternative Construction (AC) letters in some cases. Many paragraphs within § 3280.4 are unchanged in content but are being revised to reflect a redesignated outline structure.

HUD also proposes to amend § 3280.5 to provide for multi-dwelling unit manufactured homes and reinforce the requirement for each manufactured home dwelling unit to bear a data plate and to include an updated statement on the Wind Zone Map that references an updated ASCE/SEI 7–05 standard for the anchoring and foundation system of the unit. Consistent with a 2015 determination made by the MHCC, HUD is proposing a maximum of three dwelling units for a multi-dwelling unit manufactured home. The MHCC based its determination on ensuring consistency with a similar state code. HUD is interested in public comment specific to this maximum provision for three dwelling units, including benefits and challenges if a four unit maximum were considered and how any conflict with differing state maximums would be handled. HUD is also making a conforming change to § 3282.8, by removing paragraph (l).

B. Planning Considerations

The proposed rule would amend § 3280.102 to add definitions for ''Air, exhaust,'' ''Air, outdoor,'' ''Exhaust system,'' ''Mechanical ventilation,'' ''Natural ventilation,'' ''Supply system,'' and ''Ventilation''. The proposed rule would clarify the terminology utilized for outlining the airflow and mechanical

ventilation system requirements for a manufactured home, which is described in the proposed paragraph changes under § 3280.103. The proposed changes would specify the allowance for local exhaust systems to be utilized in kitchens and bathrooms and clarify the distance requirement for range and cooktop exhaust systems to be located at no more than three (3) feet apart. HUD also is proposing to add clarifications regarding the airflow rating that should be utilized for design of a home, provided that duct sizing meets either prescriptive ANSI/ASHRAE standards or the ventilation system manufacturer's design criteria. The proposed changes would also make editorial revisions to §§ 3280.103, 3280.105, 3280.109 and 3280.115, accommodating design for multi-dwelling unit manufactured homes.

The proposed rule would amend the provisions for exit doors in § 3280.105 to accommodate open floorplans, update exterior door size requirements and would, in § 3280.112, establish a 30-inch minimum hallway size requirement for homes 14 feet in inside width or larger.

The proposed rule would amend § 3280.113 to reflect more current ANSI standards (ANSI Z97.1–2009) for safety glazing materials and establish new soundproofing requirements for multi-dwelling unit manufactured homes in a new section 3280.115.

C. Fire Safety

HUD is proposing to amend § 3280.203 to clarify that non-horizontal surfaces above the horizontal plane formed by the bottom of the range hood are not considered to be exposed surfaces subject to fire protective requirements. In § 3280.204, the proposed rule would also clarify the requirements for finish materials used in range hoods and establish a fire spread rating. The proposed rule is needed to ensure that the use of decorative range hood covers meet the fire safety standards in the Construction and Safety Standards. It is more stringent than model codes for site-built one-to-four single family housing, which contains no such requirement.

HUD is proposing to expand the fire safety subpart to include guidelines and requirements for the design and installation of fire sprinkler systems when a manufacturer chooses to install such a system as outlined in § 3280.214. While this proposed rule is not adding a requirement that fire sprinkler systems be installed, when a manufacturer installs a fire sprinkler system, this section would establish the requirements for the installation of the fire sprinkler system in a manufactured home. This section would apply to both stand-alone and multipurpose fire sprinkler systems that do not include the use of antifreeze. A back-flow preventer is not required to separate a stand-alone sprinkler system from the home's water distribution system.

The proposed rule would establish minimum requirements for the design of a fire sprinkler system itself to be in accordance with NFPA 13D (proposed for incorporation by reference in proposed § 3280.4) or equivalent. The proposed rule would outline required sprinkler locations, excepting specific areas within a manufactured home, temperature ratings and separation from heat sources, installation requirements for freezing conditions, and the maximum areas of coverage for a single sprinkler head. The proposed rule would also establish requirements for installation practices, piping support and sizing standards to achieve minimum pressure requirements, shutoff valves, drainage, minimum flow, design flow rates, and operational testing. The proposed rule would also require the manufacturer to permanently affix a Fire Sprinkler System Certificate adjacent to the data plate and specify on the Fire Sprinkler System Certificate the minimum required pressure in pounds per square inch (psi) and flow rate for the water supply system. This proposal was not specifically recommended by the MHCC but added by HUD to support the addition of the requirements proposed for multi-dwelling unit manufactured homes.

Per MHCC recommendations, HUD is also proposing to add new fire safety requirements for multi-dwelling unit manufactured homes in § 3280.215. In manufactured homes with more than one dwelling unit, each dwelling unit must be separated from each other by wall and floor assemblies having not less than a 1-hour fire resistance rating when tested in accordance with Chapter 16 of the National Design Specification for Wood Construction, NDS–2015, the standards proposed to be incorporated by reference under § 3280.4. The proposed rule would outline requirements for fire-resistant floor/ceiling and wall assemblies and the fire resistance rating of supporting construction of such assemblies. Penetrations of wall or floor-ceiling assemblies in multi-dwelling unit manufactured homes are required to be fire-resistance rated in accordance with MHCC recommendations specified in the proposed standards under § 3280.215.

HUD is also including in this proposed rule a new section under § 3280.216 outlining draftstopping requirements, as recommended by the MHCC, for multi-dwelling unit manufactured homes. Draftstopping standards for single dwelling unit manufactured homes were previously recommended by MHCC but were not included in the prior rulemaking that addressed the MHCC 3rd set of recommendations (86 FR 2496, January 12, 2021) due to cost impacts and will be added to the agenda of future MHCC consideration, as discussed in the proposed rule for the prior rulemaking (85 FR 5589, 5594, January 31, 2020). This proposed rule would apply them to the multi-dwelling unit manufactured homes, however, since multi-dwelling units contain numerous kitchens, furnaces, and other causes of residential fires, it inherently has a greater risk and containment is essential for safety of the occupants. This proposal is not expected to add additional costs beyond those already incurred in the normal design and construction process for multi-dwelling unit manufactured homes.

D. Body and Frame Requirements

The proposed rule would amend § 3280.303 to reflect that all construction methods used in the construction process for manufactured homes must conform not only to accepted engineering practices, but to an approved quality assurance manual as required by §§ 3282.203 and 3282.361(c), to ensure durable, livable, and safe housing. This proposal underscores the importance and HUD prioritization of ensuring compliance with effective quality assurance standards to enhance and improve the construction process and quality of manufactured homes.

The proposed rule would amend § 3280.304 to update the reference standards and specifications for steel, wood and wood products, unclassified materials, and fasteners to allow manufacturers and designers to use more recent publications and align the MHCSS with more current industry standards.

HUD is also proposing to amend language under § 3280.305 to update the reference for design wind pressures for Exposure C from ASCE 7–88 to ASCE/SEI 7–05 that is to be specified based on the Basic Wind Zone Map for Manufactured Housing, which can be used as an alternate option to design homes in lieu of using the Table of Design Wind Pressures found in § 3280.305. In the MHCC recommendations to HUD, the

committee recommended that the wind pressures included in the Table of Design Wind Pressures remain unchanged, but requested that ''HUD staff work to update the wind speeds references'' that are used to design manufactured homes in Wind Zones II and III.

As requested, HUD staff completed a general comparison of ASCE 7–88 and ASCE 7–05 followed by an in-depth analysis to determine the appropriate wind speeds for Wind Zones II and III that would best align and correlate with wind pressures in the Table of Design Wind Pressures. As a general introduction, historical references to wind speed within the MHCSS are based on ''fastest mile'' wind speed measurements. These fastest mile wind speeds are currently 100 miles per hour (mph) for Wind Zone II and 110 mph for Wind Zone III. Fastest mile means the average speed at which an airborne particle would travel a mile in the direction of the wind, in mph. However, most wind professionals today, including ASCE, now use a peak three-second gust wind speed to define wind loads, which is the highest average speed measured over a three second period of time, in mph. It is important to understand this change in both wind speed measurement and terminology when assessing the new wind speed references in this proposed rule.

In addition to the ASCE 7 update for wind speed measurement from ''fastest mile'' to ''three-second gust,'' ASCE updated the mathematical formulas used to determine the wind pressures and the wind speeds in hurricane-prone areas. This review led to the in-depth analysis below and the revised wind speeds included in this proposed rule.

HUD performed two different methods to determine revised wind speeds. The first was to review the HUD wind speed/zone map with the wind speed map in ASCE 7–05, to verify that a manufactured home would be subject to comparable wind speeds if designed using ASCE 7–05. The second used the prescriptive wind pressures shown in the Table of Design Wind Pressures under § 3280.305 as a baseline to perform a series of iterative calculations to determine wind speeds that would produce similar wind pressures for Wind Zones II and III.

The first analysis consisted of overlaying the contour lines for Wind Zones II and III on top of the wind speed map published in ASCE 7–05 to verify that manufactured homes would be designed for wind speeds that are comparable to the requirements of ASCE 7–05. Using this method, the maximum wind speed identified in ASCE 7–05 for the continental United States of America is 150 mph. The only other location ASCE 7–05 indicates a wind speed above 150 mph is Guam, which requires a wind speed of 170 mph. Setting 150 mph as the upper bound (Wind Zone III) resulted in reviewing the locations between Wind Zones II and III compared to the those in ASCE 7–05. It was found that there are multiple wind speeds between the ASCE 7–05 contours lines ranging from 100 mph to a maximum of 140 mph. Therefore, since the HUD wind zones encompass multiple wind speeds and the HUD wind zones must be appropriate for all homes within these limits, Wind Zone II was set to a wind speed of 140 mph. Based off this analysis, HUD staff determined the revised wind speeds for Wind Zones II and III should be 140 mph and 150 mph, respectively, based off a three-second gust.

HUD's second analysis used the Durst Curve found in the commentary of ASCE 7 to convert the fastest mile to three-second gust and compare it to the International Building Code's (IBC) equation of Vfm= (V3sec − 10.5)/1.05 (IBC Section 1609.3). Both conversions resulted in wind speeds for Wind Zones II and III increasing from 100 mph and 110 mph, to 120 mph and 130 mph, respectively. However, these conversions could not be used alone as they do not factor in changes ASCE 7 made throughout the years to determine the wind pressures for building design that are now based on wind speed. The following paragraphs describe the main differences between the 1988 and 2005 editions of the ASCE 7 code.

- ASCE 7–88 and ASCE 7–05 use the following wind pressure (P) equation P = q*Gh*Cp-qh(GCpi) (eq. 1)
- ASCE 7–88's velocity pressure (q/qh) is equal to: q/qh = 0.00256*Kz*(I*V)2 (eq. 2) where V is fastest mile wind speed, I = 1.05 for areas 100 miles from coast, Kz = 0.8, Gh = 1.32 and GCpi = +/ − 0.25
- ASCE 7–05's velocity pressure (q/qh) is equal to: q/qh = 0.00256*Kz*Kzt*Kd*I*V2 (eq. 3) where V is 3 second gust wind speed, I = 1.0, Kz = 0.85, G = 0.85, GCpi = +/ − 0.18, Kzt = 1, Kd = 0.85

Using the above equations and keeping V constant, equation 2 and 3 above would simplify to q=0.00226*V2 and q=0.00185*V2 for ASCE 7–88 and ASCE 7–05 respectively, which results is an 18 percent decrease in pressure from ASCE 7–88 to ASCE 7–05. Using these values for ''q'' and plugging them into the first equation, the design wind pressure (P) would be decreased even further. The overall wind design pressure would be decreased 47 percent if the wind speeds currently published in the MHCSS were left unrevised yet the design option was updated to ASCE 7–05.

HUD conducted an iterative analysis to match the prescriptive wind pressures shown in the Table of Design Wind Pressure to wind pressures using the ASCE 7–05 simplified method, also known as Method 1. The prescriptive Main Wind Force Resisting System (MWFRS) wind pressures are 39 pounds per square foot (psf) and 47 psf for Wind Zones II and III, respectively. Using ASCE 7 Method 1, winds speeds could be approximately 145 mph for Zone II and 160 mph for Zone III. However, based on the first analysis, it was determined that wind speeds of 140 mph and 150 mph for Zones II and III would keep manufactured housing on par with design of other single-family structures. Finally, wind speeds of 140 mph and 150 mph were used to compare the prescriptive component and cladding wind pressures in § 3280.305 to ASCE 7–05, which resulted in approximately the same wind pressures depending on the tributary area used. Based on these thorough analyses, HUD is proposing to update the wind speeds for Wind Zones II and III to 140 mph and 150 mph, respectively, based upon a three-second gust.

HUD also proposes to update the isotach reference under § 3280.305(c)(2)(iii)(A) for Wind Zone III in the State of Alaska to the 110 mph isotach on the ANSI/ASCE 7–05 map. Further, HUD is updating the U.S. territories to address only those regions applicable for U.S. jurisdiction and proposes to eliminate reference to the Trust Territory of the Pacific Islands. Lastly, HUD proposes that the entire territory of Guam use a wind speed of 170 mph as shown in figure 6–1 of ANSI/ASCE 7–05. HUD has made correlating changes to the standards in this proposed rule, where appropriate, to account for these changes.

The reference standards for the structural design requirements for welded connections would also be updated in § 3280.305 to more current AISI standards. New language is also added in this paragraph (k) of this section to define and clarify ''attic areas'' and allow standard computer truss modeling methodologies to be utilized to design trusses. The proposal also establishes qualifying factors for the requirement of the 20 psf live loads for design of ceiling joists/bottom chords. To correct the interpretation that the entire attic space must be designed for storage and the live load of 20 psf

regardless of whether the space was accessible for or capable of accommodating storage space, the new qualifiers include criteria for attic access opening, joist slope, and minimum insulation depth that will allow for potential optimization of truss design and eliminate designs based on unnecessary or unrealistic loading conditions. These changes will allow the industry to value engineer structural roof members and help the industry to remain competitive in providing affordable housing.

The proposed rule would amend § 3280.307 to require the exterior wall envelopes to include a water resistive barrier (WRB) behind the exterior cladding of manufactured homes, as well as a means of draining water that enters the assembly. As most higher-end manufactured homes already include a WRB as a standard feature, this change will likely affect an estimated 30 percent% of the current production. The use of a WRB is a commonly found product used in most single-family home construction and is required by many state and local codes. The WRB increases home resiliency and durability and offers a second layer of protection from bulk water damage over the exterior cladding.

The MHCC also recommended an edit to the former § 3280.309, changing manufactured homes to dwelling units, but the Health Notice on formaldehyde emissions was removed from the MHCSS during the last rulemaking and HUD will not take action on that recommendation.

Finally, proposed updates will add a new subsection § 3280.309 to provide standards for vinyl siding and polypropylene siding used in manufactured homes. Most siding manufacturers have instructions that reference the Vinyl Siding Institute Installation Instructions, which in turn reference ASTM standards. For consistency of both material and installation requirements, this proposed change will require that vinyl siding used in manufactured home construction comply with ASTM standards and must be certified or listed and labeled as conforming to those requirements.

E. Testing

The proposed rule would update and amend testing standards for windows, sliding glass doors, and skylights under § 3280.403, egress windows and devices under § 3280.404, and swinging exterior passage doors under § 3280.405, for use in manufactured homes. The proposed rule would update standards for AAMA 1701.2 from the 1995 version to the 2012 version; ANSI Z97.1 from the 2004 version to the 2009 version; and AAMA 1702.2 from the 1995 version to the 2012 version. The proposed rule also adds AAMA/WDMA/CSA 101/I.S.2/A440–17 North American Fenestration Standard (NAFS) as an alternative compliance path in the sections of the MHCSS that govern windows, sliding glass doors, and skylights; egress windows; and swinging exterior passage doors. Windows used in manufactured homes are often exposed to some of their most severe service prior to the home being installed, as they may be subjected to extreme wind pressure and vibration while the home is being transported to the installation site. Testing standards ensure that windows can withstand such pressures while still performing to air and water specifications. The proposed rule also requires fenestration products to be certified by an ISO/IEC 17065 accredited body, to ensure the competence, consistent operation and impartiality of product, process, and service certification bodies. This proposed rule change aligns the code with more current industry standards.

F. Thermal Protection

The proposed rule updates the reference standards for vapor retarder testing methods to a more current version of ASTM E96/E96M in §§ 3280.504. In § 3280.510, clarifications are made to make clear that heat loss and comfort cooling certificates must be visible to home occupants and be permanently affixed within each dwelling unit to accommodate multi-dwelling unit manufactured homes and that homes designated as suitable for central air conditioning must provide certified capacity information, including correct air supply entrances and air return locations.

G. Plumbing Systems

The proposed rule would add flexibility for the use of heat tape or piping heating cable used on plumbing systems in manufactured homes under § 3280.603(b)(4)(ii) to increase the number of available options of heat tapes and pipe heating cables for use by consumers and manufacturers to prevent freezing of plumbing pipes. Heat tape or pipe heating cables used for manufactured homes are not different from those used in conventional site-built homes. This change will allow manufacturers to use heat tape or pipe heating cable listed or certified for its intended purpose. The proposed rule would also update reference standards for materials listed under § 3280.604 to current industry standards.

HUD also proposes to update the code governing the requirement for shower compartment installation under § 3280.607(b)(3). The rule change will allow roll-in-type and transfer-type shower compartments (accessible bathing fixtures) with thresholds that comply with ICC ANSI A117.1, Standard for Accessible and Usable Buildings and Facilities, and will permit manufacturers to install bathing systems designed to serve people with disabilities. The current code imposes limitations on accessible shower compartment features by requiring minimum dam or threshold height. Currently, consumers have to remodel the existing standard shower compartment to integrate an accessible shower compartment or manufacturers need to obtain an Alternative Construction letter to install accessible shower compartments. The proposed rule change will codify accessible shower compartments into the MHCSS, eliminating the need for Alternative Construction letters for accessible shower compartments and allowing consumers to directly buy homes with accessible shower compartments. Under § 3280.609, language is amended to clarify hot water supply systems are required for each dwelling unit equipped with a kitchen sink, bathtub, and/or shower.

In § 3280.611, amendments are proposed to increase the maximum distance of a fixture trap to the vent, commonly referred to as the ''trap arm.'' It is imperative that a plumbing fixture be located close enough to the vertical vent pipe to prevent a siphon from where existing water is pulled out of the trap rendering it ineffective. This maximum distance is determined by the diameter and the number of fixtures draining through the drain pipe. The proposed rule change increases the maximum distance of the fixture trap to the vent thus aligning the distances in the MHCSS with those of the International Plumbing Code. This rule change affords plumbing engineers more flexibility in designing circuit vents for any specific floorplan. Bathroom fixtures (showers, sinks, toilets) must be located within the distances prescribed from the vent pipe; therefore, the increased maximum distances allow the designers to locate the vent pipe in the walls to accommodate a preferred fixture layout, whereas previously the layout may have required modification due to shorter permissible distances and floor plan constraints (*e.g.,* location of available walls for the vent pipe). Consistency with other industry guidance (International Plumbing Code

and the American Society of Plumbing Engineers) reduces the likelihood of delays in the design approval process arising from designers using standard industry practice but which resulted in trap arms that exceeded the lengths previously allowed by the table in § 3280.611(c).

H. Heating, Cooling and Fuel Burning Systems

The proposed rule would update the reference standards included in the definitions for Class 0 air ducts and connectors under § 3280.702 to UL 181–2013, more current UL standards. Reference standards would also be updated in § 3280.703 and two new standards (ANSI Z21.10.3 and ANSI Z21.75) are proposed to be added for gas-fired water heaters with input ratings above 75,000 British thermal units (Btu) per hour, circulating and instantaneous; and electrical heating appliances (UL 499–2014).

In § 3280.705, standards for gas piping systems are proposed to update the reference standards to more current editions. Reference standards include criteria for establishing the suitability of concealed mechanical tube fittings for use with concealed gas piping, pipe joints in piping systems, and LP-gas supply connectors. Reference standards for oil piping systems and heat producing appliances would also be updated under § 3280.706 and § 3280.707. In addition, § 3280.705(j) would be revised to require a gas supply connector for each dwelling unit of a multi-dwelling unit manufactured home designed for gas supply.

In § 3280.709(a), this proposed rule would remove the language requiring manufacturers to leave appliance manufacturer instructions attached to appliances. Section 3280.711 currently states that ''Operating instructions must be provided with each appliance. The operating and installation instructions for each appliance must be provided with the homeowner's manual.'' The current language in § 3280.709 causes confusion as to whether it is necessary to ship two installation instructions with each home, one with the appliance and one with the homeowners' manual. Because all appliance manuals must be provided with the homeowner's manual, this proposed rule change eliminates potential redundancy for duplicate and unnecessary appliance manuals. Furthermore, proposed revisions to § 3280.711 to allow for operating instructions requirements to be met through the provision of permanent Quick Response (QR) codes would further streamline documentation requirements for manufacturers.

In § 3280.709(g), the proposed rule would ease requirements to allow consumers and manufacturers to install any fireplaces and wood stoves listed or certified for their intended purpose, instead of limiting options to only those specifically listed for manufactured homes. Installed fireplaces and wood stoves used for manufactured homes are not different than those used for homes regulated by others, so this proposed change would allow for greater flexibility and available options for both consumers and manufacturers.

HUD also proposes to delete the prescriptive table of minimum coefficient of performance (COP) ratios for electric heat pumps with supplemental resistance heat under § 3280.714(a)(1)(iii). These heat pumps are only required to meet the minimum federal heating season performance factor (HSPF) requirement. Current typical minimum COP values already exceed the prescriptive minimum COP values from 1989, so this rule change eliminates obsolete minimum standards and aligns the MHCSS with current federal minimum efficiency requirements.

In § 3280.715, the proposed rule change permits supply air ducts located within 3 feet of the furnace discharge to be made of less fire-resistant material if those ducts are rated to withstand the maximum discharge air temperature of the equipment. All supply ducts must still be made of galvanized steel, tin-plated steel, or aluminum listed as Class 0 (air ducts and air connectors having surface burning characteristics of zero) or Class 1 (air ducts and air connectors having a flame-spread index of not over 25 without evidence of continued progressive combustion and a smoke-developed index of not over 50) in accordance with UL 181–2013. Previously, Class 1 ducts had to be located at least three (3) feet from the furnace bonnet or plenum, and furnace supply plenums had to be constructed of metal that extends a minimum of three (3) feet from the heat exchanger measured along the centerline of airflow. Manufacturers of Class 1 ducts commonly offer products specifically listed for use in manufactured homes, so the potential savings of this rule change would be realized immediately.

I. Electrical Systems

The proposed rule would amend the definition for feeder assembly under § 3280.802(a)(20) to refer to ''dwelling unit'' instead of ''manufactured home.'' This change would accommodate the integration of multi-dwelling unit manufactured homes. Power supply requirements under § 3280.803(a) are clarified to not apply to multi-dwelling unit manufactured homes, and National Electric Code references under §§ 3280.803(k)(3)(ii), 3280.804, and 3280.808(p) are updated to reference applicable articles of the National Electrical Code, NFPA 70–2014 for a more current standard. The code requirements for disconnecting means, consisting of a circuit breaker, or switch and fuses and accessories, would be streamlined under § 3280.804 and clarified to refer to dwelling units instead of manufactured homes. MHCSS language for branch circuit requirements under § 3280.805 and wiring methods and materials under § 3280.808 are also simplified for improved clarity.

J. Revisions to Standards Incorporated by Reference (Reference Standards)

The following table lists the standards incorporated by reference (IBRed) that would be revised or added by this proposed rule. Each reference standard is preceded with an indicator to identify the type of change being made. Reference standards designated ''N'' are new, meaning they have not been codified into the MHCSS. Reference standards designated ''U'' are being updated, that is HUD is incorporating an updated or more recent version of an already codified standard. Reference standards designated ''*'' are not new or being updated but have already been codified in the MHCSS and are being added to a different section from that codified. The sections of the MHCSS that would be amended by each modification are also shown on the right of the reference standard being added or updated:

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Table 2. Summary of New and Updated IBR Standards under 3280.4

Table 2. Summary of New and Updated IBR Standards under 3280.4 (4th/5th Set Proposed Rule)							
#	N / U	Standard	Publishing Organization	Title	Year	3280.4	Impacted Sections
1	U	ANSI/AHRI 210/240	American National Standards Institute/Air Conditioning, Heating, & Refrigeration Institute	Unitary Air-Conditioning and Air-Source Heat Pump Equipment	2008	(a)(1)	3280.511(b), 3280.703(d)(22), 3280.714(a)
2	U	AAMA 1701.2	American Architectural Manufacturers Association	Voluntary Standard for Utilization in Manufactured Housing for Primary Window and Sliding Glass Doors	2012	(s)(3)	3280.403(b) and (e), 3280.404(b) and (e)
3	U	AAMA 1702.2	American Architectural Manufacturers Association	Voluntary Standard for Utilization in Manufactured Housing for Swinging Exterior Passage Doors	2012	(s)(4)	3280.403(e), 3280.405(b) and (e)
4	U	AAMA 1704	American Architectural Manufacturers Association	Voluntary Standard Egress Window Systems for Utilization in Manufactured Housing	2012	(s)(5)	3280.404(b) and (e)
5	U	AAMA/WDMA/CSA 101/I.S.2/A440	American Architectural Manufacturers Association/Window and Door Manufacturers Association	North American Fenestration Standard/Specification for Windows, Doors, and Skylights	2017	(s)(6)	3280.304(b)(1), 3280.403(b) and (e), 3280.404(b) and (e), 3280.405(b) and (e)
6	U	ANSI/AHA A135.4	American National Standards Institute/American Hardboard Association	Basic Hardboard	2012	(o)(1)	3280.304(b)(3)
7	U	ANSI/AHA A135.5	American National Standards Institute/American Hardboard Association	Prefinished Hardboard Paneling	2012	(o)(2)	3280.304(b)(3)
8	U	ANSI/AHA A135.6	American National Standards Institute/American	Hardboard Siding	2012	(o)(3)	3280.304(b)(3)

			Hardboard Association				
9	U	AISC 360	American Institute of Steel Construction	Specifications for Structural Steel Buildings	2010	(e)(1)	3280.304(b)(2) 3280.305(j)(1)
10	U	AISI S100	American Iron and Steel Institute	North American Specification for the Design of Cold-Formed Steel Structural Members	2012	(f)(1)	3280.304(b)(2), 3280.305(j)
11	U	ANSI A208.1	American National Standards Institute	Particleboard	2009	(g)(4)	3280.304(b)(3)
12	U	ANSI LC 1	American National Standards Institute	Fuel Gas Piping Systems Using Corrugated Stainless Steel Tubing	2014	(g)(8)	3280.705(b)
13	U	ANSI Z21.1	American National Standards Institute	Household Cooking Gas Appliances	2016	(g)(9)	3280.703(a)(13)
14	U	ANSI Z21.5.1	American National Standards Institute	Gas Clothes Dryers Volume 1, Type 1 Clothes Dryers	2015	(g)(10)	3280.703(a)(7)
15	U	ANSI Z21.10.1	American National Standards Institute	Gas Water Heaters Volume 1, Storage Water Heaters with Input Ratings of 75,000 BTU per hour or less	2014	(g)(11)	3280.703(a)(15), 3280.707(d)
16	N	ANSI Z21.10.3	American National Standards Institute	Gas-fired Water Heaters Volume 3, Storage Water Heaters with Input Ratings Above 75,000 BTU per Hour, Circulating and Instantaneous	2014	(g)(12)	3280.703(a)(8)
17	U	ANSI Z21.15	American National Standards Institute	Manually Operated Gas Valves for Appliances, Appliance Connector Valves and Hose End Valves	2009	(g)(13)	3280.703(c)(4), 3280.705(c) and (l)
18	U	ANSI Z21.19	American National Standards Institute	Refrigerators Using Gas Fuel	2014	(g)(14)	3280.703(a)(14)
19	U	ANSI Z21.20	American National Standards Institute	Automatic Gas Ignitions Systems and Components	2014	(g)(15)	3280.703(d)(9)
20	U	ANSI Z21.21	American National Standards Institute	Automatic Valves for Gas Appliances	2012	(g)(16)	3280.703(d)(10)
21	U	ANSI Z21.23	American National Standards Institute	Gas Appliance Thermostats, with ANSI Z21.23a -2003 and ANSI Z21.23b-2005 Addendums	2000	(g)(18)	3280.703(d)(11)

22	U	ANSI Z21.24	American National Standards Institute	Connectors for Gas Appliances	2006	(g)(19)	3280.703(c)(3)
23	*	ANSI Z21.40.1	American National Standards Institute	Gas Fired Heat Activated Air Conditioning and Heat Pump Appliances	1996	(g)(20)	3280.703(a)(9), 3280.714(a)
24	U	ANSI Z21.47	American National Standards Institute	Gas Fired Central Furnaces (Except Direct Vent Systems)	2012	(g)(21)	3280.703(a)(10)
25	N	ANSI Z21.75	American National Standards Institute	Connectors for Outdoor Gas Appliances and Manufactured Homes	2007	(g)(22)	3280.703(a)(11)
26	U	ANSI Z97.1	American National Standards Institute	Standard for Safety Glazing Materials used in Buildings—Safety Performance Specifications and Methods of Test	2009	(g)(24)	3280.113(d), 3280.304(b)(6), 3280.403(d), 3280.607(b), 3280.703(d)(4)
27	U	APA D510C (replaces APA D410A)	The Engineered Wood Association (formerly the American Plywood Association)	Panel Design Specification	2012	(q)(1)	3280.304(b)(3)
28	U	APA E30V	The Engineered Wood Association (formerly the American Plywood Association)	Engineered Wood Construction Guide	2011	(q)(3)	3280.304(b)(3)
29	U	APA H815G	The Engineered Wood Association (formerly the American Plywood Association)	Design & Fabrication of All-Plywood Beams	2013	(q)(4)	3280.304(b)(3)
30	N	APA PS 1	The Engineered Wood Association (formerly the American Plywood Association)	Structural Plywood (with Typical APA Trademarks)	2009	(q)(5)	3280.304(b)(3)
31	U	APA S811P	The Engineered Wood Association (formerly the American Plywood Association)	Design & Fabrication of Plywood Curved Panels	2013	(q)(6)	3280.304(b)(3)
32	U	APA S812S	The Engineered Wood Association (formerly the American Plywood Association)	Design & Fabrication of Glued Plywood Lumber Beams	2013	(q)(7)	3280.304(b)(3)
33	U	APA U813M	The Engineered Wood Association (formerly the	Design & Fabrication of	2012	(q)(8)	3280.304(b)(3)

			American Plywood Association)	Plywood-Stressed Skin Panels			
34	U	APA U814J	The Engineered Wood Association (formerly the American Plywood Association)	Design & Fabrication of Plywood Sandwich Panels	2012	(q)(9)	3280.304(b)(3)
35	N	APA Y510	The Engineered Wood Association (formerly the American Plywood Association)	Plywood Design	1998	(q)(10)	3280.304(b)(3)
36	U	ASCE/SEI 7	American Society of Civil Engineers/Structural Engineering Institute	Minimum Design Loads for Buildings and Other Structures	2005	(h)(1)	3280.5(f) 3280.304(b)(6), 3280.305(c)
37	U	ANSI/ASHRAE 62.2	American National Standards Institute/American Society of Heating, Refrigeration and Air Conditioning Engineers	Ventilation and Acceptable Indoor Air Quality in Low-Rise Residential Buildings	2013	(i)(2)	3280.103(d) and (e), 3280.703(d)(23)
38	U	ANSI/ASME B1.20.1	American National Standards Institute/American Society of Mechanical Engineers	Pipe Threads, General Purpose (Inch)	2013	(j)(18)	3280.604(c)(1), 3280.703(b)(3), 3280.705(e), 3280.706(d)
39	U	ANSI/ASME B36.10	American Society of Mechanical Engineers	Welding and Seamless Wrought Steel Pipe	2004	(j)(26)	3280.604(c)(1), 3280.703(b)(4), 3280.705(b), 3280.706(b)
40	U	ASTM A53/A53M	ASTM, International	Standard Specification for Pipe, Steel, Black and Hot-Dipped, Zinc Coated, Welded and Seamless	2012	(l)(1)	3280.604(c)(1), 3280.703(b)(1)
41	U	ASTM B42	ASTM, International	Standard Specification for Seamless Copper Pipe, Standard Sizes	2010	(l)(4)	3280.604(c)(2), 3280.703(c)(7)
42	U	ASTM B88	ASTM, International	Standard Specification for Seamless Copper Water Tube	2014	(l)(6)	3280.604(c)(2), 3280.703(c)(1), 3280.705(b), 3280.706(b)
43	U	ASTM B251	ASTM, International	Standard Specification for General Requirements for Wrought Seamless Copper-Alloy Tubes	2010	(l)(7)	3280.604(c)(2), 3280.703(c)(6)

44	U	ASTM B280	ASTM, International	Standard Specification for Seamless Copper Tube for Air Conditioning and Refrigeration Field Service	2013	(l)(8)	3280.703(c)(2), 3280.705(b), 3280.706(b)
45	U	ASTM C1396/C1396M	ASTM, International	Standard Specification for Gypsum Board	2014	(l)(12)	3280.304(b)(4)
46	N	ASTM D3679	ASTM, International	Standard Specification for Rigid Poly (Vinyl Chloride) (PVC) Siding	2009	(l)(21)	3280.304(b)(6), 3280.309(b).
47	U	ASTM D4442	ASTM, International	Standard Test Methods for Direct Moisture Content Measurement of Wood & Wood Base Materials	2007	(i)(23)	3280.304(b)(3)
48	U	ASTM D4444	ASTM, International	Standard Test Methods for Use and Calibration of Hand-Held Moisture Meters	2013	(l)(24)	3280.304(b)(3)
49	N	ASTM D4756	ASTM, International	Standard Practice for Installation of Rigid Poly (Vinyl Chloride) (PVC) Siding and Soffit	2006	(l)(26)	3280.304(b)(6), 3280.309(c)
50	N	ASTM D7254	ASTM, International	Standard Specification for Polypropylene (PP) Siding	2007	(l)(28)	3280.304(b)(6), 3280.309(c)
51	N	ASTM E90	ASTM, International	Standard Test Method for Laboratory Measurement of Airborne Sound Transmission Loss of Building Partitions and Elements	2009	(l)(30)	3280.115(b)
52	U	ASTM E96/E96M	ASTM, International	Standard Test Methods for Water Vapor Transmission of Materials	2013	(l)(31)	3280.504(a) and (c)
53	U	ASTM E119	ASTM, International	Standard Test Method for Fire Tests of Building Construction and Materials	2014	(l)(32)	3280.215(a) and (d), 3280.304(b)(3), 3280.1003(a)
54	N	ASTM E492	ASTM, International	Standard Test Method for	2009	(l)(34)	3280.115(c)

				Laboratory Measurement of Impact Sound Transmission Through Floor-Ceiling Assemblies Using the Tapping Machine			
55	N	ASTM E814	ASTM, International	Standard Test Method for Fire Tests of Penetration Firestop Systems	2013	(l)(37)	3280.215(d)(1)
56	U	AWC (formerly under AFPA)	American Wood Council (formerly American Forest & Paper Association)	Design Values for Joists & Rafters	2012	(m)(1)	3280.304(b)(3)
57	U	AWC NDS (formerly under AFPA)	American Wood Council (formerly American Forest & Paper Association)	National Design Specifications for Wood Construction, with Supplement, Design for Wood Construction	2015	(m)(2)	3280.215(a), 3280.304(b)(3)
58	U	AWC PS-20-70 (formerly under AFPA)	American Wood Council (formerly American Forest & Paper Association)	Span Tables for Joists & Rafters	2012	(m)(3)	3280.304(b)(3)
59	U	ANSI/HPVA HP-1	American National Standards Institute/Hardwood Plywood and Veneer Association (previously HPMA)	American National Standard for Hardwood and Decorative Plywood	2009	(p)(1)	3280.304(b)(3)
60	U	IAPMO TSC 9	Int'l Association of Plumbing and Mechanical Officials	Standard for Gas Supply Connectors for Manufactured Homes	2003	(v)(8)	3280.703(c)(5)
61	N	ISO/IEC 17065	Int'l Organization for Standardization/Int'l Electrotechnical Commission	Conformity Assessment – Requirements for Bodies Certifying Products, Processes and Services	2012	(x)(1)	3280.403(e), 3280.404(e), 3280.405(e)
62	U	ESR 1539	International Code Council Evaluation Service (previously known as National Evaluation Service)	Power Driven Staples and Nails	2014	(w)(1)	3280.304(b)(5)
63	N	NFPA 13D	National Fire Protection Association	Standard for the Installation of Sprinkler Systems in One and Two Family Dwellings and Manufactured Homes	2010	(bb)(1)	3280.214(b), (e)(2), and (o)(3)

64	U	NFPA 31	National Fire Protection Association	Installation of Oil-Burning Equipment	2011	(bb)(2)	3280.703(d)(13), 3280.707(f)
65	U	NFPA 54 / ANSI Z223.1	National Fire Protection Association/ American National Standards Institute	National Fuel Gas Code	2015	(bb)(3)	3280.703(d)(14)
66	U	NFPA 58	National Fire Protection Association	Standard for the Storage and Handling of Liquefied Petroleum Gases	2014	(bb)(4)	3280.703(d)(16)
67	U	NFPA 70	National Fire Protection Association/National Electric Code	National Electric Code	2014	(bb)(5)	3280.607(c), 3280.801(a) and (b), 3280.803(k), 3280.804(a) and (k), 3280.805(a), 3280.806(a) and (d). 3280.807(c), 3280.808(a), (l) and (p), 3280.810(b), 3280.811(b)
68	U	NFPA 90B	National Fire Protection Association	Warm Air Heating and Air Conditioning Systems	2015	(bb)(6)	3280.703(d)(15)
69	U	SAE J533b	Society of Automotive Engineers	Flares for Tubing	2007	(ff)(1)	3280.703(d)(17), 3280.705(f)
70	U	TPI 1 (replaces TPI-85)	Truss Plate Institute	National Design Standard for Metal Plate Connected Wood Truss Construction	2007	(hh)(1)	3280.304(b)(3)
71	U	UL 103	Underwriters' Laboratories, Inc.	Chimneys, Factory Built Residential Type & Building Heating Appliance	2010	(ii)(2)	3280.703(d)(18)
72	U	UL 109	Underwriters' Laboratories, Inc.	Tube Fittings for Flammable and Combustible Fluids, Refrigeration Service, and Marine Use	2005	(ii)(3)	3280.703(d)(5)
73	U	UL 174	Underwriters' Laboratories, Inc.	Household Electric Storage Tanks Water Heaters	2004	(ii)(5)	3280.703(a)(16)
74	U	UL 181	Underwriters' Laboratories, Inc.	Factory Made Air Ducts & Connectors	2013	(ii)(6)	3280.702, 3280.703(d)(1), 3280.715(a) and (e)
75	U	UL 181A	Underwriters' Laboratories, Inc.	Closure Systems for Use with Rigid Air	2013	(ii)(7)	3280.703(d)(2), 3280.715(c)

				Ducts and Air Connectors			
76	N	UL 263	Underwriters' Laboratories, Inc.	Fire Tests of Building Construction Materials	2014	(ii)(10)	3280.215(a) and (b)
77	*	UL 268	Underwriters' Laboratories, Inc.	Smoke Detectors for Fire Protective Signaling Systems	1999	(ii)(11)	3280.209(a)[1], 3280.703(a)(18)
78	U	UL 307A	Underwriters' Laboratories, Inc.	Liquid Fuel Burning Heating Appliances for Manufactured Homes & Recreational Vehicles	2009	(ii)(12)	3280.703(a)(2), 3280.707(f)
79	U	UL 307B	Underwriters' Laboratories, Inc.	Gas Burning Appliances for Manufactured Homes & Recreational Vehicles	2009	(ii)(13)	3280.703(a)(6)
80	U	UL 441	Underwriters' Laboratories, Inc.	Gas Vents	2010	(ii)(15)	3280.703(d)(12)
81	N	UL 499	Underwriters' Laboratories, Inc.	Standard for Electric Heating Appliances, Fourteenth Edition	2014	(ii)(16)	3280.703(a)(20)
82	U	UL 569	Underwriters' Laboratories, Inc.	Pigtails & Flexible Hose Connectors for LP Gas	2013	(ii)(17)	3280.703(d)(6), 3280.705(l)
83	U	UL 1042	Underwriters' Laboratories, Inc.	Electric Baseboard Heating Equipment	2009	(ii)(20)	3280.703(a)(4)
84	N	UL 1479	Underwriters' Laboratories, Inc.	Standard for Fire Tests of Penetration Firestops	2014	(ii)(22)	3280.215(d)(1)(ii)
85	U	UL 1995	Underwriters' Laboratories, Inc.	Heating and Cooling Equipment	2011	(ii)(24)	3280.703(a)(1)
86	*	ANSI/UL 2034	Underwriters' Laboratories, Inc.	Standard for Single and Multiple Station Carbon Monoxide Alarms	2016	(ii)(26)	3280.209(a), 3280.211(a)[1], 3280.703(a)(19)
87	N	UL 60335-2-34	Underwriters' Laboratories, Inc.	Standard for Household and Similar Electrical Appliances - Safety, Part 2-34: Particular Requirements for Motor-Compressors	2012	(ii)(27)	3280.703(a)
88	U	WDMA I.S.4	Window and Door Manufacturers Association	Industry Specification for Preservative Treatment for Millwork	2009	(kk)(1)	3280.405(c)

[1] There are no proposed amendments to this section.

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The Department is interested in receiving comments from the public as to whether the use of any of the reference standards would result in

reduced safety or performance levels for manufactured home occupants.

K. Changes to the Manufactured Home Procedural and Enforcement Regulations (24 CFR Part 3282)

HUD is proposing a single revision to its Manufactured Home Procedural and Enforcement Regulations at 24 CFR part 3282. Specifically, HUD is proposing to remove paragraph (l) from § 3282.8. This change would remove ''multifamily homes'' from the section's applicability provisions.

L. Changes to the Model Manufactured Home Installation Standards (24 CFR Part 3285)

HUD is proposing changes to the Model Manufactured Home Installation Standards at 24 CFR part 3285 to revise definitions to allow certain specified roof ridge designs without a requirement for specific on-site inspections by the Production Inspection Primary Inspection Agencies (IPIAs), in those instances where it is to better support a type of roof installation that is now common throughout the industry and is a time-tested technology. Other proposed changes support broader criteria for fireplaces and woodstoves, as well as proposed changes to the Construction and Safety Standards for fire sprinkler certification and testing requirements, and modifications to water supply testing provisions to accommodate more types of piping materials. HUD proposes to add language under subpart F—Optional Features, to ensure that residential fire sprinkler systems are certified and tested on site in accordance with home manufacturer's instructions and to ensure that a required listed minimum water supply is available for any systems installed. Testing requirements are to be consistent with § 3280.612(a) and certified by the installer.

Proposed revisions to part 3285 also include revised language in § 3285.603(d)(3) to support the changes under § 3280.603(b)(4)(ii) for heat tape or pipe heating cable use.

M. Changes to the Manufactured Home Installation Program (24 CFR Part 3286)

HUD is proposing changes to the Manufactured Home Installation Program at 24 CFR part 3286 to clarify and ensure that manufacturer instructions, alternative designs, and installation instructions are provided to purchasers and homeowners. Changes would also ensure that licensed installers must receive installation instructions in order to properly install the homes. Proposed changes also include clarifying the financial damage coverage prerequisites for installer applicants to qualify for installation licenses. An irrevocable letter of credit was added as an option in place of the surety bond to give installers another financial avenue to meet the licensing requirements, while still ensuring the same coverage to consumers. Changes will codify what has been discovered by the HUD-administered Manufactured Home Installation Program as necessary to provide adequate coverage to consumers in the case of damage to or loss of a manufactured home resulting from installation defects.

III. Incorporation by Reference

Before HUD issues a final rule, the consensus standards proposed for incorporation will be approved by the Director of the Federal Register for incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. For purposes of this proposed rule, HUD has established an electronic reading room which provides links to access the consensus standards that would be added or updated by this rule. These standards will be available for review during the public comment period for this rule. The reading room can be accessed at: *www.hud.gov/program_offices/housing/rmra/mhs/readingroom*.

Supplemental descriptions of the standards are provided in the following list. In addition, copies of these standards may be obtained from the organization that developed the standard. Finally, as described in § 3280.4, these standards are available for inspection at HUD's Office of Manufactured Housing Programs. Due to security measures at the HUD Headquarters building, however, an advance appointment to review standards must be scheduled by calling the Office of Manufactured Housing Programs 202–708–1112 (this is not a toll-free number).

The following 88 consensus standards for Manufactured Housing are proposed for approval for incorporation by reference:

1. *ANSI/AHRI Standard 210/240–2008 with Addenda 1 and 2, Unitary Air-Conditioning and Air-Source Heat Pump Equipment.* The proposed rule would update ANSI/ARI 210/240–89, Unitary Air-Conditioning and Air Source Heat Pump Equipment. This standard establishes definitions, classifications, test requirements, rating requirements, minimum data requirements for published ratings, operating requirements, marking and nameplate data, and conformance conditions for Unitary Air-Conditioners and Air-Source Unitary Heat Pumps. This standard is available through HUD's online reading room.

2. *AAMA 1701.2–12, Voluntary Standard for Utilization in Manufactured Housing for Primary Window and Sliding Glass Doors.* The proposed rule would update AAMA 1701.2–95. This standard sets the requirements for primary windows and sliding glass doors used in manufactured housing. Window mounted as components in entry doors are beyond the scope of this standard. Since building methods and materials are expected to undergo continued design innovation, the purpose of this standard is to establish reasonable performance standards for all present and future methods and materials of construction. This standard is available through HUD's online reading room.

3. *AAMA 1702.2–12, Voluntary Standard for Utilization in Manufactured Housing for Swinging Exterior Passage Doors.* The proposed rule would update AAMA 1702.2–95, Voluntary Standard Swinging Exterior Passage Door for Utilization in Manufactured Housing. This standard sets the requirements for swinging exterior passage doors and combination doors used in manufactured housing. Windows used in swinging exterior passage doors are components of the door and are thus included in this standard. Since building methods and materials are expected to undergo continued design innovation, the purpose of this standard is to establish reasonable performance standards for all present and future methods and materials of construction. This standard is available through HUD's online reading room.

4. *AAMA 1704–12, Voluntary Standard Egress Window Systems for Utilization in Manufactured Housing.* The proposed rule would update AAMA Standard 1704–1985. This standard sets the requirements for the design, construction, and installation of egress window systems. This standard is available through HUD's online reading room.

5. *AAMA/WDMA/CSA 101/I.S.2/A440–17, North American Fenestration Standard/Specification for Windows, Doors, and Skylights.* The proposed rule would update AAMA/WDMA/CSA 101/I.S.2/A440–08. The MHCC originally recommended updating this standard to the 2011 version; however, more recently the MHCC submitted another recommendation to update this standard to the 2017 version. HUD proposes to update this standard to the 2017 version as most recently approved by the MHCC, as this version is already

referenced in HUD's industry-wide alternative construction approval for doors. Incorporating the more recently recommended version will eliminate the need for the industry-wide alternative construction approvals for both doors and windows that address pandemic-related supply chain shortages. This standard establishes material-neutral, minimum, and optional performance requirements for windows, doors, secondary storm products, tubular daylighting devices, roof windows, and unit skylights. The specification concerns itself with the determination of performance grade, design pressure, and related performance ratings. This standard is available through HUD's online reading room.

6. *ANSI/AHA A135.4–2012, Basic Hardboard.* The proposed rule would update ANSI/AHA A135.4–1995. This standard covers requirements and test methods for water resistance, thickness swelling, modulus of rupture, tensile strength, surface finish, dimensions, squareness, edge straightness, and moisture content of five classes of basic hardboard. This standard requires test methods determined by the ASTM, International where appropriate and provides methods of identifying hardboard that is compliant. This standard is available through HUD's online reading room.

7. *ANSI/AHA A135.5–2012, Prefinished Hardboard Paneling.* The proposed rule would update ANSI/AHA A135.5–1995. This standard covers requirements and methods of testing for the dimensions, squareness, edge straightness, and moisture content of prefinished hardboard paneling and for the finish of the paneling. Methods of identifying products which conform to ANSI/AHA A135.5 are included. This standard is available through HUD's online reading room.

8. *ANSI/AHA A135.6–2012, Hardboard Siding.* The proposed rule would update ANSI/AHA A135.6–1998. This standard sets requirements and methods of testing for the dimensions, straightness, squareness, physical properties, and surface characteristics of engineered wood siding at the time of manufacture. This standard is available through HUD's online reading room.

9. *AISC 360–10, Specifications for Structural Steel Buildings.* The proposed rule would update AISC–S335, 1989, Specification for Structural Steel Buildings—Allowable Stress Design and Plastic Design (except for the following parts of this standard which are specifically excluded from use: 1.3.3, 1.3.4, 1.3.5, 1.3.6, 1.4.6, 1.5.1.5, 1.5.5, 1.6, 1.7, 1.8, 1.9, 1.10.4 through 1.10.7, 1.10.9, 1.11, 1.13, 1.14.5, 1.17.7 through 1.17.9, 1.19.1, 1.19.3, 1.20, 1.21, 1.23.7, 1.24, 1.25.1 through 1.25.5, 1.26.4, 2.3, 2.4, 2.8 through 2.10), June 1, 1989. This specification provides the generally applicable requirements for the design and construction of structural steel buildings and other structures. This standard is available through HUD's online reading room.

10. *AISI S100–12, North American Specification for the Design of Cold-Formed Steel Structural Members.* The proposed rule would update AISI, Specification for the Design of Cold-Formed Steel Structural Members, 1996. This specification provides the general applicable requirements for the design of cold-formed steel structural members used in North America. This standard is available through HUD's online reading room.

11. *ANSI A208.1–2009, Particleboard.* The proposed rule would update ANSI A208.1–1999. This standard sets forth requirements and test methods for dimensional tolerances, physical and mechanical properties, and formaldehyde emissions for particleboard. Methods of identifying products conforming to the standard are specified. This standard is available through HUD's online reading room.

12. *ANSI LC 1–2014, Fuel Gas Piping Systems Using Corrugated Stainless Steel Tubing.* The proposed rule would update ANSI/IAS LC 1–1997. This standard provides the general applicable requirements for the installation of natural and propane gas piping systems using corrugated stainless steel tubing in residential, commercial, or industrial buildings. This includes requirements for the installation of corrugated stainless steel piping systems in which portions of the piping are exposed to the outdoors as required to make connections to outdoor gas meters or to outdoor gas appliances, which are attached to, mounted on, or located near the building structure. This standard is available through HUD's online reading room.

13. *ANSI Z21.1–2016, Household Cooking Gas Appliances.* The proposed rule would update ANSI Z21.1–2000. This standard specifies guidelines for the newly produced household cooking gas appliances constructed entirely of new, unused parts and materials. These appliances may be floor-supported or built-in. This standard is available through HUD's online reading room.

14. *ANSI Z21.5.1–2015, Gas Clothes Dryers Volume 1, Type 1 Clothes Dryers.* The proposed rule would update ANSI Z21.51.1–1999, Gas Clothes Dryers Volume 1, Type 1 Clothes Dryers, with Addendum z21.5.1a–1999. This standard specifies guidelines for newly produced Type 1 clothes dryers constructed entirely of new, unused parts and materials for use with natural gas, manufactured gas, mixed gas, propane gas, LP gas-air mixtures, and for mobile home installation. This standard is available through HUD's online reading room.

15. *ANSI Z21.10.1–2014, Gas Water Heaters Volume 1, Storage Water Heaters with Input Ratings of 75,000 BTU per hour or Less.* The proposed rule would update ANSI Z21.10.1–1998, Gas Water Heaters—Volume 1, Storage Water Heaters with Input Ratings of 75,000 BTU per hour or Less, with Addendum Z21.10.1a–2000. This standard specifies guidelines for newly produced, automatic storage water heaters having input ratings of 75,000 Btu/hr (21,980 W) or less, hereinafter referred to as water heaters or appliances, constructed entirely of new, unused parts and materials. This standard is available through HUD's online reading room.

16. *ANSI Z21.10.3–2014 Gas-fired Water Heaters Volume 3, Storage Water Heaters with Input Ratings Above 75,000 BTU per Hour, Circulating and Instantaneous.* This proposed rule would add this standard for incorporation by reference. This standard specifies guidelines for newly produced, large automatic storage water heaters having input ratings about 75,000 Btu/hr (21,980 W), instantaneous water heaters, and circulating water heaters including booster water heaters, constructed entirely of new, unused parts and materials. This standard is available through HUD's online reading room.

17. *ANSI Z21.15–2009, Manually Operated Gas Valves for Appliances, Appliance Connector Valves and Hose End Valves.* The proposed rule would update ANSI Z21.15–1997. This standard applies to manually operated gas valves not exceeding 4 inch (102 mm) pipe size, and pilot shut-off devices. This standard is available through HUD's online reading room.

18. *ANSI Z21.19–2014, Refrigerators Using Gas Fuel.* The proposed rule would update ANSI Z21.19–1990, with Addendum ANSI Z21 19a–1992 and ANSI Z21 19b–1995. This standard specifies guidelines for gas-fired refrigerators having refrigerated spaces for storage of foods, storage of foods and making ice, storage of frozen foods and making ice, or storage of foods and the storage of frozen foods and making ice. The standard applies to newly produced refrigerators constructed entirely of new, unused parts and materials. This

standard is available through HUD's online reading room.

19. *ANSI Z21.20–2014, Automatic Gas Ignitions Systems and Components.* This proposed rule would update ANSI Z21.20 with Addendum Z21.20a–2000. This standard specifies guidelines for newly produced automatic gas ignition systems and components constructed entirely of new, unused parts and materials. This standard is available through HUD's online reading room.

20. *ANSI Z21.21–2012, Automatic Valves for Gas Appliances.* This proposed rule would update ANZI Z21.21–2000. This standard specifies guidelines for newly produced automatic valves constructed entirely of new, unused parts and materials. These valves may be individual automatic valves or valves utilized as parts of automatic gas ignition systems. The standard also applies to commercial/industrial safety shutoff valves, also referred to as C/I valves. This standard is available through HUD's online reading room.

21. *ANSI Z21.23–2000 (R2005), Gas Appliance Thermostats with ANSI Z21.23a–2003 (Addenda1) and ANSI 21.23b–2005 (Addenda 2).* This proposed rule would update ANSI Z21.23–1993. This standard specifies guidelines for newly produced gas appliance thermostats of the integral gas valve type having a maximum operating gas pressure of ½ psi (3.5 kPa) or electric type. This standard is available through HUD's online reading room.

22. *ANSI Z21.24–2006 (R2011), Connectors for Gas Appliances.* This proposed rule would update ANSI Z21.24–1997/CGA 6.10–M97, Connectors for Gas Appliances, and remove the reference to the Compressed Gas Association. This standard specifies guidelines for newly produced gas appliance connectors constructed entirely of new unused parts and materials, having nominal internal diameters of ¼, ⅜, ½, ⅝, ¾ and 1 inch, and having fittings at both ends provided with taper pipe threads for connection to a gas appliance and to house piping. Guidelines cover assembled appliance connectors not exceeding a nominal length of six (6) feet (1.83 meters). Connectors listed under this standard are intended for use with gas appliances that are not frequently moved after installation. This standard is available through HUD's online reading room.

23. *ANSI Z21.40.1–1996, Gas Fired, Heat Activated Air Conditioning and Heat Pump Appliances.* This proposed rule would correct the title of this standard from ANSI Z21.40.1–1996/CGA 2.91–M96, Gas-Fired, Heat Activated Air Conditioning and Heat Pump Appliances, to remove the reference to the Compressed Gas Association. This standard has already been approved for incorporation by reference for §§ 3280.703 and 3280.714(a) by the Director of the Office of the Federal Register and is unchanged. This standard is available through HUD's online reading room.

24. *ANSI Z21.47–2012, Gas Fired Central Furnaces (Except Direct Vent Systems).* The proposed rule would update ANSI Z21.47–1990 with Addendum Z21.4a–1990 and Z21.47b–1992, Gas-Fired Central Furnaces (Except Direct Vent System Central Furnaces). The updated standard contains new and revised requirements for documentation and testing and sets forth basic standards for the safe operation, substantial and durable construction, and acceptable performance of gas-fired central furnaces. This standard has been previously approved for incorporation by reference at 10 CFR 431.75. This standard is available through HUD's online reading room.

25. *ANSI Z21.75–2007, Connectors for Outdoor Gas Appliances and Manufactured Homes.* This proposed rule would add this standard for incorporation by reference. This standard specifies guidelines for newly produced assembled connectors constructed entirely of new, unused parts and materials. This standard is available through HUD's online reading room.

26. *ANSI Z97.1–2009, Standard for Safety Glazing Materials used in Buildings—Safety Performance Specifications and Methods of Test.* The proposed rule would update ANSI Z97.1–2004, Standard for Safety Glazing Materials used in Buildings—Safety Performance Specifications and Methods of Test, copyright 2004. This standard establishes the specifications and methods of test for the safety properties of safety glazing materials (glazing materials designed to promote safety and to reduce or minimize the likelihood of cutting and piercing injuries when the glazing materials are broken by human contact) as used for all building and architectural purposes. The updated standard adds modifications and new material that add clarity of purpose, intent and procedures. Specifically, sections have been rewritten and new sections added to provide additional assurance that the intended safe-break characteristics have been achieved before a test specimen may be declared compliant. This reference standard impacts the HUD Code to define safety glazing materials used in glass and glazed openings such as windows and sliding glass doors, and hazardous locations requiring safety glazing. The scope of this standard is available through HUD's online reading room.

27. *APA D510C–2012, Panel Design Specification.* The proposed rule would replace APA D410A–2004, Panel Design Specification. This standard specifies guidelines for newly produced assembled connectors constructed entirely of new, unused parts and materials. This standard is available through HUD's online reading room.

28. *APA E30V–2011, Engineered Wood Construction Guide.* The proposed rule would update APA E30R, Engineered Wood Construction Guide, revised January 2001. This standard specifies guidelines for the use of engineered wood for residential and commercial construction. It contains information on APA performance rated panels, glulam, I-joists, structural composite lumber, specification practices, floor, wall and roof systems, diaphragms and shear walls, fire-rated systems, and methods of finishing. This standard is available through HUD's online reading room.

29. *APA H815G–2013, Design & Fabrication of All-Plywood Beams.* The proposed rule would update APA H815E–1995 (PDS Supplement #5), Design and Fabrication of All-Plywood Beams. This standard presents recommended methods for the design and fabrication of staple-glued all-plywood beams. Allowable stresses and other design criteria are provided, as well as guidelines for beam fabrication. This standard is available through HUD's online reading room.

30. *APA PS 1–09, Structural Plywood (with Typical APA Trademarks).* This proposed rule would add this standard for incorporation by reference. This standard specifies guidelines for producing, marketing, and specifying plywood for construction and industrial uses. This standard is available through HUD's online reading room.

31. *APA S811P–2013, Design & Fabrication of Plywood Curved Panels.* The proposed rule would update APA S811M–1990 (PDS Supplement 1), Design and Fabrication of Plywood Curved Panels. This specification presents the recommended method for the design and fabrication of curved plywood roof panels spanning between load-bearing supports so that the stresses developed act circumferentially around the curve. This standard is available through HUD's online reading room.

32. *APA S812S–2013, Design & Fabrication of Glued Plywood Lumber*

Beams. The proposed rule would update APA S812R–1992, Design and Fabrication of Glued Plywood-Lumber Beams, revised November 1998, Supplement #2, July 1992. This specification presents the recommended method for the design and fabrication of glued plywood and lumber beams. This standard is available through HUD's online reading room.

33. *APA U813M–2012, Design & Fabrication of Plywood-Stressed Skin Panels.* The proposed rule would update APA U813L–1992, Design and Fabrication of Plywood Stressed-Skin Panels, revised April 1996, Supplement #3, August 1992. This specification presents the recommended method for the design and fabrication of glued plywood stressed-skin panels. This standard is available through HUD's online reading room.

34. *APA U814J–2012, Design & Fabrication of Plywood Sandwich Panels.* The proposed rule would update APA U 814H, Design and Fabrication of Plywood, Sandwiched Panels, revised September 1993, Supplement #4, March 1990. This specification presents the recommended method for the design and fabrication of flat plywood sandwich panels. This standard is available through HUD's online reading room.

35. *APA Y510–98, Plywood Design.* This proposed rule would add this standard for incorporation by reference. This specification presents section properties, recommended design stresses, and design methods for plywood when used in building construction and related structures. This standard is available through HUD's online reading room.

36. *ASCE/SEI 7–05, Minimum Design Loads for Buildings and Other Structures.* The proposed rule would update ANSI/ASCE 7–88, Minimum Design Loads for Buildings and Other Structures. This standard describes the means for determining design loads including dead, live, soil, flood, tsunami, snow, rain, atmospheric ice, seismic, and wind loads and their combinations for general structural design. This standard is available through HUD's online reading room.

37. *ANSI/ASHRAE Standard 62.2–2013, Ventilation and Acceptable Indoor Air Quality in Low-Rise Residential Buildings.* The proposed rule would update ANSI/ASHRAE 62.2–2010, Ventilation and Acceptable Indoor Air Quality in Low-Rise Residential Buildings, copyright 2010. This standard describes the minimum requirements to achieve acceptable indoor air quality via dwelling-unit ventilation, local demand-controlled exhaust, and source control. This standard is available through HUD's online reading room.

38. *ANSI/ASME B1.20.1–2013, Pipe Threads, General Purpose (Inch).* The proposed rule would update ASME B1.20.1–1983, Pipe Threads, General Purpose (Inch). This standard establishes specifications for wrought copper and wrought copper alloy, solder-joint, seamless fittings, designed for use with seamless copper tube conforming to ASTM B88 (water and general plumbing systems), B280 (air conditioning and refrigeration service), and B819 (medical gas systems), as well as fittings intended to be assembled with soldering materials conforming to ASTM B32, brazing materials conforming to AWS A5.8, or with tapered pipe thread conforming to ASME B1.20.1. This standard is aligned with ASME B16.18, which covers cast copper alloy pressure fittings, and provides requirements for fitting ends suitable for soldering. This standard covers pressure-temperature ratings, abbreviations for end connections, size and method of designating openings of fittings, marking, material, dimensions and tolerances, and tests. This standard is available through HUD's online reading room.

39. *ANSI/ASME B36.10–2004, Welding and Seamless Wrought Steel Pipe.* The proposed rule would update ASME B36.10–1979, Welding and Seamless Wrought Steel Pipe. This standard covers the standardization of dimensions of welded and seamless wrought steel pipe for high or low temperatures and pressures. The word pipe is used, as distinguished from tube, to apply to tubular products of dimensions commonly used for pipeline and piping systems. Pipe NPS 12 (DN 300) and smaller have outside diameters numerically larger than their corresponding sizes. In contrast, the outside diameters of tubes are numerically identical to the size number for all sizes. This standard is available through HUD's online reading room.

40. *ASTM A53/A53M–12, Standard Specification for Pipe, Steel, Black and Hot-Dipped.* The proposed rule would update ASTM A53–93, Standard Specification for Pipe, Steel, Black and Hot-Dipped, Zinc Coated, Welded and Seamless. This specification covers seamless and welded black and hot-dipped galvanized steel pipe in NPS ⅛ to NPS 26. The steel categorized in this standard must be open-hearth, basic-oxygen, or electric-furnace processed, and must have specified chemical requirements. Testing requirements for seamless or welded tubing are provided in this standard. This standard is available through HUD's online reading room.

41. *ASTM B42–10, Standard Specification for Seamless Copper Pipe, Standard Sizes.* The proposed rule would update ASTM B42–93, Standard Specification for Seamless Copper Pipe, Standard Sizes. This specification establishes the requirements for seamless copper pipe in all nominal standard pipe sizes, both regular and extra-strong, suitable for use in plumbing, boiler feed lines, and for similar purposes. This standard is available through HUD's online reading room.

42. *ASTM B88–14, Standard Specification for Seamless Copper Water Tube.* The proposed rule would update ASTM B88–93, Standard Specification for Seamless Copper Water Tube. The specification covers seamless copper water tube suitable for general plumbing, applications for the conveyance of fluids, and use with solder, flared, or compression-type fittings. This standard is available through HUD's online reading room.

43. *ASTM B251–10, Standard Specification for General Requirements for Wrought Seamless Copper and Copper-Alloy Tube.* The proposed rule would update ASTM B251–93, Standard Specification for General Requirements for Wrought Seamless Copper and Copper-Alloy Tube. This specification sets forth the general requirements for wrought seamless copper and copper-alloy tube. This standard is available through HUD's online reading room.

44. *ASTM B280–13, Standard Specification for Seamless Copper Tube for Air Conditioning and Refrigeration Field Service.* The proposed rule would update ASTM B280–95a, Standard Specification for Seamless Copper Tube for Air Conditioning and Refrigeration Field Service. This specification sets forth the requirements for seamless copper tube intended for use in the connection, repairs, or alterations of air conditioning or refrigeration units in the field. This standard is available through HUD's online reading room.

45. *ASTM C1396/C1396M–14, Standard Specification for Gypsum Board.* The proposed rule would update ASTM C 36/C 36M–99, Standard Specification for Gypsum Wallboard, 1999. This specification covers gypsum boards which include the following: gypsum wallboard for use on walls, ceilings, or partitions and that affords a surface suitable to receive decoration; predecorated gypsum board for use as the finished surfacing for walls, ceilings, or partitions; gypsum backing board, coreboard, and shaftliner board for use as a base in multilayer systems or as a

gypsum stud or core in semisolid or solid gypsum board partitions, or in shaft wall assemblies; water-resistant gypsum backing board to be used as a base for the application of ceramic or plastic tile on walls or ceilings; exterior gypsum soffit board for exterior soffits and carport ceilings that are completely protected from contact with liquid water; gypsum sheathing board for use as sheathing on buildings; gypsum base for veneer plaster; gypsum lath for use as a base for gypsum plaster application; and gypsum ceiling board for interior ceilings and walls. This standard is available through HUD's online reading room.

46. *ASTM D3679–09a, Standard Specification for Rigid Poly (Vinyl Chloride) (PVC) Siding.* This proposed rule would add this standard for incorporation by reference. This specification establishes requirements and test methods for the materials, dimensions, warp, shrinkage, impact strength, expansion, appearance, and windload resistance of extruded single-wall siding manufactured from rigid (unplasticized) PVC compound. This standard is available through HUD's online reading room.

47. *ASTM D4442–07, Standard Test Methods for Direct Moisture Content Measurement of Wood & Wood Base Materials.* The proposed rule would update ASTM D4442–92 (Reapproved 1997), Standard Test Methods for Direct Moisture Content Measurement of Wood and Wood-Base Materials. These test methods cover the determination of the moisture content of wood, veneer, and other wood-based materials, including those that contain adhesives and chemical additives. This standard is available through HUD's online reading room.

48. *ASTM D4444–13, Standard Test Methods for Use and Calibration of Hand-Held Moisture Meters.* The proposed rule would update ASTM D4444–92, Standard Test Methods for Use and Calibration of Hand-Held Moisture Meters. These test methods cover the measurement of moisture content of solid wood products, including those containing additives (that is, chemicals or adhesives) for laboratory standardization and calibration of hand-held moisture meters. This standard is available through HUD's online reading room.

49. *ASTM D4756–06, Standard Practice for Installation of Rigid Poly (Vinyl Chloride) (PVC) Siding and Soffit.* This proposed rule would add this standard for incorporation by reference. This standard covers the minimum requirements for and the methods of installation of rigid vinyl siding, soffits, and accessories on the exterior wall and soffit areas of buildings. This standard also covers aspects of installation relating to effectiveness and durability in service. This standard is available through HUD's online reading room.

50. *ASTM D7254–07, Standard Specification for Polypropylene (PP) Siding.* The proposed rule would add this standard for incorporation by reference. This specification establishes requirements and test methods for materials, impact strength, appearance, surface flame spread, and windload resistance of siding products manufactured from polypropylene material. This standard is available through HUD's online reading room.

51. *ASTM E90–09, Standard Test Method for Laboratory Measurement of Airborne Sound Transmission Loss of Building Partitions and Elements.* This proposed rule would add this standard for incorporation by reference. This test method covers the laboratory measurement of airborne sound transmission loss of building partitions such as walls of all kinds, operable partitions, floor-ceiling assemblies, doors, windows, roofs, panels, and other space-dividing elements. This standard is available through HUD's online reading room.

52. *ASTM E96/E96M–13, Standard Test Methods for Water Vapor Transmission of Materials.* The proposed rule would update ASTM E96–95, Standard Test Methods for Water Vapor Transmission of Materials. These test methods cover the determination of water vapor transmission rate of materials, such as, but not limited to, paper, plastic films, other sheet materials, coatings, foams, fiberboards, gypsum and plaster products, wood products, and plastics. This standard is available through HUD's online reading room.

53. *ASTM E119–14, Standard Test Method for Fire Tests of Building Construction and Materials.* The proposed rule would update ASTM E119–05, Standard Test Method for Fire Tests of Building Construction and Materials. This standard contemplates fire test response criteria which is essential for fire safety. Testing per this standard establishes the duration for which a specific material or installation can contain a fire. This information helps to show insurance carriers, contractors, and other parties what might reasonably be expected in the event of a fire emergency. This standard is available through HUD's online reading room.

54. *ASTM E492–09, Standard Test Method for Laboratory Measurement of Impact Sound Transmission Through Floor-Ceiling Assemblies Using the Tapping Machine.* This proposed rule would add this standard for incorporation by reference. This test method covers the laboratory measurement of impact sound transmission of floor-ceiling assemblies using a standardized tapping machine. This standard is available through HUD's online reading room.

55. *ASTM E814–13, Standard Test Method for Fire Tests of Penetration Firestop Systems.* This proposed rule would add this standard for incorporation by reference. This standard is used to measure and describe the response of materials, products, or assemblies to heat and flame under controlled conditions. This standard contemplates fire testing that evaluates a firestop under fire conditions to determine if it will gain firestop status. It addresses areas of building construction where firestop systems are necessary to contain fire from spreading from one area to another around penetrating items. This standard is available through HUD's online reading room.

56. *AWC (formerly under AFPA), 2012 Design Values for Joists & Rafters.* The proposed rule updates AFPA, Design Values for Joists and Rafters 1992. This standard provides design values such as bending, compression, and modulus of elasticity for joists and rafters, and tabulates allowable bending (Fb) and modulus of elasticity (E) design values for visually graded and mechanically graded dimension lumber. This standard is available through HUD's online reading room.

57. *AWC NDS–2015 (formerly under AFPA), National Design Specifications for Wood Construction, with Supplement, Design for Wood Construction.* The proposed rule updates ANSI/AFPA NDS–2001, National Design Specifications for Wood Construction, 2001 Edition, with Supplement, Design Values for Wood Construction, November 30, 2001. This specification defines the methods to be followed in structural design with the following wood products: visually graded lumber, mechanically graded lumber, structural glued laminated timber, timber piles, timber poles, prefabricated wood I-joists, structural composite lumber, wood structural panels, and cross-laminated timber. It also defines the practice to be followed in the design and fabrication of single and multiple fastener connections using the fasteners described within it. This standard is available through HUD's online reading room.

58. *AWC PS–20–70–2012 (formerly under AFPA), Span Tables for Joists &*

Rafters. The proposed rule updates AFPA PS–20–70, Span Tables for Joists and Rafters, 1993. This standard provides a simplified system for determining allowable joist and rafter spans for typical loads encountered in one- and two-family dwellings and is referenced in the *2012 International Building Code.* This standard is available through HUD's online reading room.

59. *ANSI/HPVA HP–1–2009, American National Standard for Hardwood and Decorative Plywood.* The proposed rule would update ANSI/HPVA HP–1–1994, American National Standard for Hardwood and Decorative Plywood. This standard sets forth the specific requirements for all face, back, and inner ply grades as well as formaldehyde emissions, moisture content, tolerances, sanding, and grade marking for hardwood and decorative plywood. This standard is available through HUD's online reading room.

60. *IAPMO TSC 9–2003, Standard for Gas Supply Connectors for Manufactured Homes.* The proposed rule would update IAPMO TSC 9–97, Standard for Gas Supply Connectors for Manufactured Homes. This standard applies to connectors for outdoor use consisting of flexible tubing depending on all-metal construction for gas tightness and having a fitting at each end provided with tapered pipe threads for connecting manufactured home gas piping to a manufactured home lot gas outlet or a crossover in multiple unit manufactured homes. This standard is available through HUD's online reading room.

61. *ISO/IEC 17065–2012, Conformity Assessment—Requirements for Bodies Certifying Products, Processes and Services.* This proposed rule would add this standard for incorporation by reference. This International Standard contains requirements for the competence, consistent operation and impartiality of product, process and service certification bodies. This standard is available through HUD's online reading room.

62. *ESR 1539–2014, ICC–ES Evaluation Report, Power Driven Staples and Nails.* The proposed rule would update NER–272, National Evaluation Report, Power Driven Staples, Nails, and Allied Fasteners for Use in All Types of Building Construction, Reissued September 1, 1997. This document contains design values and allowable load tables for individual nails and staples as well as for nailed or stapled shear walls that may not be listed in the Uniform Building Code. This standard is available through HUD's online reading room.

63. *NFPA 13D–2010, Standard for the Installation of Sprinkler Systems in One and Two Family Dwellings and Manufactured Homes.* This proposed rule would add this standard for incorporation by reference. This standard covers the design, installation, and maintenance of automatic sprinkler systems for protection against the fire hazards in one- and two-family dwellings and manufactured homes. This standard is available through HUD's online reading room.

64. *NFPA 31–2011, Installation of Oil-Burning Equipment.* The proposed rule would update NFPA 31, Standard for the Installation of Oil-Burning Equipment, 2001. This standard sets forth the requirements for the safe, efficient design and installation of heating appliances that use a liquid fuel, typically No. 2 heating oil, but also lighter fuels, such as kerosene and diesel fuel, and heavier fuels, such as No. 4 fuel oil. This standard is available through HUD's online reading room.

65. *NFPA 54/ANSI Z223.1–2015, National Fuel Gas Code.* The proposed rule would update NFPA 54–2002, National Fuel Gas Code. This standard provides minimum safety requirements for the design and installation of fuel gas piping systems in homes and other buildings. This standard is available through HUD's online reading room.

66. *NFPA 58–2014, Standard for the Storage and Handling of Liquefied Petroleum Gases.* The proposed rule would update NFPA 58, Liquefied Petroleum Gas Code, 2001 Edition. This standard sets forth the requirements for safe liquified petroleum gas storage, handling, transportation, and use. This standard mitigates risks and ensures safe installations, to prevent failures, leaks, and tampering that could lead to fires and explosions. This standard is available through HUD's online reading room.

67. *NFPA 70–2014, National Electric Code.* This proposed rule would update NFPA No. 70–2005. This standard sets forth the requirements for safe electrical design, installation, and inspection to protect people and property from electrical hazards. The purpose of this Code is the practical safeguarding of persons and property from hazards arising from the use of electricity. This standard is available through HUD's online reading room.

68. *NFPA 90B–2015, Warm Air Heating and Air Conditioning Systems.* The proposed rule would update NFPA 90B, Warm Air Heating and Air Conditioning Systems, 1996 Edition. This standard sets forth the requirements that cover the construction, installation, operation, and maintenance of systems for warm air heating and air conditioning, including filters, ducts, and related equipment to protect life and property from fire, smoke, and gases resulting from fire or from conditions having manifestations similar to fire. This standard is available through HUD's online reading room.

69. *SAE J533b–2007, Flares for Tubing.* The proposed rule would update SAE–J533b–1992, Flares for Tubing. This standard covers specifications and performance requirements for 37° and 45° single and double flares for tube ends intended for use with SAE J512, SAE J513, SAE J514, and ISO 8434–2 connectors. This standard is available through HUD's online reading room.

70. *TPI 1–2007, National Design Standard for Metal Plate Connected Wood Truss Construction* (formerly TPI–85). The proposed rule would update TPI–85, Design Specifications for Metal Plate and Wood Connected Trusses. This standard establishes minimum requirements for the design and construction of metal-plate-connected wood Trusses. This standard describes the materials used in a Truss, both lumber and steel, and design procedures for Truss members and joints. This standard is available through HUD's online reading room.

71. *UL 103–2010, Chimneys, Factory Built Residential Type & Building Heating Appliance.* The proposed rule would update UL 103–1995, with 1999 revisions, Factory-Built Chimneys for Residential Type and Building Heating Appliances, Ninth Edition. This standard sets forth the requirements for factory-built chimneys intended for venting gas, liquid, and solid-fuel fired residential-type appliances and building heating appliances in which the maximum continuous flue-gas outlet temperatures do not exceed 1,000 °F (538 °C). This standard is available through HUD's online reading room.

72. *UL 109–2005, Tube Fittings for Flammable and Combustible Fluids, Refrigeration Service, and Marine Use.* The proposed rule would update UL 109–1997, with 2001 revisions, Tube Fittings for Flammable and Combustible Fluids, Refrigeration Service, and Marine Use, Sixth Edition. This standard sets forth the requirements that apply to the performance in flame-exposure tests of flame-resistant fabrics of natural, synthetic or combination of natural and synthetic fibers, or plastic films intended for such use as tents, awnings, draperies or decorations. This standard is available through HUD's online reading room.

73. *UL 174–2004, Household Electric Storage Tanks Water Heaters.* The proposed rule would update UL 174–1996, with 1997 revisions, Household Electric Storage Tanks Water Heaters, Tenth Edition. This standard sets forth the requirements for household electric storage tank and small capacity storage tank water heaters that are rated no more than 600 volts and 12 kilowatts and are to be installed in accordance with the NFPA 70 and with model plumbing and mechanical codes. This standard is available through HUD's online reading room.

74. *UL 181–2013, Factory Made Air Ducts & Connectors.* The proposed rule would update UL 181 Factory Made Air Ducts and Connectors, Ninth Edition, April 4, 1996, with revisions through May 15, 2003. This standard sets forth the requirements that apply to materials for the fabrication of air duct and air connector systems for use in accordance with the International Mechanical Code, International Residential Code, and Uniform Mechanical Code, Standards of the National Fire Protection Association for the Installation of Air-Conditioning and Ventilating Systems, NFPA No. 90A, and the Installation of Warm Air Heating and Air-Conditioning Systems, NFPA No. 90B. This standard is available through HUD's online reading room.

75. *UL 181A–2013, Closure Systems for Use with Rigid Air Ducts and Air Connectors.* The proposed rule would update UL 181A, 1994, with 1998 revisions, Standard for Safety Closure Systems for Use with Rigid Air Ducts and Air Connectors, Second Edition. This standard sets forth the requirements that cover closure systems for use with factory-made rigid air ducts or air connectors complying with the Standard for Factory-Made Air Ducts and Air Connectors, UL 181. Closure systems consist of pressure sensitive tapes, heat-activated tapes, and mastics. This standard is available through HUD's online reading room.

76. *UL 263–2014, Fire Tests of Building Construction Materials.* This proposed rule would add this standard for incorporation by reference. These fire tests are applicable to assemblies of masonry units and composite assemblies of structural materials for buildings, including bearing and other walls and partitions, columns, girders, beams, slabs, and composite slab and beam assemblies for floors and roofs. They are also applicable to other assemblies and structural units that constitute permanent integral parts of a finishing building. This standard is available through HUD's online reading room.

77. *UL 268–1999, Smoke Detectors for Fire Protective Signaling Systems.* This standard has already been approved for incorporation by reference for § 3280.209(a) by the Director of the Office of the Federal Register and is unchanged but being proposed for incorporation by reference into § 3280.703. This standard is available through HUD's online reading room.

78. *UL 307A–2009, Liquid Fuel Burning Heating Appliances for Manufactured Homes & Recreational Vehicles.* The proposed rule would update UL 307A–1995, Liquid Fuel Burning Heating Appliances for Manufactured Homes and Recreational Vehicles, Seventh Edition, with 1997 revisions. This standard sets forth requirements that apply to certain types of liquid fuel-burning appliances intended for installation in manufactured homes and recreational vehicles, including travel trailers, camping trailers, truck campers, motor homes, and park trailers. This standard is available through HUD's online reading room.

79. *UL 307B–2009, Gas Burning Appliances for Manufactured Homes & Recreational Vehicles.* The proposed rule would update UL 307B–1995, Gas Burning Heating Appliances for Manufactured Homes and Recreational Vehicles, Fourth Edition, with 1998 revisions. This standard sets forth the requirements that apply to the certain gas fuel-burning heating appliances. This standard is available through HUD's online reading room.

80. *UL 441–2010, Gas Vents.* The proposed rule would update UL 441, 1996 with 1999 revisions, Gas Vents, Ninth Edition. This standard sets forth the requirements that cover Types B and BW gas vents and Types B and BW gas vent roof jacks intended for venting gas appliances equipped with draft hoods to burn only gas. This standard is available through HUD's online reading room.

81. *UL 499–2014, Standard for Electric Heating Appliances, Fourteenth Edition.* This proposed rule would add this standard for incorporation by reference. These requirements cover heating appliances rated at 600 V or less for use in unclassified locations in accordance with the National Electrical Code (NEC), NFPA 70–2014. This standard is available through HUD's online reading room.

82. *UL 569–2013, Pigtails and Flexible Hose Connectors for LP Gas.* The proposed rule would update UL 569, 1995 with 2001 revisions, Pigtails and Flexible Hose Connectors for LP-Gas, Seventh Edition. This standard sets forth the requirements that cover pigtails and flexible hose connectors used in the assembly of fuel-supply systems and intended for liquefied petroleum gas. This standard is available through HUD's online reading room.

83. *UL 1042–2009, Electric Baseboard Heating Equipment.* The proposed rule would update UL 1042–1994, Electric Baseboard Heating Equipment, Fourth Edition, with 1998 revisions. This standard sets forth the requirements for portable and fixed electric baseboard heating equipment rated at 600 volts or less, to be employed in ordinary locations in accordance with NFPA 70. This standard is available through HUD's online reading room.

84. *UL 1479–2014, Standard for Fire Tests of Penetration Firestops.* This proposed rule would add this standard for incorporation by reference. This standard provides testing requirements of penetration firestops of various materials and construction that are intended for use in openings in fire resistive wall, floor, or floor-ceiling assemblies, and membrane type penetration firestops of various materials and construction that are intended for use in openings in fire resistive wall assemblies. This standard is available through HUD's online reading room.

85. *UL 1995–2011, Heating and Cooling Equipment.* The proposed rule would update UL 1995, Heating and Cooling Equipment, Second Edition, with 1999 revisions. This standard sets forth the requirements for the following stationary equipment for use in nonhazardous locations rated greater than 600 volts up to 7200 V, and remote control assemblies for such equipment: heat pumps, air conditioners, liquid chillers and compressor-evaporator or liquid chiller assemblies, add-on heat pumps and heat pump water heaters, refrigerant desuperheaters, and packaged heat pump water heaters. This standard is available through HUD's online reading room.

86. *UL 2034–2016, Standard for Single and Multiple Station Carbon Monoxide Alarms.* This standard has already been approved for incorporation by reference for § 3280.211(a) by the Director of the Office of the Federal Register and is unchanged but is being proposed for incorporation by reference into §§ 3280.209 and 3280.703. This standard is available through HUD's online reading room.

87. *UL 60335–2–34–2012, Standard for Household and Similar Electrical Appliances—Safety, Part 2–34: Particular Requirements for Motor-Compressors.* The proposed rule would add this standard for incorporation by reference. This standard deals with the

safety of sealed (hermetic and semi-hermetic type) motor-compressors, their protection and control systems, if any, which are intended for use in equipment for household and similar purposes and which conform with the standards applicable to such equipment. This standard is available through HUD's online reading room.

88. *WDMA I.S.4–2009, Industry Specification for Preservative Treatment for Millwork.* The proposed rule would update NWWDA I.S.4–81, Water Repellent Preservative Non-Pressure Treatment for Millwork. This specification provides a nationally recognized standard for the water-repellent preservative treatment for millwork and serves as a basis of common understanding for producers, preservative formulators, distributors and users. The standard is also intended to promote fair competition within the industry and to aid purchasers and users in obtaining properly treated millwork. This standard is available through HUD's online reading room.

In addition to reviewing these standards on-line, copies of the standards may be obtained from the organization that developed the standard as follows:

AAMA—American Architectural Manufacturers Association, now known as Fenestration and Glazing Industry Alliance, 1900 E Golf Road, Schaumburg, Illinois 60173, website: *www.fgiaonline.org.*

AFPA—American Forest and Paper Association, 1101 K Street NW, Suite 700, Washington, DC, telephone number 202–463–2700, website: *www.afandpa.org.*

AHRI—Air Conditioning, Heating & Refrigeration Institute, 2311 Wilson Blvd., Suite 400, Arlington, VA 22201, telephone number 703–524–8800, fax number 703–528–3816, website: *www.ahrinet.org.*

AISC—American Institute of Steel Construction, 130 East Randolph Street, Suite 2000, Chicago, IL 60601–6219, telephone number 312–670–2400, fax number 312–626–2402, website: *www.aisc.org.*

AISI—American Iron and Steel Institute, 25 Massachusetts Avenue NW, Suite 800, Washington, DC 20001, telephone number 202–452–7100, website: *www.steel.org.*

ANSI—American National Standards Institute, 25 West 43rd Street, 4th Floor, New York, NY 10036, (212) 642–4900, fax (212) 398–0023, website: *www.ansi.org.*

APA—The Engineered Wood Association (formerly American Plywood Association), 7011 South 19th Street, Tacoma, WA 98466–5333, telephone number 253–565–6600, fax number 253–565–7265, website: *www.apawood.org.*

ASME—American Society of Mechanical Engineers, Two Park Avenue, New York, NY 10016–5990, telephone number 800–843–2763, website: *www.asme.org.*

ASCE/SEI—American Society of Civil Engineers/Structural Engineering Institute, 1801 Alexander Bell Drive, Reston, VA 20191, telephone number 800–548–2723, website: *www.asce.org.*

ASHRAE—American Society of Heating, Refrigerating and Air-Conditioning Engineers, 180 Technology Parkway NW, Peachtree Corners, GA 30092, telephone number 404–636–8400, fax 404–321–5478, website: *www.ashrae.org.*

ASME—American Society of Mechanical Engineers, Two Park Avenue, New York, NY 10016, telephone number 800–843–2763, website: *www.asme.org.*

ASTM—ASTM, International Headquarters, 100 Barr Harbor Drive, West Conshohocken, PA 19428–2959, 1–877–909–2786 (USA & Canada), fax number 610–832–9555, website: *www.astm.org.*

AWC—American Wood Council, 222 Catoctin Circle SE, Suite 201, Leesburg, VA 20175, telephone number 202–463–2766, website: *www.awc.org.*

CPA—Composite Panel Association (formerly the American Hardboard Association), 19465 Deerfield Ave., Suite 306, Leesburg, VA 20176, telephone number 1–703–724–1128, website: *compositepanel.org.*

HPVA—Decorative Hardwoods Association (formerly HPVA), 42777 Trade West Drive, Sterling, VA 20166, telephone number 703–435–2900, fax 703–435–2537, website: *www.decorativehardwoods.org.*

IAPMO—International Association of Plumbing and Mechanical Officials, 4755 East Philadelphia Street, Ontario, CA 91716, telephone number 909–472–4100, fax number 909–472–4150, website: */www.iapmo.org.*

ICC–ES—International Code Council Evaluation Service, 3060 Saturn Street, Suite 100, Brea, CA 92821, telephone number 1–800–423–6587, fax (562) 695–4694, website: *www.icc-es.org.*

International Organization for Standardization/International Electrotechnical Commission, Chemin de Blandonnet 8, CP 401—1214 Vernier, Geneva, Switzerland, telephone number +41 22 749 01 11, website: *www.iso.org.*

NFPA—National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02169, telephone number (617) 770–3000, fax (508) 895–8301, website: *www.nfpa.org.*

SAE—Society of Automotive Engineers, 400 Commonwealth Drive, Warrendale, PA 15096, telephone number 724–776–4841, fax number 724–776–0790, website: *www.sae.org.*

TPI—Truss Plate Institute, 2670 Crain Highway, Suite 203, Waldorf, MD 20601, telephone number 240–587–5582, fax number 866–501–4012, website: *www.tpinst.org.*

UL—Underwriters' Laboratories, Inc., 333 Pfingsten Road, Northbrook, IL 60062, telephone number 847–272–8800, fax number 847–509–6257, website: *www.ul.com.*

WDMA—Window and Door Manufacturers Association, 2001 K Street NW, 3rd Floor North, Washington, DC 20006, telephone number 202–367–1157, website: *www.wdma.com.*

IV. Findings and Certifications

Regulatory Planning and Review

Under Executive Order 12866 (Regulatory Planning and Review), a determination must be made whether a regulatory action is significant and, therefore, subject to review by the Office of Management and Budget (OMB) in accordance with the requirements of the order. Executive Order 13563 (Improving Regulations and Regulatory Review) directs executive agencies to analyze regulations that are ''outmoded, ineffective, insufficient, or excessively burdensome, and to modify, streamline, expand, or repeal them in accordance with what has been learned.'' Executive Order 13563 also directs that, where relevant, feasible, and consistent with regulatory objectives, and to the extent permitted by law, agencies are to identify and consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public.

The Office of Management and Budget (OMB) reviewed this rule under Executive Order 12866 (entitled ''Regulatory Planning and Review''). OMB determined that this rule is a ''significant regulatory action'' as defined in section 3(f) of the Order (although not an economically significant regulatory action, as provided under section 3(f)(1) of the Order). Any changes made to the rule subsequent to its submission to OMB are identified in the docket file, which is available for public inspection at either *www.regulations.gov* or in the Regulations Division, Office of the

General Counsel, Room 10276, 451 7th Street SW, Washington, DC 20410–0500. HUD strongly encourages the public to view the docket file at *www.regulations.gov.* Due to security measures at the HUD Headquarters building, please schedule an appointment to review the docket file by calling the Regulations Division at 202–402–3055 (this is not a toll-free number). Individuals with speech or hearing impairments may access this number via TTY by calling the Federal Relay Service at toll-free 800–877–8339.

Paperwork Reduction Act

The information collection requirements contained in this proposed rule have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). In accordance with the Paperwork Reduction Act, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number. OMB has issued HUD the control number 2502–0253 for the information collection requirements under the current Manufactured Housing Construction and Safety Standards Program.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. This rule will not impose any Federal mandates on any State, local, or tribal government or the private sector within the meaning of the Unfunded Mandates Reform Act of 1995.

Environmental Review

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). The Finding of No Significant Impact is available for public inspection on *www.regulations.gov* and between the hours of 8 a.m. and 5 p.m. weekdays in the Regulations Division, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410–0500.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities.

The rule, as proposed, would regulate establishments primarily engaged in making manufactured homes (NAICS 32991). The Small Business Administration's size standards define an establishment primarily engaged in making manufactured homes as small if it does not exceed 1,250 employees. HUD believes that many of the manufacturers included under this NAICS definition fall below the small business threshold of 1250 employees. The proposed rule would apply to all of the manufacturers. The rule would, thus, affect a substantial number of small entities. HUD has determined, however, that this rule would not have a significant economic impact on a substantial number of small entities.

As discussed in the economic impact analysis prepared for this proposed rule, however, most of the revisions proposed by this rule would not affect costs of manufacturers, large or small, and provide benefit to homeowners. Further, of the nine code changes proposed by this rule that would affect the cost of design, production, or installation of manufactured homes, seven would decrease the costs of manufacturing or would provide manufacturers additional flexibility in the design of the home. Only two proposed revisions would increase costs and have an ambiguous impact on costs. The proposed revisions that increase costs, however, would increase fire safety save lives, reduce injury, and reduce property damage. This rule also proposes four changes that would eliminate the need for manufacturers to prepare and submit an Alternate Construction (AC) letter, providing all manufacturers, large and small, additional cost savings and increased flexibility in design. These provisions would provide additional options and increased flexibility in, for example, the design of accessible shower stalls, multi-unit homes and revised floor plans.

Overall, the regulatory impact analysis prepared for this proposed rule concluded that the decreased costs of design, production and installation of manufactured homes would be between $9.5 million to $23.3 million, annually. This overall decrease in production cost for the manufacturer associated with this proposed rule would reduce burden and result in an overall positive economic impact on manufacturers and consumers. The regulatory impact analysis also provides that the rule, as proposed, would produce net benefits ranging from $18.8 million to $21.8 million.

Notwithstanding HUD's determination that this rule, as proposed, would not have a significant economic effect on a substantial number of small entities, HUD specifically invites comments regarding this certification and any less burdensome alternatives to this rule that will meet HUD's objectives as described in this preamble.

Executive Order 13132, Federalism

Executive Order 13132 (entitled ''Federalism'') prohibits, to the extent practicable and permitted by law, an agency from promulgating a regulation that has federalism implications and either imposes substantial direct compliance costs on state and local governments and is not required by statute, or preempts state law, unless the relevant requirements of section 6 of the Executive Order are met. This rule does not have federalism implications and does not impose substantial direct compliance costs on state and local governments or preempt state law within the meaning of the Executive Order.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance number for Manufactured Housing Construction and Safety Standards is 14.171.

List of Subjects

24 CFR Part 3280

Housing standards, Incorporation by reference, Manufactured homes.

24 CFR Part 3282

Administrative practice and procedure, Consumer protection, Intergovernmental relations, Investigations, Manufactured homes, Reporting and recordkeeping requirements, Warranties.

24 CFR Part 3285

Housing standards, Manufactured homes.

24 CFR Part 3286

Administrative practice and procedure, Consumer protection, Intergovernmental relations, Manufactured homes, Reporting and recordkeeping requirements.

For the reasons discussed in the preamble, HUD proposes to amend 24 CFR parts 3280, 3282, 3285, and 3826 as follows:

PART 3280—MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS

■ 1. The authority citation for part 3280 continues to read as follows:

Authority: 15 U.S.C. 2697, 42 U.S.C. 3535(d), 5403, and 5424.

■ 2. Amend § 3280.2 as follows:
■ a. Revise definition for ''Certification label'';
■ b. Add, in alphabetical order, a definition for ''Dwelling'';
■ c. Revise definition for ''Dwelling unit'';
■ d. Add, in alphabetical order, definitions for ''Multipurpose fire sprinkler system'', ''Stand-alone fire sprinkler system''; and ''Water resistive barrier''.

The revisions and additions read as follows:

§ 3280.2 Definitions.

* * * * *

Certification label means the approved form of certification by the manufacturer that, under § 3280.11, is permanently affixed to each transportable section of each manufactured home manufactured for sale in the United States.

Dwelling means any structure that contains one to a maximum of three dwelling units, designed to be permanently occupied for residential living purposes.

Dwelling unit means a single unit that provides complete independent living facilities for one or more persons, where the occupancy is primarily permanent in nature, including permanent provisions for separate living, sleeping, cooking, eating, and sanitation.

* * * * *

Multipurpose fire sprinkler system means a system that supplies domestic water to both plumbing fixtures and fire sprinklers.

* * * * *

Stand-alone fire sprinkler system means *a* system that is separate and independent from the water distribution system.

* * * * *

Water resistive barrier means a material behind the exterior wall covering that is intended to prevent liquid water that has penetrated behind the exterior covering from intruding further into the exterior wall assembly.

* * * * *

■ 3. Revise and republish § 3280.4 to read as follows:

§ 3280.4 Incorporation by reference.

Certain material is incorporated by reference in this part with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the U.S. Department of Housing and Urban Development (Department) must publish a document in the **Federal Register** and the material must be available to the public. All approved incorporation by reference (IBR) material is available for inspection at the Department and at the National Archives and Records Administration (NARA). Contact the Department at: Office of Manufactured Housing Program, Manufactured Housing and Construction Standards Division, U.S. Department of Housing and Urban Development, 451 Seventh Street SW, Room B–133, Washington, DC 20410, email *mhs@hud.gov.* For information on the availability of this material at NARA, email *fr.inspection@nara.gov* or go to *www.archives.gov/federal-register/cfr/ibr-locations.html.* Copies of incorporated standards that are not available from their producer organizations may be obtained from the Office of Manufactured Housing Programs. The material may be obtained from the following source(s):

(a) Air Conditioning, Heating & Refrigeration Institute (AHRI), 2311 Wilson Blvd., Suite 400, Arlington, VA 22201; telephone: 703–524–8800; fax: 703–528–3816; website: *www.ahrinet.org.*

(1) ANSI/AHRI Standard 210/240–2008 with Addenda 1 and 2, Unitary Air-Conditioning and Air-Source Heat Pump Equipment, 2008; IBR approved for §§ 3280.511(b); 3280.703(d); 3280.714(a).

(2) [Reserved]

(b) Aluminum Association (AA), 1525 Wilson Blvd., Suite 600, Arlington, VA 22209; telephone: 703–358–2960; fax: 703–358–3921; website: *www.aluminum.org.*

(1) Aluminum Design Manual, Specifications and Guidelines for Aluminum Structures, Part 1–A, Sixth Edition, October 1994; IBR approved for § 3280.304(b).

(2) Aluminum Design Manual, Specifications and Guidelines for Aluminum Structures, Part 1–B, First Edition, October 1994; IBR approved for § 3280.304(b).

(c) American Forest and Paper Association (AFPA), 1101 K Street NW, Suite 700, Washington, DC 20005; telephone: 202–463–2700; website: *www.afandpa.org.*

(1) AFPA, Wood Structural Design Data, 1986 Edition with 1992 Revisions; IBR approved for § 3280.304(b).

(2) [Reserved]

(d) American Gas Association (AGA), 400 North Capitol Street NW, Washington, DC 20001: telephone: 202–824–7000; website: *www.aga.org.*

(1) AGA No. 3–87, Requirements for Gas Connectors for Connection of Fixed Appliances for Outdoor Installation, Park Trailers, and Manufactured (Mobile) Homes to the Gas Supply; IBR approved for § 3280.703(d).

(2) [Reserved]

(e) American Institute of Steel Construction (AISC), 130 East Randolph Street, Suite 2000, Chicago, IL 60601–6219; telephone: 312–670–2400; fax: 312–626–2402; website: *www.aisc.org.*

(1) AISC 360–10, Specification for Structural Steel Buildings, June 22, 2010; IBR approved for §§ 3280.304(b); 3280.305(j).

(2) [Reserved]

(f) American Iron and Steel Institute (AISI), 25 Massachusetts Avenue NW, Suite 800, Washington, DC 20001; telephone: 202–452–7100; website: *www.steel.org.*

(1) AISI S100–12, North American Specification for the Design of Cold-Formed Steel Structural Members, 2012; IBR approved for §§ 3280.304(b); 3280.305(j).

(2) [Reserved]

(g) American National Standards Institute (ANSI), 25 West 43rd Street, 4th floor, New York, NY 10018; telephone: 212–642–4900; fax: 212–398–0023; website: *www.ansi.org.*

(1) ANSI A112.14.1–1975, Backflow Valves; IBR approved for § 3280.604(c).

(2) ANSI A112.19.5–1979, Trim for Water Closet, Bowls, Tanks, and Urinals; IBR approved for § 3280.604(c).

(3) ANSI/AITC A190.1–1992, For wood products—Structural Glued Laminated Timber; IBR approved for § 3280.304(b).

(4) ANSI A208.1–2009, Particleboard, 2009; IBR approved for § 3280.304(b).

(5) ANSI A208.2–2002, Medium Density Fiberboard (MDF) For Interior Applications, approved May 13, 2002; IBR approved for § 3280.304(b).

(6) ANSI B16.18–1984, Cast Copper Alloy Solder-Joint Pressure Fittings; IBR approved for § 3280.604(c).

(7) ANSI C72.1–1972, section 4.3.1, Household Automatic Electric Storage Type Water Heaters; IBR approved for § 3280.707(d).

(8) ANSI LC 1–2014, Fuel Gas Piping Systems Using Corrugated Stainless Steel Tubing, 2014; IBR approved for § 3280.705(b).

(9) ANSI Z21.1–2016, Household Cooking Gas Appliances, 2016; IBR approved for § 3280.703(a).

(10) ANSI Z21.5.1–2015, Gas Clothes Dryers Volume 1, Type 1 Clothes Dryers, 2015; IBR approved for § 3280.703(a).

(11) ANSI Z21.10.1–2014, Gas Water Heaters—Volume 1, Storage Water Heaters with Input Ratings of 75,000 BTU per hour or Less, 2014; IBR approved for §§ 3280.703(a); 3280.707(d).

(12) ANSI Z21.10.3–2014, Gas-fired Water Heaters, Volume 3, Storage Water Heaters with Input Ratings Above 75,000 BTU per hour, Circulating and Instantaneous, 2015; IBR approved for § 3280.703(a).

(13) ANSI Z21.15–2009, Manually Operated Gas Valves for Appliances, Appliance Connector Valves and Hose End Valves, 2009; IBR approved for §§ 3280.703(c); 3280.705(c) and (l).

(14) ANSI Z21.19–2014, Refrigerators Using Gas Fuel, 2014; IBR approved for § 3280.703(a).

(15) ANSI Z21.20–2014, Automatic Gas Ignition Systems and Components, 2014; IBR approved for § 3280.703(d).

(16) ANSI Z21.21–2012, Automatic Valves for Gas Appliances, 2012; IBR approved for § 3280.703(d).

(17) ANSI Z21.22–1999, Relief Valves for Hot Water Supply Systems; IBR approved for §§ 3280.604(c); 3280.703(d).

(18) ANSI Z21.23–2000 (R2005) Gas Appliance Thermostats with ANSI Z21.23a–2003 (Addenda1) and ANSI 21.23b–2005 (Addenda 2), approved January 17, 2001; IBR approved for § 3280.703(d).

(19) ANSI Z21.24–2006, (R2011) Connectors for Gas Appliances, 2011; IBR approved for § 3280.703(c).

(20) ANSI Z21.40.1–1996, Gas-Fired, Heat Activated Air Conditioning and Heat Pump Appliances, 1996; IBR approved for §§ 3280.703(a); 3280.714(a).

(21) ANSI Z21.47–2012, Gas-Fired Central Furnaces (Except Direct Vent Systems), 2012; IBR approved for § 3280.703(a).

(22) ANSI Z21.75–2007, Connectors for Outdoor Gas Appliances and Manufactured Homes, 2007; IBR approved for § 3280.703(a).

(23) ANSI Z34.1–1993, Third-Party Certification Programs for Products, Processes, and Services; IBR approved for §§ 3280.403(e); 3280.405(e).

(24) ANSI Z97.1–2009, Standard for Safety Glazing Materials used in Buildings—Safety Performance Specifications and Methods of Test, 2009; IBR approved for §§ 3280.113(d); 3280.304(b); 3280.403(d); 3280.607(b); 3280.703(d).

(25) ANSI Z124.1–1987, Plastic Bathtub Units with Addendum Z124.1a–1990 and Z124.1b–1991; IBR approved for § 3280.604(c).

(26) ANSI Z124.2–1987, Plastic Shower Receptors and Shower Stalls with Addendum Z124.2a–1990; IBR approved for § 3280.604(c).

(27) ANSI Z124.3–1986, Plastic Lavatories with Addendum Z124.3a–1990; IBR approved for § 3280.604(c).

(28) ANSI Z124.4–1986, Plastic Water Closets, Bowls, and Tanks with Addenda Z124.4a–1990; IBR approved for § 3280.604(c).

(29) ANSI Z124.5–1997, Plastic Toilet (Water Closets) Seats; IBR approved for § 3280.604(c).

(30) ANSI Z124.7–1997, Prefabricated Plastic Spa Shells; IBR approved for § 3280.604(c).

(31) ANSI Z–124.9–1994, Plastic Urinal Fixtures; IBR approved for § 3280.604(c).

(h) American Society of Civil Engineers (ASCE), 1801 Alexander Bell Drive, Reston, VA 20191; telephone: 800–548–2723; website: *www.asce.org.*

(1) ASCE/SEI 7–05, Minimum Design Loads for Buildings and Other Structures, 2005; IBR approved for §§ 3280.5(f); 3280.304(b); 3280.305(c).

(2) SEI/ASCE 8–02, Specification for the Design of Cold-Formed Stainless Steel Structural Members, 2002; IBR approved for §§ 3280.304(b); 3280.305(j).

(3) ASCE 19–96, Structural Applications of Steel Cables for Buildings; IBR approved for § 3280.304(b).

(i) American Society of Heating, Refrigeration and Air Conditioning Engineers (ASHRAE), 1791 Tullie Circle NE, Atlanta, GA 30329; telephone: 404–636–8400; fax: 404–321–5478; website: *www.ashrae.org/home/.*

(1) 1997 ASHRAE Handbook of Fundamentals, chapters 22 through 27, (except for the following parts of this standard that are not incorporated by reference: 23.1 Steel Frame Construction; 23.2 Masonry Construction; 23.3 Foundations and Floor Systems; 23.15 Pipes; 23.17 Tanks, Vessels, and Equipment; 23.18 Refrigerated Rooms and Buildings; 24.18 Mechanical and Industrial Systems; 25.19 Commercial Building Envelope Leakage; 27.9 Calculation of Heat Loss from Crawl Spaces), Inch-Pound Edition (1997); IBR approved for §§ 3280.508(a) and (e); 3280.511(a).

(2) ANSI/ASHRAE 62.2–2013, Ventilation and Acceptable Indoor Air Quality in Low-Rise Residential Buildings; IBR approved for §§ 3280.103(d) and (e); 3280.703(d).

(j) American Society of Mechanical Engineers (ASME), Two Park Avenue, New York, NY 10016–5990; telephone: 800–843–2763; website: *www.asme.org/.*

(1) ASME A112.1.2–1991, Air Gaps in Plumbing Systems; IBR approved for § 3280.604(c).

(2) ANSI/ASME A112.4.1–1993, Water Heater Relief Valve Drain Tubes; IBR approved for § 3280.604(c).

(3) ANSI/ASME A112.4.3–1999, Plastic Fittings for Connecting Water Closets to the Sanitary Drainage System; IBR approved for § 3280.604(c).

(4) ASME/ANSI A112.18.1M–1989, Plumbing Fixture Fittings; IBR approved for § 3280.604(c).

(5) ASME A112.18.3M–1996, Performance Requirements for Backflow Protection Devices and Systems in Plumbing Fixture Fittings; IBR approved for § 3280.604(c).

(6) ASME A112.18.6–1999, Flexible Water Connectors; IBR approved for § 3280.604(c).

(7) ASME A112.18.7–1999, Deck Mounted Bath/Shower Transfer Valves with Integral Backflow Protection; IBR approved for § 3280.604(c).

(8) ANSI/ASME A112.19.1M–1987, Enameled Cast Iron Plumbing Fixtures; IBR approved for § 3280.604(c).

(9) ANSI/ASME A112.19.2(M)-1990, Vitreous China Plumbing Fixtures; IBR approved for § 3280.604(c).

(10) ANSI/ASME A112.19.3M–1987, Stainless Steel Plumbing Fixtures (Designed for Residential Use); IBR approved for § 3280.604(c).

(11) ANSI/ASME A112.19.4(M)-1984, Porcelain Enameled Formed Steel Plumbing Fixtures; IBR approved for § 3280.604(c).

(12) ASME A112.19.6–1995, Hydraulic Performance Requirements for Water Closets and Urinals; IBR approved for § 3280.604(c).

(13) ASME/ANSI A112.19.7M–1987, Whirlpool Bathtub Appliances; IBR approved for § 3280.604(c).

(14) ASME/ANSI A112.19.8M–1989, Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, Hot Tubs, and Whirlpool Bathtub Appliances; IBR approved for § 3280.604(c).

(15) ASME A112.19.9M–1991, Non-Vitreous Ceramic Plumbing Fixtures; IBR approved for § 3280.604(c).

(16) ASME A112.19.10–1994, Dual Flush Devices for Water Closets; IBR approved for § 3280.604(c).

(17) ANSI/ASME A112.21.3M–1985, Hydrants for Utility and Maintenance Use; IBR approved for § 3280.604(c).

(18) ANSI/ASME B1.20.1–2013, Pipe Threads, General Purpose (Inch), 2013; IBR approved for §§ 3280.604(c); 3280.703(b); 3280.705(e); 3280.706(d).

(19) ANSI/ASME B16.3–1992, Malleable Iron Threaded Fittings; IBR approved for § 3280.604(c).

(20) ANSI/ASME B16.4–1992, Gray Iron Threaded Fittings; IBR approved for § 3280.604(c).

(21) ANSI/ASME B16.15–1985, Cast Bronze Threaded Fittings, Classes 125 and 250; IBR approved for § 3280.604(c).

(22) ASME/ANSI B16.22–1989, Wrought-Copper and Copper Alloy Solder-Joint Pressure Fitting; IBR approved for § 3280.604(c).

(23) ASME B16.23–1992, Cast Copper Alloy Solder-Joint Drainage Fittings-DWV; IBR approved for § 3280.604(c).

(24) ASME/ANSI B16.26–1988, Cast Copper Alloy Fittings for Flared Copper Tubes; IBR approved for § 3280.604(c).

(25) ASME/ANSI B16.29–1986, Wrought Copper and Wrought Copper Alloy Solder-Joint Drainage Fittings-DWV; IBR approved for § 3280.604(c).

(26) ANSI/ASME B36.10–2004, Welding and Seamless Wrought Steel Pipe; 2004; IBR approved for §§ 3280.604(c); 3280.703(b), 3280.705(b); 3280.706(b).

(k) American Society of Sanitary Engineering (ASSE), 901 Canterbury, Suite A, Westlake, OH 44145; telephone: 440–835–3040; fax: 440–835–3488; website: *www.asse-plumbing.org.*

(1) ASSE 1001, Performance Requirements for Pipe Applied Atmospheric Type Vacuum Breakers (ANSI Approved 1990); IBR approved for § 3280.604(c).

(2) ASSE 1002, Performance Requirements for Water Closet Flush Tank Fill Valves (Ballcocks), Revision 5–1986 (ANSI/ASSE–1979); IBR approved for § 3280.604(c).

(3) ASSE 1006, Plumbing Requirements for Residential Use (Household) Dishwashers (ASSE/ANSI–1986); IBR approved for § 3280.604(c).

(4) ASSE 1007–1986, Performance Requirements for Home Laundry Equipment; IBR approved for § 3280.604(c).

(5) ASSE 1008–1986, Performance Requirements for Household Food Waste Disposer Units; IBR approved for § 3280.604(c).

(6) ASSE 1011–1981, Performance Requirements for Hose Connection Vacuum Breakers (ANSI–1982); IBR approved for § 3280.604(c).

(7) ASSE 1014–1989, Performance Requirements for Hand-held Showers (ANSI–1990); IBR approved for § 3280.604(c).

(8) ASSE 1016–2005, Performance Requirements for Automatic Compensating Values for Individual Shower and Tub/Shower Combinations, approved January 2005; IBR approved for §§ 3280.604(c); 3280.607(b).

(9) ASSE 1017–1986, Performance Requirements for Temperature Activated Mixing Valves for Primary Domestic Use; IBR approved for § 3280.604(c).

(10) ANSI/ASSE 1019–1978, Performance Requirements for Wall Hydrants, Frost Proof Automatic Draining, Anti-Backflow Types; IBR approved for § 3280.604(c).

(11) ASSE 1023, Performance Requirements for Hot Water Dispensers, Household Storage Type Electrical (ANSI/ASSE–1979); IBR approved for § 3280.604(c).

(12) ASSE 1025, Performance Requirements for Diverters for Plumbing Faucets with Hose Spray, Anti-Siphon Type, Residential Applications (ANSI/ASSE–1978); IBR approved for § 3280.604(c).

(13) ASSE 1037–1990, Performance Requirements for Pressurized Flushing Devices (Flushometers) for Plumbing Fixtures (ANSI–1990); IBR approved for § 3280.604(c).

(14) ASSE 1051, Performance Requirements for Air Admittance Valves for Plumbing Drainage Systems—Fixture and Branch Devices Revised 1996 (ANSI 1998); IBR approved for § 3280.604(c).

(15) ASSE 1070–2004, Performance Requirements for Water Temperature Limiting Devices; IBR approved for §§ 3280.604(c); 3280.607(b).

(l) ASTM, International (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428–2959; telephone:877–909–2786 (USA & Canada); fax: 610–832–9555; website: *www.astm.org.*

(1) ASTM A53/A53M–12, Standard Specification for Pipe, Steel, Black and Hot-Dipped, Zinc-Coated, Welded and Seamless, 2012; IBR approved for §§ 3280.604(c); 3280.703(b).

(2) ASTM A74–92, Standard Specification for Cast Iron Soil Pipe and Fittings; IBR approved for § 3280.604(c).

(3) ASTM A539–99, Standard Specification for Electric-Resistance-Welded Coiled Steel Tubing for Gas and Fuel Oil Lines; IBR approved for §§ 3280.703(b); 3280.705(b); 3280.706(b).

(4) ASTM B42–10, Standard Specification for Seamless Copper Pipe, Standard Sizes, 2010; IBR approved for §§ 3280.604(c); 3280.703(c).

(5) ASTM B43–91, Standard Specification for Seamless Red Brass Pipe, Standard Sizes; IBR approved for §§ 3280.604(c); 3280.705(b).

(6) ASTM B88–14, Standard Specification for Seamless Copper Water Tube, 2014; IBR approved for §§ 3280.604(c); 3280.703(b); 3280.705(b); 3280.706(b).

(7) ASTM B251–10, Standard Specification for General Requirements for Wrought Seamless Copper and Copper-Alloy Tube; IBR approved for §§ 3280.604(c); 3280.703(c).

(8) ASTM B280–13, Standard Specification for Seamless Copper Tube for Air Conditioning and Refrigeration Field Service, 2013; IBR approved for §§ 3280.703(c); 3280.705(b); 3280.706(b).

(9) ASTM B306–92, Standard Specification for Copper Drainage Tube (DWV); IBR approved for § 3280.604(c).

(10) ASTM C564–97, Standard Specification for Rubber Gaskets for Case Iron Soil Pipe and Fittings, approved December 10, 1997; IBR approved for §§ 3280.604(c); 3280.611(d).

(11) ASTM C920–02, Standard Specification for Elastomeric Joint Sealants, approved January 10, 2002; IBR approved for § 3280.611(d).

(12) ASTM C1396/C1396M–14, Standard Specification for Gypsum Board, 2014; IBR approved for § 3280.304(b).

(13) ASTM D781–68 (Reapproved 1973), Standard Test Methods for Puncture and Stiffness of Paperboard, and Corrugated and Solid Fiberboard; IBR approved for §§ 3280.304(b); 3280.305(g).

(14) ASTM D2235–88, Standard Specification for Solvent Cement for Acrylonitrile-Butadiene-Styrene (ABS) Plastic Pipe and Fittings; IBR approved for § 3280.604(c).

(15) ASTM D2564–91a, Standard Specification for Solvent Cements for Poly (Vinyl Chloride) (PVC) Plastic Piping Systems; IBR approved for § 3280.604(c).

(16) ASTM D2661–91, Standard Specification for Acrylonitrile-Butadiene-Styrene (ABS) Schedule 40 Plastic Drain, Waste, and Vent Pipe and Fittings; IBR approved for § 3280.604(c).

(17) ASTM D2665–91b, Standard Specification for Poly (Vinyl Chloride) (PVC) Plastic Drain, Waste, and Vent Pipe and Fittings; IBR approved for § 3280.604(c).

(18) ASTM D2846–92, Standard Specification for Chlorinated Poly (Vinyl Chloride) (CPVC) Plastic Hot- and Cold-Water Distribution Systems; IBR approved for § 3280.604(c).

(19) ASTM D3309–92a, Standard Specification for Polybutylene (PB) Plastic Hot- and Cold-Water Distribution Systems; IBR approved for § 3280.604(c).

(20) ASTM D3311–92, Standard Specification for Drain, Waste, and Vent (DWV) Plastic Fittings Patterns; IBR approved for § 3280.604(c).

(21) ASTM D3679–09a, Standard Specification for Rigid Poly (Vinyl Chloride) (PVC) Siding, 2009; IBR approved for §§ 3280.304(b); 3280.309(b).

(22) ASTM D3953–97, Standard Specification for Strapping, Flat Steel, and Seals, approved April 10, 1997; IBR approved for §§ 3280.306(b); 3280.306(g).

(23) ASTM D4442–07, Standard Test Methods for Direct Moisture Content Measurement of Wood & Wood-Base Materials, 2007; IBR approved for § 3280.304(b).

(24) ASTM D4444–13, Standard Test Methods for Use and Calibration of Hand-Held Moisture Meters, 2013; IBR approved for § 3280.304(b).

(25) ASTM D4635–01, Standard Specification for Polyethylene Films Made from Low-Density Polyethylene for General Use and Packaging Applications, approved June 10, 2001; IBR approved for § 3280.611(d).

(26) ASTM D4756–06, Standard Practice for Installation of Rigid Poly (Vinyl Chloride) (PVC) Siding and Soffit, 2006; IBR approved for §§ 3280.304(b); 3280.309(c).

(27) ASTM D6007–14, Standard Test Method for Determining Formaldehyde Concentrations in Air from Wood Products Using a Small Air Chamber, approved October 1, 2014; IBR approved for § 3280.406(b).

(28) ASTM D7254–07, Standard Specification for Polypropylene (PP) Siding, 2007; IBR approved for §§ 3280.304(b); 3280.309(c).

(29) ASTM E84–01, Standard Test Method for Surface Burning Characteristics of Building Materials, 2001; IBR approved for § 3280.203(a).

(30 ASTM E90–09, Standard Test Method for Laboratory Measurement of Airborne Sound Transmission Loss of Building Partitions and Elements, 2009; IBR approved for § 3280.115(b).

(31) ASTM E96/E96M–13 Standard Test Methods for Water Vapor Transmission of Materials, 2013; IBR approved for § 3280.504(a) and (c).

(32) ASTM E119–14, Standard Test Methods for Fire Tests of Building Construction and Materials, 2014; IBR approved for §§ 3280.215(a) and (d); 3280.304(b); 3280.1003(a).

(33) ASTM E162–94, Standard Test Method for Surface Flammability of Materials Using a Radiant Heat Energy Source; IBR approved for § 3280.203(a).

(34) ASTM E492–09, Standard Test Method for Laboratory Measurement of Impact Sound Transmission Through Floor-Ceiling Assemblies Using the Tapping Machine, 2009; IBR approved for § 3280.115(c).

(35) ASTM E773–97, Standard Test Methods for Accelerated Weathering of Sealed Insulating Glass Units; IBR approved for § 3280.403(d).

(36) ASTM E774–97, Standard Specification for the Classification of the Durability of Sealed Insulating Glass Units; IBR approved for § 3280.403(d).

(37) ASTM E814–13, Standard Test Method for Fire Tests of Penetration Firestop Systems, 2013; IBR approved for § 3280.215(d).

(38) ASTM E1333–14, Standard Test Method for Determining Formaldehyde Concentrations in Air and Emission Rates from Wood Products Using a Large Air Chamber, approved October 1, 2014; IBR approved for § 3280.406(b).

(39) ASTM F628–91, Standard Specification for Acrylonitrile-Butadiene-Styrene (ABS) Schedule 40, Plastic Drain, Waste, and Vent Pipe with a Cellular Core; IBR approved for § 3280.604(c).

(40) ASTM F876–10, Standard Specification for Crosslinked Polyethylene (PEX) Tubing, approved February 10, 2010; IBR approved for § 3280.604(c).

(41) ASTM F877–07, Standard Specification for Crosslinked Polyethylene (PEX) Plastic Hot- and Cold-Water Distribution Systems, approved February 1, 2007; IBR approved for § 3280.604(c).

(m) American Wood Council (AWC), 222 Catoctin Circle SE, Suite 201, Leesburg, VA 20175; telephone: 202–463–2766; website: *www.awc.org.*

(1) AWC, Design Values for Joists & Rafters, 2012; IBR approved for § 3280.304(b).

(2) AWC NDS–2015, National Design Specifications for Wood Construction, 2015 Edition, with Supplement, Design Values for Wood Construction, September 30, 2014; IBR approved for §§ 3280.215(a); 3280.304(b).

(3) AWC PS–20–70–2012, Span Tables for Joists & Rafters, 2012; IBR approved for § 3280.304(b).

(n) Cast Iron Soil Pipe Institute (CISPI), 1064 Delaware Avenue SE, Atlanta, GA 30316; telephone: 404–622–0073; fax: 404–973–2845; website: *www.cispi.org/.*

(1) CISPI–301–90, Standard Specification for Hubless Cast Iron Soil Pipe and Fittings for Sanitary and Storm Drain, Waste, and Vent Piping Applications; IBR approved for § 3280.604(c).

(2) CISPI–HSN–85, Specification for Neoprene Rubber Gaskets for HUB and Spigot Cast Iron Soil Pipe and Fittings; IBR approved for §§ 3280.604(c), 3280.611(d).

(o) Composite Panel Association (formerly the American Hardboard Association), 19465 Deerfield Ave, Suite 306, Leesburg, VA 20176; telephone: 703–724–1128; website: www.*compositepanel.org.*

(1) ANSI/AHA A135.4–2012, Basic Hardboard, 2012; IBR approved for § 3280.304(b).

(2) ANSI/AHA A135.5–2012, Prefinished Hardboard Paneling, 2012; IBR approved for § 3280.304(b).

(3) ANSI/AHA A135.6–2012, Hardboard Siding, 2012 IBR approved for § 3280.304(b).

(p) Decorative Hardwoods Association (formerly HPVA), 42777 Trade West Drive, Sterling, VA 20166; telephone: 703–435–2900; fax: 703–435–2537; website: *www.decorativehardwoods.org.*

(1) ANSI/HPVA HP–1–2009, American National Standard for Hardwood and Decorative Plywood, 2009; IBR approved for § 3280.304(b).

(2) HP–SG–96, Structural Design Guide for Hardwood Plywood Wall Panels, revised 1996; IBR approved for § 3280.304(b).

(q) The Engineered Wood Association (APA) (formerly the American Plywood Association), 7011 South 19th Street, Tacoma, WA 98411; telephone: 253–565–6600; fax: 253–565–7265; website: *www.apawood.org.*

(1) APA D510C–2012, Panel Design Specification, 2012; IBR approved for § 3280.304(b).

(2) APA E30P–1996, APA Design/Construction Guide, Residential and Commercial Structures; IBR approved for § 3280.304(b).

(3) APA E30V–2011, Engineered Wood Construction Guide, 2011; IBR approved for § 3280.304(b).

(4) APA H815G–2013, Design & Fabrication of All-Plywood Beams, 2013; IBR approved for § 3280.304(b).

(5) APA PS1–2009, Structural Plywood (with Typical APA Trademarks), 2009; IBR approved for § 3280.304(b).

(6) APA S811P–2013, Design & Fabrication of Plywood Curved Panels, 2013; IBR approved for § 3280.304(b).

(7) APA S812S–2013, Design & Fabrication of Glued Plywood-Lumber Beams, 2013; IBR approved for § 3280.304(b).

(8) APA U813M–2012, Design & Fabrication of Plywood Stressed-Skin Panels, 2012; IBR approved for § 3280.304(b).

(9) APA U814J–2013, Design & Fabrication of Plywood, Sandwiched Panels, 2013; IBR approved for § 3280.304(b).

(10) APA Y510–1998, Plywood Design, 1998; IBR approved for § 3280.304(b).

(r) FS—Federal Specifications, General Services Administration, Specifications Branch, Room 6039, GSA Building, 7th and D Streets SW, Washington, DC 20407.

(1) FS WW–P–541E/GEN–1980, Plumbing Fixtures (General

Specifications); IBR approved for § 3280.604(c).

(2) FS ZZ–R–765B–1970, Silicone Rubber, (with 1971 Amendment); IBR approved for § 3280.611(d).

(s) Fenestration and Glazing Industry Alliance (FGIA) (formerly known as American Architectural Manufacturers Association (AAMA)), 1900 E. Golf Road, Schaumburg, Illinois 60173; website: *www.fgiaonline.org.*

(1) AAMA 1503.1–88, Voluntary Test Method for Thermal Transmittance and Condensation Resistance of Windows, Doors, and Glazed Wall Sections; IBR approved for § 3280.508(e).

(2) AAMA 1600/I.S.7–00, Voluntary Specification for Skylights, 2003 IBR approved for § 3280.305(c).

(3) AAMA 1701.2–12, Voluntary Standard for Utilization in Manufactured Housing for Primary Window and Sliding Glass Doors, 2012; IBR approved for §§ 3280.403(b) and (e); 3280.404(b) and (e).

(4) AAMA 1702.2–12, Voluntary Standard for Utilization in Manufactured Housing for Swinging Exterior Passage Door, 2012; IBR approved for §§ 3280.403(e); 3280.405(b) and (e).

(5) AAMA 1704–12, Voluntary Standard Egress Window Systems for Utilization in Manufactured Housing, 2012; IBR approved for § 3280.404(b) and (e).

(6) AAMA/WDMA/CSA 101/I.S.2/A440–17 North American Fenestration Standard/Specification for Windows, Doors, and Skylights, 2017; IBR approved for §§ 3280.304(b); 3280.403(b) and (e); 3280.404(b) and (e); 3280.405(b) and (e).

(t) HUD User, 11491 Sunset Hills Road, Reston, VA 20190–5254; telephone 800–245–2691; website: *www.huduser.gov.*

(1) HUD User No. 0005945, Overall U-values and Heating/Cooling Loads—Manufactured Homes, February 1992; IBR approved for § 3280.508(b).

(2) [Reserved]

(u) IIT Research Institute (IITRI), 10 West 35th Street, Chicago, IL 60616; telephone: 312–567–4000; website: *www.iitri.org/.*

(1) IITRI Fire and Safety Research Project J–6461 ''Development of Mobile Home Fire Test Methods to Judge the Fire-Safe Performance of Foam Plastic Sheathing and Cavity Insulation'', 1979; IBR approved for § 3280.207(a).

(2) [Reserved]

(v) International Association of Plumbing and Mechanical Officials (IAPMO), 4755 East Philadelphia Street, Ontario, CA 91716; telephone: 909–472–4100; fax: 909–472–4150; website: *www.iapmo.org.*

(1) IAPMO PS 2–89, Material and Property Standard for Cast Brass and Tubing P-Traps; IBR approved for § 3280.604(c).

(2) IAPMO PS 4–90, Material and Property Standard for Drains for Prefabricated and Precast Showers; IBR approved for § 3280.604(c).

(3) IAPMO PS 5–84, Material and Property Standard for Special Cast Iron Fittings; IBR approved for § 3280.604(c).

(4) IAPMO PS 9–84, Material and Property Standard for Diversion Tees and Twin Waste Elbow; IBR approved for § 3280.604(c).

(5) IAPMO PS 14–89, Material and Property Standard for Flexible Metallic Water Connectors; IBR approved for § 3280.604(c).

(6) IAPMO PS 23–89, Material and Property Standard for Dishwasher Drain Airgaps; IBR approved for § 3280.604(c).

(7) IAPMO PS 31–91, Material and Property Standards for Backflow Prevention Assemblies; IBR approved for § 3280.604(c).

(8) IAPMO TSC 9–2003, Standard for Gas Supply Connectors for Manufactured Homes, 2003; IBR approved for § 3280.703(c).

(9) IAPMO TSC 22–85, Standard for Porcelain Enameled Formed Steel Plumbing Fixtures; IBR approved for § 3280.604(c).

(w) International Code Council Evaluation Service (ICC–ES), 3060 Saturn Street, Suite 100, Brea, CA 92821; telephone: 800–423–6587; fax: 562–695–4694; website: *www.icc-es.org.*

(1) ESR 1539–2014, ICC–ES Evaluation Report, Power Driven Staples and Nails, 2014; IBR approved for § 3280.304(b).

(2) [Reserved]

(x) International Organization for Standardization/International Electrotechnical Commission, Chemin de Blandonnet 8, CP 401—1214 Vernier, Geneva, Switzerland; telephone: +41 22 749 01 11; website: *www.iso.org.*

(1) ISO/IEC 17065–2012 Conformity Assessment—Requirements for Bodies Certifying Products, Processes and Services, 2012; IBR approved for § 3280.403(e); 3280.404(e); 3280.405(e).

(2) [Reserved]

(y) Military Specifications and Standards, Naval Publications and Forms Center (MIL), 5801 Tabor Avenue, Philadelphia, PA 19120; website: *www.dsp.dla.mil/*

(1) MIL–L–10547E–1975, Liners, Case, and Sheet, Overwrap; Water-Vapor Proof or Waterproof, Flexible; IBR approved for § 3280.611(d).

(2) [Reserved]

(z) National Electrical Manufacturers Association (NEMA), 1300 North 17th Street, Suite 1752, Arlington, VA 22209; telephone: 703–841–3200; fax: 703–841–5900; website: *www.nema.org/Pages/default.aspx.*

(1) ANSI/NEMA WD–6–1997 Wiring Devices-Dimensional Specifications; IBR approved for § 3280.803(f).

(2) [Reserved]

(aa) National Fenestration Rating Council (NFRC), 6305 Ivy Lane, Suite 140, Greenbelt, MD 20770; telephone: 301–589–1776; fax: 301–589–3884; website: *www.nfrc.org.*

(1) NFRC 100, Procedure for Determining Fenestration Product U-factors, 1997 Edition; IBR approved for § 3280.508(e).

(2) [Reserved]

(bb) National Fire Protection Association (NFPA), 1 Batterymarch Park, Quincy, MA 02269; telephone: 617–770–3000; fax: 617–770–0700; website: *www.nfpa.org.*

(1) NFPA 13D–2010, Standard for the Installation of Sprinkler Systems in One and Two Family Dwellings and Manufactured Homes, 2010 Edition; IBR approved for § 3280.214(b), (e) and (o).

(2) NFPA 31–2011, Installation of Oil-Burning Equipment, 2011; IBR approved for §§ 3280.703(d); 3280.707(f).

(3) NFPA 54/ANSI Z223.1, National Fuel Gas Code, 2015; IBR approved for § 3280.703(d).

(4) NFPA 58–2014, Standard for the Storage and Handling of Liquefied Petroleum Gas, 2014 Edition, 2014; IBR approved for § 3280.703(d).

(5) NFPA 70–2014, National Electrical Code, 2014; IBR approved for §§ 3280.607(c); 3280.801(a) and (b); 3280.803(k); 3280.804(a) and (k); 3280.805(a); 3280.806(a) and (d); 3280.807(c); 3280.808(a), (l), and (p); 3280.810(b); 3280.811(b).

(6) NFPA 90B–2015, Warm Air Heating and Air Conditioning Systems, 2015; IBR approved for § 3280.703(d).

(7) NFPA 220, Standard on Types of Building Construction, Chapter 2: definitions of ''limited combustible'' and ''noncombustible material'', 1995 Edition; IBR approved for § 3280.202.

(8) NFPA 253, Standard Method of Test for Critical Radiant Flux of Floor Covering Systems Using a Radiant Heat Energy Source, 2000; IBR approved for § 3280.207(c).

(9) NFPA 255, Standard Method of Test of Surface Burning Characteristics of Building Materials, 1996; IBR approved for §§ 3280.203(a); 3280.207(a).

(10) NFPA 720, Standard for Installation of Carbon Monoxide Detection (CO) Detection and Warning Equipment, 2015 Edition; IBR approved for § 3280.211(b).

(cc) U.S. Department of Commerce, National Institute of Standards and

Technology (NIST), Office of Engineering Standards, Room A–166, Technical Building, Washington, DC 20234 and Voluntary Product Division, 100 Bureau Drive, Stop 2100, Gaithersburg, MD 20899–2100; telephone: 301- 975–4000; fax: 301–975–4715; website: *www.nist.gov.*

(1) PS 1–95, Construction and Industrial Plywood (With Typical APA Trademarks); IBR approved for § 3280.304(b).

(2) Voluntary Product Standard PS 2–04, Performance Standard for Wood-Based Structural-Use Panels, December 2004; IBR approval for § 3280.304(b).

(dd) National Sanitation Foundation (NSF), 789 North Dixboro Road, Ann Arbor, MI 48105; telephone: 734–769–8010 fax: 734–769–0109; website: *www.nsf.org.*

(1) ANSI/NSF 14–1990, Plastic Piping Components and Related Materials; IBR approved for § 3280.604(c).

(2) ANSI/NSF 24–1988, Plumbing System Components for Manufactured Homes and Recreational Vehicles; IBR approved for § 3280.604(c).

(3) ANSI/NSF 61–2001, Drinking Water System Components-Health Effects; IBR approved for § 3280.604(b).

(ee) Resources, Applications, Designs, & Controls (RADCO), 3220 East 59th Street, Long Beach, CA 90805; telephone: 562–272–7231; fax: 562–529–7513; website: *www.radcoinc.com.*

(1) RADCO DS–010–91, Decorative Gas Appliances for Installation in Solid Fuel Burning Fireplaces, May 1991; IBR approved for § 3280.703(a).

(2) [Reserved]

(ff) Society of Automotive Engineers (SAE), 400 Commonwealth Drive, Warrendale, PA 15096; telephone: 724–776–0790; website: *www.sae.org/.*

(1) SAE J533b-2007, Flares for Tubing, 2007; IBR approved for §§ 3280.703(d); 3280.705(f).

(2) [Reserved]

(gg) Steel Joist Institute (SJI), 234 West Cheves Street, Florence, SC 29501; telephone: 843–407–4091; website: *www.steeljoist.org.*

(1) Standard Specifications Load Tables and Weight Tables for Steel Joists and Girders, SJI 1994, Fortieth Edition; IBR approved for § 3280.304(b).

(2) [Reserved]

(hh) Truss Plate Institute (TPI), 2670 Crain Highway, Suite 203, Waldorf, MD 20601; telephone: 240–587–5582; fax: 866–501–4012; website: *www.tpinst.org.*

(1) TPI 1–2007 National Design Standard for Metal Plate Connected Wood Truss Construction, 2007; IBR approved for § 3280.304(b).

(2) [Reserved]

(ii) Underwriters' Laboratories, Inc. (UL), 333 Pfingsten Road, Northbrook, IL 60062; telephone: 847–272–8800; fax: 847–509–6257; website: *www.ul.com.*

(1) UL 94–1996, with 2001 revisions, Test for Flammability of Plastic Materials for Parts in Devices and Appliances, Fifth Edition; IBR approved for § 3280.715(e).

(2) UL 103–2010, Chimneys, Factory-Built Chimneys Residential Type & Building Heating Appliance, 2010; IBR approved for § 3280.703(d).

(3) UL 109–2005, Tube Fittings for Flammable and Combustible Fluids, Refrigeration Service, and Marine Use, 2005; IBR approved for § 3280.703(d).

(4) UL 127–1996, with 1999 revisions, Factory-Built Fireplaces, Seventh Edition; IBR approved for § 3280.703(d).

(5) UL 174–2004, Household Electric Storage Tank Water Heaters, 2004; IBR approved for § 3280.703(a).

(6) UL 181–2013, Factory-Made Air Ducts & Air Connectors, 2013; IBR approved for §§ 3280.702, 3280.703(d); 3280.715(a) and (e).

(7) UL 181A–2013, Closure Systems for Use with Rigid Air Ducts and Air Connectors, 2013; IBR approved for §§ 3280.703(d); 3280.715(c).

(8) UL 181B, 1995, with 1998 revisions, Standard for Safety Closure Systems for use with Flexible Air Ducts and Air Connectors, First Edition; IBR approved for §§ 3280.703(d); 3280.715(c).

(9) UL 217, Single and Multiple Station Smoke Alarms, Fifth Edition, dated January 4, 1999; IBR approved for §§ 3280.208(a); 3280.211(a).

(10) UL 263–2014, Fire Tests of Building Construction Materials, 2014; IBR approved for § 3280.215(a) and (d).

(11) UL 268–1999, Smoke Detectors for Fire Protective Signaling Systems, 1999; IBR approved for §§ 3280.209(a); 3280.703(a).

(12) UL 307A–2009, Liquid Fuel Burning Heating Appliances for Manufactured Homes & Recreational Vehicles, 2009; IBR approved for §§ 3280.703(a); 3280.707(f).

(13) UL 307B–2009, Gas Burning Appliances for Manufactured Homes & Recreational Vehicles, 2009; IBR approved for § 3280.703(a).

(14) UL 311, 1994, with 1998 revisions, Roof Jacks for Manufactured Homes and Recreational Vehicles, Eighth Edition; IBR approved for § 3280.703(d).

(15) UL 441–2010, Gas Vents, 2010; IBR approved for § 3280.703(d).

(16) UL 499–2014, Standard for Electrical Heating Appliances, Edition 2014; IBR approved for § 3280.703(a).

(17) UL 569–2013, Pigtails & Flexible Hose Connectors for LP Gas, 2013; IBR approved for §§ 3280.703(d); 3280.705(l).

(18) UL 737, 1996, Fireplace Stoves, Eight Edition, with 2000 revisions; IBR approved for § 3280.703(d).

(19) UL 923 Microwave Cooking Appliances, Fifth Edition, May 23, 2002; IBR approved for § 3280.204(c).

(20) UL 1042–2009, Electric Baseboard Heating Equipment, 2009; IBR approved for § 3280.703(a).

(21) UL 1096, 1986, Electric Central Air Heating Equipment, Fourth Edition with revisions July 16, 1986, and January 30, 1988; IBR approved for § 3280.703(a).

(22) UL 1479–2014, Standard for Fire Tests of Penetration Firestops, Fourth Edition, May 16, 2014; IBR approved for § 3280.215(d).

(23) UL 1482, 1996, with 2000 revisions, Solid-Fuel Type Room Heaters, Fifth Edition; IBR approved for § 3280.703(d).

(24) UL 1995–2011, Heating and Cooling Equipment, 2011; IBR approved for § 3280.703(a).

(25) UL 2021–1997. Fixed and Location-Dedicated Electric Room Heaters, Second Edition, with 1998 revisions; IBR approved for § 3280.703(a).

(26) ANSI/UL 2034–2016, Standard for Single and Multiple Station Carbon Monoxide Alarms, Third Edition, dated February 28, 2008 (including revisions through May 11, 2016); IBR approved for §§ 3280.209(a); 3280.211(a); 3280.703(a).

(27) UL 60335–2–34–2012, Standard for Household and Similar Electrical Appliances—Safety, Part 2–34: Particular Requirements for Motor-Compressors, 2012; IBR approved for § 3280.703(a).

(jj) Underwriters' Laboratories of Canada (ULC), 7 Underwriters Road, Toronto, Ontario, Canada M1 R 3A9; telephone: 866–937–3852; fax: 416–757–8727; website: *www.ul.com/canada/eng/pages/.*

(1) CAN/ULC S102.2–M88, Standard Method of Test for Surface Burning Characteristics of Floor Coverings and Miscellaneous Materials and Assemblies, Fourth Edition, April 1988; IBR approved for § 3280.207(b).

(2) [Reserved]

(kk)—Window and Door Manufacturers Association (WDMA), 2001 K Street NW, 3rd Floor North, Washington, DC 20006; telephone: 202–367–1157; website: *www.wdma.com.*

(1) WDMA I.S.4–2009 Industry Specification for Preservative Treatment for Millwork; IBR approved for § 3280.405(c).

(2) [Reserved]

■ 4. Amend § 3280.5 as follows:

■ a. Revise the first sentence of the introductory text; and

■ b. In paragraph (g), remove the text ''ASCE/SEI 7–88'' and add, in its place, ''ASCE/SEI 7–05''.

The revision reads as follows:

§ 3280.5 Data Plate.

Each dwelling unit of a manufactured home must bear a data plate affixed in a permanent manner near the main electrical panel or other readily accessible and visible location. * * *

* * * * *

■ 5. Revise § 3280.102 to read as follows:

§ 3280.102 Definitions.

Air, exhaust means air discharged from any space to the outside by an exhaust system.

Air, outdoor means air from outside the building taken into a ventilation system or air from outside the building that enters a space through infiltration or natural ventilation openings.

Exhaust system means one or more exhaust fans that remove air from the building, causing outdoor air to enter by ventilation inlets or normal leakage paths through the building envelope.

Gross floor area means all space, wall to wall, including recessed entries not to exceed five (5) square feet and areas under built-in vanities and similar furniture. When the ceiling height is less than that specified in § 3280.104, the floor area under such ceilings must not be included in the gross floor area. Floor area of closets must also not be included in the gross floor area.

Habitable room means a room or enclosed floor space arranged for living, eating, food preparation, or sleeping purposes not including bathrooms, foyers, hallways, and other accessory floor space.

Laundry area means an area containing or designed to contain a laundry tray, clothes washer and/or clothes dryer.

Mechanical ventilation means the active process of supplying air to or removing air from an indoor space by powered equipment such as motor-driven fans and blowers but not by devices such as wind-turbine ventilators and mechanically operated windows.

Natural ventilation means ventilation occurring as a result of natural forces, such as wind pressure or differences in air density, through intentional openings such as open windows or doors.

Supply system means one or more fans that supply outdoor air to the building, causing indoor air to leave by normal air leakage through the building envelope.

Ventilation means the process of supplying outdoor air to or removing indoor air from the manufactured home by natural or mechanical means. Such air may or may not have been conditioned.

■ 6. Amend § 3280.103 as follows:

■ a. Revise introductory text of paragraph (b) and paragraphs (b)(1) and (3), (c) and (3), and (d); and

■ b. Add paragraph (e).

The revisions and addition read as follows:

§ 3280.103 Light and Ventilation.

* * * * *

(b) *Whole-house ventilation.* Each dwelling unit of a manufactured home must be provided with a whole-house mechanical ventilation having the capability to provide a minimum capacity of 0.035 $ft^3/min/ft^2$ of interior floor space or its hourly average equivalent. This ventilation capacity must be in addition to any openable window area. In no case shall the installed ventilation capacity of the system be less than 50 cfm. The following criteria must be adhered to:

(1) The ventilation capacity must be provided by a mechanical ventilation system or a combination natural and mechanical ventilation system.

* * * * *

(3) The ventilation supply system or a portion of the ventilation supply system is permitted to be integral with the home's heating or cooling system. The supply system must be capable of operating independently of the heating and cooling modes. A mechanical ventilation supply system that is integral with the heating and cooling system is to be listed as part of the heating and cooling system or listed as suitable for use with that system.

* * * * *

(c) * * *

(2) Kitchens must be provided with a local exhaust system that is capable of exhausting 100 cfm to the outside of the home. The local exhaust system must be located as close as possible to the range or cook top, but in no case farther than 3 feet horizontally from the range or cooktop.

(3) Each bathroom and separate toilet compartment must be provided with a local exhaust system capable of exhausting 50 cfm to the outside of the home. A separate toilet compartment may be provided with 1.5 square feet of openable glazed area in place of mechanical ventilation, except in Uo value Zone 3.

* * * * *

(e) *Airflow rating.* During the design stage, the airflow rating at a pressure of 0.25 inch water column may be used, provided the duct sizing meets the prescriptive requirements of Table 5.3 in ANSI/ASHRAE 62.2 (incorporated by reference, see § 3280.4) or ventilation system manufacturer's design criteria.

■ 7. Amend § 3280.105 as follows:

■ a. Revise the introductory text of paragraph (a); and

■ b. Revise paragraphs (a)(2)(i) and (b)(2).

The revisions read as follows:

§ 3280.105 Exit facilities; exterior doors.

(a) *Number and location of exterior doors.* Each dwelling unit of a manufactured home must have a minimum of two exterior doors located remotely from each other.

* * * * *

(2) * * *

(i) Both of the required doors must not be in the same room.

* * * * *

(b) * * *

(2) All exterior swinging doors must provide a minimum 28 inch wide by 74 inch high clear opening. All exterior sliding glass doors must provide a minimum 28 inch wide by 72 inch high clear opening. One exterior door must provide a minimum of 32 inch wide by 74 inch high clear opening.

* * * * *

■ 8. Amend § 3280.109 by revising paragraph (a) to read as follows:

§ 3280.109 Room requirements.

(a) Each dwelling unit of a manufactured home must have a minimum of 150 square feet of gross floor area.

* * * * *

■ 9. Revise § 3280.112 to read as follows:

§ 3280.112 Hallways.

Hallways must have a minimum horizontal dimension of 28 inches measured from the interior finished surface to the interior finished surface of the opposite wall. For manufactured homes with 14 feet of inside width or more, hallways must have a minimum horizontal dimension of 30 inches measured from the interior finished surface to the interior finished surface of the opposite wall. When appliances are installed in a laundry area, the measurement must be from the front of the appliance to the opposite finished exterior surface. When appliances are not installed and a laundry area is provided, the area must have a minimum clear depth of 27 inches in addition to the 28 inches or 30 inches (for manufactured homes with14 feet of inside width or greater) required for passage. In addition, a notice of the available clearance for washer/dryer

units must be posted in the laundry area. Minor protrusions into the minimum hallway width by doorknobs, trim, smoke alarms or light fixtures are permitted.

■ 10. Amend § 3280.113 by revising paragraph (d) to read as follows:

§ 3280.113 Glass and glazed openings.

* * * * *

(d) Safety glazing is any glazing material capable of meeting the requirements of Consumer Product Safety Commission 16 CFR part 1201, or Standard for Safety Glazing Materials used in Buildings—Safety Performance Specifications and Methods of Test for Safety Glazing Materials Used in Buildings, ANSI Z97.1 (incorporated by reference, see § 3280.4).

* * * * *

■ 11. Add § 3280.115 to subpart B to read as follows:

§ 3280.115 Sound transmission between multi-dwelling unit manufactured homes.

(a) *Scope.* This section applies to common interior walls, partitions, and floor/ceiling assemblies between adjacent dwelling units.

(b) *Air-borne sound.* Walls, partitions, and floor/ceiling assemblies between stories separating dwelling units from each other must have a sound transmission class (STC) of not less than 34 for air-borne noise when tested in accordance with ASTM E90 (incorporated by reference, see § 3280.4) or calculated. Penetrations or openings in construction assemblies for piping; electrical devices; recessed cabinets; bathtubs; soffits; or heating, ventilating, or exhaust ducts must be sealed, lined, insulated or otherwise treated to maintain the required ratings. This requirement does not apply to dwelling unit entrance doors; however, such doors must be tight fitting to the frame and sill.

(c) *Structure-borne sound.* Floor/ceiling assemblies between stories separating dwelling units must have an impact insulation class (IIC) rating of not less than 34 when tested in accordance with ASTM E492 (incorporated by reference, see § 3280.4).

■ 12. Amend § 3280.203 by revising (c)(1)(ii) to read as follows:

§ 3280.203 Flame spread limitations and fire protective requirements.

* * * * *

(c) * * *

(1) * * *

(ii) Exposed bottoms and sides of kitchen cabinets as required by § 3280.204 except that non-horizontal surfaces above the horizontal plane formed by the bottom of the range hood are not considered exposed;

* * * * *

■ 13. Amend § 3280.204 by revising the first sentence of paragraph (a) and adding paragraph (f) to read as follows:

§ 3280.204 Kitchen cabinet protection.

(a) The exposed bottom and sides of combustible kitchen cabinets over cooking ranges to a horizontal distance of 6 inches from the outside edge of the cooking range must be protected with at least 5/16 inch thick gypsum board or equivalent limited combustible material. * * *

* * * * *

(f) Range hood finish materials must be installed with at least 5/16 inch thick gypsum board or equivalent limited combustible material between the metal range hood and finish materials. Except for sealants and other trim materials 2 inches or less in width, finish materials shall have a flame spread rating not exceeding the Flame Spread Index of 200.

■ 14. Amend § 3280.209 by revising paragraph (a) to read as follows:

§ 3280.209 Smoke alarm requirements.

(a) *Labeling.* Each smoke alarm required under paragraph (b) of this section must conform with the requirements of UL 217 (incorporated by reference, see § 3280.4), or ANSI/UL 268 (incorporated by reference, see § 3280.4), and must bear a label to evidence conformance. Combination smoke and carbon monoxide alarms shall be listed and must bear a label to evidence conformance with UL 217 (incorporated by reference, see § 3280.4) and ANSI/UL 2034 (incorporated by reference, see § 3280.4).

* * * * *

■ 15. Add §§ 3280.214 through 3280.216 to subpart C to read as follows:

§ 3280.214 Fire sprinkler system requirements.

(a) *General.* (1) Fire Sprinkler systems are not required by this subpart; however, when a manufacturer installs a fire sprinkler system, this section establishes the requirements for the installation of a fire sprinkler system in a manufactured home.

(2) This section applies to both stand-alone and multipurpose fire sprinkler systems that do not include the use of antifreeze.

(3) A back-flow preventer is not required to separate a stand-alone sprinkler system from the water distribution system.

(b) *Design.* The design of the fire sprinkler system itself shall be in accordance with NFPA 13D (incorporated by reference, see § 3280.4) or a section which is deemed to be equivalent to the design method used in NFPA 13D.

(c) *Sprinkler Location.* Sprinklers must be installed to protect all areas inside the manufactured home except:

(1) Attics and normally unoccupied concealed spaces;

(2) Closets not exceeding 24 square feet in area, with the smallest dimension not greater than three feet and having at least one base layer of minimum 5/16 inch thick gypsum board on wall and ceiling surfaces;

(3) Bathrooms not more than 55 square feet in area; and,

(4) Garages, carports, open attached porches and similar structures; and

(5) Closets or alcoves containing heat-producing appliance, regardless of size if the closet or alcove complies with § 3280.203(b)(3).

(d) *Sprinklers.* Sprinklers shall be new listed residential sprinklers and shall be installed in accordance with the sprinkler manufacturer's installation instructions.

(e) *Temperature rating and separation from heat sources.* Sprinklers are to have a temperature rating and be separated from heat sources as follows:

(1) Sprinklers are to a have a temperature rating of no less than 135 °F (57°C) and not more than 170 °F (77°C) and be separated from heat sources as required by the sprinkler manufacturer's installation instructions.

(2) Sprinklers are to have an intermediate temperature rating not less than 175 °F (79°C) and not more than 225 °F (107°C) and be located within the distance to a heat source as specified in Table 7.5.5.3 of NFPA 13D (incorporated by reference, see § 3280.4) when installed in:

(i) attics;

(ii) concealed spaces located directly beneath a roof; and

(iii) directly under skylights where the sprinkler is exposed to direct sunlight.

(f) *Freezing areas.* Piping must be protected from freezing as required by § 3280.603(b)(4). Where sprinklers are required in areas subject to freezing, dry-sidewall or dry-pendent sprinklers extending from nonfreezing area into a freezing area, must be installed.

(g) *Sprinkler area of coverage.* The area of coverage of a single sprinkler shall not exceed 400 square feet and shall be based on the sprinkler listing and the sprinkler manufacturer's installation instructions. Sprinkler discharge shall not be blocked by obstructions unless additional sprinklers are installed to protect the obstructed area. Sprinkler separation

from obstructions shall comply with the minimum distances specified in the sprinkler manufacturer's instructions. Pendent sprinklers within 3 feet of the center of a ceiling fan, surface-mounted ceiling light or other similar object shall be considered to be obstructed and additional sprinklers shall be installed, except that in all closets 50 square feet or less in size, one sprinkler shall be sufficient. Sidewall sprinklers within 5 feet of the center of a ceiling fan, surface-mounted ceiling light or other similar object shall be considered to be obstructed and additional sprinklers shall be installed.

(h) *Sprinkler installation on systems assembled with solvent cement.* The solvent cementing of threaded adapter fittings shall be completed and threaded adapters for sprinklers shall be verified as being clear of excess cement prior to the installation of sprinklers on systems assembled with solvent cement.

(i) *Painting, caulking or modifying sprinklers is prohibited.* Painted, caulked, modified, or damaged sprinklers shall be replaced.

(j) *Sprinkler piping support.* Sprinkler piping shall be supported in accordance with § 3280.608. Sprinkler piping must comply with all requirements for cold-water distribution piping. For multipurpose piping systems, the sprinkler piping shall connect to and be part of the cold-water distribution piping system. Nonmetallic pipe and tubing, such as CPVC and PEX, shall be listed for use in residential fire sprinkler systems. Nonmetallic pipe and tubing systems shall be protected from exposure to the living space by a layer of not less than 5/16 inch thick gypsum wallboard, ½ inch thick plywood, or other material having a 15 minute fire rating. Pipe protection shall not be required where exposed piping is permitted by the pipe listing and in areas that do not require protection with sprinklers as specified in paragraph (c) of this section.

(k) *Shutoff valves.* Shutoff valves shall not be installed in any location where the valve would isolate piping serving one or more sprinklers, except for shutoff valves installed for the entire water distribution system.

(l) *Means of drainage.* A means to drain the sprinkler system shall be provided on the system side of the water supply inlet.

(m) *Minimum flow rate.* The sprinkler system must provide at least the flow rate required to produce a minimum discharge density of 0.05 gpm/ft^2 from each sprinkler and be determined by using the sprinkler manufacturer's published data for the specific sprinkler model based on the area of coverage, ceiling configuration, temperature rating and any other conditions specified by the sprinkler manufacturer.

(n) *Design flow rate.* The design flow rate for the sprinkler system shall be based on the following:

(1) The design flow rate for a room having only one sprinkler shall be the flow rate required for that sprinkler, as determined by paragraph (m) of this section.

(2) The design flow rate for a room having two or more sprinklers shall be determined by identifying the sprinkler in that room with the highest required flow rate, based on paragraph (m) of this section, and multiplying that flow rate by two.

(3) Where the sprinkler manufacturer's instructions specify different criteria for ceiling configurations that are not smooth, flat and horizontal, the required design flow rate for the room shall comply with the sprinkler manufacturer's instructions.

(4) The design flow rate for the sprinkler system shall be the flow required by the room with the largest flow rate, based on paragraph (n)(1), (2), or (3) of this section.

(5) For the purposes of this section, it shall be permissible to reduce the design flow rate for a room by subdividing the space into two or more rooms, where each room is evaluated separately with respect to the required design flow rate. Walls and a ceiling shall bound each room. Openings in walls shall have a lintel (header) not less than 8 inches in depth and each lintel shall form a solid barrier between the ceiling and the top of the opening.

(o) *Pipe sizing and minimum required supply pressure.* (1) The piping to sprinklers shall be sized for the flow required by paragraph (n) of this section. The flow rate required to supply the plumbing fixtures shall not be required to be added to the sprinkler design flow rate. The minimum pipe size from the water supply inlet to any sprinkler shall be ¾ inch diameter. Threaded adapter fittings at the point where sprinklers are attached to the piping shall be a minimum of ½ inch diameter.

(2) Piping shall be sized by determining the available pressure to offset friction loss in piping and identifying a piping material, diameter and length in accordance with the following:

(i) *Minimum Supply Pressure Required.* The following equation shall be used to determine the required supply pressure at the fire sprinkler system supply inlet.

Equation 1 to paragraph (o)(2)

PSUP = PT+PLE+PSP

Where:

PSUP = Pressure required at the fire sprinkler system supply inlet. (Note: This is the pressure which is entered on the Fire Sprinkler System Certificate under ''Minimum Water Supply Required.'')

PT = Pressure loss in the fire sprinkler system piping.

PLE = Pressure loss from elevation change. (Note: Normally 4.4 psi for single story houses and 8.7 psi for two story houses).

PSP = Maximum pressure required by a sprinkler.

(ii) [Reserved]

(3) Determination of PSUP shall be in accordance with the following procedure:

(i) *Step 1.* Determine PT. For the specific design in question determine the distance (developed length) from the fire sprinkler system supply inlet to the most remote sprinkler. Refer to Tables 8.4.10.2(a) through (i) of NFPA 13D (incorporated by reference, see § 3280.4) and select the correct table for the fire sprinkler system pipe material and pipe size used. Using the system design flow rate from paragraph (m) of this section find the ''Allowable length of pipe'' column which is closest to, but not less than, the developed length for the design in question. The ''Allowable Pressure'' in the column heading is PT. (Note: Interpolation between ''Allowable length of pipe'' (developed length) and ''Available Pressure'' (PT) is permitted. Example: Using Table 8.4.10.2(d) of NFPA 13D, Sprinkler Flow Rate = 16 gpm, developed length = 70 feet, Available Pressure (PT) = 17.5 psi)

(ii) *Step 2.* Determine PLE. Refer to Table 8.4.10.2.(c) of the NFPA 13D. The elevation used in applying the table shall be the difference between the highest sprinkler and the fire sprinkler system supply inlet. Interpolation is permitted. (Note: If the highest sprinkler is lower than the fire sprinkler system supply inlet then subtract this value in equation 1 to paragraph (o)(2) of this section, instead of adding it.)

(iii) *Step 3.* Determine PSP. Determine the maximum pressure required by any individual sprinkler based on the flow rate for each sprinkler as set forth in paragraph (m) of this section. The required pressure is provided in the data provided by the sprinkler manufacturer for the specific model based on the selected flow rate.

(p) *Testing.* The fire sprinkler system piping shall be subject to the same test as the water distribution system in § 3280.612(a). For multipurpose fire sprinkler systems, it shall be permitted to test the fire sprinkler system piping simultaneously with the domestic water distribution system.

(q) *Fire Sprinkler System Certificate.* The manufacturer must permanently affix a Fire Sprinkler System Certificate adjacent to the data plate. The manufacturer must specify on the Fire Sprinkler System Certificate the minimum required pressure in pounds per square inch (psi) and flow rate in gallons per minute (gpm) for the water supply system. The Fire Sprinkler System Certificate is to include all the statements and required information arranged in substantially the same layout as shown in the following example.

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(Example Certificate)

Fire Sprinkler System Certificate

Note: This label contains important information about the fire sprinkler system installed in this home. Please do not remove, alter, or cover this label.

General Information

Name of Manufacturer: _____

Manufactured Home Serial Number: _____

The residential fire sprinkler system installed in this dwelling unit is in compliance with 24 CFR Part 3280.214 Fire Sprinkler System Requirements. The manufactured home installer must complete testing required below at the home site.

Warning: When necessary, replace components only with identical components or those determined to have equivalent performance characteristics with respect to flows and pressures.

Minimum Water Supply Required

Warning: For this system to operate properly, the following minimum supply of water must be available at the point of connection to the residential fire sprinkler system:

_____ gpm (gallons per minute) at not less than _____ psi (pounds per square inch)

The water supply shall have the capacity to provide the above required design flow rate for the sprinklers for a period of time as follows:

1. Seven minutes for manufactured homes one story in height and less than 2,000 square feet in area.
2. Ten minutes for manufactured home two or more stories in height or equal to or greater than 2,000 square feet in area.

Where a water supply tank, a well system or a combination thereof is used, any combination of tank storage or well system shall be permitted to meet the capacity requirement.

The home installer certifies that the fire sprinkler piping system has been tested on site in accordance with the home manufacturer's instructions and that the above listed required minimum water supply is available.

Company and/or Individual Name of Installer: _____

License/Certification Number of Installer _____

Address of Installer: _____

Date Home Installed: _____

Warning: This structure contains a residential fire sprinkler system. Do not alter or make additions to the water supply without first contacting the home manufacturer or a fire protection specialist. Any control valve(s) on the water supply to the residential fire sprinkler system must be in the full open position for the system to operate properly. If the valves must be closed temporarily to service the sprinkler, verify that they are left fully open and secured when service is complete.

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(r) *Sign or valve tag.* A sign or valve tag shall be installed at the fire sprinkler system supply inlet stating the following:

Warning, the water supply system supplies fire sprinklers that require specific flows and pressures to fight a fire. Devices that restrict the flow or decrease the pressure or automatically shut off the water to the fire sprinkler system, such as water filtration systems, water softeners and automatic shutoff valves, shall not be added to this system without first contacting the home manufacturer or a fire protection specialist. Please do not remove this sign.

(s) *Component instructions.* If the manufacturer of a fire sprinkler system component used in a system provides written instructions and procedures for the operation, maintenance, periodic testing, and/or repair of the component, a copy of the instructions and procedures shall be left in each home for the consumer.

(t) *Manufacturer's installation instructions for fire sprinkler systems.* Manufacturer's installation instructions must provide the following:

(1) *Specific instructions for the inspection and testing of the fire sprinkler system during the installation of the home.* Testing requirements are to be consistent with § 3280.612(a).

(2) *Required statement.* If this manufactured home contains a fire sprinkler system, the installer of the home shall verify that the water supply at the site meets the minimum conditions described on the Fire Sprinkler System Certificate in the home (located next to the data plate). The installer shall also complete the name, address and date on the Certificate.

§ 3280.215 Multi-dwelling unit manufactured homes.

(a) *General.* In manufactured homes with more than one dwelling unit, each dwelling unit must be separated from each other by wall and floor assemblies having not less than a 1 hour fire resistance rating when tested in accordance with ASTM E119 or UL 263 (both incorporated by reference, see § 3280.4) or having a fire resistance rating of not less than a 1 hour when calculated in accordance with Chapter 16 of the National Design Specification for Wood Construction, (AWS NDS) (incorporated by reference, see § 3280.4).

(b) *Fire resistance walls.* Fire-resistance-rated floor/ceiling and wall assemblies must extend to and be tight against the exterior wall, and wall assemblies must extend from the foundation to the underside of the roof sheathing except as follows:

(1) Wall assemblies need not extend through attic spaces where the ceiling is protected by not less than ⅝ inch Type X gypsum board and attic draftstop is constructed as specified in § 3280.216 is provided above and along the wall assembly separating the dwelling units; and

(2) The structural framing supporting the ceiling the ceiling is protected by not less than ½ inch gypsum board or equivalent.

(c) *Supporting construction.* Where floor assemblies are required to be fire resistant rated by this section, the supporting construction of such assemblies must have an equal or greater fire resistance rating.

(d) *Dwelling unit rated penetrations.* Penetrations of wall or floor-ceiling assemblies in multi-dwelling unit manufactured homes are required to be fire-resistance rated in accordance with this section.

(1) *Through penetrations.* (i) Through penetrations must be installed as tested in the approved fire-resistance rated assembly; or

(ii) Through penetrations must be protected by an approved penetration fire stop system installed as tested in accordance with ASTM E814 or UL 1479 (incorporated by reference, see § 3280.4), with a positive pressure differential of not less than 0.01 inch of water and must have an *F* rating of not less than the required fire resistance rating of the wall or floor-ceiling assembly penetrated; or

(iii) Where the penetrating items are steel, ferrous or copper pipes, tubes, or conduits, the material used to fill the annular space must prevent the passage of flame and hot gasses sufficient to ignite cotton waste where subjected to ASTM E119 or UL 263 (incorporated by reference, see § 3280.4) time temperature fire conditions under a positive pressure differential of not less than 0.01 inch of water at the location of the through penetration for the time period equivalent to the fire resistance rating of the construction penetrated.

(2) *Membrane penetrations.* Membrane penetrations must comply with paragraph (d)(1) of this section. Where walls are required to have a fire resistance rating, recessed fixtures must be installed so that the required fire resistance rating will not be reduced except as follows:

(i) By membrane penetrations of fire-resistant-rated walls, ceiling/floors and partitions by steel electrical boxes provided they do not exceed 16 square inches in area and the aggregate area of the openings through the membrane does not exceed 100 square inches in any 100 square feet of wall area. The annular space between the wall membrane and the box must not exceed ⅛ inch. Such boxes on opposite sides of the wall must be separated by one of the following:

(A) A horizontal distance of not less than 24 inches where the wall or partition is constructed with individual non-communicating stud cavities; or

(B) A horizontal distance of not less than the depth of the wall cavity, where the wall cavity is filled with cellulose loose-fill or other loose-fill insulation; or

(C) Solid fire blocking in accordance with § 3280.206; or

(D) Protecting both boxes with listed putty pads; or

(E) Other listed materials and methods.

(ii) By membrane penetrations of listed electrical boxes of any materials provided that the boxes have been tested for use in fire resistance rated assemblies and are installed in accordance with the instructions included with the listing. The annular space between the wall membrane and the box must not exceed ⅛ inch unless otherwise noted. Such boxes on opposite sides of the wall must be separated by one of the following:

(A) The horizontal distance specified in the listing of the electrical boxes; or

(B) Sold fire blocking in accordance with § 3280.206; or

(C) Protecting boxes with listed putty pads; or

(D) Other listed materials and methods.

(iii) By the annular space created by the penetration of a fire sprinkler provided that it is covered by a metal escutcheon plate.

§ 3280.216 Draftstopping requirements for multi-dwelling unit manufactured homes.

(a) When there is usable space both above and below the concealed space of a floor/ceiling assembly in a multi-dwelling unit manufactured home, draftstops must be installed so that the area of the concealed space does not exceed 1000 square feet.

(b) Draftstopping must divide the concealed space into approximately equal areas.

(c) Where the assembly is enclosed by a floor membrane above and a ceiling membrane below, draftstopping must be provided in the floor/ceiling assemblies:

(1) When the ceiling is suspended under the floor framing; or

(2) When the floor framing is constructed of truss type open-web or perforated members.

(d) Draftstopping materials must not be less than ½ inch gypsum board, ⅜ inch wood structural panels, or other approved materials adequately supported.

(e) Draftstopping must be installed parallel to the floor framing members.

(f) The integrity of all draftstops must be maintained.

■ 16. Amend § 3280.303 by revising paragraph (b) to read as follows:

§ 3280.303 General requirements.

* * * * *

(b) *Construction.* All Construction methods must be in conformance with an approved quality assurance manual as provided by §§ 3282.203 and 3282.361(c) and accepted engineering practices to ensure durable, livable, and safe housing.

* * * * *

■ 17. Revise and republish § 3280.304 to read as follows:

§ 3280.304 Materials.

(a) Dimension and board lumber must not exceed 19 percent moisture content at the time of installation, except that treated lumber used for exterior purposes may have a moisture content exceeding 19 percent.

(b) The standards for some of the generally used materials and methods of construction that are listed in this paragraph are incorporated by reference (see § 3280.4).

(1) *Aluminum.*

(i) Aluminum Design Manual, Specifications and Guidelines for Aluminum Structures, Part 1–A (Aluminum Association).

(ii) Aluminum Design Manual, Specifications and Guidelines for Aluminum Structures, Part 1–B (Aluminum Association).

(2) *Steel.*

(i) Specification for Structural Steel Buildings—AISC 360.

(ii) North American Specification for the Design of Cold-Formed Steel Structural Members—AISI S100.

(iii) Specification for the Design of Cold-Formed Stainless Steel Structural Members—SEI/ASCE 8.

(iv) Standard Specifications Load Tables and Weight Tables for Steel Joists and Joist Girders, SJI.

(v) Structural Applications of Steel Cables for Buildings—ASCE 19.

(vi) Standard Specification for Strapping, Flat Steel and Seals—ASTM D3953.

(3) *Wood and Wood Products.*

(i) Basic Hardboard—ANSI/AHA A135.4.

(ii) Prefinished Hardboard Paneling—ANSI/AHA A135.5.

(iii) Hardboard Siding—ANSI/AHA A135.6.

(iv) American National Standard for Hardwood and Decorative Plywood—ANSI/HPVA HP–1.

(v) Structural Design Guide for Hardwood Plywood Wall Panels—HPVA Design Guide HP–SG.

(vi) Standard for Wood Products—Structural Glued Laminated Timber—ANSI/AITC A190.1.

(vii) Construction and Industrial Plywood (With Typical APA Trademarks)—PS 1.

(viii) APA Design/Construction Guide, Residential and Commercial—APA E30–P.

(ix) National Design Standard for Metal Plate Connected Wood Truss Construction, TPI–1.

(x) APA Design & Fabrication of All-Plywood Beams—H815G.

(xi) Panel Design Specification—APA D510C.

(xii) Design & Fabrication of Glued Plywood-Lumber Beams—APA S812S.

(xiii) Design & Fabrication of Plywood Curved Panels—APA–S811P.

(xiv) Design & Fabrication of Plywood Sandwich Panels, APA U814J.

(xv) Performance Standard for Wood-Based Structural Use Panels—NIST PS 2.

(xvi) Design & Fabrication of Plywood Stressed-Skin Panels,—APA–U813M.

(xvii) National Design Specifications for Wood Construction, with Supplement, Design Values for Wood Construction, AWC NDS.

(xviii) Wood Structural Design Data, 1986 Edition with 1992 Revisions, AFPA.

(xix) Span Tables for Joists & Rafters—AWC PS–20–70.

(xx) Design Values for Joists & Rafters, AWC.

(xxi) Particleboard—ANSI A208.1.

(xxii) North American Fenestration Standard/Specification for Windows, Doors and Skylights—AAMA/WDMA/CSA 101/I.S.2/A440.

(xxiii) Standard Test Methods for Puncture and Stiffness of Paperboard, and Corrugated and Solid Fiberboard—ASTM D781.

(xxiv) Standard Test Methods for Direct Moisture Content Measurement of Wood and Wood-Base Materials—ASTM D4442.

(xxv) Standard Test Methods for Use and Calibration of Hand-Held Moisture Meters—ASTM D4444.

(xxvi) Medium Density Fiberboard (MDF) For Interior Applications—ANSI A208.2.

(xxvii) Standard Test Methods for Fire Tests of Building Construction and Materials—ASTM E119.

(xxviii) Engineered Wood Construction Guide—APA E30V.

(xxix) Structural Plywood (with Typical APA Trademarks), APA PS 1.

(xxx) Plywood Design Specification, APA Y510.

(4) *Other.*

(i) Standard Specification for Gypsum Board—ASTM C1396/C1396M.

(ii) [Reserved].

(5) *Fasteners.*

(i) ICC–ES Evaluation Report, Power Driven Staples and Nails—ESR 1539.

(ii) [Reserved]

(6) *Unclassified.*

(i) Minimum Design Loads for Buildings and Other Structures, ASCE/SEI 7.

(ii) Standard for Safety Glazing Materials Used in Buildings—Safety Performance Specifications and Methods of Test, ANSI Z97.1.

(iii) Standard Specification for Rigid Poly (Vinyl Chloride) (PVC) Siding, ASTM D3679.

(iv) Standard Practice for Installation of Rigid Poly (Vinyl Chloride) (PVC) Siding and Soffit, ASTM D4756.

(v) Standard Specification for Polypropylene (PP) Siding, ASTM D7254.

(c) Materials and methods of construction utilized in the design and construction of manufactured homes which are covered by the standards listed in this section, or any applicable portion thereof shall comply with these requirements.

(d) Engineering analysis and testing methods contained in these references shall be utilized to judge conformance with accepted engineering practices required in § 3280.303(c).

(e) Materials and methods of installation conforming to these standards shall be considered acceptable when installed in conformance with the requirements of this part.

(f) Materials meeting the standards listed in this section (or the applicable portion thereof) are considered acceptable unless otherwise specified herein or unless substantial doubt exists as to conformance.

(g) Wood products shall be identified as complying with the appropriate standards.

■ 18. Amend § 3280.305 as follows:

■ a. Revise paragraph (c)(1)(ii)(A);

■ b. Designate the table immediately following paragraph (c)(1)(ii)(B) as table 1 to paragraph (c)(1)(ii)(B) and revise its column headings; and

■ c. Revise paragraphs (c)(2)(ii) and (iii); (j)(i) and (k)(2)

The revisions read as follows:

§ 3280.305 Structural design requirements.

* * * * *

(c) * * *

(1) * * *

(ii) * * *

(A) The design wind pressures for Exposure C as specified in Minimum Design Loads for Buildings and Other Structures, ASCE/SEI 7 (incorporated by reference, see § 3280.4), for a fifty-year recurrence interval, and for an equivalent three-second gust wind speed of 140 mph, as specified for Wind Zone II, or 150 mph, as specified for Wind Zone III on the Basic Wind Zone Map for Manufactured Housing; or

(B) * * *

Table 1 to paragraph (c)(1)(ii)(B) -TABLE OF DESIGN WIND PRESSURES

Element	Wind Zone II design wind speed 140 mph	Wind Zone III design wind speed 150 mph
* * * * * * *		

* * * * *

(2) * * *

(ii) *Wind Zone II. . . . .*140 mph. The following areas are considered to be within Wind Zone II of the Basic Wind Zone Map:

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Table 2 to paragraph (c)(ii)

Local governments: The following local governments listed by State (counties, unless specified otherwise):	
Alabama:	Baldwin and Mobile.
Florida:	All counties except those identified in paragraph (c)(1)(i)(C) of this section as within Wind Zone III.
Georgia:	Bryan, Camden, Chatham, Glynn, Liberty, McIntosh.
Louisiana:	Parishes of Acadia, Allen, Ascension, Assumption, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson Davis, LaFayette, Livingston, Pointe Coupee, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Tammany, Tangipahoa, Vermillion, Washington, West Baton Rouge, and West Feliciana.
Maine:	Hancock and Washington.
Massachusetts:	Barnstable, Bristol, Dukes, Nantucket, and Plymouth.
Mississippi:	George, Hancock, Harrison, Jackson, Pearl River, and Stone.

North Carolina:	Beaufort, Brunswick, Camden, Chowan, Columbus, Craven, Currituck, Jones, New Hanover, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Tyrrell, and Washington.
South Carolina:	Beaufort, Berkeley, Charleston, Colleton, Dorchester, Georgetown, Horry, Jasper, and Williamsburg.
Texas:	Aransas, Brazoria, Calhoun, Cameron, Chambers, Galveston, Jefferson, Kenedy, Kleberg, Matagorda, Nueces, Orange, Refugio, San Patricio, and Willacy.
Virginia:	Cities of Chesapeake, Norfolk, Portsmouth, Princess Anne, and Virginia Beach.

(iii) *Wind Zone III. . . . .*150 mph. The following areas are considered to be within Wind Zone III of the Basic Wind Zone Map:

(A) *States and Territories:* The entire State of Hawaii, the coastal regions of Alaska (as determined by the 110 mph isotach on the ASCE/SEI 7 map), and all of the U.S. Territories of American Samoa, Guam, Northern Mariana Islands, Puerto Rico, and the United States Virgin Islands.

(B) Local governments: The following local governments listed by State (counties, unless specified otherwise):

Table 3 to paragraph (c)(2)(iii)(B)

Florida:	Broward, Charlotte, Collier, Dade, Franklin, Gulf, Hendry, Lee, Martin, Manatee, Monroe, Palm Beach, Pinellas, and Sarasota.
Louisiana:	Parishes of Jefferson, La Fourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. Mary, and Terrabonne.
North Carolina:	Carteret, Dare, and Hyde.

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* * * * *

(j) * * *

(1) All welds must be made in accordance with the applicable provisions of the Specification for Structural Steel Buildings, AISC 360 (incorporated by reference, see § 3280.4); the North American Specification for the Design of Cold-Formed Steel Structural Members, AISI S100 (incorporated by reference, see § 3280.4); and the Specification for the Design of Cold-Formed Stainless Steel Structural Members, SEI/ASCE 8 (incorporated by reference, see § 3280.4).

* * * * *

(k) * * *

(2) For roofs with slopes less than 7:12 that contain an attic area or for portions of roofs with slopes 7:12 or greater that do meet the ceiling height/living space requirements of the standards, the attic floor must be designed for a storage live load of 20 pounds per square foot (psf).

(i) Attic area as used within this section are those spaces where the maximum clear height between joist and rafters is 42 inches or greater or where there are two or more adjacent trusses with web configurations capable of accommodating an assumed rectangle 42 inches high by 24 inches in width or greater, within the plane of the trusses.

(ii) The live load need only be applied to those portions of the joist or truss bottom chords where all of the following criteria are met:

(A) The attic area is accessible from an opening not less than 20 inches in width and 30 inches in length that is located where the clear height in the attic is a minimum of 30 inches; and,

(B) The slope of the joists of the truss bottom chord are no greater than 2 inches vertical to 12 inches horizontal; and,

(C) Required insulation depth is less than the joist or truss bottom chord member depth.

■ 19. Amend § 3280.307 by adding paragraph (f) to read as follows:

§ 3280.307 Resistance to elements and use.

* * * * *

(f) The exterior wall envelope must be designed and constructed in a manner that prevents the accumulation of water within the wall assembly by providing a Water Resistive Barrier (WRB) behind the exterior cladding and a means of draining water that enters the assembly.

■ 20. Add § 3280.309 to subpart D to read as follows:

§ 3280.309 Standard for vinyl siding and polypropylene siding used in manufactured homes.

(a) *Scope.* This section establishes the requirements for vinyl siding and polypropylene siding used in manufactured homes.

(b) *Standards*—(1) *Vinyl siding.* All vinyl siding must comply with the requirements of ASTM D3679 (incorporated by reference, see § 3280.4) and must be certified or listed and labeled as conforming to those requirements.

(2) *Polypropylene siding.* All polypropylene siding must comply with the requirements of ASTM D7254 (incorporated by reference, see § 3280.4) and must be certified or listed and labeled as conforming to those requirements.

(c) *Installation.* Vinyl siding and soffit installation must be installed in accordance with the manufacturer's installation instructions. Vinyl siding and soffit installation must be based on ASTM D4756 (incorporated by reference, see § 3280.4).

■ 21. Amend § 3280.403 as follows:

■ a. Revise paragraph (b)(1) and the first sentence of the introductory text of paragraph (b)(2);

■ b. Revise the introductory text of paragraph (d)(1); and

■ c. Revise paragraph (e).

The revisions read as follows:

§ 3280.403 Requirements for windows, sliding glass doors, and skylights.

* * * * *

(b)(1) *Standard.* All primary windows and sliding glass doors must comply with AAMA 1701.2 (incorporated by reference, see § 3280.4), or AAMA/WDMA/CSA 101/I.S.2/A440 (incorporated by reference, see § 3280.4), except the exterior and interior pressure tests must be conducted at the minimum design wind loads required for components in § 3280.305(c)(1).

(2) All skylights must comply with AAMA/WDMA/CSA 101/I.S.2/A440 (incorporated by reference, see § 3280.4). * * *

* * * * *

(d) * * * (1) Safety glazing materials, where used shall meet ANSI Z97.1 (incorporated by reference, see § 3280.4).

* * * * *

(e) *Certification.* All primary windows and sliding glass doors to be installed in manufactured homes must be certified as complying with AAMA 1701.2 (incorporated by reference, see § 3280.4) or AAMA/WDMA/CSA 101/I.S.2/A440 (incorporated by reference, see § 3280.4). This certification must be based on tests conducted at the design wind loads specified in § 3280.305(c)(1).

(1) All such windows and doors must show evidence of certification by affixing a quality certification label to the product from an independent product certification body accredited to ISO/IEC 17065 (incorporated by reference, see § 3280.4).

(2) In determining certifiability of the products, an independent quality assurance agency must conduct pre-production specimen tests in accordance with AAMA 1702.2 (incorporated by reference see § 3280.4) or AAMA/WDMA/CSA 101/I.S.2/A440 (incorporated by reference, see § 3280.4). Further, such agency must inspect the product manufacturer's facility at least twice per year.

(3) All skylights installed in manufactured homes must be certified as complying with AAMA 1701.2 (incorporated by reference see § 3280.4) or AAMA/WDMA/CSA 101/I.S.2/A440 (incorporated by reference, see 3280.4).

* * * * *

■ 22. Amend § 3280.404 by revising paragraphs (b) and (e) to read as follows:

§ 3280.404 Standard for egress windows and devices for use in manufactured homes.

* * * * *

(b) *Performance.* Egress windows including auxiliary frame and seals, if any, must meet all requirements of AAMA 1701.2 (incorporated by reference, see § 3280.4) and AAMA 1704 (incorporated by reference, see § 3280.4) or AAMA/WDMA/CSA 101/I.S.2/A440 (incorporated by reference, see § 3280.4).

(1) *Loading.* Exterior and interior pressure tests for components and cladding must be conducted meeting or exceeding the minimum design wind loads required by § 3280.305(c)(1).

(2) *Dimensions.* All egress systems must have a minimum clear horizontal dimension of 20 inches and a minimum clear vertical dimension of 24 inches and have a clear opening of at least 5 ft^2.

* * * * *

(e) *Certification of Egress Windows and devices.* (1) Egress windows and devices must be listed in accordance with the procedures and requirements of AAMA 1701.2 (incorporated by reference, see § 3280.4) and AAMA 1704 (incorporated by reference, see § 3280.4) or AAMA/WDMA/CSA 101/I.S.2/A440 (incorporated by reference, see § 3280.4). This certification must be based on tests conducted meeting or exceeding the minimum design wind loads specified in § 3280.305(c)(1).

(2) All such windows and devices must show evidence of certification by

affixing a quality certification label to the product from an independent product certification body accredited to ISO/IEC 17065 (incorporated by reference, see § 3280.4).

* * * * *

■ 23. Amend § 3280.405 by revising paragraphs (b), (c), and (e) to read as follows:

§ 3280.405 Standard for swinging exterior passage doors for use in manufactured homes.

* * * * *

(b) *Performance requirements.* The design and construction of exterior door units must meet all requirements of AAMA 1702.2 (incorporated by reference, see § 3280.4) or AAMA/WDMA/CSA 101/I.S.2/A440 (incorporated by reference, see § 3280.4).

(c) *Materials and methods.* Any material or method of construction must conform to the performance requirements as outlined in paragraph (b) of this section. Plywood must be exterior type and preservative treated in accordance with WDMA I.S. 4 (incorporated by reference, see § 3280.4).

* * * * *

(e) *Certification.* All swinging exterior doors to be installed in manufactured homes must be certified as complying with AAMA 1702 (incorporated by reference, see § 3280.4) or AAMA/WDMA/CSA 101/I.S.2/A440 (incorporated by reference, see § 3280.4).

(1) All such doors must show evidence of certification by affixing a quality certification label to the product from an independent product certification body accredited to ISO/IEC 17065 (incorporated by reference, see § 3280.4).

(2) In determining certifiability of the products, an independent quality assurance agency must conduct a pre-production specimen test in accordance with AAMA 1702.2 (incorporated by reference, see § 3280.4) or AAMA/WDMA/CSA 101/I.S.2/A440 (incorporated by reference, see § 3280.4).

* * * * *

■ 24. Amend § 3280.504 by revising paragraphs (a)(1) and (c) to read as follows:

§ 3280.504 Condensation control and installation of vapor retarders.

(a) * * * (1) In U_o Value Zones 2 and 3, ceilings must have a vapor retarder with a permeance of not greater than 1 perm as measured by ASTM E96/E96M (incorporated by reference, see § 3280.4), installed on the living space side of the roof cavity.

* * * * *

(c) *Liquid applied vapor retarders.* Each liquid applied vapor retarder must be tested by a nationally recognized testing agency for use on the specific substrate to which it is applied. The test report must include the perm rating, as measured by ASTM E96/E96M (incorporated by reference, see § 3280.4), and associated application rate for each specific substrate.

* * * * *

■ 25. Amend § 3280.510 by revising the first sentence of the introductory text to read as follows:

§ 3280.510 Heat loss certificate.

The manufactured home manufacturer must permanently affix the following ''Certificate'' to an interior surface of each dwelling unit that is readily visible to the occupant. * * *

* * * * *

■ 26. Amend § 3280.511 by revising the first sentence of the introductory text of paragraph (a) and paragraph (b) to read as follows:

§ 3280.511 Comfort cooling certificate and information.

(a) The manufactured home manufacturer must permanently affix a ''Comfort Cooling Certificate'' to an interior surface of each dwelling unit that is readily visible to the occupant. * * *

* * * * *

(b) For each home designated as suitable for central air conditioning the manufacturer shall provide the maximum central manufactured home air conditioning capacity certified in accordance with the ANSI/AHRI Standard 210/240 with Addenda 1 and 2 (incorporated by reference, see § 3280.4) and in accordance with § 3280.715(a)(3). If the capacity information provided is based on entrances to the air supply duct at other than the furnace plenum, the manufacturer shall indicate the correct supply air entrance and return air exit locations.

* * * * *

■ 27. Amend § 3280.603 by revising paragraph (b)(4)(ii) to read as follows:

§ 3280.603 General requirements.

* * * * *

(b) * * *

(4) * * *

(ii) A statement in the installation instructions required by § 3280.306(b), stating that if the heat tape or pipe heating cable is used, it must be listed or certified for its intended purpose.

* * * * *

■ 28. Revise and republish § 3280.604 to read as follows

§ 3280.604 Materials.

(a) *Minimum standards.* Materials, devices, fixtures, fittings, equipment, appliances, appurtenances and accessories shall conform to one of the standards listed in this section (all incorporated by reference, see § 3280.4) and be free from defects. Where an appropriate standard is not listed in this section or a standard not listed is preferred, the item may be used if it is listed. A listing is also required when so specified in other sections of this subpart.

(b) Where more than one standard is referenced for a particular material or component, compliance with only one of those standards is acceptable. Exceptions:

(1) When one of the reference standards requires evaluation of chemical, toxicity or odor properties which are not included in the other standard, then conformance to the applicable requirements of each standard shall be demonstrated;

(2) When a plastic material or component is not covered by the standards in this section, it must be certified as non-toxic in accordance with ANSI/NSF 61, Drinking water system components—Health effects (incorporated by reference, see § 3280.4).

(c) Standards for some of the generally used materials and methods of construction are listed as following:

(1) *Ferrous Pipe and Fittings.* (i) Gray Iron Threaded Fittings—ANSI/ASME B16.4.

(ii) Malleable Iron Threaded Fittings—ANSI/ASME B16.3.

(iii) Material and Property Standard for Special Cast Iron Fittings—IAPMO PS 5.

(iv) Welding and Seamless Wrought Steel Pipe—ANSI/ASME B36.10.

(v) Standard Specification for Pipe, Steel, Black and Hot-Dipped, Zinc-Coated, Welded and Seamless—ASTM A53/A53M.

(vi) Pipe Threads, General Purpose (Inch)—ANSI/ASME B1.20.1.

(vii) Standard Specification for Cast Iron Soil Pipe and Fittings—ASTM A74.

(viii) Standard Specification for Hubless Cast Iron Soil Pipe and Fittings for Sanitary and Storm Drain, Waste, and Vent Piping Applications—CISPI–301.

(2) *Nonferrous Pipe and Fittings.* (i) Standard Specification for Seamless Copper Pipe, Standard Sizes—ASTM B42.

(ii) Standard Specification for General Requirements for Wrought Seamless

Copper and Copper-Alloy Tube—ASTM B251.

(iii) Standard Specification for Seamless Copper Water Tube—ASTM B88.

(iv) Standard Specification for Copper Drainage Tube (DWV)—ASTM B306.

(v) Wrought Copper and Copper Alloy Solder-Joint Pressure Fitting—ASME/ANSI B16.22.

(vi) Wrought Copper and Wrought Copper Alloy Solder-Joint Drainage Fittings-DWV—ASME/ANSI B16.29.

(vii) Cast Copper Alloy Solder-Joint Pressure Fittings—ANSI B16.18.

(viii) Cast Copper Alloy Solder-Joint Drainage Fittings-DWV—ASME B16.23.

(ix) Cast Copper Alloy Fittings for Flared Copper Tubes—ASME/ANSI B16.26.

(x) Standard Specification for Seamless Red Brass Pipe, Standard Sizes—ASTM B43.

(xi) Cast Bronze Threaded Fittings, Classes 125 and 250—ANSI/ASME B16.15.

(3) *Plastic Pipe and Fittings.* (i) Standard Specification Acrylonitrile-Butadiene-Styrene (ABS) Schedule 40 Plastic Drain, Waste, and Vent Pipe and Fittings—ASTM D2661.

(ii) Standard Specification for Poly (Vinyl Chloride) (PVC) Plastic Drain, Waste, and Vent Pipe and Fittings—ASTM D2665.

(iii) Standard Specification for Drain, Waste, and Vent (DWV) Plastic Fittings Patterns—ASTM D3311.

(iv) Standard Specification for Acrylonitrile-Butadiene-Styrene (ABS) Schedule 40, Plastic Drain, Waste, and Vent Pipe with a Cellular Core—ASTM F628.

(v) Standard Specification for Chlorinated Poly (Vinyl Chloride) (CPVC) Plastic Hot- and Cold-Water Distribution Systems—ASTM D2846.

(vi) Standard Specification for Polybutylene (PB) Plastic Hot- and Cold-Water Distribution Systems—ASTM D3309.

(vii) Plastic Piping Components and Related Materials—ANSI/NSF 14.

(viii) Standard Specification for Crosslinked Polyethylene (PEX) Tubing—ASTM F876.

(ix) Standard Specification for Crosslinked Polyethylene (PEX) Plastic Hot- and Cold-Water Distribution Systems—ASTM F877.

(4) *Miscellaneous.* (i) Standard Specification for Rubber Gaskets for Cast Iron Soil Pipe and Fittings, ASTM C564.

(ii) Backflow Valves—ANSI A112.14.1.

(iii) Plumbing Fixture Setting Compound—TTP 1536A.

(iv) Material and Property Standard for Cast Brass and Tubing P-Traps—IAPMO PS 2.

(v) Relief Valves for Hot Water Supply Systems, ANSI Z21.22.

(vi) Standard Specification for Solvent Cement for Acrylonitrile-Butadiene-Styrene (ABS) Plastic Pipe and Fittings—ASTM D2235.

(vii) Standard Specification for Solvent Cements for Poly (Vinyl Chloride) (PVC) Plastic Piping Systems—ASTM D2564.

(viii) Specification for Neoprene Rubber Gaskets for HUB and Spigot Cast Iron Soil Pipe and Fittings—CISPI–HSN.

(ix) Plumbing System Components for Manufactured Homes and Recreational Vehicles—ANSI/NSF 24.

(x) Material and Property Standard for Diversion Tees and Twin Waste Elbow—IAPMO PS 9.

(xi) Material and Property Standard for Flexible Metallic Water Connectors—IAPMO PS 14.

(xii) Material and Property Standard for Dishwasher Drain Airgaps—IAPMO PS 23.

(xiii) Material and Property Standards for Backflow Prevention Assemblies—IAPMO PS 31.

(xiv) Performance Requirements for Air Admittance Valves for Plumbing Drainage Systems, Fixture and Branch Devices—ASSE Standard #1051.

(xv) Drinking Water System Components-Health Effects—ANSI/NSF 61.

(5) *Plumbing Fixtures.* (i) Plumbing Fixtures (General Specifications)—FS WW–P–541E/GEN.

(ii) Vitreous China Plumbing Fixtures—ANSI/ASME A112.19.2(M).

(iii) Enameled Cast Iron Plumbing Fixtures—ANSI/ASME A112.19.1M.

(iv) Porcelain Enameled Formed Steel Plumbing Fixtures—ANSI/ASME A112.19.4(M).

(v) Plastic Bathtub Units with Addenda Z124.1a and Z124.16—ANSI Z124.1.

(vi) Standard for Porcelain Enameled Formed Steel Plumbing Fixtures—IAPMO TSC 22.

(vii) Plastic Shower Receptors and Shower Stalls with Addendum Z124.2a—ANSI Z124.2.

(viii) Stainless Steel Plumbing Fixtures (Designed for Residential Use)—ANSI/ASME A112.19.3M.

(ix) Material and Property Standard for Drains for Prefabricated and Precast Showers—IAPMO PS 4.

(x) Plastic Lavatories with Addendum Z124.3a—ANSI Z124.3.

(xi) Standard for Safety Glazing Materials used in Buildings—Safety Performance Specifications and Methods of Test, ANSI Z97.1.

(xii) Water Heater Relief Valve Drain Tubes—ASME A112.4.1.

(xiii) Flexible Water Connectors—ASME A112.18.6.

(xiv) Performance Requirements for Backflow Protection Devices and Systems in Plumbing Fixture Fittings—ASME A112.18.3M.

(xv) Non-Vitreous Ceramic Plumbing Fixtures—ASME A112.19.9M.

(xvi) Dual Flush Devices for Water Closets—ASME A119.19.10.

(xvii) Deck Mounted Bath/Shower Transfer Valves with Integral Backflow Protection—ASME A112.18.7.

(xviii) Plastic Fittings for Connecting Water Closets to the Sanitary Drainage System—ASME A112.4.3.

(xix) Hydraulic Performance Requirements for Water Closets and Urinals, ASME A112.19.6.

(xx) Plumbing Fixture Fittings—ASME/ANSI A112.18.1M.

(xxi) Trim for Water Closet, Bowls, Tanks, and Urinals—ANSI A112.19.5.

(xxii) Plastic Water Closets, Bowls, and Tanks with Addenda Z124.4a—ANSI Z124.4.

(xxiii) Plastic Toilet (Water Closets) Seats—ANSI Z124.5.

(xxiv) Prefabricated Plastic Spa Shells—ANSI Z124.7.

(xxv) Whirlpool Bathtub Appliances—ASME/ANSI A112.19.7M.

(xxvi) Plastic Urinal Fixtures—ANSI Z–124.9.

(xxvii) Performance Requirements for Individual Thermostatic Pressure Balancing and Combination Control for Bathing Facilities—ASSE 1016.

(xxviii) Performance Requirements for Pressurized Flushing Devices (Flushometers) for Plumbing Fixtures—ASSE 1037.

(xxix) Performance Requirements for Water Closet Flush Tank Fill Valves (Ballcocks)—ASSE 1002.

(xxx) Performance Requirements for Hand-held Showers—ASSE 1014.

(xxxi) Hydrants for Utility and Maintenance Use—ANSI/ASME A112.21.3M.

(xxxii) Performance Requirements for Home Laundry Equipment—ASSE 1007.

(xxxiii) Performance Requirements for Hot Water Dispensers, Household Storage Type Electrical—ASSE 1023.

(xxxiv) Plumbing Requirements for Residential Use (Household) Dishwashers—ASSE 1006.

(xxxv) Performance Requirements for Household Food Waste Disposer Units—ASSE 1008.

(xxxvi) Performance Requirements for Temperature Activated Mixing Valves for Primary Domestic Use—ASSE 1017.

(xxxv) Water Hammer Arresters—ANSI A112.26.1.

(xxxvi) Suction Fittings for Use in Swimming Pools, Wading Pools, Spas,

Hot Tubs, and Whirlpool Bathtub Appliances—ASME/ANSI A112.19.8M.

(xxxvii) Air Gaps in Plumbing Systems—ASME A112.1.2.

(xxxviii) Performance Requirements for Diverters for Plumbing Faucets with Hose Spray, Anti-Siphon Type, Residential Applications—ASSE 1025.

(xxxix) Performance Requirements for Pipe Applied Atmospheric Type Vacuum Breakers—ASSE 1001.

(xl) Performance Requirements for Hose Connection Vacuum Breakers—ASSE 1011–1981.

(xli) Performance Requirements for Wall Hydrants, Frost Proof Automatic Draining, Anti-Backflow Types—ANSI/ASSE 1019.

(xlii) Performance Requirements for Automatic Compensating Values for Individual Shower and Tub/Shower Combinations—ASSE 1016.

(xliii) Performance Requirements for Water Temperature Limiting Devices—ASSE 1070–2004.

■ 29. Amend § 3280.607 by revising paragraphs (b)(3) and (c)(6)(iv) to read as follows:

§ 3280.607 Plumbing Fixtures.

* * * * *

(b) * * *

(3) *Shower compartment.* (i) Each compartment stall must be provided with an approved watertight receptor with sides and back extending with sides and back extending at least 1 inch above the finished dam or threshold. Except as provided by paragraph (b)(3)(v) of this section, the depth of a shower receptor must not be less than 2 inches or more than 9 inches measured from the top of the finished dam or threshold to the top of the drain. The wall area must be constructed of smooth, non-corrosive, and non-absorbent materials to a height not less than 6 feet above the bathroom floor level. Such walls must form a watertight joint with each other and with the bathtub, receptor or shower floor. The floor or compartment must slope uniformly to the drain not less than one-fourth nor more than ½ inch per foot.

(ii) The joint around the drain connection shall be made watertight by a flange, clamping ring, or other approved listed means.

(iii) Shower doors and tub and shower enclosures must be constructed so as to be waterproof and, if glazed, glazing must comply with ANSI Z97.1 (incorporated by reference, see § 3280.4)

(iv) Prefabricated plumbing fixtures shall be approved or listed.

(v) Thresholds in roll-in-type shower compartments must be ½ inch maximum in height in accordance with paragraph (vi) of this section. In transfer type shower compartments, thresholds ½ inch maximum in height must be beveled, rounded, or be vertical.

(vi) Changes in level of ¼ inch maximum in height must be permitted to be vertical. Changes in level greater than ¼ inch in height and not more than ½ inch maximum in height must be beveled with a slope not steeper than 1:2.

(vii) Shower and tub-shower combination valves must be balanced pressure, thermostatic, or combination mixing valves that conform to the requirements of ASSE 1016 (incorporated by reference, see § 3280.4). Such valves must be equipped with handle position stops that are adjustable in accordance with the valve manufacturer's instructions and to a maximum setting of 120 °F. Hot water supplied to bathtubs and whirlpool bathtubs are to be limited to a temperature of not greater than 120 °F by a water temperature limiting device that conforms to the requirements of ASSE 1070 (incorporated by reference, see § 3280.4).

* * * * *

(c) * * *

(6) * * *

(iv) *Electrical.* Wiring must comply with Articles 680.70, 680.71, and 680.72 of NFPA 70 (incorporated by reference, see § 3280.4).

■ 30. Amend § 3280.609 by revising paragraph (a)(2) to read as follows:

§ 3280.609 Water distribution systems.

(a) * * *

(2) *Hot water supply.* Each dwelling unit equipped with a kitchen sink, and bathtub and/or shower must be provided with a hot water supply system including a listed water heater.

* * * * *

■ 31. Amend § 3280.611 by revising paragraph (c)(5) to read as follows:

§ 3280.611 Vents and venting.

* * * * *

(c) * * *

(5) The distance of the fixture trap from the vent must not exceed the values given in the following table:

Table 1 to paragraph (c)(5)) – Maximum Distance of Fixtures from Vent Trap

Size of fixture drain (inches)	Distance trap to vent
1 1/4	5 ft.
1 1/2	6 ft.
2	8 ft.
3	12 ft.

* * * * *

■ 32. Amend § 3280.702 by revising the definitions for ''Class 0 air ducts and air connectors'' and ''Class 1 air ducts and air connectors,'' to read as follows:

§ 3280.702 Definitions.

* * * * *

Class 0 air ducts and air connectors means air ducts and air connectors having a fire hazard classification of zero when tested in accordance with UL 181 (incorporated by reference, see § 3280.4).

Class 1 air ducts and air connectors means air ducts and air connectors having a flame spread rating of not over 25 without evidence of continued

progressive combustion and a smoke developed rating of not over 50 when tested in accordance with UL 181 (incorporated by reference, see § 3280.4).

* * * * *

■ 33. Revise § 3280.703 to read as follows:

§ 3280.703 Minimum standards.

Heating, cooling, and fuel burning appliances and systems in manufactured homes shall be free of defects and shall conform to applicable standards (incorporated by reference, see § 3280.4) in this section unless otherwise specified in this part. When more than one standard is referenced, compliance with any one such standard shall meet the requirements of this part.

(a) *Appliances.* (1) Heating and Cooling Equipment—UL 1995.

(2) Liquid Fuel Burning Heating Appliances for Manufactured Homes & Recreational Vehicles—UL 307A.

(3) Fixed and Location-Dedicated Electric Room Heaters—UL 2021.

(4) Electric Baseboard Heating Equipment—UL 1042.

(5) Electric Central Air Heating Equipment—UL 1096.

(6) Gas Burning Heating Appliances for Manufactured Homes & Recreational Vehicles—UL 307B.

(7) Gas Clothes Dryers Volume 1, Type 1 Clothes Dryers—ANSI Z21.5.1.

(8) Gas-fired Water Heaters, Volume 3, Storage Water Heaters with Input Ratings Above 75,000 BTU per Hour, Circulating and Instantaneous—ANSI Z21.10.3.

(9) Gas Fired, Heat Activated Air Conditioning and Heat Pump Appliances—ANSI Z21.40.1.

(10) Gas Fired Central Furnaces (Except Direct Vent Systems)—ANSI Z21.47.

(11) Connectors for Outdoor Gas Appliances and Manufactured Homes—ANSI Z21.75

(12) Decorative Gas Appliances for Installation in Solid Fuel Burning Fireplaces—RADCO DS–010.

(13) Household Cooking Gas Appliances—ANSI Z21.1.

(14) Refrigerators Using Gas Fuel—ANSI Z21.19.

(15) Gas Water Heaters, Volume 1, Storage Water Heaters with Input Ratings of 75,000 BTU per hour or Less—ANSI Z21.10.1.

(16) Household Electric Storage Tank Water Heaters—UL 174.

(17) Standard for Household and Similar Electrical Appliances—Safety, Part 2–34: Particular Requirements for Motor-Compressors—UL 60335–2–34.

(18) Smoke Detectors for Fire Protective Signaling Systems—UL 268.

(19) Standard for Single and Multiple Station Carbon Monoxide Alarms—UL 2034.

(20) Standard for Electric Heating Appliances—UL 499.

(b) *Ferrous Pipe and Fittings.* (1) Standard Specification for Pipe, Steel, Black and Hot-Dipped, Zinc-Coated, Welded and Seamless—ASTM A53/A53M.

(2) Standard Specification for Electric-Resistance-Welded Coiled Steel Tubing for Gas and Fuel Oil Lines—ASTM A539.

(3) Pipe Threads, General Purpose (Inch)—ANSI/ASME B1.20.1.

(4) Welding and Seamless Wrought Steel Pipe—ANSI/ASME B36.10.

(c) *Nonferrous Pipe, Tubing, and Fittings.* (1) Standard Specification for Seamless Copper Water Tube—ASTM B88.

(2) Standard Specification for Seamless Copper Tube for Air Conditioning and Refrigeration Field Service—ASTM B280.

(3) Connectors for Gas Appliances—ANSI Z21.24.

(4) Manually Operated Gas Valves for Appliances, Appliance Connector Valves and Hose End Valves—ANSI Z21.15.

(5) Standard for Gas Supply Connectors for Manufactured Homes—IAPMO TSC 9.

(6) Standard Specification for General Requirements for Wrought Seamless Copper and Copper-Alloy Tube—ASTM B251.

(7) Standard Specification for Seamless Copper Pipe, Standard Sizes—ASTM B42.

(d) *Miscellaneous.* (1) Factory-Made Air Ducts & Air Connectors—UL 181.

(2) Closure Systems for use with Rigid Air Ducts and Air Connectors—UL 181A.

(3) Standard for Safety Closure Systems for use with Flexible Air Ducts and Air Connectors—UL 181B.

(4) Standard for Safety Glazing Materials used in Buildings—Safety Performance Specifications and Methods of Test—ANSI Z97.1.

(5) Tube Fittings for Flammable and Combustible Fluids, Refrigeration Service, and Marine Use—UL 109.

(6) Pigtails & Flexible Hose Connectors for LP-Gas—UL 569.

(7) Roof Jacks for Manufactured Homes and Recreational Vehicles, Eighth Edition—UL 311.

(8) Relief Valves for Hot Water Supply Systems—ANSI Z21.22.

(9) Automatic Gas Ignition Systems and Components—ANSI Z21.20.

(10) Automatic Valves for Gas Appliances—ANSI Z21.21.

(11) Gas Appliance Thermostats—ANSI Z21.23 with ANSI Z21.23a (Addenda 1) and ANSI 21.23b (Addenda 2).

(12) Gas Vents—UL 441.

(13) Installation of Oil-Burning Equipment—NFPA 31.

(14) National Fuel Gas Code—NFPA 54/ANSI Z223.1.

(15) Warm Air Heating and Air Conditioning Systems—NFPA 90B.

(16) Standard for the Storage and Handling of Liquefied Petroleum Gas—NFPA 58.

(17) Flares for Tubing—SAE J533b.

(18) Chimneys, Factory Built Type & Building Heating Appliance—UL 103.

(19) Factory-Built Fireplaces—UL 127.

(20) Solid-Fuel Type Room Heaters—UL 1482.

(21) Fireplace Stoves—UL 737.

(22) Unitary Air-Conditioning and Air-Source Heat Pump Equipment—ANSI/AHRI Standard 210/240 with Addenda 1 and 2.

(23) Ventilation and Acceptable Indoor Air Quality in Low-Rise Residential Buildings—ANSI/ASHRAE 62.2.

(24) Requirements for Gas Connectors for Connection of Fixed Appliances for Outdoor Installation, Park Trailers, and Manufactured (Mobile) Homes to the Gas Supply—AGA No. 3.

■ 34. Amend § 3280.705 as follows:

■ a. Revise paragraphs (b)(1), (3), and (5);

■ b. Revise paragraph (c)(2);

■ c. Revise paragraphs (e) and (f);

■ d. Revise the first sentence of paragraph (j); and,

■ e. Revise paragraphs (l)(1), (2)(ii), and (3);

The revisions read as follows:

§ 3280.705 Gas piping systems.

* * * * *

(b) * * *

(1) Steel or wrought-iron pipe shall comply with ASME B36.10 (incorporated by reference, see § 3280.4). Threaded brass pipe in iron pipe sizes may be used. Threaded brass pipe shall comply with ASTM B43. (incorporated by reference, see § 3280.4).

* * * * *

(3) Copper tubing must be annealed type, Grade K or L, conforming to ASTM B88 (incorporated by reference, see § 3280.4), or must comply with the ASTM B280 (incorporated by reference, see § 3280.4). Copper tubing must be internally tinned.

* * * * *

(5) Corrugated stainless steel tubing (CSST) systems must be listed and installed in accordance with ANSI LC 1 (incorporated by reference, see

§ 3280.4), and the requirements of this section.

(c) * * *

(2) The connection(s) between units must be made with a connector(s) listed for exterior use or direct plumbing sized in accordance with paragraph (d) of this section. A shutoff valve of the non-displaceable rotor type conforming to ANSI Z21.15 (incorporated by reference, see § 3280.4), suitable for outdoor use must be installed at each crossover point upstream of the connection.

* * * * *

(e) *Joints for gas pipe.* All pipe joints in the piping system, unless welded or brazed, shall be threaded joints that comply with ANSI/ASME B1.20.1 (incorporated by reference, see § 3280.4). Right and left nipples or couplings shall not be used. Unions, if used, shall be of ground joint type. The material used for welding or brazing pipe connections shall have a melting temperature in excess of 1,000 °F.

(f) *Joints for tubing.* (1) Tubing joints shall be made with either a single or a double flare of 45 degrees in accordance with SAE J533b (incorporated by reference, see § 3280.4) or with other listed vibration-resistant fittings, or joints may be brazed with material having a melting point exceeding 1,000 °F. Metallic ball sleeve compression-type tubing fittings shall not be used.

(2) Steel tubing joints shall be made with a double-flare in accordance with SAE J533b (incorporated by reference, see § 3280.4).

* * * * *

(j) * * * When gas appliances are installed, at least one gas supply connection must be provided on each dwelling unit. * * *

* * * * *

(l) * * *(1) *General.* A listed LP-Gas flexible connection conforming to UL 569 (incorporated by reference, see § 3280.4), or equal, must be supplied when LP-Gas cylinder(s) and regulator(s) are supplied.

(2) * * *

(ii) The outlet must be provided with an approved quick-disconnect device, which must be designed to provide a positive seal on the supply side of the gas system when the appliance is disconnected. A shutoff valve of the non-displaceable rotor type conforming to ANSI Z21.15 (incorporated by reference, see § 3280.4), must be installed immediately upstream of the quick-disconnect device. The complete device must be provided as part of the original installation.

* * * * *

(3) *Valves.* A shutoff valve must be installed in the fuel piping at each appliance inside the manufactured home structure, upstream of the union or connector in addition to any valve on the appliance and so arranged to be accessible to permit servicing of the appliance and removal of its components. The shutoff valve must be located within 6 feet of any cooking appliance and within 3 feet of any other appliance. A shutoff valve may serve more than one appliance if located as required by this paragraph (l)(3). The shutoff valve must be of the non-displaceable rotor type and conform to ANSI Z21.15 (incorporated by reference, see § 3280.4).

* * * * *

■ 35. Amend § 3280.706 by revising paragraphs (b)(3) and (d) to read as follows:

§ 3280.706 Oil piping systems.

* * * * *

(b) * * *

(3) Copper tubing must be annealed type, Grade K or L conforming to ASTM B88 (incorporated by reference, see § 3280.4), or shall comply with ASTM B280 (incorporated by reference, see § 3280.4).

* * * * *

(d) *Joints for oil piping.* All pipe joints in the piping system, unless welded or brazed, shall be threaded joints which comply with ANSI/ASME B1.20.1 (incorporated by reference, see § 3280.4). The material used for brazing pipe connections shall have a melting temperature in excess of 1,000 F.

* * * * *

■ 36. Amend § 3280.707 as follows:

■ a. Revise the introductory text of paragraph (a);

■ b. Revise the introductory text of paragraph (d)(2) and designate the table immediately following paragraph (d)(2) as table 1 to paragraph (d)(2); and

■ c. Revise the introductory text of paragraph (f);

The revisions read as follows:

§ 3280.707 Heat producing appliances.

(a) Heat producing appliances and vents, roof jacks and chimneys necessary for their installation in manufactured homes must be listed or certified for residential use by a nationally recognized testing agency.

* * * * *

(d) * * *

(2) All gas and oil-fired automatic storage water heaters shall have a recovery efficiency, E, and a standby loss, S, as described below. The method of test of E and S shall be as described in section 2.7 of Gas Water heaters, Vol. I, Storage Water Heaters with Input/Ratings of 75,000 BTU per hour or less, ANSI Z21.10.1 (incorporated by reference, see § 3280.4), except that for oil-fired units. CF = 1.0, Q = total gallons of oil consumed and H = total heating value of oil in BTU/gallon.

* * * * *

(f) *Oil-fired heating equipment.* All oil-fired heating equipment must conform to UL 307A (incorporated by reference, see § 3280.4) and be installed in accordance with NFPA 31 (incorporated by reference, see § 3280.4). Regardless of the requirements of the above-referenced standards, or any other standards referenced in this part, the following are not required:

* * * * *

■ 37. Amend § 3280.709 by revising the introductory text of paragraph (a) and the introductory text of paragraph (g) to read as follows:

§ 3280.709 Installation of Appliances.

(a) The installation of each appliance must conform to the terms of its listing and the manufacturer's instructions. Every appliance must be secured in place to avoid displacement. For the purpose of servicing and replacement, each appliance must be both accessible and removable.

* * * * *

(g) Solid fuel burning fireplaces and fireplace stoves listed for residential use may be installed in manufactured homes provided they and their installation conform to the following paragraphs. A fireplace or fireplace stove is not to be considered as a heating facility for determining compliance with subpart F of this part.

* * * * *

■ 38. Revise § 3280.711 to read as follows:

§ 3280.711 Instructions.

Operating instructions must be provided with each appliance unless the appliance is affixed with a permanent Quick Response (QR) Code. The operating instructions for each appliance must be provided with the homeowner's manual.

■ 39. Amend § 3280.714 by revising paragraphs (a)(1) and (2) to read as follows:

§ 3280.714 Appliances, cooling.

(a) * * *

(1) Mechanical air conditioners shall be rated in accordance with the ANSI/AHRI Standard 210/240 with Addenda 1 and 2 (incorporated by reference, see § 3280.4) and certified by AHRI or other nationally recognized testing agency capable of providing follow-up service.

(i) Electric motor-driven unitary air-cooled air conditioners and heat pumps in the cooling mode with rated capacity less than 65,000 BTU/hour (19,045 watts), when rated at AHRI standard rating conditions in ANSI/AHRI Standard 210/240 with Addenda 1 and 2 (incorporated by reference, see § 3280.4), must have seasonal energy efficiency (SEER) values not less than as specified in 10 CFR part 430, Energy Conservation Program for Consumer Products: Central Air Conditioners and Heat Pumps Energy Conservation Standards.

(ii) Heat pumps must be certified to comply with all requirements of the ANSI/AHRI Standard 210/240 with Addenda 1 and 2 (incorporated by reference, see § 3280.4). Electric motor-driven vapor compression heat pumps with supplemental electrical resistance heat must be sized to provide by compression at least 60 percent of the calculated annual heating requirements for the manufactured home being served. A control must be provided and set to prevent operation of supplemental electrical resistance heat at outdoor temperatures above 40 °F (4 °C), except for defrost conditions. Electric motor-driven vapor compression heat pumps with supplemental electric resistance heat conforming to ANSI/AHRI Standard 210/240 with Addenda 1 and 2 (incorporated by reference, see § 3280.4), must have Heating Season Performance Factor (HSPF) efficiencies not less than as specified in the 10 CFR part 430, Energy Conservation Program for Consumer Products: Central Air Conditioners and Heat Pumps Energy Conservation Standards.

(iii) Electric motor-driven vapor compression heat pumps with supplemental electric resistance heat conforming to ANSI/AHRI Standard 210/240 with Addenda 1 and 2 (incorporated by reference, see § 3280.4), shall show coefficient of performance ratios not less than shown below:

Table 1 to paragraph (a)(1)(iii) - COP

Temperature degrees Fahrenheit	Coefficient of performance
47	2.5
17	1.7
0	1.0

(2) Gas fired absorption air conditioners must be listed or certified in accordance with ANSI Z21.40.1, (incorporated by reference, see § 3280.4), and certified by a nationally recognized testing agency capable of providing follow-up service.

* * * * *

■ 40. Amend § 3280.715 as follows:

■ a. Revise the introductory text of paragraph (a)(1) and designate the table immediately following paragraph (a)(1) as table 1 to paragraph (a)(1); and,

■ b. Revise paragraph (c) and the introductory text of paragraph (e),

The revisions read as follows:

§ 3280.715 Circulating air systems.

(a) * * * (1) Supply air ducts, fittings, and any dampers contained there-in must be made of galvanized steel, tin-plated steel, or aluminum, or must be listed as Class 0 or Class 1 air ducts in accordance with UL 181 (incorporated by reference, see § 3280.4). Air ducts and air connectors located within three feet of the furnace discharge must be rated to withstand the maximum air discharge temperature of the equipment. Air connectors must not be used for exterior manufactured home duct connections. A duct system integral with the structure must be of durable construction that can be demonstrated to be equally resistant to fire and deterioration as required by this section. Ducts constructed of sheet metal must be in accordance with the following table:

* * * * *

(c) *Joints and seams.* Joints and seams of sheet metal and factory-made flexible ducts, including trunks, branches, risers, crossover ducts, and crossover duct plenums, shall be mechanically secured and made substantially airtight. Slip joints in sheet metal ducts shall have a lap of at least one inch (''1'') and shall be mechanically fastened. Tapes or caulking compounds shall be permitted to be used for sealing mechanically secure joints. Sealants and tapes shall be applied only to surfaces that are dry and dust-, dirt-, oil-, and grease-free. Tapes and mastic closure systems for use with factory-made rigid fiberglass air ducts and air connectors shall be listed in accordance with UL 181A (incorporated by reference, see § 3280.4). Tapes and mastic closure systems used with factory-made flexible air ducts and air connectors shall be listed in accordance with UL 181B, (incorporated by reference, see § 3280.4).

* * * * *

(e) *Registers and grilles.* Fittings connecting the registers and grilles to the duct system must be constructed of metal or material that complies with the requirements of Class 1 or 2 ducts under UL 181 (incorporated by reference, see § 3280.4). Air supply terminal devices (registers) when installed in kitchen, bedrooms, and bathrooms must be equipped with adjustable closeable dampers. Registers or grilles must be constructed of metal or conform with the following:

* * * * *

■ 41. Amend § 3280.801 by revising paragraphs (a) and (b) to read as follows:

§ 3280.801 Scope.

(a) This subpart I incorporates by reference NFPA 70, the National Electrical Code (incorporated by reference, see § 3280.4) including Part II of Article 550 of NFPA 70, and covers the electrical conductors and equipment installed within or on manufactured homes and the conductors that connect manufactured homes to a supply of electricity. However, Articles 550.4(A) and 550.4(B) of NFPA 70 shall not apply.

(b) In addition to the requirements of this part and Part II of Article 550 of NFPA 70, the applicable portions of other Articles of NFPA 70 referenced in this part must be followed for electrical installations in manufactured homes. The use of arc-fault breakers under the NFPA 70, are only required for general lighting circuits. Smoke alarms installed on a dedicated circuit do not require arc fault protection. Wherever arc-fault breakers are provided, such use must be in accordance with NFPA 70. Wherever the requirements of this part standards differ from NFPA 70, these standards apply.

* * * * *

■ 42. Amend § 3280.802 by revising paragraph (a)(21) to read as follows:

§ 3280.802 Definitions.

* * * * *

(21) *Feeder assembly* means the overhead or under-chassis feeder conductors, including the grounding conductor, together with the necessary fittings and equipment, or a power supply cord approved for manufactured home use, designed for the purpose of delivering energy from the source of electrical supply to the distribution panelboard within each dwelling unit.

* * * * *

■ 43. Amend § 3280.803 by revising paragraphs (a) and (k)(1) and (3) to read as follows:

§ 3280.803 Power supply.

(a) The power supply to the manufactured home must be a feeder assembly consisting of not more than one listed 50 ampere manufactured home power supply cord, or a permanently installed circuit. A manufactured home that is factory equipped with gas or oil-fired heating equipment and cooking appliances is permitted to be provided with a listed power supply cord rated 40 amperes. This section does not apply to multi-dwelling unit manufactured homes.

* * * * *

(k) * * *

(1) One mast weatherhead installation installed in accordance with Article 230 of NFPA No. 70 (incorporated by reference, see § 3280.4), containing four continuous insulated, color-coded, feeder conductors, one of which shall be an equipment grounding conductor; or

* * * * *

(3) Service equipment installed in or on the manufactured home, provided that all of the following conditions are met:

(i) In its written installation instructions, the manufacturer must include information indicating that the home must be secured in place by an anchoring system or installed on and secured to a permanent foundation;

(ii) The installation of the service equipment complies with Article 230 of NFPA 70. Exterior service equipment or the enclosure in which it is to be installed must be weatherproof, and conductors must be suitable for use in wet locations;

(iii) The installation of the service equipment complies with Article 230 of NFPA 70. Exterior service equipment or the enclosure in which it is to be installed must be weatherproof, and conductors must be suitable for use in wet locations;

(iv) Bonding and grounding of the service must be in accordance with Article 250 of NFPA 70;

(v) The manufacturer must include in its installation instructions one method of grounding the service equipment at the installation site. The instructions must clearly state that other methods of grounding are found in Article 250 of NFPA 70;

(vi) The minimum size grounding electrode conductor must be specified in the instructions; and

(vii) A red warning label must be mounted on or adjacent to the service equipment. The label must state the following: WARNING—DO NOT PROVIDE ELECTRICAL POWER UNTIL THE GROUNDING ELECTRODE(S) IS INSTALLED AND CONNECTED (SEE INSTALLATION INSTRUCTIONS).

■ 44. Amend § 3280.804 as follows:

■ a. Revise paragraphs (a) and (c);

■ b. Revise the introductory text of paragraph (g), add and reserve paragraph (g)(2);

■ c. Revise paragraph (k); and

■ d. Add paragraph (m).

The revisions and addition read as follows:

§ 3280.804 Disconnecting means and branch-circuit protective equipment.

(a) The branch-circuit equipment is permitted to be combined with the disconnecting means as a single assembly. Such a combination is permitted to be designated as a distribution panelboard. If a fused distribution panelboard is used, the maximum fuse size for the mains shall be plainly marked, with the lettering at least ¼ inch high and visible when fuses are changed. See Article 110.22 of NFPA 70 (incorporated by reference, see § 3280.4), concerning the identification of each disconnecting means and each service, feeder, or branch circuit at the point where it originated, and the type of marking needed.

* * * * *

(c) A single disconnecting means must be provided in each dwelling unit, consisting of a circuit breaker, or a switch and fuses and its accessories, installed in a readily accessible location near the point of entrance of the supply cord or conductors into the dwelling unit.

* * * * *

(g) Branch-circuit distribution equipment must be installed in each dwelling unit and must include overcurrent protection for each branch circuit consisting of either circuit breakers or fuses.

* * * * *

(k) When a home is provided with installed service equipment, a single disconnecting means for disconnecting the branch circuit conductors from the service entrance conductors must be provided in accordance with Article 230, Part VI of NFPA 70 (incorporated by reference, see § 3280.4). The disconnecting means shall be listed for use as service equipment. The disconnecting means may be combined with the disconnect required by paragraph (c) of this section. The disconnecting means shall be rated not more than the ampere supply or service capacity indicated on the tag required by paragraph (l) of this section.

* * * * *

(m) A service distribution panel must be factory installed and connected to the subpanels on multi-dwelling unit manufactured homes.

■ 45. Amend § 3280.805 by revising paragraphs (a)(1) and (3)(iv) to read as follows:

§ 3280.805 Branch circuits required.

(a) * * *

(1) *Lighting.* For lighting, based on a 3 volt-amperes per square foot times outside dimensions of each dwelling unit (coupler excluded) divided by 120 volts times amperes to determine the number of 15 or 20 ampere lighting area circuits.

* * * * *

(3) * * *

(iv) The rating of the range branch circuit is based on the range demand as specified for ranges in § 3280.811(a)(5). For central air conditioning, see Article 440 of NFPA 70 (incorporated by reference, see § 3280.4).

* * * * *

■ 46. Amend § 3280.806 by revising paragraphs (a)(2) and (d)(8) to read as follows:

§ 3280.806 Receptacle outlets.

(a) * * *

(2) Installed according to Article 406.3 of NFPA 70 (incorporated by reference, see § 3280.4).

* * * * *

(d) * * *

(8) At least one receptacle outlet shall be installed outdoors. Additional outdoor receptacles shall be installed in accordance with Article 210.52(E)(3) of NFPA 70 (incorporated by reference, see § 3280.4), except those balconies, decks, or porches with an area of less than 20 square feet are not required to have an additional receptacle installed.

* * * * *

■ 47. Amend § 3280.807 by revising paragraph (c) to read as follows:

§ 3280.807 Fixtures and appliances.

* * * * *

(c) Where a lighting fixture is installed over a bathtub or in a shower

stall, it must be listed for wet locations. See also Article 410.4(D) of NFPA 70 (incorporated by reference, see § 3280.4).

* * * * *

■ 48. Amend § 3280.808 by revising paragraphs (a), (k), (l), and (p) to read as follows:

§ 3280.808 Wiring methods and materials.

(a) Except as specifically permitted by this part, the wiring methods and materials specified in NFPA 70 (incorporated by reference, see § 3280.4) must be used in manufactured homes.

* * * * *

(k) Where outdoor or under-chassis line voltage (120 volts, nominal or higher) wiring is exposed to moisture or subject to physical damage, it must be protected by a conduit or raceway approved for use in wet locations. The conductors must be suitable for use in wet locations.

(l) Outlet boxes of dimensions less than those required in Table 314.16(A) of NFPA 70 (incorporated by reference, see § 3280.4), are permitted provided the box has been tested and approved for that purpose.

* * * * *

(p) A substantial brace for securing a box, fitting, or cabinet must be as described in Article 314.23(B) of NFPA 70 (incorporated by reference, see § 3280.4), or the brace, including the fastening mechanism to attach the brace to the home structure, must withstand a force of 50 lbs. applied to the brace at the intended point(s) of attachment for the box in a direction perpendicular to the surface on which the box is installed.

* * * * *

■ 49. Amend § 3280.810 by revising paragraph (b)(3) to read as follows:

§ 3280.810 Electrical testing.

* * * * *

(b) * * *

(3) Electrical polarity checks to determine that connections have been made in accordance with applicable provisions of these standards and Article 550.17 of NFPA 70 (incorporated by reference, see § 3280.4). Visual verification is an acceptable electrical polarity check.

■ 50. Amend § 3280.811 by revising the introductory text of paragraph (b) to read as follows:

§ 3280.811 Calculations.

* * * * *

(b) The following is an optional method of calculation for lighting and appliance loads for manufactured homes served by single 3-wire 120/240 volt set of feeder conductors with an ampacity of 100 or greater. The total load for determining the feeder ampacity may be computed in accordance with the following table instead of the method previously specified. Feeder conductors whose demand load is determined by this optional calculation are permitted to have the neutral load determined by Article 220.61 of NFPA 70 (incorporated by reference, see § 3280.4). The loads identified in the table as ''other load'' and as ''Remainder of other load'' must include the following:

* * * * *

■ 51. Amend § 3280.1003 by revising paragraph (a)(1) to read as follows:

§ 3280.1003 Attached manufactured home unit separation.

(a) * * * (1) Attached manufactured homes shall be separated from each other by a fire separation wall of not less than 1-hour fire-resistive rating with exposure from both sides on each attached manufactured home unit when rated based on tests in accordance with ASTM E119 (incorporated by reference, see § 3280.4).

* * * * *

PART 3282—MANUFACTURED HOME PROCEDURAL AND ENFORCEMENT REGULATIONS

■ 52. The authority citation for part 3282 continues to read as follows:

Authority: 15 U.S.C. 2697, 28 U.S.C. 2461 note, 42 U.S.C. 3535(d), 5403, and 5424.

■ 53. Amend § 3282.7 by revising paragraphs (t) and (v) and removing paragraph (oo) to read as follows:

§ 3282.7 Definitions.

* * * * *

(t) *Length of Manufactured Home* is defined in § 3280.2 of this chapter.

* * * * *

(v) *Manufactured Home* is defined in § 3280.2 of this chapter.

* * * * *

§ 3282.8 [Amended].

■ 54. Amend § 3282.8 by removing paragraph (l).

PART 3285—MODEL MANUFACTURED HOME INSTALLATION STANDARDS

■ 55. The authority citation for part 3285 continues to read as follows:

Authority: 42 U.S.C. 3535(d), 5403, 5404, and 5424.

■ 56. Amend § 3285.5 as follows:

■ a. Add, in alphabetical order, definition for ''peak cap assembly'';

■ b. Remove definition for ''Peak capconstuction'' and add, in its place, a definition for ''Peak cap construction'';

■ c. Add, in alphabetical order, definitions for ''peak cap assembly'' and ''peak flip assembly''

■ d Remove definition for ''Peak flipconstruction'' and add, in its place, a definition for ''Peak flip construction''.

The additions read as follows:

§ 3285.5 Definitions.

* * * * *

Peak cap assembly means any roof peak assembly that is either shipped loose or site completed and is site installed to finish the roof ridge/peak of a home.

Peak cap construction means any roof peak construction that is either shipped loose or site constructed and is site installed to complete the roof ridge/peak of a home. *Peak flip assembly* means any roof peak assembly that requires the joining of two or more cut top chord members on site. The cut top chords must be joined at the factory by straps, hinges, or other means.

Peak flip construction means any roof peak construction that requires the joining of two or more cut top chord members on site. The cut top chords must be joined at the factory by straps, hinges, or other means.

* * * * *

■ 57. Amend § 3285.503 by revising paragraph (b) to read as follows:

§ 3285.503 Optional appliances.

* * * * *

(b) *Fireplaces and wood-stoves.* When not provided by the home manufacturer, fireplaces and wood-stoves must be listed for residential use and must be installed in accordance with their listings.

* * * * *

■ 58. Add § 3285.506 to subpart F to read as follows:

§ 3285.506 Testing and certification of fire sprinkler systems for multi-dwelling units.

The installer will certify and test residential fire sprinkler systems on site in accordance with home manufacturer's instructions and as outlined in § 3280.214 of this chapter. The installer should ensure that a required listed minimum water supply is available for the system. Testing requirements are to be consistent with § 3280.612(a) of this chapter and certified by the installer.

■ 59. Amend § 3285.603 by revising paragraphs (d)(3) and (e)(1) to read as follows:

§ 3285.603 Water supply.

* * * * *

(d) * * *

(3) Only heat tape or pipe heating cable listed and certified for its intended purpose is permitted for use, and it must be installed in accordance with tape or cable manufacturer installation instructions.

(e) * * * (1) The water system must be inspected and tested for leaks after completion at the site. The installation instructions must provide testing requirements that are in accordance with the piping manufacturer's instructions.

* * * * *

■ 60. Amend § 3285.801 by revising paragraph (f)(2) to read as follows:

§ 3285.801 Exterior close-up.

* * * * *

(f) * * *

(2) In which the roof pitch of the hinged roof is less than 7:12, including designs incorporating peak cap or peak flip assembly components; and

* * * * *

PART 3286—MANUFACTURED HOME INSTALLATION PROGRAM

■ 61. The authority citation for part 3286 continues to read as follows:

Authority: 42 U.S.C. 3535(d), 5404, and 5424.

■ 62. Revise § 3286.103 to read as follows:

§ 3286.103 DAPIA-approved installation instructions.

(a) *Providing instructions to purchaser or lessee.* (1) For each manufactured home sold or leased to a purchaser or lessee, the retailer must provide the purchaser or lessee with the manufacturer's DAPIA-approved installation instructions for the home, a copy of which is shipped with the home in accordance with § 3285.2 of this chapter.

(2) If the installation requires a design that is different from that provided by the manufacturer in paragraph (a)(1) of this section, the installation design and instructions must be prepared and certified by a professional engineer or registered architect, that have been approved by the manufacturer and the DAPIA as providing a level of protection for residents of the home that equals or exceeds the protection provided by the federal installation standards in part 3285 of this chapter. The retailer or manufacturer must provide the installation design and instructions to the purchaser or lessee.

(b) *Providing instructions to installer.* When the retailer or manufacturer agrees to provide any set up in connection with the sale of the home, the retailer or manufacturer must provide to the licensed installer a copy of the approved installation instructions required in paragraph (a)(1) or (2) of this section or, as applicable, to each company or, in the case of sole proprietor, to each individual who performs setup or installation work on the home.

■ 63. Amend § 3286.205 by revising paragraph (d) to read as follows:

§ 3286.205 Prerequisites for installation license.

* * * * *

(d) *Insurance and either a surety bond or irrevocable letter of credit.* An applicant for an installation license must provide evidence of and must maintain, when available in the state of installation, insurance and either a surety bond or irrevocable letter of credit that will cover the cost of repairing all damage to the home and its supports caused by the installer during the installation up to and including replacement of the home. HUD may require the licensed installer to provide proof of the surety bond or insurance at any time. The licensed installer must notify HUD of any changes or cancellations with the insurance coverage, surety bond, or irrevocable letter of credit.

■ 64. Amend § 3286.207 by revising paragraph (d) to read as follows:

§ 3286.207 Process for obtaining installation license.

* * * * *

(d) *Proof of insurance and either a surety bond or irrevocable letter of credit.* Every applicant for an installation license must submit the name and proof of the applicant's insurance carrier and the number of the policy, surety bond, or irrevocable letter of credit required in § 3286.205(d).

* * * * *

■ 65. Amend § 3286.209 by revising paragraph (b)(8)(vi) to read as follows:

§ 3286.209 Denial, suspension, or revocation of installation license.

* * * * *

(b) * * *

(8) * * *

(vi) Failure to maintain the insurance and either a surety bond or irrevocable letter of credit, required by § 3286.205(d).

* * * * *

■ 66. Amend § 3286.409 by revising paragraph (b) to read as follows:

§ 3286.409 Obtaining inspection.

* * * * *

(b) *Contract rights not affected.* Failure to arrange for an inspection of a home within 10 business days will not affect the validity or enforceability of any sale or contract for the sale of any manufactured home.

* * * * *

Julia Gordon,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 2022–14701 Filed 7–18–22; 8:45 am]

BILLING CODE 4210–67–P

FEDERAL REGISTER

Vol. 87 Tuesday,
No. 137 July 19, 2022

Part III

Securities and Exchange Commission

17 CFR Parts 240 and 276
Proxy Voting Advice; Final Rule

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 240 and 276

[Release Nos. 34–95266; IA–6068; File No. S7–17–21]

RIN 3235–AM92

Proxy Voting Advice

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: We are adopting amendments to the Federal proxy rules governing proxy voting advice as part of our reassessment of those rules and in light of feedback from market participants on those rules, certain developments in the market for proxy voting advice, and comments received regarding the proposed amendments. The amendments remove a condition to the availability of certain exemptions from the information and filing requirements of the Federal proxy rules for proxy voting advice businesses. The release also rescinds certain guidance that the Commission issued to investment advisers about their proxy voting obligations. In addition, the amendments remove a note that provides examples of situations in which the failure to disclose certain information in proxy voting advice may be considered misleading within the meaning of the Federal proxy rules' prohibition on material misstatements or omissions. Finally, the release discusses our views regarding the application of that prohibition to proxy voting advice, in particular with respect to statements of opinion.

DATES: The amendments and the rescission of the guidance are effective September 19, 2022.

FOR FURTHER INFORMATION CONTACT: Valian Afshar, Special Counsel, Office of Mergers and Acquisitions, Division of Corporation Finance, at (202) 551–3440, regarding the amendments, and Thankam A. Varghese, Senior Counsel, Chief Counsel's Office, Division of Investment Management, at (202) 551–6825, regarding the rescission of the guidance, U.S. Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

SUPPLEMENTARY INFORMATION: We are adopting amendments to 17 CFR 240.14a–2 (''Rule 14a–2'') and 17 CFR 240.14a–9 (''Rule 14a–9'') under the Securities Exchange Act of 1934 [15 U.S.C. 78a *et seq.*] (''Exchange Act'').[1]

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I. Introduction

In 2020, the Securities and Exchange Commission (the ''Commission'') adopted final rules regarding proxy voting advice (the ''2020 Final Rules'') provided by proxy advisory firms, or proxy voting advice businesses (''PVABs'').[2] The 2020 Final Rules, among other things, did the following:

- Amended 17 CFR 240.14a–1(l) (''Rule 14a–1(l)'') to codify the Commission's interpretation that proxy voting advice generally constitutes a ''solicitation'' subject to the proxy rules.
- Adopted 17 CFR 240.14a–2(b)(9) (''Rule 14a–2(b)(9)'') to add new conditions to two exemptions (set forth in 17 CFR 240.14a–2(b)(1) and (3) (''Rules 14a–2(b)(1) and (3)'')) that PVABs generally rely on to avoid the proxy rules' information and filing requirements. Those conditions include:
  - New conflicts of interest disclosure requirements in 17 CFR 240.14a–2(b)(9)(i) (''Rule 14a–2(b)(9)(i)''); and
  - A requirement in 17 CFR 240.14a–2(b)(9)(ii) (''Rule 14a–2(b)(9)(ii)'') that a PVAB adopt and publicly disclose written policies and procedures reasonably designed to ensure that (A) registrants that are the subject of proxy voting advice have such advice made available to them at or prior to the time such advice is disseminated to the PVAB's clients and (B) the PVAB provides its clients with a mechanism by which they can reasonably be expected to become aware of any written statements regarding its proxy voting advice by registrants that are the subject of such advice, in a timely manner before the security holder meeting (the ''Rule 14a–2(b)(9)(ii) conditions'').
- Adopted Note (e) to Rule 14a–9, which prohibits false or misleading statements, to include examples of material misstatements or omissions related to proxy voting advice. Specifically, Note (e) to Rule 14a–9 provides that the failure to disclose material information regarding proxy voting advice, ''such as the [PVAB's] methodology, sources of information, or conflicts of interest,'' may, depending upon particular facts and circumstances, be misleading within the meaning of the rule.[3]

The amendments to Rules 14a–1(l) and 14a–9 became effective on November 2, 2020. The conditions set

[1] Unless otherwise noted, when we refer to the Exchange Act, or any paragraph of the Exchange Act, we are referring to 15 U.S.C. 78a of the United States Code, at which the Exchange Act is codified, and when we refer to rules under the Exchange Act, or any paragraph of these rules, we are referring to title 17, part 240 of the Code of Federal Regulations [17 CFR 240], in which these rules are published.

[2] *See Exemptions from the Proxy Rules for Proxy Voting Advice,* Release No. 34–89372 (July 22, 2020) [85 FR 55082 (Sept. 3, 2020)] (''2020 Adopting Release''). For purposes of this release, we refer to persons who furnish proxy voting advice covered by 17 CFR 240.14a–1(l)(1)(iii)(A) (''Rule 14a–1(l)(1)(iii)(A)'') as ''proxy voting advice businesses,'' which we abbreviate as ''PVABs.'' *See* 17 CFR 240.14a–1(l)(1)(iii)(A). Rule 14a–1(l)(1)(iii)(A) provides that the terms ''solicit'' and ''solicitation'' include any proxy voting advice that makes a recommendation to a security holder as to its vote, consent, or authorization on a specific matter for which security holder approval is solicited, and that is furnished by a person that markets its expertise as a provider of such proxy voting advice, separately from other forms of investment advice, and sells such proxy voting advice for a fee. *Id.*

[3] 17 CFR 240.14a–9, note (e).

forth in new Rule 14a–2(b)(9) became effective on December 1, 2021.[4]

The 2020 Final Rules were intended to help ensure that investors who use proxy voting advice receive more transparent, accurate, and complete information on which to make their voting decisions.[5] In the adopting release for the 2020 Final Rules (the ''2020 Adopting Release''), the Commission recognized the ''important and prominent role'' that PVABs play in the proxy voting process [6] and adopted the 2020 Final Rules, in part, to address certain concerns that ''registrants, investors, and others have expressed . . . about the role of [PVABs].'' [7] At the same time, the Commission endeavored to tailor the 2020 Final Rules to avoid imposing undue costs or delays that could adversely affect the timely provision of independent proxy voting advice.[8]

After the Commission adopted the 2020 Final Rules, however, institutional investors and other PVAB clients continued to express strong concerns about the rules' impact on their ability to receive independent proxy voting advice in a timely manner. Furthermore, PVABs continued to develop industry-wide best practices and improve their own business practices to address the concerns that were the impetus for the 2020 Final Rules. The Commission subsequently determined that it was appropriate to reassess the 2020 Final Rules, solicit further public comment, and, where appropriate, recalibrate the rules to preserve the independence of proxy voting advice and ensure that PVABs can deliver advice in a timely manner without passing on higher costs to their clients. As such, in November 2021, the Commission proposed the following changes to the rules governing proxy voting advice (the ''2021 Proposed Amendments''):

- Amend Rule 14a–2(b)(9) to remove the Rule 14a–2(b)(9)(ii) conditions and paragraphs (iii), (iv), (v), and (vi) of Rule 14a–2(b)(9), which contain safe harbors and exclusions from the Rule 14a–2(b)(9)(ii) conditions; and
- Amend Rule 14a–9 to remove Note (e) to that rule.[9]

The 2021 Proposed Amendments would not affect other aspects of the 2020 Final Rules, which would remain in place and effective as to PVABs and their advice.[10] As such, under the 2021 Proposed Amendments, proxy voting advice would remain a solicitation subject to the proxy rules.[11] Additionally, in order to rely on the exemptions from the proxy rules' information and filing requirements set forth in Rules 14a–2(b)(1) and (3), PVABs would continue to be subject to Rule 14a–2(b)(9)'s conflicts of interest disclosure requirement.[12] Finally, although the 2021 Proposed Amendments would remove Note (e) to Rule 14a–9, material misstatements of fact in, and omissions of material fact from, proxy voting advice would remain subject to liability under that rule.[13] The proposing release for the 2021 Proposed Amendments (the ''2021 Proposing Release'') also requested comment as to whether the Commission should rescind or revise the supplemental guidance that it issued to investment advisers in 2020 about their proxy voting obligations (the ''Supplemental Proxy Voting Guidance'') [14] because it was prompted, in part, by the adoption of the Rule 14a–2(b)(9)(ii) conditions.[15] Finally, the 2021 Proposing Release provided a discussion of the application of Rule 14a–9 to proxy voting advice, specifically with respect to a PVAB's statements of opinion.[16]

We received a number of comments in response to the 2021 Proposed Amendments.[17] After considering the public comments, we are adopting the 2021 Proposed Amendments, as proposed, for the reasons set forth below. Consistent with the proposal, we are amending Rules 14a–2 and 14a–9 to rescind the Rule 14a–2(b)(9)(ii) conditions (as well as the related safe harbors and exclusions set forth in Rules 14a–2(b)(9)(iii) through (vi)) and delete Note (e) to Rule 14a–9. In addition, we are rescinding the Supplemental Proxy Voting Guidance. Finally, in Section II.B.3 below, we reiterate our discussion regarding the application of Rule 14a–9 to proxy voting advice, specifically with respect to a PVAB's statements of opinion.[18]

These final amendments reflect the fact that our thinking has evolved with respect to the Rule 14a–2(b)(9)(ii) conditions and Note (e) to Rule 14a–9, informed, in part, by the concerns expressed by PVABs' clients and other investors that were among the primary intended beneficiaries of the 2020 Final Rules. The Rule 14a–2(b)(9)(ii) conditions and Note (e) reflected an effort to balance competing policy concerns. As initially proposed, Rule 14a–2(b)(9) would have required that PVABs allow registrants multiple opportunities to review proxy voting advice and provide feedback on such advice in advance of its distribution to PVABs' clients. In declining to adopt those proposed advance review and feedback provisions in the 2020 Final Rules, the Commission recognized the significant concerns raised by investors and other commenters that the proposed rules would have adverse effects on the cost, timeliness, and independence of proxy voting advice.[19] The Commission responded to those concerns by instead adopting the modified, more principles-based conditions in Rule 14a–2(b)(9)(ii) and the related safe harbors.[20]

The Commission reasonably determined at the time it adopted the 2020 Final Rules that the revised Rule 14a–2(b)(9)(ii) conditions struck an appropriate balance between the risks

[4] *Id.* at 55122. Institutional Shareholder Services, Inc. has filed a lawsuit challenging the 2020 Final Rules. *See Institutional Shareholder Services, Inc.* v. *SEC,* No. 1:19–cv–3275–APM (D.D.C.). In addition, on Oct. 13, 2021, the National Association of Manufacturers and Natural Gas Services Group, Inc. filed a lawsuit arising out of a statement issued by the Division of Corporation Finance on June 1, 2021 regarding the 2020 Final Rules. *See National Association of Manufacturers et al.* v. *SEC,* No. 7:21–cv–183 (W.D. Tex.); *see also infra* note 18 (discussing the Division of Corporation Finance's June 1, 2021 statement).

[5] 2020 Adopting Release at 55082.

[6] *Id.* at 55083 (noting that institutional investors and investment advisers generally retain PVABs to ''assist them in making voting determinations on behalf of their own clients'' as well as ''other aspects of the voting process, which for certain investment advisers has become increasingly complex and demanding over time'').

[7] *Id.* at 55085.

[8] *Id.* at 55082, 55112.

[9] *See Proxy Voting Advice,* Release No. 34–93595 (Nov. 17, 2021) [86 FR 67383 (Nov. 26, 2021)] (''2021 Proposing Release'').

[10] *Id.* at 67384.

[11] *Id.*

[12] *Id.*

[13] *Id.*

[14] *Supplement to Commission Guidance Regarding Proxy Voting Responsibilities of Investment Advisers,* Release No. IA–5547 (July 22, 2020) [85 FR 55155 (Sept. 3, 2020)].

[15] 2021 Proposing Release at 67388–89.

[16] *Id.* at 67390.

[17] *See generally* letters submitted in connection with the 2021 Proposed Amendments, *available at https://www.sec.gov/comments/s7-17-21/s71721.htm.* Unless otherwise specified, all references in this release to comment letters are to comments submitted on the 2021 Proposed Amendments.

[18] On June 1, 2021, the Division of Corporation Finance issued a statement that it would not recommend enforcement action based on the 2020 Final Rules (or on a related 2019 interpretive release discussed further *infra* note 165 and accompanying text) during the period in which the Commission was considering further regulatory action in this area. Division of Corporation Finance, *Statement on Compliance with the Commission's 2019 Interpretation and Guidance Regarding the Applicability of the Proxy Rules to Proxy Voting Advice and Amended Rules 14a–1(1), 14a–2(b), 14a–9,* U.S. Securities and Exchange Commission, *available at https://www.sec.gov/news/public-statement/corp-fin-proxy-rules-2021-06-01.* As the Commission noted in the 2021 Proposing Release, this staff statement did not alter PVABs' obligation to comply with the Rule 14a–2(b)(9) conditions by Dec. 1, 2021. *See* 2021 Proposing Release at 67393, n.120; *see also infra* note 278. In light of today's action, we hereby rescind the staff's statement.

[19] 2020 Adopting Release at 55107–08.

[20] *Id.*

raised by commenters and the Commission's interest in facilitating more informed proxy voting decisions. We have revisited our analysis of those issues, however, and are now striking a different and improved policy balance. We believe this new policy balance better alleviates the costs and risks to PVABs, as compared to the 2020 Final Rules, and better addresses PVAB clients' and other investors' concerns about receiving timely and independent advice from PVABs. In particular, we are no longer persuaded that the potential benefits of those conditions sufficiently justify the risks they pose to the cost, timeliness, and independence of proxy voting advice and believe that the final amendments strike a better policy balance. Several factors support the reasonableness of our analysis. For example, it is supported by the continued, strong opposition to the Rule 14a–2(b)(9)(ii) conditions from many institutional investors and other PVAB clients, as well as many of the commenters on the 2021 Proposed Amendments, who have continued to raise concerns that the 2020 Final Rules would have adverse effects on the cost, timeliness, and independence of proxy voting advice. Our analysis is also supported by certain voluntary practices of PVABs. We believe those practices are likely, at least to some extent, to advance the goals underlying the Rule 14a–2(b)(9)(ii) conditions, thereby providing institutional investors and other PVAB clients with some of the benefits that those conditions were expected to produce while avoiding the potentially significant associated costs.

The Commission also determined at the time it adopted the 2020 Final Rules that the addition of Note (e) to Rule 14a–9 would clarify the application of the rule to proxy voting advice while balancing concerns regarding heightened legal uncertainty and litigation risk for PVABs. We now conclude, however, that rather than reducing legal uncertainty and confusion, the addition of Note (e) has unnecessarily exacerbated it by creating a risk of confusion regarding the application of Rule 14a–9 to proxy voting advice.[21]

We emphasize that the final amendments do not represent a wholesale reversal of the 2020 Final Rules. Proxy voting advice generally remains a solicitation subject to the proxy rules, including liability under Rule 14a–9 for material misstatements or omissions of fact. Further, in order to rely on the exemptions from the proxy rules' information and filing requirements set forth in Rules 14a–2(b)(1) and (3), PVABs will still have to satisfy Rule 14a–2(b)(9)'s conflicts of interest disclosure requirements. As we explain in greater detail in Section II.B.3 below, our deletion of Note (e) does not affect the scope of Rule 14a–9 or its application to proxy voting advice. As with any other person engaged in a solicitation as defined in Rule 14a–1(l), a PVAB may be liable under Rule 14a–9 for a material misstatement of fact, or an omission of material fact, including, depending on the facts and circumstances, with regard to its methodology, sources of information, or conflicts of interest.

The intent of the final amendments is to avoid burdens on PVABs that may impede and impair the timeliness and independence of their proxy voting advice and avoid misperceptions [22] regarding the application of Rule 14a–9 liability to proxy voting advice, while also preserving investors' confidence in the integrity of such advice. We believe that the final amendments, in combination with the unaffected portions of the 2020 Final Rules, strike a more appropriate balance than the 2020 Final Rules, as originally adopted, because they will address PVAB clients' and other investors' concerns about potential impediments to the timely provision of independent proxy voting advice.

II. Discussion of Final Amendments

A. Amendments to Rule 14a–2(b)(9)

The 2020 Final Rules amended Rule 14a–2(b) by adding paragraph (9),[23] which sets forth conditions that a PVAB must satisfy in order to rely on the exemptions in Rules 14a–2(b)(1) and (b)(3) from the proxy rules' information and filing requirements.[24] Rule 14a–2(b)(9)(i) requires PVABs to provide their clients with certain conflicts of interest disclosures in connection with their proxy voting advice.[25] The Rule 14a–2(b)(9)(ii) conditions require that PVABs adopt and publicly disclose written policies and procedures reasonably designed to ensure that (A) registrants that are the subject of their proxy voting advice have such advice made available to them at or prior to the time when such advice is disseminated to the PVABs' clients and (B) the PVABs provide their clients with a mechanism by which they can reasonably be expected to become aware of any written statements regarding their proxy voting advice by registrants who are the subject of such advice, in a timely manner before the relevant shareholder meeting (or, if no meeting, before the votes, consents or authorizations may be used to effect the proposed action).[26]

In addition to those conditions, Rule 14a–2(b)(9) also sets forth two non-exclusive safe harbor provisions in paragraphs (iii) and (iv) that, if met, are intended to give assurance to PVABs that they have satisfied the conditions of Rules 14a–2(b)(9)(ii)(A) and (B), respectively.[27] Further, Rules 14a–2(b)(9)(v) and (vi) contain exclusions from the Rule 14a–2(b)(9)(ii) conditions.[28] Those rules provide that PVABs need not comply with Rule 14a–2(b)(9)(ii) to the extent that their proxy voting advice is based on a client's custom voting policy or if they provide proxy voting advice as to non-exempt solicitations regarding certain mergers and acquisitions or contested matters.[29]

The Commission adopted Rule 14a–2(b)(9)(ii)(A) to help ensure that registrants are timely informed of proxy voting advice that bears on the solicitation of their shareholders.[30] The Commission stated in the 2020 Adopting Release that the rule was intended as a means to ''further the goal of ensuring that [PVABs'] clients have more complete, accurate, and transparent information to consider

[21] *See infra* Section II.B.3.

[22] We discuss these misperceptions in more detail in Section II.B.3 below. *See infra* notes 221–222 and accompanying text.

[23] 17 CFR 240.14a–2(b)(9).

[24] PVABs have typically relied upon the exemptions in Rules 14a–2(b)(1) and (b)(3) to provide advice without complying with the proxy rules' information and filing requirements. *Amendments to Exemptions from the Proxy Rules for Proxy Voting Advice,* Release No. 34–87457 (Nov. 5, 2019) [84 FR 66518, 66525 & n.68 (Dec. 4, 2019)] (''2019 Proposing Release'').

[25] 17 CFR 240.14a–2(b)(9)(i).

[26] 17 CFR 240.14a–2(b)(9)(ii). The Commission adopted the Rule 14a–2(b)(9)(ii) conditions, in part, in response to the concerns expressed by commenters about the ''advance review and feedback'' conditions that were included in the Commission's 2019 proposed rules (the ''2019 Proposed Rules''). Under the advance review and feedback conditions in the 2019 Proposed Rules, a PVAB would have been required to, as a condition to relying on the exemptions in Rules 14a–2(b)(1) and (3), provide registrants and certain other soliciting persons covered by its proxy voting advice a limited amount of time to review and provide feedback on the advice before it is disseminated to the PVAB's clients, with the length of time provided depending on how far in advance of the shareholder meeting the registrant or other soliciting person has filed its definitive proxy statement. *See* 2019 Proposing Release at 66530–35. These conditions were among the most contentious features of the 2019 Proposed Rules and drew a significant number of opposing public comments. 2020 Adopting Release at 55103–07. In response to these comments, the Commission reconsidered its approach and, in the 2020 Final Rules, adopted the Rule 14a–2(b)(9)(ii) conditions in place of the advance review and feedback conditions. *Id.* at 55107–08.

[27] 17 CFR 240.14a–2(b)(9)(iii) and (iv).

[28] 17 CFR 240.14a–2(b)(9)(v) and (vi).

[29] *Id.*

[30] 2020 Adopting Release at 55109.

when making their voting decisions'' by facilitating opportunities for registrants to review and respond to proxy voting advice.[31] Similarly, the Commission adopted Rule 14a–2(b)(9)(ii)(B) as a means of providing PVABs' clients with additional information that would assist them in assessing and contextualizing proxy voting advice.[32] The Commission intended that this condition would supplement existing mechanisms—including registrants' ability to file supplemental proxy materials to respond to proxy voting advice that they may know about and to alert investors to any disagreements with such advice—so as to permit PVABs' clients, including investment advisers voting shares on behalf of their own clients, to consider registrants' views along with the proxy voting advice and before making their voting determinations.[33] This condition reflected the Commission's views that PVABs' clients would benefit from more information when considering how to vote their proxies and that shareholders should have ready access to information to make informed voting decisions.[34]

1. Proposed Amendments

In the 2021 Proposing Release, the Commission proposed to amend Rule 14a–2(b)(9) by rescinding the Rule 14a–2(b)(9)(ii) conditions. The Commission noted that investors and others continued to express significant concerns that the Rule 14a–2(b)(9)(ii) conditions would increase PVABs' compliance costs and impair the independence and timeliness of their proxy voting advice and that such effects are not justified by corresponding investor protection benefits.[35] Further, the Commission described PVABs' efforts to develop industry-wide best practices, in addition to certain of their existing business practices, and noted that those practices could address the concerns underlying the Rule 14a–2(b)(9)(ii) conditions. The Commission also observed that, although these practices differ from the Rule 14a–2(b)(9)(ii) conditions, they could provide PVABs' clients and registrants with some of the opportunities and access to information that would have been required pursuant to the Rule 14a–2(b)(9)(ii) conditions.[36]

The Commission also proposed to delete paragraphs (iii), (iv), (v), and (vi) of Rule 14a–2(b)(9), which contain safe harbors and exclusions from the Rule 14a–2(b)(9)(ii) conditions.[37] Because the other paragraphs of Rule 14a–2(b)(9) would all be deleted, the Commission proposed to redesignate the conflicts of interest disclosure condition set forth in Rule 14a–2(b)(9)(i) as Rule 14a–2(b)(9).[38] The Commission stated that the substance of that condition would otherwise remain unchanged.[39]

2. Comments Received

Commenters expressed a range of views on the proposed amendments to Rule 14a–2(b)(9). A number of commenters supported rescinding the Rule 14a–2(b)(9)(ii) conditions and deleting paragraphs (iii) through (vi) of Rule 14a–2(b)(9).[40] Those supporting commenters included some institutional investors[41] and some organizations that represent institutional investors and investment advisers,[42] among others. Several commenters reiterated the concerns regarding the 2020 Final Rules that prompted the Commission to issue the 2021 Proposed Amendments, including expressing concern that the Rule 14a–2(b)(9)(ii) conditions would impair the independence of proxy voting advice,[43] impede the timeliness of proxy voting advice,[44] and increase PVABs' compliance costs.[45] For example, one commenter asserted that the Rule 14a–2(b)(9)(ii) conditions ''threaten[ ] the independence of the proxy advisory process by requiring that their voting advice be made available to corporate management at or prior to the time the advice is sent to their clients.''[46] Another commenter stated that those conditions ''disrupt[ ] the preparation and delivery of proxy voting advice to fund managers and increases compliance costs,'' noting that PVABs ''may engage with hundreds of issuers regarding thousands of shareholder proposals during a critical shareholder season'' and that ''additional compliance burdens not only muddle the timely delivery of materials to fund managers making it difficult to use the advice in advance of a shareholder meeting, but also increase compliance costs which get passed on to clients.''[47]

Other commenters questioned the necessity of the Rule 14a–2(b)(9)(ii) conditions, asserting that they would not improve the accuracy of PVABs' advice.[48] One commenter that is a PVAB stated that PVABs already are incentivized to engage with registrants regarding their proxy voting advice in order to provide potentially useful information to their clients.[49] Some commenters asserted that registrants have ways to express their views on proxy voting advice other than via the Rule 14a–2(b)(9)(ii) conditions, such as by publicly filing additional soliciting materials,[50] with one of those commenters stating the types of investors that utilize proxy voting advice are sophisticated enough to know where to find registrants' responses to such advice.[51] Further,

[31] *Id.*

[32] *Id.* at 55112–13.

[33] *Id.*

[34] *Id.* at 55113.

[35] 2021 Proposing Release at 67385–86.

[36] *Id.* at 67387.

[37] *Id.*

[38] *Id.* at 67387, n.55.

[39] *Id.*

[40] *See* letters from Fran Seegull, President, U.S. Impact Investing Alliance (Dec. 17, 2021) (''Alliance''); Anonymous (Nov. 20, 2021) (''Anonymous 1''); Ben J., Administrative Services Manager (Dec. 7, 2021) (''Ben J.''); Stephen Hall, Legal Director and Securities Specialist, and Jason Grimes Senior Counsel, Better Markets, Inc. (Dec. 27, 2021) (''Better Markets''); Marcie Frost, Chief Executive Officer, California Public Employees' Retirement System (Dec. 27, 2021) (''CalPERS''); Jeff Mahoney, General Counsel, Council of Institutional Investors (Dec. 24, 2021) (''CII''); Ron Baker, Executive Director, Colorado Public Employees' Retirement Association (Dec. 27, 2021) (''CO Retirement''); Dan Jamieson (Dec. 7, 2021) (''D. Jamieson''); Nichol Garzon-Mitchell, Senior Vice President, General Counsel, Glass Lewis (Dec. 27, 2021) (''Glass Lewis''); Gail C. Bernstein, General Counsel, Investment Adviser Association (Dec. 27, 2021) (''IAA''); Kerrie Waring, Chief Executive Officer, ICGN (Dec. 22, 2021) (''ICGN''); Matt Thornton, Associate General Counsel, and Susan Olson General Counsel, Investment Company Institute (Dec. 23, 2021) (''ICI''); Gary Retelny President and CEO, Institutional Shareholder Services Inc. (Dec. 22, 2021) (''ISS''); Justin Giorgio, Doctorate of Computer Science (Nov. 20, 2021) (''J. Giorgio''); Jennifer Han Executive Vice President, Chief Counsel and Head of Regulatory Affairs, Managed Funds Association (Dec. 20, 2021) (''MFA''); Melanie Senter Lubin, NASAA President, Maryland Securities Commissioner (Dec. 27, 2021) (''NASAA''); Thomas P. DiNapoli, State Comptroller, New York State Common Retirement Fund (Dec. 27, 2021) (''New York Comptroller''); Patti Gazda, Corporate Governance Officer, Ohio Public Employees Retirement System (Dec. 23, 2021) (''Ohio Public Retirement''); Richard A. Kirby and Beth-ann Roth, RK Invest Law, PBC ESG Legal Services, Inc. (Dec. 27, 2021) (''RK Invest Law and ESG Legal Services''); Donna F. Anderson, Vice President, Head of Corporate Governance, and Bob Grohowski, Managing Legal Counsel, Head of Legislative and Regulatory Affairs, T. Rowe Price (Dec. 21, 2021) (''TRP''); Lisa Woll, CEO, US SIF: The Forum for Sustainable and Responsible Investment (Dec. 23, 2021) (''US SIF''); Theresa Whitmarsh, Chief Executive Officer, Washington State Investment Board (Dec. 22, 2021) (''Washington State Investment'').

[41] *See, e.g.,* letters from CalPERS; CO Retirement; New York Comptroller; Ohio Public Retirement; TRP; Washington State Investment.

[42] *See, e.g.,* letters from CII; ICGN; ICI; IAA; MFA.

[43] *See* letters from Alliance; CO Retirement; Glass Lewis; IAA; ICGN; ISS; NASAA; New York Comptroller; Ohio Public Retirement; US SIF; Washington State Investment.

[44] *See* letters from CO Retirement; Glass Lewis; IAA; ICI; ISS; MFA; NASAA; New York Comptroller; US SIF.

[45] *See id.*

[46] *See* letter from Alliance.

[47] *See* letter from MFA.

[48] *See* letters from CalPERS; ICI; TRP; US SIF.

[49] *See* letter from Glass Lewis.

[50] *See* letters from Glass Lewis; NASAA.

[51] *See* letter from NASAA.

several commenters asserted that PVABs' existing practices already address the concerns underlying the Rule 14a–2(b)(9)(ii) conditions [52] and indicated that they expect PVABs to continue to maintain those practices even if the Rule 14a–2(b)(9)(ii) conditions are rescinded.[53]

Other commenters questioned, as an initial matter, whether the adoption of the Rule 14a–2(b)(9)(ii) conditions was warranted. For example, some commenters noted that although the Rule 14a–2(b)(9)(ii) conditions were intended to benefit investors, most investors did not request or support the adoption of those conditions.[54] Other commenters asserted that the 2020 Adopting Release failed to identify or provide credible evidence of a market failure.[55] Some commenters also highlighted the low prevalence of errors in proxy voting advice historically, including by reference to data the Commission included in the 2019 Proposing Release that indicated an approximately 0.3% error rate in proxy voting advice.[56] One commenter expressed skepticism that the Rule 14a–2(b)(9)(ii) conditions would significantly improve the accuracy of proxy voting advice.[57] Another commenter observed that it has not experienced a significant increase in registrant outreach regarding disputes over proxy voting advice since the adoption of the 2020 Final Rules, including through the Report Feedback Service that Glass Lewis implemented and made available to registrants before the Commission adopted the 2020 Final Rules and continues to make available.[58] Other commenters expressed concern that the Rule 14a–2(b)(9)(ii) conditions inappropriately privilege the views of registrants' management.[59] For example, one of these commenters noted that the Rule 14a–2(b)(9)(ii) conditions ''tilt the playing field in favor of company management and create unequal access to the proxy solicitation process'' because those conditions ''do[ ] not require a PVAB to afford these opportunities to any other stakeholders,'' including shareholder proponents.[60]

In addition to expressing concerns regarding the Rule 14a–2(b)(9)(ii) conditions, some commenters highlighted the potential benefits of rescinding those conditions as proposed. For example, one commenter stated that the 2021 Proposed Amendments would better ensure that investors have access to clear, timely, and impartial proxy voting advice and that the 2021 Proposed Amendments are appropriately tailored and responsive to investor concerns.[61] Another commenter asserted that rescinding the Rule 14a–2(b)(9)(ii) conditions would give PVABs and investors flexibility to select mechanisms that best serve their needs and market conditions.[62]

Finally, some of the commenters that supported the 2021 Proposed Amendments expressed concerns regarding the legal basis or constitutionality of the Rule 14a–2(b)(9)(ii) conditions. Several commenters maintained that the Rule 14a–2(b)(9)(ii) conditions exceed the Commission's authority under Section 14(a) of the Exchange Act because proxy voting advice does not constitute a ''solicitation.'' [63] Other commenters asserted that the Rule 14a–2(b)(9)(ii) conditions could violate the First Amendment.[64]

A number of commenters opposed rescinding the Rule 14a–2(b)(9)(ii) conditions and deleting paragraphs (iii) through (vi) of Rule 14a–2(b)(9).[65] Several of those commenters expressed concern regarding the process by which the 2021 Proposed Amendments were formulated, including by comparison to the process by which the 2020 Final Rules were adopted. Those process-based concerns generally were based on commenters' assertions that the 2021 Proposed Amendments were not justified by sufficient evidence, data, or changes in the market for proxy voting advice and that the Commission lacked a reasonable basis for the 2021 Proposed Amendments because the Commission proposed those amendments before the 2020 Final Rules took effect.[66]

Similarly, some commenters submitted a report that analyzed and highlighted the benefits of the 2020 Final Rules as support for the proposition that those rules were adopted pursuant to a careful, methodical process and should not be amended at this time.[67] Other commenters expressed concern that registrants and investors may have changed their practices in reliance on the Commission's adoption of the 2020 Final Rules,[68] with one of these commenters indicating that it and other registrants have been preparing for the

[52] *See* letters from CII; Glass Lewis; IAA; ICI; ISS; Ohio Public Retirement.

[53] *See* letters from CII; ICI; Ohio Public Retirement.

[54] *See* letters from CII; Ohio Public Retirement.

[55] *See* letters from Better Markets; Glass Lewis; US SIF.

[56] *See* letters from Better Markets; CalPERS; ICI; Ohio Public Retirement; US SIF; Washington State Investment.

[57] *See* letter from ICI.

[58] *See* letter from Ohio Public Retirement. This commenter also noted that much of the registrant feedback that it had observed ''involve[d] differences of opinion regarding the methodologies used by our proxy advisory firm, which is less useful in helping us to formulate our proxy votes.'' *Id.*

[59] *See* letters from Alliance; NASAA.

[60] *See* letter from NASAA.

[61] *See* letter from Alliance.

[62] *See* letter from CII.

[63] *See* letters from CII; ISS; RK Invest Law and ESG Legal Services.

[64] *See* letters from D. Jamieson; Glass Lewis; ISS; RK Invest Law and ESG Legal Services.

[65] *See* letters from John Endean, President, American Business Conference (Dec. 23, 2021) (''ABC''); Kyle Isakower, SVP of Regulatory and Energy Policy, American Council for Capital Formation (Dec. 22, 2021) (''ACCF''); Anonymous (Dec. 16, 2021) (''Anonymous 2''); Anne Smith (Dec. 27, 2021) (''A. Smith''); Lynnette Fallon, Executive Vice President HR/Legal, General Counsel and Secretary, Axcelis Technologies, Inc. (Dec. 20, 2021) (''Axcelis''); Michele Nellenbach, Vice President of Strategic Initiatives, Bipartisan Policy Center (Jan. 4, 2022) (''BPC''); Carlo Passeri, Senior Director of Capital Markets and Financial Services Policy, Biotechnology Innovation Organization (Dec. 23, 2021) (''BIO''); Maria Ghazal, Senior Vice President and Counsel, Business Roundtable (Dec. 23, 2021) (''BRT''); Benjamin Zycher, Senior Fellow, American Enterprise Institute (Dec. 23, 2021) (''B. Zycher''); Coalition of Business Trades (Dec. 23, 2021) (''CBT''); Tom Quaadman, Executive Vice President, Center for Capital Markets Competitiveness, U.S. Chamber of Commerce (Nov. 30, 2021) (''CCMC I''); Tom Quaadman, Executive Vice President, Center for Capital Markets Competitiveness, U.S. Chamber of Commerce (Dec. 23, 2021) (''CCMC II''); Ani Huang, President and CEO, Center On Executive Compensation (Dec. 27, 2021) (''CEC''); Eric Mills (Dec. 27, 2021) (''E. Mills''); Mark R. Allen, Executive Vice President, General Counsel and Secretary, Member of the Executive Committee, FedEx Corporation (Dec. 23, 2021) (''FedEx''); Frederick A. Brightbill, CEO and Chairman of the Board, MasterCraft Boat Holdings, Inc. (Dec. 17, 2021) (''MasterCraft''); Chris Netram, Vice President, Tax and Domestic Economic Policy, National Association of Manufacturers (Dec. 24, 2021) (''NAM''); John A. Zecca, Executive Vice President, Chief Legal and Regulatory Officer, Nasdaq, Inc. (Dec. 27, 2021) (''Nasdaq''); Stephen C. Taylor and John W. Chisholm, Chairman, President, CEO, and Lead Independent Director, Natural Gas Services Group, Inc. (Dec. 27, 2021) (''Natural Gas Services''); Gary A. LaBranche, FASAE, CAE, President and CEO, National Investor Relations Institute (Dec. 27, 2021) (''NIRI''); Wayne Winegarden, Ph.D., Sr. Fellow, Business and Economics Pacific Research Institute (Dec. 22, 2021) (''Pacific Research''); J.W. Verret, George Mason University Antonin Scalia Law School (Dec. 21, 2021) (''Prof. Verret''); Paul Rose and Christopher J. Walker, Professors of Law, The Ohio State University (Dec. 22, 2021) (''Profs. Rose and Walker''); Bryan Steil and Bill Huizenga, Members of Congress (Feb. 2, 2022) (''Reps. Steil and Huizenga''); Ted Allen, Vice President, Policy and Advocacy, Society for Corporate Governance (Dec. 30, 2021) (''SCG''); Tim Doyle, Founder and Principle, Doyle Strategies, LLC (Dec. 27, 2021) (''T. Doyle''); Douglas A. Cifu, Chief Executive Officer, Virtu Financial, Inc. (Dec. 20, 2021) (''Virtu'').

[66] *See* letters from ABC; ACCF; BIO; BRT; B. Zycher; CBT; CCMC II; CEC; E. Mills; NAM; Natural Gas Services; NIRI; Pacific Research; Prof. Verret; Reps. Steil and Huizenga; SCG; T. Doyle; Virtu.

[67] *See* letters from CCMC II; Profs. Rose and Walker.

[68] *See* letters from NAM; Nasdaq; Natural Gas Services; Prof. Verret.

effectiveness of the 2020 Final Rules.[69] One commenter asserted that the 2021 Proposing Release did not take into account the factors that Congress intended the Commission to consider with respect to Section 14(a) of the Exchange Act.[70] Finally, several commenters raised concerns regarding the 30-day comment period specified in the 2021 Proposing Release, including concerns that such comment period did not provide the public sufficient time to consider and comment on the 2021 Proposed Amendments.[71]

In addition to expressing concern about the process by which the 2021 Proposed Amendments were formulated, some commenters asserted that rescinding the Rule 14a–2(b)(9)(ii) conditions would have a negative impact on proxy voting advice. For example, some commenters stated that rescinding the Rule 14a–2(b)(9)(ii) conditions would decrease the transparency and accuracy of proxy voting advice and confidence in the proxy process generally.[72] Relatedly, another commenter asserted that the Rule 14a–2(b)(9)(ii) conditions would improve the accuracy and reliability of proxy voting advice.[73] Other commenters expressed concern that rescinding the Rule 14a–2(b)(9)(ii) conditions would jeopardize the Commission's stated goals for the 2020 Final Rules [74] and would decrease the amount of information available to investors.[75]

Further, some commenters asserted that without the Rule 14a–2(b)(9)(ii) conditions, registrants will struggle to address PVABs' advice in a timely manner before a shareholder meeting.[76] One of these commenters asserted that if registrants do not have an opportunity to timely address the logic behind a voting recommendation, PVABs can ''essentially unilaterally control[ ] the outcome of'' shareholder votes.[77] Some commenters also cited support from registrants, investors, and others for the Rule 14a–2(b)(9)(ii) conditions, including certain surveys,[78] and the historically bipartisan support for reforming the proxy process.[79]

Some commenters maintained that the Commission should retain the Rule 14a–2(b)(9)(ii) conditions due to continued concerns regarding errors in proxy voting advice. For example, some commenters asserted that a 2021 study (the ''ACCF study'') demonstrates the continued prevalence of errors in, and disagreements by registrants with, proxy voting advice.[80] According to the ACCF study, there were 50 instances in 2021 in which registrants filed supplemental proxy materials to dispute the data or analysis in a PVAB's proxy voting advice, an increase from 42 such instances in 2020.[81] That study also asserted that the Rule 14a–2(b)(9)(ii) conditions provide a better process for registrants to access and respond to proxy voting advice than the current process in which registrants ''who receive a proxy advisor recommendation where they believe there is an error or serious disagreement must submit a supplemental filing to their proxy statement and take on additional anti-fraud liability.'' [82] Another commenter cited a December 2019 survey of compensation and human resource professionals at 105 public registrants (the ''Willis Towers Watson survey'') in which 59% of respondents ''considered factual errors to be a big problem under the current system'' of proxy voting advice.[83] In addition, several commenters highlighted their own experience with, or anecdotal evidence of, inaccurate or misleading proxy voting advice and described the burdens associated with responding to and correcting such advice in a timely manner.[84] Another commenter expressed the view that the prevalence of errors in and omissions from proxy voting advice has not changed since 2020, citing a December 2019 survey of its members (the ''SCG survey'').[85] Several other commenters asserted that the 2020 Final Rules would allow registrants to more efficiently and effectively communicate their perspective on errors in and disagreements with proxy voting advice.[86]

Other commenters disputed the concerns expressed regarding the Rule 14a–2(b)(9)(ii) conditions that the 2021 Proposing Release described. Some commenters asserted that the Rule 14a–2(b)(9)(ii) conditions would not disproportionately or negatively impact the independence, cost, or timeliness of proxy voting advice.[87] One commenter stated that the Commission's concern for the timeliness and cost of proxy voting advice is misplaced given that the 2020 Final Rules did not require advance review of proxy voting advice.[88] This commenter also disputed the notion that the Rule 14a–2(b)(9)(ii) conditions would increase costs for PVABs.[89] Other commenters asserted that PVABs' compliance costs associated with the Rule 14a–2(b)(9)(ii) conditions did not support rescinding those conditions in light of the duopolistic nature of the proxy voting advice market.[90] Finally, some commenters stated that, even if the Rule 14a–2(b)(9)(ii) conditions increase the costs of proxy voting advice, such costs

[69] *See* letter from Natural Gas Services.

[70] *See* letter from CCMC II.

[71] *See* letters from ABC; American Securities Association (Dec. 3, 2021); BIO; CCMC I; CCMC II; CEC; IAA; NIRI; Prof. Verret; SCG; Reps. Steil and Huizenga; Patrick McHenry, Ranking Member, House Committee on Financial Services, and Pat Toomey, Ranking Member, Senate Committee on Banking, Housing, and Urban Affairs (Jan. 10, 2022) (''Rep. McHenry and Sen. Toomey''); T. Doyle. We believe that the 30-day comment period for the 2021 Proposed Amendments provided adequate opportunity for interested parties to share their views, especially given the targeted nature of such amendments. We have reviewed and considered the numerous comment letters received in response to the proposal, including the five comment letters submitted after the comment period deadline. *See* letters from BPC; Reps. Steil and Huizenga; SCG; Rep. McHenry and Sen. Toomey; S. Milloy.

[72] *See* letters from BPC; CEC; E. Mills; MasterCraft; NAM; Nasdaq; Natural Gas Services; Pacific Research.

[73] *See* letter from NAM.

[74] *See* letter from Profs. Rose and Walker.

[75] *See* letter from B. Zycher.

[76] *See* letters from Axcelis; CEC; Natural Gas Services; T. Doyle.

[77] *See* letter from Axcelis.

[78] *See* letter from Nasdaq. This commenter cited a 2020 proxy season survey indicating that registrants would utilize the Rule 14a–2(b)(9)(ii) conditions (the ''CCMC and Nasdaq survey'') and a survey conducted in Nov. 2019 indicating that retail investors were in favor of providing registrants with an opportunity to review and provide feedback on proxy voting advice (the ''Spectrem Group survey''). *Id.*

[79] *See* letter from BPC.

[80] *See* letters from ACCF; CCMC II; CEC; Natural Gas Services; NIRI; Profs. Rose and Walker.

[81] *See* American Council for Capital Formation, Proxy Advisors Are Still a Problem: 2021 Proxy Season Analysis Shows Companies Continue To Report Similar Rate of Errors Despite Heightened Scrutiny 9–10 (Dec. 2021) (''ACCF Study''), *available at https://accf.ftlbcdn.net/wp-content/uploads/2021/12/ACCF_proxy_advisor_rule_report_2021-FINAL.pdf.*

[82] *Id.* at 11–12.

[83] *See* letter from T. Doyle. Mr. Doyle's comment letter on the 2019 Proposed Rules also cited this same Dec. 2019 survey. *See* letter in response to the 2019 Proposing Release of T. Doyle (Feb. 3, 2020), *available at https://www.sec.gov/comments/s7-22-19/s72219-6742431-207767.pdf.*

[84] *See* letters from Nasdaq; Natural Gas Services.

[85] *See* letter from SCG. SCG's membership is comprised ''of more than 3,400 corporate and assistant secretaries, in-house counsel, outside counsel, and other governance professionals who serve approximately 1,600 entities, including 1,000 public companies of almost every size and industry.'' *Id.* SCG's comment letter on the 2019 Proposed Rules also cited this same Dec. 2019 survey. *See* letter in response to the 2019 Proposing Release of SCG (Feb. 3, 2020), *available at https://www.sec.gov/comments/s7-22-19/s72219-6743687-207853.pdf.* The Dec. 2019 survey of 134 members found that 42% of respondents answered affirmatively when asked whether they were ''aware of any factual errors, omissions of material facts, or errors in analysis in the last three years.'' *Id.*

[86] *See* letters from ACCF; Natural Gas Services; T. Doyle.

[87] *See* letters from ABC; BIO; BRT; NAM; T. Doyle.

[88] *See* letter from Axcelis.

[89] *See id.*

[90] *See* letters from BIO; B. Zycher.

are justified and preferred by investors if they ensure accurate advice and give registrants a chance to respond to such advice in a timely manner.[91]

Several commenters took issue with the Commission's discussion in the 2021 Proposing Release of PVABs' existing practices. Some of those commenters asserted that PVABs' current practices are insufficient substitutes for the Rule 14a–2(b)(9)(ii) conditions, which, in the view of these commenters, provide more comprehensive and consistent standards.[92] Other commenters asserted that the Commission's discussion of PVABs' policies and procedures does not support rescission of the Rule 14a–2(b)(9)(ii) conditions.[93] One commenter asserted that because ISS and Glass Lewis already provide registrants access to their advice at the same time that it is disseminated to their clients, compliance with the Rule 14a–2(b)(9)(ii) conditions should not be burdensome.[94] Other commenters expressed concern that without the Rule 14a–2(b)(9)(ii) conditions, PVABs could change their practices to the detriment of their clients.[95]

Similarly, some commenters expressed specific concerns regarding ISS' practices. One commenter asserted that ISS has increasingly resisted making changes to its proxy voting advice in response to registrant feedback and has been less inclined to engage with registrants regarding its advice.[96] Other commenters stated that ISS has recently reduced communications and transparency below what it would have provided prior to the adoption of the 2020 Final Rules by ending its practice of providing S&P 500 companies with the opportunity to review and provide feedback on draft proxy voting advice.[97] Some of these commenters highlighted the fact that ISS still provides registrants in jurisdictions other than the U.S. with this opportunity.[98] Finally, one commenter asserted that, because ISS no longer provides U.S. registrants with an opportunity to review draft proxy voting advice, more errors in proxy voting advice now go uncorrected.[99]

One commenter referenced broader, policy-based justifications for opposing the proposed amendments to Rule 14a–2(b)(9). For example, the commenter expressed concern that rescinding the Rule 14a–2(b)(9)(ii) conditions would exempt PVABs from the transparency standards that the Commission applies to other similarly-situated market participants, such as exchanges, registrants, and broker-dealers.[100] This commenter also highlighted the duopolistic nature of the proxy voting advice market as a justification for additional regulation, rather than de-regulation, of PVABs to ensure transparency.[101]

Finally, some commenters expressed concerns regarding potential consequences of rescinding the Rule 14a–2(b)(9)(ii) conditions. One commenter expressed concern that, without these conditions, the Commission would allow PVABs to be exempt from the proxy rules' information and filing requirements without sufficient alternative investor protection mechanisms to justify that exemption.[102] Another commenter expressed concern that rescinding the Rule 14a–2(b)(9)(ii) conditions would reduce the transparency of proxy voting advice and allow PVABs to increase the relative weight of their political preferences, such as by introducing environmental, social, and governance (''ESG'') objectives.[103] Similarly, one commenter cited a 2021 research paper that found that PVABs' advice favors ESG proposals that may not necessarily be in the best economic interests of all investors.[104] Another commenter asserted that although it appreciated the Commission's retention of the conflicts of interest disclosure requirement in Rule 14a–2(b)(9)(i), that requirement is hollow without the Rule 14a–2(b)(9)(ii) conditions.[105]

In addition to expressing concerns regarding the 2021 Proposed Amendments, some commenters that opposed the proposed rescission of the Rule 14a–2(b)(9)(ii) conditions made alternative recommendations to the Commission. For example, some commenters recommended that the Commission commit to a retrospective review of the 2020 Final Rules rather than adopting the 2021 Proposed Amendments.[106] One commenter recommended that the Commission rescind the 2021 Proposed Amendments and issue an Advanced Notice of Proposed Rulemaking that would permit all interested parties to provide input and inform the Commission's deliberations on whether to reconsider the 2020 Final Rules.[107] Another commenter suggested that the Commission could mitigate concerns about whether waiting for a registrant's response to proxy voting advice could shorten the proxy voting period by providing guidance on how long a registrant has to provide a response or the applicability of the rules in sensitive cases (*e.g.,* proxy contests, vote no campaigns, or special meetings).[108] One commenter recommended that the Commission adopt an ''advance review and feedback'' requirement consistent with the 2019 Proposed Rules.[109] Another commenter recommended that if the Commission does not believe that the 2020 Final Rules are appropriate, it should consider implementing an alternative regulatory framework.[110] In addition, one commenter asserted that the Rule 14a–2(b)(9)(ii) conditions should be maintained but modified to require that PVABs provide their advice to registrants at no cost.[111]

Finally, one commenter, which generally supported the proposal, recommended that the Commission focus more on the accuracy of registrants' disclosures, rather than PVABs, given the low incidence of errors in their proxy voting advice.[112]

3. Final Amendments

We are adopting the amendments to Rule 14a–2(b)(9) as proposed. Specifically, we are amending Rule 14a–2(b)(9) to delete paragraphs (ii), (iii), (iv), (v), and (vi) and to redesignate Rule 14a–2(b)(9)(i) as Rule 14a–2(b)(9).

The Commission recognized when it adopted the 2020 Final Rules that ''introducing new rules into a complex system like proxy voting . . . could inadvertently disrupt the system and impose unnecessary costs if not carefully calibrated.'' [113] The Commission acknowledged that many investors had expressed serious concerns that the proposed advance review and feedback conditions would adversely affect the cost, timeliness, and independence of proxy voting advice.[114] The Commission nonetheless concluded

[91] *See* letters from Axcelis; Natural Gas Services.

[92] *See* letters from BIO; BRT; CEC; NAM; Nasdaq; NIRI; SCG; T. Doyle.

[93] *See* letters from CCMC II; Prof. Verret.

[94] *See* letter from CEC.

[95] *See* letters from BIO; SCG.

[96] *See* letter from CEC.

[97] *See* letters from CCMC II; CEC; Nasdaq; SCG.

[98] *See* letters from Nasdaq; SCG.

[99] *See* letter from SCG.

[100] *See* letter from BIO.

[101] *See id.*

[102] *See* letter from Prof. Verret (''This new proposal would generate all the harm that may come from allowing the proxy advisors an exemption from the proxy solicitation rules with none of the mechanisms previously attached to the exemption to limit conflicts and to address problems with the reliability of proxy advisor recommendations.'').

[103] *See* letter from B. Zycher.

[104] *See* letter from CCMC II.

[105] *See* letter from Natural Gas Services.

[106] *See* letters from ABC; BIO; NAM; NIRI; Virtu.

[107] *See* letter from CCMC I.

[108] *See* letter from CEC.

[109] *See* letter from NIRI.

[110] *See* letter from SCG.

[111] *See* letter from Axcelis.

[112] *See* letter from CalPERS.

[113] 2020 Adopting Release at 55107.

[114] *Id.* at 55107–08, 55111–12.

that the Rule 14a–2(b)(9)(ii) conditions adequately mitigated those concerns and, despite existing mechanisms in the proxy voting system that advance similar objectives, were justified in light of their potential to facilitate timely access by PVABs' clients to information material to their voting decisions.[115]

We weigh these competing concerns differently today, especially in light of the continued, strong opposition to the Rule 14a–2(b)(9)(ii) conditions from many institutional investors and other PVAB clients as well as many of the comments we received on the 2021 Proposed Amendments. The Commission's 2020 adoption of the Rule 14a–2(b)(9)(ii) conditions was grounded in its view that ''more complete and robust information and discussion leads to more informed investor decision-making.'' [116] We agree with that general principle, but, upon further analysis in light of the continued concerns expressed by investors and others, we now conclude that the potential informational benefits to investors of the Rule 14a–2(b)(9)(ii) conditions do not sufficiently justify the risks they pose to the cost, timeliness, and independence of proxy voting advice on which many investors rely.

Investor protection has always been the touchstone of the Commission's rulemaking efforts with respect to PVABs. Accordingly, our decision to rescind the Rule 14a–2(b)(9)(ii) conditions is significantly informed by the concerns expressed by investors and other PVAB clients regarding the Rule 14a–2(b)(9)(ii) conditions. PVABs serve an important role in the proxy process, and their clients depend on receiving independent proxy voting advice in a timely manner. The Rule 14a–2(b)(9)(ii) conditions were intended to benefit PVABs' clients (*i.e.,* institutional investors and investment advisers) and the underlying investors they serve, among others.[117] However, many investors and PVAB clients have continued to warn, both in response to the adoption of the 2020 Final Rules and again in comments on the 2021 Proposing Release, that the Rule 14a–2(b)(9)(ii) conditions risk impairing the independence and timeliness of proxy voting advice and imposing increased compliance costs on PVABs, without corresponding investor protection benefits.[118] And, as noted above,[119] we agree that the risks posed by the Rule 14a–2(b)(9)(ii) conditions to the cost, timeliness, and independence of proxy voting advice are sufficiently significant such that it is appropriate to rescind the conditions now to limit any burdens that PVABs and their clients may experience.

Although we recognize that some commenters disputed these concerns,[120] we nonetheless believe that the risks to investors support rescinding the Rule 14a–2(b)(9)(ii) conditions, particularly in light of the limited reliance interests at stake [121] and the existence of other mechanisms in the proxy system that promote informed shareholder voting.[122] It is also noteworthy that the vast majority of PVABs' clients and investors that expressed views on the Rule 14a–2(b)(9)(ii) conditions continue to be concerned about the risks those conditions pose, including institutional investors [123] and organizations that represent institutional investors and investment advisers.[124]

Nor do we find the studies and surveys that some opposing commenters cited as support for their continued concerns regarding errors in proxy voting advice to be persuasive evidence for retaining the Rule 14a–2(b)(9)(ii) conditions.[125] For example, several commenters asserted that the ACCF study demonstrates the continued prevalence of errors in, and disagreements by registrants with, proxy voting advice.[126] As an initial matter, we note that the 2020 Final Rules were not predicated on any Commission finding with regard to the prevalence of errors in proxy voting advice,[127] which

[115] *Id.*

[116] *Id.* at 55107.

[117] *See supra* notes 31–34 and accompanying text.

[118] *See supra* notes 43–47 and accompanying text; 2021 Proposing Release at 67385 & nn.23–24 (citing Peter Rasmussen, *Divided SEC Passes Controversial Proxy Advisor Rule,* Bloomberg Law (July 29, 2020), *available at https://news.bloomberglaw.com/bloomberg-law-analysis/analysis-divided-sec-passes-controversial-proxy-advisor-rule* (noting criticism of the 2020 Final Rules by Nell Minow, Vice Chair of ValueEdge Advisors, that the 2020 Final Rules will make proxy voting advice ''more expensive and less independent''); Council of Institutional Investors, *Leading Investor Group Dismayed by SEC Proxy Advice Rules* (July 22, 2020), *available at https://www.cii.org/july22_sec_proxy_advice_rules* (''[T]he new rules . . . seem to effectively require investment advisors who vote proxies on behalf of investor clients to consider and evaluate any response from companies to proxy advice before submitting votes. That could cause significant delays in the already constricted proxy voting process. It also could jeopardize the independence of proxy advice as proxy advisory firms may feel pressure to tilt voting recommendations in favor of management more often, to avoid critical comments from companies that could draw out the voting process and expose the firms to costly threats of litigation.''); US SIF, *US SIF Releases Statement on SEC Vote to Regulate Proxy Advisory Firms* (July 22, 2020), *available at https://www.ussif.org/blog_home.asp?display=146* (''Today's vote is a blow to the independence of research provided by proxy advisors to investors. . . . The rule will make it more difficult, expensive and time-consuming for proxy advisors to produce their research.'')).

[119] *See supra* notes 113–116 and accompanying text.

[120] *See supra* notes 87–91 and accompanying text.

[121] *See infra* notes 153–154 and accompanying text.

[122] *See infra* notes 139–141 and accompanying text.

[123] *See* letters from CalPERS; CO Retirement; New York Comptroller; Ohio Public Retirement; TRP; Washington State Investment.

[124] *See* letters from CII; ICGN; ICI; IAA; MFA. We recognize that one commenter cited the Spectrem Group survey which indicated that 79% of retail investors were in favor of providing registrants with an opportunity to review and provide feedback on proxy voting advice. *See supra* note 78 and accompanying text; Spectrem Group, Reclaiming Main Street: SEC Hears Retail Investors' Cries for Proxy Advisory Oversight 3 (Dec. 16, 2019), *available at https://spectrem.com/Content_Whitepaper/white-paper-reclaiming-main-street.aspx.* We note, however, that no such investors submitted comments opposing the proposed rescission of the Rule 14a–2(b)(9)(ii) conditions. We further note that the Spectrem Group survey was conducted in Nov. 2019 with respect to the 2019 Proposed Rules rather than the 2020 Final Rules and, therefore, is less relevant for our determination as to whether to rescind the Rule 14a–2(b)(9)(ii) conditions. In addition, as discussed in the 2020 Adopting Release, one commenter on the 2019 Proposed Rules ''disputed the methodology used'' in the Spectrem Group survey and ''claim[ed] it used leading questions and ultimately showed that retail investors are generally uninformed about the proxy voting advice market.'' 2020 Adopting Release at 55125, n.491. One commenter also cited the CCMC and Nasdaq survey indicating that 97% of the 182 registrants surveyed would utilize the Rule 14a–2(b)(9)(ii) conditions. *See supra* note 78 and accompanying text. But, for the reasons discussed above, we do not believe the potential benefits of those conditions are justified in light of the risks they present. In addition, while we recognize that this survey indicates that registrants would use the conditions, we do not believe that the Rule 14a–2(b)(9)(ii) conditions have engendered significant reliance interests for the reasons discussed later in this section.

[125] *See supra* notes 80–83, 85 and accompanying text.

[126] *See supra* notes 80–82 and accompanying text.

[127] *See* 2020 Adopting Release at 55107. We note that the Willis Towers Watson survey and the SCG survey both were conducted in Dec. 2019, before the Commission adopted the 2020 Final Rules, and were submitted by commenters on the 2019 Proposed Rules. *See supra* notes 83, 85 and accompanying text. The Commission, however, did not rely on either survey as support for adopting the Rule 14a–2(b)(9)(ii) conditions. We also do not find those surveys to be persuasive indicators of systemic inaccuracies in proxy voting advice, as neither survey identified any specific instances of errors in proxy voting advice. In addition, although the ACCF study identified 50 and 42 instances, respectively, in 2021 and 2020 in which registrants filed supplemental proxy materials to dispute the data or analysis in a PVAB's proxy voting advice, when compared to the 5,565 and 5,350 unique registrants that filed proxy materials with the Commission in 2021 and 2020, respectively, *see infra* note 274 and accompanying text, that study indicates that only 0.90% of all registrants disputed a PVAB's proxy voting advice in supplemental filings in 2021, which is only a 0.11% increase (*i.e.,* 0.90% versus 0.79%) from 2020. Finally, it is worth noting that these percentages may not reflect the

Continued

was a matter of dispute among commenters on both the 2019 Proposed Rules [128] and the 2021 Proposed Amendments.[129] In any event, the ACCF study does not, in our view, establish the necessity of the Rule 14a–2(b)(9)(ii) conditions. Rather, in the 50 instances that the study identified, registrants were able to effectively review and respond to proxy voting advice. Those 50 instances included situations in which a registrant alleged that a PVAB's advice contained a factual or analytical error and situations in which the registrant had a ''serious dispute'' with a PVAB's advice (or a combination of these concerns).[130] The registrant, in turn, either provided corrective disclosure with respect to the purported factual or analytical error or explained the basis for its dispute with the proxy voting advice.[131] This form of discourse is precisely what the Commission envisioned when adopting the Rule 14a–2(b)(9)(ii) conditions.[132] It is noteworthy that registrants were able to identify those issues and respond using pre-existing mechanisms rather than mechanisms that were adopted to satisfy the Rule 14a–2(b)(9)(ii) conditions given that individual PVABs generally do not appear to have implemented new practices in response to the Commission's adoption of the 2020 Final Rules.[133]

It also is unclear how retaining the Rule 14a–2(b)(9)(ii) conditions would address concerns raised by the ACCF study about the process by which registrants respond to proxy voting advice. The study asserts that supplemental proxy filings, which ACCF reviewed to arrive at its findings, are costly and burdensome, and subject registrants to antifraud liability.[134] The 2020 Adopting Release contemplated, however, that even pursuant to the Rule 14a–2(b)(9)(ii) conditions, registrants would respond to proxy voting advice via a supplemental proxy filing.[135] Finally, although the study asserts that the Rule 14a–2(b)(9)(ii) conditions ''would better ensure that investors review information that companies are now including in often ignored supplemental filings,'' [136] we expect that the types of investors that utilize proxy voting advice are sufficiently sophisticated to know where to find registrants' responses to such advice.[137]

We note that several commenters expressed concerns regarding the potential adverse impacts of rescinding the Rule 14a–2(b)(9)(ii) conditions, including the ability of registrants to address errors in or disagreements with proxy voting advice in a timely manner.[138] To the extent the Rule 14a–2(b)(9)(ii) conditions help to facilitate timely investor access to information material to their voting decisions, we recognize that rescinding those conditions could reduce those benefits. At the same time, we note that any such benefits of the Rule 14a–2(b)(9)(ii) conditions could be undermined to the extent those conditions make proxy voting advice more costly or reduce its timeliness and independence.[139] In our judgment, the potential benefits of the Rule 14a–2(b)(9)(ii) conditions do not justify these risks.

We also believe that any negative effects of rescinding the Rule 14a–2(b)(9)(ii) conditions will be mitigated, to some extent, by existing mechanisms in the proxy system that advance some of the same goals. As one commenter pointed out, PVABs already are incentivized to engage with registrants regarding their proxy voting advice, as evidenced by the fact that some PVABs voluntarily implemented means for registrants to communicate their views or concerns regarding the PVABs' advice even before the Commission adopted the 2020 Final Rules (*e.g.,* Glass Lewis' Report Feedback Service).[140] These incentives also are demonstrated by the fact that the leading PVABs have voluntarily adopted practices that provide their clients and registrants with some of the opportunities and access to information that would have been required pursuant to the Rule 14a–2(b)(9)(ii) conditions. We described those practices in detail in the 2021 Proposing Release.[141] Based on our review of PVABs' public descriptions of their policies and procedures, those practices appear to remain in place. Further, none of the comment letters submitted on the 2021 Proposed Amendments asserted that PVABs' practices differ from those described in the 2021 Proposing Release or that PVABs had altered those practices described in the release.[142]

error rates in proxy voting advice, as the fact that a registrant raises a dispute regarding proxy voting advice in a supplemental filing does not necessarily indicate that an error exists in such advice.

[128] *See* 2020 Adopting Release at 55103–04.

[129] *See supra* note 56 and accompanying text; *see also* letter from ICI (expressing skepticism that the Rule 14a–2(b)(9)(ii) conditions would significantly improve the accuracy of proxy voting advice).

[130] ACCF Study, *supra* note 81, at 14–17.

[131] *Id.*

[132] *See* 2020 Adopting Release at 55136 (noting that registrants may wish to respond to proxy voting advice for various reasons, including ''because they have identified what they perceive to be factual errors or methodological weaknesses in the [PVAB's] analysis or because they have a different or additional perspective with respect to the recommendation'').

[133] *See infra* note 142 and accompanying text. Although PVABs have introduced certain industry-wide practices since the Commission adopted the 2020 Final Rules, the relevant practices at individual PVABs described in the 2021 Proposing Release appear to have been in place prior to the adoption of the 2020 Final Rules. *See* 2021 Proposing Release at 67388 & nn.60–61.

[134] ACCF Study, *supra* note 81, at 10–11.

[135] *See, e.g.,* 2020 Adopting Release at 55135–36 (''Providing timely notice to registrants of voting advice will allow registrants to more effectively determine whether they wish to respond to the recommendation by publishing additional soliciting materials . . . .''). While the Rule 14a–2(b)(9)(iv) safe harbor is non-exclusive, it also contemplates that registrants will file additional soliciting materials as it requires a PVAB to have ''written policies and procedures that are reasonably designed to inform clients who receive proxy voting advice when a registrant . . . notifies the [PVAB] that it intends to file or has filed additional soliciting materials.'' 17 CFR 240.14a–2(b)(9)(iv).

[136] ACCF Study, *supra* note 81, at 12.

[137] *See supra* note 51 and accompanying text. Additionally, it is our understanding that the leading PVABs currently provide their clients with notifications of and links to filings by registrants that are the subject of proxy voting advice in their online platforms, which provide a means for clients to access additional definitive proxy materials that registrants may file in response to proxy voting advice. 2021 Proposing Release at 67388, n.57.

[138] *See supra* notes 72–77 and accompanying text.

[139] *See supra* notes 43–47 and accompanying text. For example, to the extent that the Rule 14a–2(b)(9)(ii) conditions impede the timeliness of proxy voting advice, that could impair the ability of PVABs' clients to receive and process that advice sufficiently in advance of the relevant shareholder vote.

[140] *See supra* note 49 and accompanying text. One commenter also stated that it has not experienced a significant increase in registrant outreach regarding disputes over proxy voting advice since the adoption of the 2020 Final Rules, including through Glass Lewis' Report Feedback Service. *See supra* note 58 and accompanying text; *see also* 2021 Proposing Release at 67386 (describing Glass Lewis' Report Feedback Service).

[141] *See* 2021 Proposing Release at 67386–87.

[142] We note that some commenters expressed concerns regarding ISS' practices. For example, several commenters expressed concern that ISS has eliminated the opportunity for certain U.S. registrants to review draft proxy voting advice before ISS sends the advice to its clients. *See supra* note 97 and accompanying text. One of those commenters appeared to assert that ISS made this change ''in reaction to the SEC's announcement of the non-enforcement of the 2020 Final Rules.'' Letter from CCMC II. However, ISS announced that it was making this change as of January 2021, well before June 1, 2021, when the Division of Corporation Finance issued a statement that it would not recommend enforcement action based on a 2019 interpretive release (discussed further *infra* note 165 and accompanying text) or the 2020 Final Rules during the period in which the Commission is considering further regulatory action in this area. *Compare* ISS, *FAQs Regarding ISS Proxy Research, available at https://www.issgovernance.com/contact/faqs-engagement-on-proxy-research/#1574276867038-b204d1c3-a920* (''In the US, as from January 2021, drafts are no longer provided to U.S. companies including those in the S&P 500 index.''), *with* Division of Corporation Finance, *Statement on Compliance with the Commission's 2019 Interpretation and Guidance Regarding the Applicability of the Proxy Rules to Proxy Voting Advice and Amended Rules 14a–1(1), 14a–2(b), 14a–9,* U.S. Securities and Exchange Commission, *available at https://www.sec.gov/news/public-statement/corp-fin-proxy-rules-2021-06-01.* Given this timing, the assertion that ISS formally altered its engagement practices as a result of the Division

Several commenters expressed concern that PVABs' current practices are insufficient substitutes for the Rule 14a–2(b)(9)(ii) conditions.[143] As noted in the 2021 Proposing Release,[144] we recognize that those practices do not perfectly replicate the requirements of the Rule 14a–2(b)(9)(ii) conditions or result in the same benefits that those conditions were intended to produce. Nonetheless, the existence of market-based incentives for PVABs to provide their clients and some registrants with some of the opportunities and access to information that would have been required pursuant to the Rule 14a–2(b)(9)(ii) conditions [145]—which may provide institutional investors and other PVAB clients with some of the benefits that those conditions were intended to produce—reinforces our determination that those conditions should be rescinded, especially when balanced against the risks that those conditions present to the cost, timeliness, and independence of proxy voting advice.

Further, one opposing commenter asserted that because ISS and Glass Lewis already provide registrants with access to their advice at the same time it is disseminated to their clients, compliance with the Rule 14a–2(b)(9)(ii) conditions should not be burdensome.[146] We note, however, that ISS and Glass Lewis adopted those practices voluntarily, before the 2020 Final Rules were adopted.[147] We believe that voluntarily adopted practices, as a general matter, would not have the same adverse impact on the independence, cost, and timeliness of proxy voting advice as mandatory measures that PVABs may implement solely to comply with the Rule 14a–2(b)(9)(ii) conditions, as we expect that PVABs would only implement voluntary practices to the extent that the benefits of such practices would exceed their costs. This belief is also consistent with the Commission's economic analysis in the 2020 Adopting Release, which noted the existence of ISS' and Glass Lewis' voluntary practices [148] but still projected direct and indirect costs for PVABs as a result of the Rule 14a–2(b)(9)(ii) conditions.[149]

Although some commenters expressed concern that PVABs could change their practices to the detriment of their clients if the Rule 14a–2(b)(9)(ii) conditions are rescinded,[150] other commenters indicated that there are market-based incentives for PVABs to maintain the practices they have voluntarily adopted [151] and that they see little risk that PVABs will change these practices.[152] In addition, we will continue to monitor the PVAB market to help ensure that investors are adequately protected and have ready access to information that allows them to make informed voting decisions. To the extent that there are changes in PVABs' policies and procedures or new entrants to the PVAB market that do not adopt policies and procedures consistent with best practices, we will reevaluate the state of the PVAB market and consider whether to take further action.

Some commenters expressed concern that both registrants and investors may have changed their practices in reliance on the Commission's adoption of the 2020 Final Rules.[153] We note, however, that none of the commenters that raised such concerns were investors. In addition, although some of the commenters suggested steps that registrants may have taken in reliance on the effectiveness of the Rule 14a–2(b)(9)(ii) conditions—and one commenter that is a registrant asserted that it has been preparing for the effectiveness of those conditions—these commenters did not provide specific examples of actions registrants have actually taken or costs that registrants have actually incurred in preparation for the effectiveness of those conditions.

We recognize that many registrants may have anticipated taking advantage of the opportunities to review and respond to proxy voting advice pursuant to the Rule 14a–2(b)(9)(ii) conditions, but commenters did not present evidence that registrants have incurred significant costs or significantly altered existing practices in reliance on the conditions, nor are we aware of any information suggesting that is the case. Moreover, we note that the Rule 14a–2(b)(9)(ii) conditions only impose obligations on PVABs, as opposed to registrants, and that the 2020 Adopting Release contemplated that, even pursuant to the Rule 14a–2(b)(9)(ii) conditions, registrants would respond to proxy voting advice via existing mechanisms (*i.e.,* a supplemental proxy filing) that registrants have historically utilized.[154] Nor is there any other reason to believe that the Rule 14a–2(b)(9)(ii) conditions have engendered significant reliance interests given that the conditions were adopted only two years ago and took effect less than a year ago.

Some commenters asserted that it was inappropriate for the Commission to propose amendments to Rule 14a–2(b)(9) before that rule had gone into effect.[155] To the contrary, we believe it is appropriate to proceed expeditiously to rescind the Rule 14a–2(b)(9)(ii) conditions rather than wait until the risks those conditions pose materialize and investors are harmed. This belief is animated, in large part, by (1) the important role that PVABs play in the proxy voting process and the scope of the potential consequences should that role be disrupted, (2) the fact that the vast majority of PVABs' clients that

of Corporation Finance's statement or in response to the 2021 Proposed Amendments is implausible. In addition, some commenters noted that ISS provides some non-U.S. companies with the opportunity to review its draft proxy voting advice before its publication. Similarly, one commenter asserted that ISS has increasingly resisted making changes to its proxy voting advice in response to registrant feedback and has been less inclined to engage with registrants regarding its proxy voting advice. *See supra* note 96 and accompanying text. This commenter asserted that ''[c]ompanies have requested discussions with ISS staff to highlight errors, omissions, or mischaracterizations, but the ISS research team has noticeably scaled back its willingness to engage'' and that ''given that errors corrected post-publication necessitate a public alert to clients, ISS is far more reticent to make such changes and even more resistant if the error requires a change in a vote recommendation.'' Letter from CEC. Based on those concerns, the commenter appeared to advocate for giving registrants the opportunity to review proxy voting advice before its publication. *Id.* (''Thus, fixing errors highlighted by companies in a final report is much more complex than doing so to a draft report.''). Rescinding the Rule 14a–2(b)(9)(ii) conditions, however, should not impact the availability of such opportunities because the conditions do not require that PVABs provide registrants with draft proxy voting advice. We find it more relevant that ISS continues to allow any registrant to request a copy of its proxy voting advice issued under its Benchmark policy guidelines free of charge after ISS has disseminated the advice to its clients. *See* ISS, *FAQs Regarding ISS Proxy Research, available at https://www.issgovernance.com/contact/faqs-engagement-on-proxy-research/#1574276741161-7ca718d3-32ae.*

[143] *See supra* note 92 and accompanying text.

[144] *See* 2021 Proposing Release at 67388.

[145] *See* letter from Glass Lewis (asserting that PVABs already are incentivized to engage with registrants regarding their proxy voting advice in order to provide potentially useful information to their clients).

[146] *See supra* note 94 and accompanying text.

[147] *See* 2021 Proposing Release at 67388, nn.60–61 and accompanying text.

[148] 2020 Adopting Release at 55128–29.

[149] *Id.* at 55136–39.

[150] *See supra* note 95 and accompanying text.

[151] *See supra* note 53 and accompanying text. Those commenters included an institutional investor that utilizes proxy voting advice (Ohio Public Retirement) and an organization that represents institutional investors (CII). *Id.* With respect to PVABs' incentives, we note that one commenter asserted that ''[i]f errors [in proxy voting advice] are found, the cost of correcting those errors creates a disincentive for [PVABs] to acknowledge them.'' Letter from CEC. We believe, however, that the perpetuation of material errors in proxy voting advice would reduce the quality and usefulness of such advice, which, in the long-term, would reduce a PVAB's credibility in the market and its competitiveness. As such, we believe that PVABs are financially motivated to address errors in their advice.

[152] *See* letters from CII; Ohio Public Retirement.

[153] *See supra* notes 68–69 and accompanying text.

[154] *See supra* note 135 and accompanying text.

[155] *See supra* note 66 and accompanying text.

expressed views on the Rule 14a–2(b)(9)(ii) conditions opposed them, and (3) our conclusion that the reliance interests implicated by rescinding those conditions are limited, as discussed above.

Finally, we note that some opposing commenters also expressed broader, policy-based concerns associated with rescinding the Rule 14a–2(b)(9)(ii) conditions [156] and the potential consequences that may result from such rescission.[157] Those commenters generally appeared to be concerned that PVABs' advice would become largely unregulated, especially given the important role that PVABs play in the proxy process. However, it is important to note that, notwithstanding our rescission of the Rule 14a–2(b)(9)(ii) conditions and our amendment to Rule 14a–9, proxy voting advice generally will remain a ''solicitation'' under Rule 14a–1(l)(1)(iii)(A). As such, proxy voting advice generally will remain subject to Rule 14a–9 liability, and, in order to qualify for the exemptions set forth in Rules 14a–2(b)(1) and (3) from the proxy rules' information and filing requirements, PVABs will have to satisfy the conflicts of interest disclosure requirements set forth in Rule 14a–2(b)(9).[158]

4. 2020 Supplemental Proxy Voting Guidance

The 2021 Proposing Release requested comment on whether the Commission should rescind or revise the Supplemental Proxy Voting Guidance because it was prompted, in part, by the adoption of the Rule 14a–2(b)(9)(ii) conditions.[159] The Supplemental Proxy Voting Guidance was intended to assist investment advisers in assessing how to consider registrant responses to proxy voting advice that may become more readily available as a result of the 2020 Final Rules. The Supplemental Proxy Voting Guidance also specifically addressed situations in which advisers use a PVAB's electronic vote management system and related disclosure obligations, as well as client consent relating to the use of automated voting services. The Commission received several comments on this issue,[160] with most of those commenters recommending that the Commission rescind the Supplemental Proxy Voting Guidance.[161]

We are rescinding the Supplemental Proxy Voting Guidance. While aspects of the guidance could be relevant to investment advisers in situations in which they become aware that a registrant that is the subject of a voting recommendation intends to file or has filed additional soliciting materials with the Commission setting forth the registrant's views regarding the voting recommendation, we are mindful of the comments received with respect to the Supplemental Proxy Voting Guidance. Moreover, we believe that existing Commission guidance, including the response to Question No. 2 in the 2019 Proxy Voting Guidance, which discusses how advisers could consider policies and procedures that provide for consideration of additional information that may become available regarding a particular proposal, will serve to assist investment advisers in carrying out their obligations under rule 206(4)–6 under the Investment Advisers Act of 1940 and their fiduciary duty in such situations.[162] Further, an investment adviser's fiduciary duty requires, among other things, that an adviser conduct a reasonable investigation into an investment sufficient not to base its advice on materially inaccurate or incomplete information.[163] The duty of loyalty also requires, among other things, full and fair disclosure to clients about all material facts relating to the advisory relationship.[164]

B. Amendment to Rule 14a–9

Before adopting the 2020 Final Rules, the Commission, in August 2019, issued an interpretation and guidance that clarified the application of the Federal proxy rules to the provision of proxy voting advice (the ''Interpretive Release'').[165] In the Interpretive Release, the Commission explained that the determination of whether a communication is a solicitation for purposes of Section 14(a) of the Exchange Act depends upon the specific nature, content, and timing of the communication and the circumstances under which the communication is transmitted.[166] The Commission stated that PVABs' proxy voting advice generally would constitute a solicitation subject to the proxy rules.[167] As a solicitation, proxy voting advice is subject to Rule 14a–9. Rule 14a–9 ''prohibits any solicitation from containing any statement which, at the time and in the light of the circumstances under which it is made, is false or misleading with respect to any material fact.'' [168] The rule also requires that solicitations ''must not omit to state any material fact necessary in order to make the statements therein not false or misleading.'' [169] The Commission noted that although PVABs may rely on exemptions from the proxy rules' information and filing requirements, even these exempt solicitations remain subject to Rule 14a–9.[170]

In the 2020 Adopting Release, the Commission codified the guidance set forth in the Interpretive Release that proxy voting advice is generally subject to Rule 14a–9.[171] The 2020 Final Rules amended Rule 14a–9 by adding paragraph (e) to the Note to that rule. Paragraph (e) sets forth examples of what may, depending on the particular facts and circumstances, be misleading within the meaning of Rule 14a–9 with respect to proxy voting advice. Specifically, Note (e) to Rule 14a–9 provides that the failure to disclose material information regarding proxy voting advice, ''such as the [PVAB's] methodology, sources of information, or conflicts of interest,'' may, depending upon particular facts and circumstances, be misleading within the meaning of the

[156] *See supra* notes 100–101 and accompanying text.

[157] *See supra* notes 102–105 and accompanying text.

[158] One commenter asserted that the conflicts of interest disclosure requirement in Rule 14a–2(b)(9) is ''hollow without assurances that issuers and investors are protected from materially false, inaccurate and incomplete data as a result of unchecked critiques from proxy advisory firm.'' Letter from Natural Gas Services. Notwithstanding our rescission of the Rule 14a–2(b)(9)(ii) conditions, the fact that proxy voting advice generally will remain subject to liability under Rule 14a–9 should mitigate this concern. *See infra* Section II.B.

[159] 2021 Proposing Release at 67388–89.

[160] *See* letters from BIO; CII; Glass Lewis; IAA; ICI; ISS.

[161] *See* letters from CII; Glass Lewis; IAA; ICI; ISS. These commenters generally indicated that because the Supplemental Proxy Voting Guidance was tied to the 2020 Final Rules, any rescission of those rules should also include the Supplemental Proxy Voting Guidance. Some of these commenters further stated that the Supplemental Proxy Voting Guidance was too prescriptive for investment advisers. *See* letters from IAA; Glass Lewis. Other commenters suggested the Supplemental Proxy Voting Guidance could contribute to uncertainty and delays in voting. *See* letters from CII; IAA. Another stated the 2019 Proxy Voting Guidance provided sufficient guidance to investment advisers on this subject. *See* letter from ICI. On the other hand, one commenter recommended retaining the Supplemental Proxy Voting Guidance on the basis that it encouraged helpful disclosure to investors. *See* letter from BIO.

[162] *Commission Guidance Regarding Proxy Voting Responsibilities of Investment Advisers,* Release Nos. IA–5325; IC–33605 (Aug. 21, 2019) [84 FR 47420, 47424 (Sept. 10, 2019)].

[163] *Commission Interpretation Regarding Standard of Conduct for Investment Advisers,* Release No. IA–5248 (June 5, 2019) [84 FR 33669, 33674 (July 12, 2019)].

[164] *Id.* at 33675.

[165] *Commission Interpretation and Guidance Regarding the Applicability of the Proxy Rules to Proxy Voting Advice,* Release No. 34–86721 (Aug. 21, 2019) [84 FR 47416 (Sept. 10, 2019)] (''Interpretive Release'').

[166] *Id.* at 47417–19.

[167] *Id.*

[168] *Id.* at 47419.

[169] *Id.*

[170] *Id.*

[171] 2020 Adopting Release at 55121.

rule.[172] In adopting these amendments, the Commission noted that ''[t]he ability of a client of a [PVAB] to make voting decisions is affected by the adequacy of the information it uses to formulate such decisions'' and stated that the amendments ''are designed to further clarify the potential implications of Rule 14a–9 for proxy voting advice specifically, and to help ensure that [PVABs'] clients are provided with the material information they need to make fully informed decisions.'' [173]

1. Proposed Amendment

In the 2021 Proposing Release, the Commission proposed to amend Rule 14a–9 by deleting Note (e). The proposed amendment was intended to address concerns by PVABs, their clients, and other investors that the Commission's adoption of Note (e) to Rule 14a–9 had created uncertainty regarding the application of Rule 14a–9 to proxy voting advice and that such uncertainty unnecessarily increases the litigation risk to PVABs and impairs the independence of the proxy voting advice that investors use to make their voting decisions.[174] That proposed amendment also was intended to address any misperception that the Commission's adoption of Note (e) purported to determine or alter the law governing Rule 14a–9's application and scope, including its application to statements of opinion, in order to reduce any resulting uncertainty that could lead to increased litigation risks, or the threat of litigation, and impaired independence of proxy voting advice.[175]

Notwithstanding the proposed deletion of Note (e) to Rule 14a–9, the Commission stated that PVABs ''may, depending on the facts and circumstances, be subject to liability under Rule 14a–9 for a materially misleading statement or omission of fact, including with regard to its methodology, sources of information or conflicts of interest,'' and that ''such conclusion would not be altered by virtue of our proposed deletion of Note (e).'' [176] The Commission also provided a discussion regarding the application of Rule 14a–9 to proxy voting advice, in particular with respect to a PVAB's statements of opinion.[177]

2. Comments Received

Commenters expressed a range of views on the proposed amendment to Rule 14a–9. A number of commenters supported the proposed deletion of Note (e) to Rule 14a–9.[178] Some of these commenters reiterated the concerns regarding the 2020 Final Rules that prompted the Commission to issue the 2021 Proposed Amendments, including that the threat of litigation as a result of Note (e) would impair the independence and decrease the quality of proxy voting advice [179] and that heightened legal risks as a result of Note (e) would increase compliance costs for PVABs, which could increase the cost of proxy voting advice for their clients.[180] One commenter also asserted that increased costs of proxy voting advice as a result of Note (e) could reduce some clients' use of proxy voting advice and result in less shareholder engagement and participation in shareholder voting and that deleting Note (e) would provide PVABs with more legal certainty, as Note (e) has created ambiguity as to the nature and scope of PVABs' Rule 14a–9 liability.[181]

Further, one commenter expressed concern that the examples in Note (e) extend beyond material, factual information and subject PVABs to the threat of litigation in cases where registrants may disagree with the analysis and voting recommendations regardless of whether the advice contains factual errors.[182] Similarly, one commenter suggested that Note (e) could invite litigation even if proxy voting advice was accurate on the basis that it was somehow misleading because a PVAB did not disclose enough about its methodology, sources of information, or conflicts of interest.[183] Other commenters asserted that Note (e) should be deleted because it does not appear to add anything of interpretive significance [184] and imposes more stringent obligations on PVABs than registrants.[185]

In addition to reiterating some of the concerns that prompted the 2021 Proposed Amendments, supporting commenters also critiqued the process by which the Commission adopted Note (e). For example, as noted earlier, some commenters asserted that the 2020 Final Rules were flawed because they did not provide credible evidence of a market failure that would warrant further regulation of PVABs or their advice.[186] Another commenter maintained that the Commission neither sufficiently explained how the examples in Note (e) created a risk of misleading PVABs' clients nor clarified its expectations for non-misleading disclosure.[187]

Finally, and more broadly, some commenters asserted that subjecting PVABs to Rule 14a–9 liability unnecessarily increases PVABs' litigation risks and could impair the independence and increase the costs of proxy voting advice,[188] and another commenter expressed concern regarding the constitutionality of the 2020 Final Rules and requested that the Commission ''fix'' those rules by adopting the 2021 Proposed Amendments.[189]

Other commenters opposed deleting Note (e).[190] Several of those commenters expressed process-based concerns regarding the 2021 Proposed Amendments that were similar to those they expressed in the context of the proposed amendments to Rule 14a–2(b)(9).[191]

Some commenters opposed deleting Note (e) based on concerns regarding the detrimental effect that such amendment could have on proxy voting advice. For example, some commenters stated that the deletion of Note (e) would weaken antifraud provisions that were intended to protect investors against PVABs' false or misleading statements.[192] Other commenters asserted that deleting Note (e) could reduce transparency in the public markets [193] and could actually lead to increased litigation for PVABs.[194]

In addition, one commenter stated that Note (e) is ''critical'' to ensuring that Rule 14a–9 fully and fairly applies to PVABs and that they are held to comparable liability standards as other soliciting entities.[195] Other commenters asserted, as they did in the context of the proposed amendments to Rule 14a–

[172] 17 CFR 240.14a–9, note (e).

[173] 2020 Adopting Release at 55121.

[174] 2021 Proposing Release at 67389–90.

[175] *Id.* at 67390.

[176] *Id.*

[177] *See id.*

[178] *See* letters from Alliance; Anonymous 1; Ben J.; Better Markets; CalPERS; CII; CO Retirement; D. Jamieson; Glass Lewis; IAA; ICGN; ISS; J. Giorgio; MFA; NASAA; New York Comptroller; Ohio Public Retirement; RK Invest Law and ESG Legal Services; US SIF.

[179] *See* letters from IAA; MFA; NASAA; New York Comptroller.

[180] *See* letters from CO Retirement; MFA; New York Comptroller.

[181] *See* letter from MFA.

[182] *See id.*

[183] *See* letter from Glass Lewis.

[184] *See* letter from NASAA.

[185] *See* letter from CalPERS.

[186] *See* letters from Better Markets; Glass Lewis; US SIF.

[187] *See* letter from Glass Lewis.

[188] *See* letters from CII; Glass Lewis.

[189] *See* letter from D. Jamieson.

[190] *See* letters from ACCF; Anonymous 2; A. Smith; BIO; BRT; B. Zycher; CBT; CCMC I; CCMC II; E. Mills; FedEx; MasterCraft; NAM; Nasdaq; Natural Gas Services; NIRI; Pacific Research; Prof. Verret; Profs. Rose and Walker; Reps. Steil and Huizenga; Steve Milloy (Jan. 3, 2022) (''S. Milloy''); T. Doyle; Virtu.

[191] *See supra* notes 66–70 and accompanying text.

[192] *See* letters from ACCF; NAM; NIRI.

[193] *See* letters from Nasdaq; Natural Gas Services.

[194] *See* letter from T. Doyle.

[195] *See* letter from NAM.

2(b)(9), that the 2020 Final Rules should not be rescinded given the continued prevalence of errors in and disagreements by registrants with proxy voting advice, based on the ACCF study.[196] Similarly, one commenter cited a 2021 research paper that found that PVABs' advice favors ESG proposals that may not necessarily be in the best economic interests of all investors.[197]

Other commenters disagreed with the Commission's bases for proposing to delete Note (e). Several commenters disputed the 2021 Proposing Release's suggestion that Note (e) caused misperceptions as to the applicability of Rule 14a–9 to proxy voting advice.[198] Other commenters asserted that the deletion of Note (e) will lead to more confusion, not less, when interpreting the application of the rule to proxy voting advice.[199] In addition, some commenters characterized the deletion of Note (e) as exempting PVABs from Rule 14a–9 liability[200] and asserted that PVABs should be held to the same standard of liability and accountability as other similar market participants.[201]

In addition, one commenter addressed the Commission's discussion in the 2021 Proposing Release regarding the application of Rule 14a–9 to proxy voting advice.[202] The commenter expressed concern that the Commission's discussion did not ''appreciate the wealth of conflicted reasons why a [PVAB] may be making a recommendation,'' and stated that a PVAB may ''be making a recommendation on the basis of little evidence despite purporting to conduct robust analysis of the vote's impact on shareholder returns.'' [203] This commenter also expressed the view that the discussion would not receive any judicial deference.[204]

Some commenters that generally supported the proposed deletion of Note (e) also recommended that the Commission take additional actions to address their concerns. For example, some commenters recommended that the Commission amend Rule 14a–9 to expressly exempt all or portions of proxy voting advice from liability.[205] One of those commenters recommended that the Commission amend Rule 14a–9 to clarify that PVABs are not liable simply because a registrant disagrees with their subjective determinations in proxy voting advice.[206] Other commenters recommended that the Commission amend Rule 14a–9 to exempt PVABs from liability for their voting recommendations, any subjective determinations they make in formulating such recommendations, including decisions to use a specific analysis, methodology, or information, and their decisions regarding how to respond to registrants' disagreements with their advice.[207] One of those commenters stated that such an exemption would not harm investors or the integrity of the proxy process because PVABs are already subject to a more relevant and robust antifraud rule under the Investment Advisers Act of 1940.[208] Finally, another commenter asserted that the Commission should amend Rule 14a–9 to provide PVABs with a safe harbor from private actions.[209]

In addition, one commenter that generally supported deleting Note (e) expressed concern that the Commission did not consider that the drafting and distribution of proxy voting advice to clients can be part of a PVAB's broader engagement strategy.[210] One commenter recommended that the Commission require registrants, rather than PVABs, to disclose the methodologies and assumptions they use to formulate disclosures in public filings.[211] Another commenter recommended that if the Commission does not at least partially exempt PVABs from Rule 14a–9 liability for their proxy voting advice, it should: (1) reaffirm its prior statements about the ''judgmental'' nature of most corporate governance issues[212] and state that subjective determinations on corporate governance issues are not subject to Rule 14a–9 liability; and (2) clarify that when determining whether an opinion is actionable under Rule 14a–9, it is important to consider the context in which the statement is made.[213]

Finally, some of the commenters that generally opposed deleting Note (e) also made recommendations to the Commission. Consistent with their recommendations regarding the proposed amendments to Rule 14a–2(b)(9), some commenters recommended that the Commission commit to a retrospective review of the 2020 Final Rules or issue an Advanced Notice of Proposed Rulemaking rather than adopting the 2021 Proposed Amendments.[214] One commenter recommended that, rather than deleting Note (e), the Commission provide an interpretation regarding the application of Rule 14a–9 to proxy voting advice.[215] Other commenters opposed any efforts to exempt all or parts of proxy voting advice from Rule 14a–9 liability.[216] Another commenter recommended an alternative approach of amending Note (e) to include the Commission's view that Rule 14a–9 liability does not extend to mere differences of opinion regarding proxy voting advice.[217]

3. Final Amendment

We are adopting the amendment to Rule 14a–9 as proposed. Specifically, we are amending Rule 14a–9 to delete Note (e). We reiterate, however, that this amendment is not intended to, and does not, affect the scope of Rule 14a–9 or its application to proxy voting advice, just as the adoption of Note (e) in the 2020 Final Rules was not intended to, and did not, affect the scope of Rule 14a–9 or its application to proxy voting advice. Thus, to the extent that a PVAB's proxy voting advice constitutes a ''solicitation'' under Rule 14a–1(l)(1)(iii)(A), it is subject to liability under Rule 14a–9 to the same extent that any other solicitation is, or would have been, prior to the 2020 Final Rules. And, like any other person that engages in a solicitation, a PVAB may, depending on the facts and circumstances, be subject to liability under Rule 14a–9 for a material misstatement of fact in, or an omission of material fact from, its proxy voting advice, including with regard to its methodology, sources of information, or conflicts of interest.

While several commenters expressed concerns regarding the potential impact of the deletion of Note (e),[218] as the Commission explained in the 2020 Adopting Release, Note (e) itself did not alter Rule 14a–9's application or scope.[219] Rather, Note (e) was intended to further clarify the application of Rule

[196] *See* letters from ACCF; CCMC II; Natural Gas Services; NIRI; Profs. Rose and Walker. See *supra* notes 80–82 and accompanying text for a description of the ACCF study.

[197] *See* letter from CCMC II.

[198] *See* letters from NAM; Profs. Rose and Walker.

[199] *See* letters from BRT; CCMC II; T. Doyle.

[200] *See* letter from Profs. Rose and Walker.

[201] *See* letters from BIO; NIRI.

[202] *See* letter from Prof. Verret.

[203] *See id.*

[204] *See id.*

[205] *See* letters from CII; Glass Lewis; ICGN; ISS; Ohio Public Retirement.

[206] *See* letter from ICGN.

[207] *See* letters from CII; ISS.

[208] *See* letter from ISS.

[209] *See* letter from Glass Lewis.

[210] *See* letter from ICGN.

[211] *See* letter from CalPERS.

[212] *See* letter from Glass Lewis (citing *Regulation of Communications Among Shareholders,* Release No. 34–31326 (Oct. 16, 1992) [57 FR 48276 (Oct. 22, 1992)]).

[213] *See id.*

[214] *See supra* notes 106–107 and accompanying text.

[215] *See* letter from CCMC II.

[216] *See* letters from NAM; NIRI.

[217] *See* letter from Nasdaq.

[218] *See supra* notes 192–193, 195–196, 199–201 and accompanying text.

[219] *See* 2020 Adopting Release at 55121.

14a–9 to proxy voting advice by providing examples of what may, depending on the particular facts and circumstances, be misleading within the meaning of Rule 14a–9 with respect to proxy voting advice.[220] However, PVABs, their clients, and other investors have asserted that, instead of clarifying the application of Rule 14a–9 to proxy voting advice, Note (e) has in fact heightened legal uncertainty, particularly with respect to PVABs' statements of opinion, and that such uncertainty unnecessarily increases the litigation risk to PVABs and threatens the independence of their advice.[221]

In retrospect, we conclude that Note (e) has created a risk of confusion regarding the application of Rule 14a–9 to proxy voting advice in at least two respects. First, the fact that Note (e) concerns a particular type of solicitation—in contrast to the other paragraphs of the note, which apply to all types of solicitations—unintentionally could imply that proxy voting advice poses heightened concerns and should be treated differently than other types of solicitations under Rule 14a–9. Second, singling out a PVAB's methodology, sources of information, and conflicts of interest as examples of material information regarding proxy voting advice unintentionally could suggest that PVABs have a unique obligation to disclose that information with their advice. Note (e), however, was not intended to impose any such affirmative requirement. Whether such information must be disclosed depends on the same facts and circumstances-based analysis that applies to all solicitations. Accordingly, because Note (e) appears not to have achieved—and, instead, appears to have undermined—its stated goal, we conclude that deleting Note (e) is appropriate.[222]

Contrary to the concerns expressed by some commenters,[223] deleting Note (e) does not in any respect weaken the application of Rule 14a–9 to proxy voting advice or otherwise reduce antifraud protection for investors. Proxy voting advice that falls within the scope of Rule 14a–1(l)(1)(iii)(A) is subject to liability under Rule 14a–9(a) to the same extent as any other solicitation.[224] Just as the addition of Note (e) did not alter the application of Rule 14a–9 to proxy voting advice, our deletion of it will not do so either. Thus, any suggestion that the deletion of Note (e) would provide PVABs with an exemption from Rule 14a–9 liability is incorrect.

As was the case both before and after Note (e) was added to Rule 14a–9, a PVAB may, depending on the particular facts and circumstances, be subject to liability for a material misstatement in, or an omission of material fact from, proxy voting advice covered by Rule 14a–1(l)(1)(iii)(A), including with regard to its methodology, sources of information, or conflicts of interest.

We recognize that PVABs, their clients, and other investors continue to express concerns about whether Rule 14a–9 liability may extend to mere differences of opinion regarding proxy voting advice. We are therefore reiterating our understanding of the limited circumstances in which a PVAB's statement of opinion may subject it to liability under Rule 14a–9, consistent with the discussion in the 2021 Proposing Release. We recognize that the formulation of proxy voting advice often requires subjective determinations and the exercise of professional judgment, and we do not interpret Rule 14a–9 to subject PVABs to liability for such determinations simply because a registrant holds a differing view.

Our understanding that Rule 14a–9 liability does not extend to mere differences of opinion is supported by the Supreme Court's decisions in *Omnicare, Inc.* v. *Laborers District Council Construction Industry Pension Fund*[225] and *Virginia Bankshares, Inc.* v. *Sandberg.*[226] As noted above, Rule 14a–9 prohibits misstatements or omissions of ''material fact.'' In *Omnicare,* the Court explained that ''a sincere statement of pure opinion is not an 'untrue statement of material fact'' even if the belief is wrong.[227] Thus, to state a claim under Rule 14a–9, it would not be enough to allege that a PVAB's opinions—regarding, for example, its determination to select a particular analysis or methodology to formulate its voting recommendations or the ultimate voting recommendations themselves—were wrong.[228]

As the Court explained in *Omnicare,* there are three ways in which a statement of opinion may be actionable as a misstatement or omission of material fact. First, every statement of opinion ''explicitly affirms one fact: that the speaker actually holds the stated belief.'' [229] Thus, a PVAB may be subject to liability under Rule 14a–9 for a statement of opinion that ''falsely describe[s]'' its view as to the voting decision that it believes the client should make.[230] Second, a statement of opinion may contain ''embedded statements of fact'' which, if untrue, may be a source of liability under Rule 14a–9.[231] And third, ''a reasonable investor may, depending on the circumstances, understand an opinion statement to convey facts about how the speaker has formed the opinion—or, otherwise put, about the speaker's basis for holding that view.'' [232] A PVAB's statement of opinion may thus give rise to liability if it ''omits material facts about the [PVAB's] inquiry into or knowledge concerning [the] statement'' and ''those facts conflict with what a reasonable investor would take from the statement itself.'' [233]

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[220] *See id.*

[221] *See supra* notes 179–180 and accompanying text; *see also* 2021 Proposing Release at 67389–90 & n.74.

[222] We disagree with those commenters who suggested that deleting Note (e) will lead to more confusion. *See supra* note 199 and accompanying text. We do not believe that returning to the *status quo* that existed before the addition of Note (e) will lead to more confusion particularly in light of our repeated emphasis in both this release and the 2021 Proposing Release that the deletion of Note (e) will have no effect on the scope or application of Rule 14a–9.

[223] *See supra* notes 192, 195, 200 and accompanying text.

[224] The definition of ''solicitation'' is set forth in Rule 14a–1(l) and includes, in paragraph (1)(iii)(A), certain types of proxy voting advice. 17 CFR 240.14a–1(l)(1)(iii)(A). Rule 14a–9(a), in turn, provides that ''[n]o solicitation . . . shall be made . . . containing any statement which, at the time and in the light of the circumstances under which it is made, is false or misleading with respect to any material fact, or which omits to state any material fact necessary in order to make the statements therein not false or misleading.'' 17 CFR 240.14a–9(a).

[225] 575 U.S. 175 (2015).

[226] 501 U.S. 1083 (1991). While *Omnicare* involved claims brought under Section 11 of the Securities Act of 1933, we believe its discussion of the circumstances in which a statement of opinion may be actionable under that provision applies to Rule 14a–9. *See Omnicare,* 575 U.S. at 185 n.2 (noting that Rule 14a–9 ''bars conduct similar to that described in § 11''); *see also, e.g., Golub* v. *Gigamon, Inc.,* 994 F.3d 1102 (9th Cir. 2021) (holding that the *Omnicare* standards apply to claims under Rule 14a–9); *Paradise Wire & Cable Defined Benefit Pension Plan* v. *Weil,* 918 F.3d 312, 322–23 (4th Cir. 2019) (applying the *Omnicare* standards to claims under Rule 14a–9).

[227] 575 U.S. at 186.

[228] *Id.* at 194.

[229] *Id.* at 184.

[230] *Id.; see also Virginia Bankshares,* 501 U.S. at 1092, 1095. For example, if a speaker states the belief that a company has the highest market share, while knowing that the company in fact has the second highest market share, that statement of belief would be an ''untrue statement of fact'' about the speaker's own belief.

[231] *Omnicare,* 575 U.S. at 185–86; *see also Virginia Bankshares,* 501 U.S. at 1092, 1095. For example, in stating its opinion that shareholders should vote for a particular director-candidate, a PVAB may support that opinion by reference to that candidate's prior professional experience. Those descriptions of the candidate's professional experience would be statements of fact potentially subject to liability under Rule 14a–9, notwithstanding the context in which they were made (*i.e.,* as support for a statement of opinion).

[232] *Omnicare,* 575 U.S. at 188.

[233] *Id.* at 189. In *Omnicare,* the court offered the example of ''an unadorned statement of opinion

Continued

Omnicare and *Virginia Bankshares* support our view that neither mere disagreement with a PVAB's analysis, methodology, or opinions, nor a bare assertion that a PVAB failed to reveal the basis for its conclusions, would suffice to state a claim under Rule 14a–9. Rather, a litigant ''must identify particular (and material) facts'' indicating a misstatement or omission of a material fact that renders a PVAB's statements misleading in one of the three senses above—which, the Supreme Court noted, is ''no small task.'' [234] As such, a PVAB would not face liability under Rule 14a–9 for exercising its discretion to rely on a particular analysis, methodology, or set of information—while relying less heavily on or not adopting alternative analyses, methodologies, or sets of information, including those advanced by a registrant or other party—when formulating its voting recommendations. Similarly, a PVAB would not face liability under Rule 14a–9, for example, simply because it did not accept a registrant's suggested revisions to its proxy voting advice concerning such discretionary matters. Instead, a PVAB's potential liability under Rule 14a–9 [235] turns on whether its proxy voting advice contains a material misstatement or omission of fact.[236]

One commenter asserted that the Commission's discussion in the 2021 Proposing Release ''fails to appreciate that any statements of opinion by [PVABs] must be considered as a part of the total mix of information being provided by [PVABs] as to how their opinions are generated'' and that ''[a]ny statement of opinion by a [PVAB] will carry with it the implicit representation that the opinion was generated using the robust methodologies otherwise described by [PVABs], and the implicit representation that the [PVAB's] opinion is not the result of a conflict of interest.'' [237] However, *Omnicare* and *Virginia Bankshares* recognize that statements of opinion can, in some circumstances, carry such implicit factual representations as to the basis for the opinion. Further, we do not believe that the commenter has offered any basis to conclude that the principles set forth in those cases should or would apply differently to proxy voting advice.

The same commenter also asserted that the discussion in the 2021 Proposing Release will not receive judicial deference.[238] That assertion misunderstands the purpose of that discussion, which is to summarize our understanding of the applicable case law to help clarify for market participants the limited circumstances in which a PVAB's statement of opinion may be subject to liability under Rule 14a–9. To the extent this discussion does provide such clarity, we believe it may help mitigate the concerns regarding uncertainty as to the application of Rule 14a–9 to PVABs' statements of opinion that could impair the independence of their proxy voting advice.

In addition, while one commenter recommended that, rather than delete Note (e), we should amend it to include our view that Rule 14a–9 liability does not extend to mere differences of opinion regarding proxy voting advice,[239] we decline to do so. Amending Note (e) as that commenter suggested would not address our reasons for deleting it. For example, even with the commenter's suggested change, Note (e) would continue to raise a risk of confusion regarding the application of Rule 14a–9 to proxy voting advice because it would continue to single out proxy voting advice and its methodology, its sources of information, and any conflicts of interest.

Although some commenters that generally supported the 2021 Proposed Amendments recommended that we exempt all or portions of proxy voting advice from Rule 14a–9 liability,[240] we are not doing so. We believe that the law we have summarized above regarding the application of Rule 14a–9 to statements of opinion adequately addresses the concerns that PVABs, their clients, and others have expressed regarding the potential for perceived litigation risks to impair the independence of proxy voting advice, particularly in conjunction with our deletion of Note (e). Exempting all or parts of proxy voting advice from Rule 14a–9 liability entirely could eliminate liability even in the narrow circumstances considered in *Omnicare* and *Virginia Bankshares,* in which statements of opinion in such advice contain a material misstatement or omission. We believe that it is appropriate to continue to subject proxy voting advice to Rule 14a–9 liability for material misstatements or omissions to help ensure that PVABs' clients are provided with the information they need to make fully informed voting decisions and to mitigate some of the concerns that opposing commenters raised in their comment letters.[241]

Finally, we note that several commenters expressed similar process-based concerns regarding the proposed deletion of Note (e) as they expressed with respect to the proposed amendments to Rule 14a–2(b)(9).[242] However, for the reasons discussed in Section II.A.3 and above, we believe that deleting Note (e) is appropriate.[243]

III. Other Matters

If any of the provisions of these amendments, or the application thereof to any person or circumstance, is held

about legal compliance: 'We believe our conduct is lawful.'" *Id.* at 188. The court noted that ''[i]f the issuer makes that statement without having consulted a lawyer, it could be misleadingly incomplete.'' *Id.* This example can also be applied to a PVAB's proxy voting advice if, for example, it makes a statement of opinion regarding the legality of a registrant's proposal or corporate action without having consulted a lawyer.

[234] *Id.* at 194. We further note that both *Omnicare* and *Virginia Bankshares* were cases against registrants; we are not aware of any enforcement actions or private lawsuits against a PVAB based on statements of opinion in connection with proxy voting matters.

[235] This release does not address any duties or liabilities that a PVAB may have under the Investment Advisers Act of 1940, as applicable.

[236] Several commenters expressed concern that a statement in the Interpretive Release suggests a PVAB may be subject to liability under Rule 14a–9 for its ''opinions, reasons, recommendations or beliefs'' even in the absence of a misstatement or omission of material fact. *See* letters from Glass Lewis; ISS. That is not the case. Rather, the Commission noted, citing *Virginia Bankshares,* that ''Rule 14a–9 extends to opinions, reasons, recommendations, or beliefs that are disclosed as part of a solicitation, *which may be statements of material facts for purposes of the rule.*'' Interpretive Release at 47419 & n.31 (emphasis added). That statement is consistent with, and was merely intended to reflect, the case law summarized above regarding the limited circumstances in which a statement of opinion may be actionable under Rule 14a–9 as a misstatement or omission of material fact.

[237] *See* letter from Prof. Verret.

[238] *Id.*

[239] *See supra* note 217 and accompanying text.

[240] *See supra* notes 205–209 and accompanying text.

[241] *See, e.g., supra* notes 102–105 and accompanying text (expressing concern that, without the Rule 14a–2(b)(9)(ii) conditions, PVABs will be exempt from the proxy rules' information and filing requirements without sufficient alternative investor protection mechanisms, the transparency of proxy voting advice could suffer, and the conflicts of interest disclosure requirement in Rule 14a–2(b)(9)(i) will be hollow); *supra* notes 192–193 and accompanying text (expressing concern that the deletion of Note (e) will weaken antifraud provisions that were intended to protect investors against PVABs' false or misleading statements and reduce transparency in the public markets); *supra* note 196 and accompanying text (expressing concern regarding the prevalence of errors in proxy voting advice); *supra* note 216 and accompanying text (expressing concern about any efforts to exempt all or parts of proxy voting advice from Rule 14a–9 liability).

[242] *See supra* note 191 and accompanying text.

[243] *See supra* note 155 and accompanying text. Further, the timing-based concerns that opposing commenters expressed with respect to the 2021 Proposed Amendments are less relevant with respect to Note (e) given that Note (e) became effective on Nov. 2, 2020, before we issued the 2021 Proposed Amendments. 2020 Adopting Release at 55082, 55122.

to be invalid, such invalidity shall not affect other provisions or the application of such provisions to other persons or circumstances that can be given effect without the invalid provision or application. In particular, the amendments to Rule 14a–2(b)(9) operate independently from the amendments to Rule 14a–9.

Pursuant to the Congressional Review Act, the Office of Information and Regulatory Affairs has designated these amendments a ''major rule,'' as defined by 5 U.S.C. 804(2).

IV. Economic Analysis

As discussed above, the purpose of these amendments is to avoid burdens on PVABs that may impede and impair the timeliness and independence of proxy voting advice and avoid misperceptions regarding the application of Rule 14a–9 liability to proxy voting advice, while also preserving investors' confidence in the integrity of such advice. Specifically, we are amending Rule 14a–2(b)(9) to rescind the Rule 14a–2(b)(9)(ii) conditions (as well as the related safe harbors and exclusions set forth in Rules 14a–2(b)(9)(iii) through (vi)) to address the risks that these conditions pose to the cost, timeliness, and independence of proxy voting advice on which many investors rely. We also are amending Rule 14a–9 to delete paragraph (e) of the Note to that rule because Note (e) appears not to have achieved—and, instead, appears to have undermined—its stated goal.

The discussion below addresses the economic effects of the amendments, including their anticipated costs and benefits, as well as the likely effects of the amendments on efficiency, competition and capital formation.[244] We also analyze the potential costs and benefits of reasonable alternatives to these amendments. Where practicable, we have attempted to quantify the economic effects of the amendments; however, in most cases, we are unable to do so because either the necessary data is unavailable or certain effects are not quantifiable.

A. Economic Baseline

The baseline against which the costs, benefits, and the impact on efficiency, competition, and capital formation of the amendments are measured consists of the current regulatory requirements applicable to registrants, PVABs, investment advisers, and other clients of PVABs, as well as current industry practices used by these entities in connection with the preparation, distribution, and use of proxy voting advice.

The 2020 Adopting Release provided an overview of the role of PVABs in the proxy process, including a discussion of existing economic research on PVABs and the nature of proxy voting advice they provide.[245]

1. Affected Parties and Current Market Practices

a. Proxy Voting Advice Businesses

As of November 2021, the proxy voting advice industry in the United States consists of three major firms: ISS, Glass Lewis, and Egan-Jones.

- ISS, founded in 1985, is a privately held company that provides research and analysis of proxy issues, custom policy implementation, vote recommendations, vote execution, governance data, and related products and services.[246] ISS also provides advisory/consulting services, analytical tools, and other products and services to corporate registrants through ISS Corporate Solutions, Inc. (a wholly owned subsidiary).[247] As of May 2022, ISS had nearly 2,600 employees in 29 locations, and covers approximately 48,000 shareholder meetings in 115 countries, annually.[248] ISS states that it executes more than 12.8 million ballots annually on behalf of its clients representing 5.4 trillion shares.[249] ISS is registered with the Commission as an investment adviser and identifies itself as a pension consultant providing advice to plans with more than $200 million as the basis for registering as an adviser.[250]
- Glass Lewis, established in 2003, is a privately held company that provides research and analysis of proxy issues, custom policy implementation, vote recommendations, vote execution, and reporting and regulatory disclosure services to institutional investors.[251] As of May 2022, Glass Lewis had more than 380 employees worldwide that provide services to more than 1,300 clients that collectively manage more than $40 trillion in assets.[252] Glass Lewis states that it covers more than 30,000 shareholder meetings across approximately 100 global markets annually.[253] Glass Lewis is not registered with the Commission in any capacity.
- Egan-Jones was established in 2002 as a division of Egan-Jones Ratings Company.[254] Egan-Jones is a privately held company that provides proxy services, such as notification of meetings, research, and recommendations on selected matters to be voted on, voting guidelines, execution of votes, and regulatory disclosure.[255] As of September 2016, Egan-Jones' proxy research or voting clients mostly consisted of mid- to large-sized mutual funds,[256] and the firm covered approximately 40,000 companies.[257] Egan-Jones Ratings Company (Egan-Jones' parent company) is registered with the Commission as a Nationally Recognized Statistical Ratings Organization.[258]

Of these PVABs, ISS and Glass Lewis are the largest and most often used for proxy voting advice.[259] We do not have

[244] Section 3(f) of the Exchange Act [17 U.S.C. 78c(f)] directs the Commission, when engaging in rulemaking where it is required to consider or determine whether an action is necessary or appropriate in the public interest, to consider, in addition to the protection of investors, whether the action will promote efficiency, competition, and capital formation. Further, Section 23(a)(2) of the Exchange Act [17 U.S.C. 78w(a)(2)] requires the Commission when making rules under the Exchange Act, to consider the impact that the rules would have on competition, and prohibits the Commission from adopting any rule that would impose a burden on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act.

[245] *See* 2020 Adopting Release at 55122–32.

[246] *See* U.S. Gov't Accountability Office, GAO–17–47, Report to the Chairman, Subcommittee on Economic Policy, Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Corporate Shareholder Meetings: Proxy Advisory Firms' Role in Voting and Corporate Governance Practices, 6 (2016), *available at https://www.gao.gov/assets/690/681050.pdf* (''2016 GAO Report'').

[247] *Id.*

[248] *See* ISS, *About ISS, available at https://www.issgovernance.com/about/about-iss.*

[249] *See id.*

[250] *See* ISS, Form ADV (Mar. 31, 2022), *available at https://reports.adviserinfo.sec.gov/reports/ADV/111940/PDF/111940.pdf* (''ISS Form ADV filing''); *see also* 2016 GAO Report, *supra* note 246, at 9.

[251] 2016 GAO Report, *supra* note 246, at 7.

[252] *See* Glass Lewis, Company Overview, *available at https://www.glasslewis.com/company-overview/.*

[253] *Id.*

[254] *See* 2016 GAO Report, *supra* note 246, at 7.

[255] *Id.*

[256] *Id.*

[257] *Id.* While ISS and Glass Lewis have published updated coverage statistics on their websites, the most recent data available for Egan-Jones was compiled in the 2016 GAO Report.

[258] *See* Order Granting Registration of Egan-Jones Rating Company as a Nationally Recognized Statistical Rating Organization, Exchange Act Release No. 34–57031 (Dec. 21, 2007), *available at https://www.sec.gov/ocr/ocr-current-nrsros.html#egan-jones.*

[259] *See* 2016 GAO Report, *supra* note 246, at 8, 41 (''In some instances, we focused our review on Institutional Shareholder Services (ISS) and Glass Lewis and Co. (Glass Lewis), because they have the largest number of clients in the proxy advisory firm market in the United States.''). *See also* letters in response to the SEC Staff Roundtable on the Proxy Process from Center on Executive Compensation (Mar. 7, 2019) (noting that there are ''two firms controlling roughly 97% of the market share for such services''); Society for Corporate Governance (Nov. 9, 2018) (''While there are five primary proxy

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access to general financial information for ISS, Glass Lewis, or Egan-Jones such as annual revenues, earnings before interest, taxes, depreciation and amortization, and net income. We also do not have access to client-specific financial information or more general or aggregate information regarding the economics of the PVAB industry.

As part of our consideration of the baseline for the amendments, we focus on the industry practice that is particularly relevant for the amendments to Rule 14a–2(b)(9): PVABs' procedures for engaging with registrants. As mentioned above and in the 2021 Proposing Release,[260] all three major PVABs have certain policies, procedures, and disclosures in place intended to provide assurances to clients about the information used to formulate the proxy voting advice they receive.[261] In some cases, PVABs seek input from registrants to further these objectives. Glass Lewis and Egan-Jones offer registrants some form of pre-release review of at least some of their proxy voting advice reports, or the data used in their reports. ISS does not provide draft proxy voting advice to any United States registrants, but it engages with registrants during the process of formulating its proxy voting advice. All three PVABs also offer registrants access to proxy voting advice after it is distributed to clients, in some cases for a fee, and offer mechanisms by which registrants can provide feedback on such advice. Finally, the 2021 Annual Report of the Independent Oversight Committee (the ''Oversight Committee'') of the Best Practice Principles Group (the ''BPPG''), an industry group composed of six PVABs that includes ISS and Glass Lewis,[262] found that all member firms met the standards established in the BPPG's three Best Practices Principles for Providers of Shareholder Voting Research and Analysis,[263] which include communication with and feedback from registrants.[264] The Oversight Committee—which is composed of non-PVAB stakeholders in proxy voting advice, including representatives from the institutional investor, registrant, and academic communities—is responsible for reviewing the BPPG member-PVABs' compliance with the principles. This report did not include Egan-Jones because it is not a member of the BPPG.

Additionally, it is our understanding that some PVABs currently provide their clients with notifications of and links to filings by registrants that are the subject of proxy voting advice in their online platforms.[265] These notifications and links provide a means for clients to access additional definitive proxy materials that registrants may file in response to proxy voting advice.

b. Clients of Proxy Voting Advice Businesses and Underlying Investors

Clients that use PVABs for proxy voting advice will be affected by the amendments. In turn, investors and other groups on whose behalf these clients make voting determinations will be affected. One of the three major PVABs—ISS—is registered with the Commission as an investment adviser and, as such, provides annually updated disclosure with respect to its types of clients on Form ADV. Table 1 below reports client types as disclosed by ISS.[266]

TABLE 1—NUMBER OF CLIENTS BY CLIENT TYPE

[As of March 31, 2022]

Type of client [a]	Number of clients [b]
Banking or thrift institutions	193
Pooled investment vehicles	317
Investment companies	37
Pension and profit sharing plans	173
Charitable organizations	48
State or municipal government entities	14
Other investment advisers	1030
Insurance companies	53
Sovereign wealth funds and foreign official institutions	11
Corporations or other businesses not listed above	79
Other	291
Total	2,246

[a] The table excludes client types for which ISS indicated either zero clients or fewer than five clients.

[b] Form ADV filers indicate the approximate number of clients attributable to each type of client. If the filer has fewer than five clients in a particular category (other than investment companies, business development companies, and pooled investment vehicles), it may indicate that it has fewer than five clients rather than reporting the number of clients.

Table 1 illustrates the types of clients that utilize the services of one of the largest PVABs. For example, while investment advisers (''Other investment advisers'' in Table 1) constitute a 46 percent plurality of clients for ISS, other types of clients include pooled investment vehicles (14 percent) and pension and profit sharing plans (eight percent). Other clients include corporations, charitable organizations, and insurance companies.[267] Certain of these clients, such as pension plans, make voting determinations that affect the interests of a wide array of individual investors, beneficiaries, and other constituents.

c. Registrants

The amendments also will affect registrants that have a class of equity securities registered under Section 12 of the Exchange Act and non-registrant parties that conduct proxy solicitations with respect to those registrants.[268] In addition, there are certain other companies that do not have a class of equity securities registered under Section 12 of the Exchange Act that file proxy materials with the Commission. Finally, Rule 20a–1 under the Investment Company Act subjects all registered management investment companies to the Federal proxy rules.[269]

advisory firms in the U.S., today the market is essentially a duopoly consisting of Institutional Shareholder Services . . . and Glass Lewis & Co. . . . .'').

[260] *See* 2021 Proposing Release at 67386–87.

[261] *See id.*

[262] The BPPG was formed in 2013 after the European Securities and Markets Authority requested that PVABs engage in a coordinated effort to develop an industry-wide code of conduct focusing on enhancing transparency and disclosure. *See* Best Practice Principles Oversight Committee, Annual Report 2021 at 7 (July 1, 2021), *available at https://bppgrp.info/wp-content/uploads/2021/07/2021-AR-Independent-Oversight-Committee-for-The-BPP-Group-1.pdf* (''2021 Annual Report''). Its six member-PVABs are Glass Lewis, ISS, Minerva, PIRC, Proxinvest, and EOS at Federated Hermes. *Id.*

[263] *See* Stephen Davis, *First Independent Report on Proxy Voting Advisory Firm Best Practices* (July 14, 2021), *available at https://corpgov.law.harvard.edu/2021/07/14/first-independent-report-on-proxy-voting-advisory-firm-best-practices/*; *see also* 2021 Annual Report, *supra* note 262.

[264] The three principles are (1) service quality; (2) conflicts-of-interest avoidance or management; and (3) communications policy. *See* 2021 Annual Report, *supra* note 262, at 33–34.

[265] 2021 Proposing Release at 67388, n.57.

[266] *See* ISS Form ADV filing (describing clients classified as ''Other'' as ''Academic, vendor, other companies not able to identify as above'').

[267] *Id.*

[268] Foreign private registrants are exempt from the Federal proxy rules under Rule 3a12–3(b) of the Exchange Act. *See* 17 CFR 240.3a12–3. Furthermore, we are not aware of any asset-backed registrants that have a class of equity securities registered under Section 12 of the Exchange Act. Most asset-backed registrants are registered under Section 15(d) of the Exchange Act and thus are not subject to the Federal proxy rules. 23 asset-backed registrants obtained a class of debt securities registered under Section 12 of the Exchange Act as of December 2021. As a result, these asset-backed registrants are not subject to the Federal proxy rules.

[269] Under Rule 20a–1 of the Investment Company Act, registered management investment companies must comply with regulations adopted pursuant to Section 14(a) of the Exchange Act that would be applicable to a proxy solicitation if it were made

We note that because registrants are owned by investors, effects on registrants as a result of the amendments will accrue to investors. Among the investors in a given registrant, there may be individual investors or groups of investors that may want to influence the direction that the registrant should pursue. Those individual investors or groups of investors could be clients of PVABs. Separately, given the principal-agent relationship between shareholders and management of a corporation, there may exist conflicts between management of the registrant and investors. Some investors therefore may use PVABs' advice as part of their decision-making process on a particular matter presented for shareholder approval for which management's interests may not be aligned with those of investors in general.

We estimate that, as of December 31, 2021, the amendments may affect approximately 18,400 entities. Specifically, there were approximately 5,800 registrants with a class of securities registered under Section 12 of the Exchange Act [270] and approximately 30 companies without a class of securities registered under Section 12 of the Exchange Act that filed proxy materials.[271] In addition, there were 12,445 registered management investment companies that were subject to the proxy rules: (i) 11,780 open-end funds, out of which 2,398 were Exchange Traded Funds (''ETFs'') registered as open-end funds or open-end funds that had an ETF share class; (ii) 651 closed-end funds; and (iii) 14 variable annuity separate accounts registered as management investment companies.[272] We also identified 98 Business Development Companies (''BDCs'') that could be subject to the amendments.[273]

These estimates are an upper bound of the number of potentially affected companies because not all of these registrants may file proxy materials related to a meeting for which a PVAB issues proxy voting advice in a given year. Out of the approximately 18,300 potentially affected registrants, approximately 5,565 registrants filed proxy materials with the Commission during calendar year 2021.[274] Out of the 5,565 registrants, 4,621 of these registrants (83 percent) were Section 12 or Section 15(d) registrants and the remaining 944 registrants (17 percent) were registered management investment companies.

2. Current Regulatory Framework

On July 22, 2020, the Commission adopted the 2020 Final Rules. The 2020 Final Rules:

- Amended Rule 14a–1(l) to codify the Commission's interpretation that proxy voting advice generally constitutes a ''solicitation'' subject to the proxy rules.
- Adopted Rule 14a–2(b)(9) to add new conditions to two exemptions (set forth in Rules 14a–2(b)(1) and (3)) that PVABs generally rely on to avoid the proxy rules' information and filing requirements. Those conditions include:
  - New conflicts of interest disclosure requirements; and
  - The Rule 14a–2(b)(9)(ii) conditions.
- Amended the Note to Rule 14a–9, which prohibits false or misleading statements, to include specific examples of material misstatements or omissions related to proxy voting advice. Specifically, Note (e) provides that the failure to disclose material information regarding proxy voting advice, ''such as the [PVAB's] methodology, sources of information, or conflicts of interest'' could, depending upon particular facts and circumstances, be misleading within the meaning of the rule.

The changes to the definition of ''solicitation'' and to Rule 14a–9 became effective on November 2, 2020. The conditions set forth in Rule 14a–2(b)(9) became effective on December 1, 2021. On June 1, 2021, the Division of Corporation Finance issued a statement that it would not recommend enforcement action based on the Interpretive Release or the 2020 Final Rules during the period in which the Commission is considering further regulatory action in this area. This staff statement did not alter the compliance date for the Rule 14a–2(b)(9)(ii) conditions.

B. Benefits and Costs

In the following sections, we discuss the economic effects of the amendments in terms of the specific benefits and costs of the final amendments.

Several commenters raised broader concerns with how the Commission conducted its economic analysis in the 2021 Proposing Release. One commenter asserted the Commission did not conduct appropriate due diligence in issuing the 2021 Proposing Release and instead relied solely on statements made by market participants in private meetings.[275] This commenter also contended that, because the Commission did not ''possess any financial or cost information to support'' its economic analysis, the Commission ''lacks evidence to support the fundamental assumptions that underpin the Proposed Rule.'' [276] We rely on a number of sources of information to inform our economic analysis, including publicly available data. And our decision to adopt the amendments does not rest on any statements made by market participants in private meetings. Moreover, for reasons the Commission explained at the time, the analysis of the economic effects of adopting Rule 14a–2(b)(9)(ii) was primarily qualitative in nature. In the 2021 Proposing Release, and for the same reasons, the Commission provided a qualitative discussion of the economic effects of rescinding the Rule 14a–2(b)(9)(ii) conditions. The Commission noted

with respect to a security registered pursuant to Section 12 of the Exchange Act. *See* 17 CFR 270.20a–1. Additionally, ''registered management investment company'' means any investment company other than a face-amount certificate company or a unit investment trust. *See* 15 U.S.C. 80a–4.

[270] We estimated the number of registrants with a class of securities registered under Section 12 of the Exchange Act by reviewing all Forms 10–K and 10–K/A filed during calendar year 2021 with the Commission. After reviewing these forms, we then counted the number of unique registrants that identify themselves as having a class of securities registered under Section 12(b) or Section 12(g) of the Exchange Act. This estimate excludes: (1) foreign private issuers that filed both Forms 20–F and 40–F; (2) asset-backed registrants that filed Forms 10–D and 10–D/A; and (3) BDCs that filed Form 10–K or an amendment during calendar year 2021 with the Commission.

[271] We identified these issuers as those that: (1) are subject to the reporting obligations of Exchange Act Section 15(d), but do not have a class of equity securities registered under Exchange Act Section 12(b) or 12(g); and (2) have filed any proxy materials during calendar year 2021 with the Commission. To identify registrants reporting pursuant to Section 15(d) but not registered under Section 12(b) or Section 12(g), we reviewed all Forms 10–K filed in calendar year 2020 with the Commission. We then counted the number of unique registrants that identified themselves as subject to Section 15(d) reporting obligations with no class of equity securities registered under Section 12(b) or Section 12(g).

[272] We estimated the number of unique registered management investment companies based on Forms N–CEN filed between Dec. 2020 and Dec. 2021 with the Commission. Open-end funds are registered on Form N–1A, while closed-end funds are registered on Form N–2. Variable annuity separate accounts registered as management investment companies are trusts registered on Form N–3.

[273] Business development companies are a category of closed-end investment company that are not registered under the Investment Company Act [15 U.S.C. 80a–2(a)(48) and 80a–53–64] and have been issued an 814-reporting number. Our estimate includes 82 BDCs that filed a Form 10–K in 2021, as well as 16 BDCs that were not traded.

[274] We considered the following proxy materials in our analysis: DEF14A; DEF14C; DEFA14A; DEFC14A; DEFM14A; DEFM14C; DEFR14A; DEFR14C; DFAN14A; N–14; PRE 14A; PRE 14C; PREC14A; PREM14A; PREM14C; PRER14A; PRER14C. Form N–14 can be a registration statement and/or proxy statement. We also manually reviewed all Forms N–14 filed during calendar year 2021 with the Commission, excluding any Forms N–14 that are exclusively registration statements from our estimates.

[275] *See* letter from BIO.

[276] *Id.*

where it lacked data and solicited feedback and additional data from commenters. Having not received information or data that would permit a quantitative analysis, we again engage in a qualitative analysis of the costs and benefits of rescinding the conditions.

Another commenter expressed concern that the economic analysis in the 2021 Proposing Release ''makes passing reference to impacts on issuers and investors'' and ''focused almost entirely on the costs borne and benefits received by the PVABs.'' [277] We disagree, however, as, both in the 2021 Proposing Release and in our discussion below, we have substantively discussed and weighed the potential effects of the amendments on both registrants and investors, such as the potential impact of the rescission of the notice requirement on registrants.

1. Benefits

In this section, we discuss benefits of the amendments that accrue to PVABs, their clients, registrants, and investors. The main benefit for PVABs from our rescission of the Rule 14a–2(b)(9)(ii) conditions would be the reduction of any initial or ongoing [278] direct costs associated with modifying their current systems and methods, or developing and maintaining new systems and methods. Those costs have been and/or will be incurred to satisfy the requirement of Rule 14a–2(b)(9)(ii)(A) that PVABs adopt and publicly disclose written policies and procedures reasonably designed to ensure that registrants that are the subject of proxy voting advice have such advice made available to them at or prior to the time when such advice is disseminated to PVABs' clients. Additionally, the amendments will reduce the direct costs of satisfying the requirement of Rule 14a–2(b)(9)(ii)(B) that PVABs adopt and publicly disclose written policies and procedures reasonably designed to ensure that PVABs provide clients with a mechanism by which they can reasonably be expected to become aware of a registrant's written statements about the proxy voting advice in a timely manner before the shareholder meeting or, if no meeting, before the votes, consents, or authorizations may be used to effect the proposed action. Under the safe harbor in Rule 14a–2(b)(9)(iv), a PVAB could satisfy this requirement by providing notice to its clients that the registrant has filed or has informed the PVAB that it intends to file additional soliciting materials and include an active hyperlink to those materials on EDGAR when available either: (i) on its electronic client platform; or (ii) through email or other electronic means. Both mechanisms for informing clients could involve initial set-up costs as well as ongoing costs.

One commenter asserted that it is speculative to assume that PVABs would realize cost savings as a result of the proposed amendments.[279] According to this commenter, because PVABs have voluntarily adopted practices regarding registrant interaction, they likely have already absorbed any such costs. The same commenter also expressed concern that the Commission could not quantify these costs. We acknowledge, as the Commission did in the 2021 Proposing Release, that any benefits from the amendments in the form of savings in initial set-up costs may be limited to the extent that PVABs either already had similar systems in place to meet the requirements of the Rules 14a–2(b)(9)(ii) conditions or have made changes to come into compliance with those conditions.[280] Similarly, ongoing cost savings may be limited to the extent PVABs retain similar systems. We also acknowledge that we are unable to quantify the full range of PVABs' costs resulting from the 2020 Final Rules, which would vary depending on each PVAB's current practices and how they implement the new conditions.[281] In the 2020 Adopting Release, for purposes of the Paperwork Reduction Act of 1995 (''PRA''),[282] the Commission estimated that each PVAB would incur 2,845 burden hours to satisfy Rule 14a–2(b)(9)(ii)(A) and 2,845 burden hours to satisfy Rule 14a–2(b)(9)(ii)(B).[283] The Commission also estimated that each PVAB would incur a burden of between 50 and 5,690 hours per year associated with securing an acknowledgment or other assurance that the proxy voting advice would not be disclosed.[284] We believe that the amendments will, at a minimum, eliminate these estimated PRA burdens, which took into consideration that some PVABs may have systems and practices in place that could substantially mitigate any overall burden increases.

While there could be various ways a PVAB could comply with the Rule 14a–2(b)(9)(ii) conditions currently, to rely on the safe harbor in Rule 14a–2(b)(9)(iii), a PVAB must provide registrants with a copy of the proxy voting advice at no charge. By eliminating the Rule 14a–2(b)(9)(ii) conditions (and, by extension, the Rule 14a–2(b)(9)(iii) safe harbor), the amendments could lead to an increase in PVABs choosing to charge registrants for access to their proxy voting advice, potentially leading to increased revenues for PVABs.

Some commenters expressed concern that the Commission's discussion of the benefits and costs of the proposed amendments focused primarily on the impact on PVABs, ignoring the impact of the amendments on the market more broadly.[285] Contrary to the commenter's suggestion, we have considered the impact of the amendments on other parties, including registrants and investors generally.[286] For example, below, we discuss the potential effects of the amendments on registrants, clients of PVABs, and the investors whose interests these clients represent.

The amendments may also benefit other parties. PVABs may pass through a portion of the costs of modifying, developing, or maintaining systems to satisfy the Rule 14a–2(b)(9)(ii) conditions to their clients through higher fees for proxy voting advice. To the extent that rescinding the Rule 14a–2(b)(9)(ii) conditions also eliminates such costs, the cost savings could be passed on to, and therefore could benefit, clients of PVABs. One commenter, however, stated that it is speculative to assume that PVABs' costs would be passed on to clients given the duopolistic nature of the PVAB market.[287]

[277] *See* letter from CCMC II.

[278] The compliance date for the Rule 14a–2(b)(9)(ii) conditions was Dec. 1, 2021. On June 1, 2021, the Division of Corporation Finance issued a statement that it would not recommend enforcement action based on the Interpretive Release or the 2020 Final Rules during the period in which the Commission is considering further regulatory action in this area. Division of Corporation Finance, *Statement on Compliance with the Commission's 2019 Interpretation and Guidance Regarding the Applicability of the Proxy Rules to Proxy Voting Advice and Amended Rules 14a–1(1), 14a–2(b), 14a–9,* U.S. Securities and Exchange Commission, *available at https://www.sec.gov/news/public-statement/corp-fin-proxy-rules-2021-06-01*. This staff statement did not alter the Dec. 1, 2021 compliance date for the Rule 14a–2(b)(9)(ii) conditions, and thus we recognize that PVABs may have already incurred certain costs to modify their systems or otherwise ensure that the conditions of the exemption are met. Even so, the elimination of these conditions will eliminate any ongoing costs or other costs of the conditions that have not yet been incurred. To the extent a PVAB has not yet incurred any direct costs from the Rule 14a–2(b)(9)(ii) conditions, the amendments will eliminate or avoid potential future costs.

[279] *See* letter from BIO.

[280] *See* 2021 Proposing Release at 67386–87.

[281] While some commenters on the 2021 Proposed Rules provided cost estimates (*e.g.,* letter from ISS), we do not find those estimates persuasive because they were based on the 2019 Proposed Rules, which were different than the 2020 Final Rules.

[282] 44 U.S.C. 3501 *et seq.*

[283] *See* 2020 Adopting Release at Section V.B.1.

[284] *See id.*

[285] *See* letters from CCMC II; Prof. Verret.

[286] *See infra* Section IV.B.2.

[287] *See* letter from BIO.

PVABs, their clients, and investors in general could also benefit to the extent that the final amendments eliminate the possible adverse effects of the Rule 14a–2(b)(9)(ii) conditions on the independence of proxy voting advice.[288] Proxy voting advice that is independent may provide clients of PVABs and other investors, who become aware of such recommendations, with information that would not otherwise have appeared in the proxy or information statement. This could help clients of PVABs and other investors make better voting and investment decisions. One commenter expressed the view that the proposed amendments would strengthen the independence of PVABs.[289] Another commenter, however, stated that the 2021 Proposing Release did not provide evidence that the 2020 Final Rules negatively affected the independence of proxy voting advice.[290] While we are unable to quantify such negative effects for the reasons discussed in more detail above, we believe that the risks posed by the Rule 14a–2(b)(9)(ii) conditions to the cost, timeliness, and independence of proxy voting advice are sufficiently significant such that it is appropriate to rescind the conditions now to limit any burdens that PVABs and their clients may experience.[291] In making this judgment, we have considered that the vast majority of PVABs' clients and investors that expressed views on the Rule 14a–2(b)(9)(ii) conditions continue to be concerned about the risks those conditions pose.

Finally, one commenter asserted that the Commission did not articulate any real benefits of deleting Note (e).[292] As stated in the 2021 Proposing Release, we do not expect that the deletion of Note (e) will generate any significant benefits other than avoiding any misperception that its adoption purported to determine or alter the law governing Rule 14a–9's application and scope, including its application to statements of opinion. Deleting Note (e) may reduce any increased litigation risk or costs to PVABs that such a misperception may have caused. Notwithstanding this deletion, a PVAB may, depending on the particular facts and circumstances, be subject to liability under Rule 14a–9 for a material misstatement in, or an omission of material fact from, proxy voting advice covered by Rule 14a–1(l)(1)(iii)(A), including with regard to its methodology, sources of information, or conflicts of interest. [293] Thus, we expect that this amendment will not have any significant economic effect.

2. Costs

The amendments may impose costs on the clients of PVABs—and, thereby, ultimately the investors they serve—by potentially reducing the overall mix of information available to those clients as they assess proxy voting advice and make determinations about how to cast their votes. Requiring PVABs to provide registrants with proxy voting advice no later than the time that they disseminate such information to their clients could allow registrants to more effectively determine whether they wish to respond to a recommendation by publishing additional soliciting materials and to do so in a timely manner before shareholders cast their votes. Registrants may wish to do so for a variety of reasons, including, for example, because they may identify what they perceive to be factual errors or methodological weaknesses in a PVAB's analysis or have a different or additional perspective with respect to the advice. In either case, clients of PVABs, and registrants' investors in general, might have benefited from the availability of additional information on which to base their voting decisions. Clients of PVABs often must make voting decisions in a compressed time period. Timely access to registrant responses to proxy voting advice could facilitate a client's evaluation of the advice by highlighting disagreements regarding facts and data, differences of opinion, or additional perspectives before the client casts its votes. To the extent that the amendments reduce this type of information and it is valuable to investors, the amendments may make it more costly for investors to obtain such information and make timely voting decisions. One commenter took the position that eliminating the Rule 14a–2(b)(9)(ii) conditions would create a substantial risk to registrants that they would be unable to timely correct errors and mischaracterizations in PVABs' proxy voting advice before the annual meeting.[294] According to this commenter, companies must pay close attention to proxy voting advice and address any errors before investors have completed voting because, once investors have voted, it is often too late to make changes. The longer the time period between when a registrant identifies an error and responds to it, the commenter maintained, the less likely the error is to receive the investor's full attention. The same commenter also argued that the costs of correcting errors creates disincentives for PVABs to acknowledge them. To the extent that the rescission of the Rule 14a–2(b)(9)(ii) conditions limit a registrant's ability to timely identify errors and mischaracterizations in proxy voting advice, the rescission could increase costs to investors and registrants. We note, however, that the error rate in proxy voting advice appears to be low. For example, the commenter cites the ACCF study that identified instances during 2021 in which registrants filed supplemental proxy materials to dispute the data or analysis in proxy voting advice that represented less than one percent of the proxy materials filed by registrants that year.[295] Additionally, as mentioned above, we believe that the perpetuation of material errors in proxy voting advice would reduce the quality and usefulness of such advice, which, in the long-term, would reduce a PVAB's credibility in the market and its competitiveness. As such, we believe that PVABs are financially motivated to address errors in their advice.

Additionally, to the extent that a PVAB might have relied on the safe harbor of Rule 14a–2(b)(9)(iii), which requires PVABs to provide registrants with their proxy voting advice for no charge, the amendments may cause some registrants to incur costs in the form of fees or the purchase of additional PVAB services in order to obtain and respond to proxy voting advice. Investors ultimately will bear any such costs.

The potential cost associated with the amendments may be mitigated, however, by the practices and standards that PVABs have voluntarily adopted to help improve the basis of their proxy voting advice. For example, some PVABs have voluntarily adopted practices aimed at enabling feedback from certain registrants before and after they disseminate proxy voting advice to their clients.[296] Additionally, the BPPG's principles and the Oversight Committee's role in assessing compliance with those principles could address some of the concerns underlying the Rule 14a–2(b)(9)(ii) conditions. Moreover, because PVABs voluntarily adopted these practices, we believe that they are less likely to adversely affect the independence, cost, and timeliness of proxy voting advice than any additional measures that

[288] *See supra* note 118.

[289] *See* letter from CII.

[290] *See* letter from BIO.

[291] *See supra* Section II.A.3.

[292] *See* letter from BIO.

[293] *See supra* Section II.B.3.

[294] *See* letter from CEC.

[295] As noted in Section IV.A.1.c, approximately 5,565 registrants filed proxy materials with the Commission during calendar year 2021.

[296] *See* 2021 Proposing Release at 67386–87.

PVABs may have needed to implement to satisfy the Rule 14a–2(b)(9)(ii) conditions. One commenter noted that the Commission's analysis assumed that such voluntary practices would remain in place even if the Rule 14a–2(b)(9)(ii) conditions are rescinded.[297] While we cannot know for sure whether these voluntary practices will continue, we agree with the commenters that asserted that PVABs have market-based incentives to maintain these practices, and we also believe the industry-wide standards of BPPG's principles and the role of the Oversight Committee provide further incentives for PVABs to do so. Moreover, as noted above, we will continue to monitor the PVAB market to help ensure that investors are adequately protected and have ready access to information that allows them to make informed voting decisions.

One commenter asserted that registrants and clients of PVABs may have incurred costs in preparing for the 2020 Final Rules, such as amending proxy voting back-office functions for shareholder engagement, designing new bylaws or charter provisions that govern relationships with shareholders, or amending proxy voting policies.[298] To the extent that registrants and PVABs' clients have taken such steps, rescinding the Rule 14a–2(b)(9)(ii) conditions would render them unnecessary and may lead to their reversal, resulting in costs for both registrants and PVABs' clients. But commenters have presented no specific examples of entities that have actually taken action or incurred costs in reliance on the Rule 14a–2(b)(9)(ii) conditions, nor have commenters provided evidence that would allow us to quantify those costs or that give reason to believe that they are significant. At the same time, we expect that the amendments will result in costs savings for PVABs in the form of some initial costs, ongoing direct costs, and potential indirect costs they would have incurred to comply with the Rule 14a–2(b)(9)(ii) conditions.[299]

One commenter asserted that the Commission's economic analysis failed to appreciate the potential for conflicts of interest that exist between PVABs and the institutional investors that use their services, as well as between the managers of institutional investor funds and the investors whose interests they represent.[300] While we agree that potential conflicts of interest may exist between PVABs and their institutional clients, we do not believe that the Rule 14a–2(b)(9)(ii) conditions are necessary to address that concern, or that rescinding the Rule 14a–2(b)(9)(ii) conditions will exacerbate it. Rather, the 2020 Final Rules address such conflicts through Rule 14a–2(b)(9)(i), which requires PVABs to provide their clients with certain conflicts of interest disclosures in connection with their proxy voting advice. The current rulemaking does not amend Rule 14a–2(b)(9)(i). Additionally, PVABs may, depending on the particular facts and circumstances, be subject to liability under Rule 14a–9 for a material misstatement in, or omission of material fact from, proxy voting advice covered by Rule 14a–1(l)(1)(iii)(A), including with regard to their methodology, sources of information, or conflicts of interest. As to potential conflicts between managers of institutional investor funds and the investors whose interests they represent, we believe that such conflicts are directly addressed in other regulations.[301]

Finally, just as we do not expect the deletion of Note (e) to generate any significant benefits, we do not expect that its deletion will create any significant costs for PVABs, investors, or registrants. Given that this amendment will not alter a PVAB's potential liability under Rule 14a–9, we expect that its economic impact will be minimal. One commenter took the position that, in addition to deleting Note (e), the Commission also should exempt certain portions of proxy voting advice from Rule 14a–9 liability to provide investors with additional comfort that they will not indirectly bear the costs of litigation on the basis of mere disagreements regarding a PVAB's analysis, methodology, or sources of information.[302] We believe that this approach is not appropriate for the reasons discussed in Section IV.D.2.

C. Effects on Efficiency, Competition, and Capital Formation

As discussed in Section IV.A, PVABs perform a variety of functions for their clients, including analyzing and making voting recommendations on matters presented for shareholder votes in registrants' proxy statements as an alternative or supplement to their clients' own internal resources. Rather than using these services, PVABs' clients could instead solely rely upon internal resources to research, analyze, and execute proxies.[303] Given the costs of researching and voting proxies, the services offered by PVABs may offer economies of scale relative to their clients performing these functions themselves. For example, a GAO study found that among 31 institutions, including mutual funds, pension funds and asset managers, large institutions rely less than small institutions on the research and recommendations offered by PVABs.[304] Small institutional investors surveyed in the study indicated they had limited resources to conduct their own research.[305]

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[297] *See* letter from Prof. Verret.

[298] *See id.*

[299] Similar to registrants and PVABs' clients, PVABs may have incurred certain initial costs in preparing for compliance with the Rule 14a–2(b)(9)(ii) conditions.

[300] *See id.*

[301] *See, e.g., Commission Interpretation Regarding Standard of Conduct for Investment Advisers,* Release No. IA–5248 (June 5, 2019) [84 FR 33669, 33671 (July 12, 2019)] (discussing how an investment adviser's duty of loyalty under its fiduciary duty requires, amongst other things, that it must eliminate or make full and fair disclosure of all conflicts of interest which might incline an investment adviser—consciously or unconsciously—to render advice which is not disinterested such that a client can provide informed consent to the conflict); *see also* Rule 206(4)–6 under the Investment Advisers Act of 1940, 17 CFR 275.206(4)–6 (prohibiting an investment adviser to exercise voting authority with respect to client securities, unless the adviser (i) has adopted and implemented written policies and procedures that are reasonably designed to ensure that the adviser votes proxies in the best interest of its clients, which procedures must include how the investment adviser addresses material conflicts that may arise between the adviser's interests and interests of their clients; (ii) discloses to clients how they may obtain information from the investment adviser about how the adviser voted with respect to their securities; and (iii) describes to clients the investment adviser's proxy voting policies and procedures and, upon request, furnishes a copy of the policies and procedures to the requesting client).

[302] *See* letter from CII.

[303] PVABs' clients may also rely on some combination of internal and external analysis.

[304] *See* U.S. Gov't Accountability Office, GAO–07–765, Report to Congressional Requesters, Corporate Shareholder Meetings: Issues Relating to the Firms that Advise Institutional Investors on Proxy Voting, 2 (2007), *available at https://www.gao.gov/new.items/d07765.pdf* (''2007 GAO Report''). *See generally* letter in response to the 2019 Proposing Release from Business Roundtable (Feb. 3, 2020) (stating that because many institutional investors face voting on a large number of corporate matters every year but lack personnel and resources for managing such activities, they outsource tasks to proxy advisors); letters in response to the SEC Staff Roundtable on the Proxy Process from BlackRock (Nov. 16, 2018) (stating that ''BlackRock's Investment Stewardship team has more than 40 professionals responsible for developing independent views on how we should vote proxies on behalf of our clients''); NYC Comptroller (Jan. 2, 2019) (stating that we ''have five full-time staff dedicated to proxy voting during peak season, and our least-tenured investment analyst has 12 years' experience applying the NYC Funds' domestic proxy voting guidelines'').

[305] *See* 2007 GAO Report, *supra* note 304, at 2; *see also* letter in response to the SEC Staff Roundtable on the Proxy Process from Ohio Public Retirement (Dec. 13, 2018) (''OPERS also depends heavily on the research reports we receive from our proxy advisory firm. These reports are critical to the internal analyses we perform before any vote is submitted. Without access to the timely and independent research provided by our proxy advisory firm, it would be virtually impossible to meet our obligations to our members.''); Transcript of SEC Roundtable on the Proxy Process at 194

To the extent that the 2020 Final Rules increase compliance costs and costs related to litigation risk for PVABs that could be passed on to clients, the amendments would reverse those increases along with any related decrease in demand for PVABs' advice. If PVABs offer economies of scale relative to their clients performing certain functions themselves, increased demand for, and reliance on, PVABs' services could lead to greater efficiencies in the proxy voting process.

To the extent that the Rule 14a–2(b)(9)(ii) conditions impair the independence of proxy voting advice or reduce the diversity of thought in the market for proxy voting advice (*e.g.,* by PVABs erring on the side of caution in complex or contentious matters), eliminating those conditions could reverse those effects, resulting in advice from PVABs that contributes to more informed proxy voting decisions by their clients. If clients perceive the amendments as positively affecting PVABs' objectivity and independence, demand for proxy voting advice could increase, and the proxy voting process may become more efficient.[306]

On the other hand, the amendments could make the proxy voting process less efficient if they reduce the overall mix of information available to PVABs' clients and investors in general and the information lost is valuable to investors. For example, rescinding the Rule 14a–2(b)(9)(ii) conditions, may limit prompt registrant responses to proxy voting advice and investor access to such responses, which could make it more costly for investors to obtain such information and make timely voting decisions.

In addition, any reduction in costs for PVABs due to the rescission of the Rule 14a–2(b)(9)(ii) conditions could increase competition for proxy voting advice compared to the current baseline, which includes the effect of the 2020 Final Rules. In particular, if PVABs pass costs incurred to comply with the conditions on to their clients, the reduction of these costs due to the amendments could encourage some investors to retain the services of PVABs, which could reduce the use of internal resources for voting. Also, any improvement in the independence of proxy voting advice that preserves investors' confidence in the integrity of such advice could cause PVABs to compete more on this dimension. Finally, any reduction in compliance costs and costs related to litigation risk, if large enough, may increase competition among PVABs by encouraging entry into the market for proxy voting advice.[307] However, given the fact that there are only three major PVABs in the United States, we do not expect that the amendments would significantly increase the likelihood of new entry into this market.

If the amendments facilitate the ability of PVABs' clients to make informed voting determinations, investment outcomes could improve for investors, which could lead to a greater allocation of resources to investment. To the extent that the amendments lead to more investment, we could expect greater demand for securities, which could, in turn, promote capital formation. Overall, given the many factors that can influence the rate of capital formation, we expect any effect of the amendments on capital formation to be small.

In addition, we do not expect the deletion of Note (e) to have any significant economic effect on efficiency, competition, and capital formation.

Finally, one commenter stated that the Commission had properly characterized the effects of the proposed amendments on efficiency, competition, and capital formation.[308] Another commenter expressed concern regarding the duopolistic nature of the PVAB market and asserted that the proposed amendments would constitute an anti-competitive stance by the Commission.[309] We disagree with such an assessment. As noted above, any reduction of compliance costs due to the amendments could encourage some investors to retain the services of PVABs, and any improvement in the independence of proxy voting advice that preserves investors' confidence in the integrity of such advice could increase competition in the PVAB market.

D. Reasonable Alternatives

1. Interpretive Guidance Regarding Whether Systems and Processes Satisfy the Rule 14a–2(b)(9)(ii) Conditions

As an alternative to rescinding the Rule 14a–2(b)(9)(ii) conditions, we could issue interpretive guidance regarding whether the systems and processes that PVABs have in place satisfy the Rule 14a–2(b)(9)(ii) conditions, which could reduce compliance costs and address concerns regarding the independence of proxy voting advice. This approach could reduce PVABs' initial or ongoing costs of complying with these conditions if we determine that their current systems and processes already satisfy them to the extent that PVABs have not already modified their existing business models. Such guidance also could mitigate concerns that these conditions could impair the independence of proxy voting advice by indicating that PVABs need not modify their practices.

However, this approach would only eliminate the potential adverse effects associated with the Rule 14a–2(b)(9)(ii) conditions if we were to determine that PVABs' pre-existing systems and processes already fully satisfy the conditions. But, as discussed above, while we believe that PVABs' current practices advance a number of the goals that underlie the Rule 14a–2(b)(9)(ii) conditions and will mitigate any adverse impact from their rescission, those practices do not replicate the Rule 14a–2(b)(9)(ii) conditions in all respects. And PVABs' consistent opposition to the 2020 Final Rules further supports that conclusion.

2. Exempting Certain Portions of PVABs' Proxy Voting Advice From Rule 14a–9 Liability

Rather than, or in addition to, deleting Note (e) to Rule 14a–9, we could exempt certain portions of proxy voting advice from Rule 14a–9 liability. For example, we could amend Rule 14a–9 to expressly state that a PVAB would not be subject to liability under that rule for any subjective determinations it makes in formulating its recommendations, including its decision to use a specific analysis, methodology or information. Several commenters generally supported this alternative.[310] The benefit of this alternative could be that it may give PVABs additional comfort that they will not be subject to liability under Rule 14a–9 on the basis of mere

(Nov. 15, 2018), *available at https://www.sec.gov/files/proxy-round-table-transcript-111518.pdf* (comments of Mr. Scot Draeger, stating that: ''If you've ever actually reviewed the benchmarks, whether it's ISS or anybody else, they're very extensive and much more detailed than small firm[s] like ours could ever develop with our own independent research.'').

[306] As noted above, we do not have financial data about PVABs, including financial data by services provided or by client type. This makes assessments on a quantitative basis difficult.

[307] *See letter in response to the 2019 Proposing Release from* Minerva Analytics (Feb. 22, 2020), *available at https://www.sec.gov/comments/s7-22-19/s72219-6615792-202950.pdf.* In its comment letter, Minerva, a PVAB in the U.S. market prior to 2010, stated that the threat of litigation for ''errors'' is a factor influencing its views on whether to reenter the U.S. market. *Id.*

[308] *See* letter from CII.

[309] *See* letter from BIO.

[310] *See* letters from ICGN; Ohio Public Retirement; CII.

a disagreement regarding their analysis, methodology or sources of information.

This alternative, however, could result in uncertainty and litigation over the scope of any exemption from Rule 14a–9 liability. Moreover, as discussed above, we believe that existing law regarding the application of Rule 14a–9 to statements of opinion adequately addresses the concerns that PVABs, their clients, and others have expressed regarding the potential for perceived litigation risks to impair the independence of proxy voting advice, particularly in conjunction with our deletion of Note (e). Exempting all or parts of proxy voting advice from Rule 14a–9 liability entirely could eliminate liability even in the narrow circumstances considered in *Omnicare* and *Virginia Bankshares* in which statements of opinion in such advice contain a material misstatement or omission. We believe that it is appropriate to continue to subject proxy voting advice to Rule 14a–9 liability for material misstatements or omissions to help ensure that PVABs' clients are provided with the information they need to make fully informed voting decisions and to mitigate some of the concerns that opposing commenters raised in their comment letters.

V. Paperwork Reduction Act

A. Background

Certain provisions of our rules, schedules and forms that will be affected by the final amendments contain ''collection of information'' requirements within the meaning of the PRA. We published a notice requesting comment on changes to these collection of information requirements in the Proposing Release and submitted these requirements to the Office of Management and Budget (''OMB'') for review in accordance with the PRA.[311] The hours and costs associated with maintaining, disclosing, or providing the information required by the final amendments constitute paperwork burdens imposed by such collection of information. An agency may not conduct or sponsor, and a person is not required to comply with, a collection of information unless it displays a currently valid OMB control number. The title for the affected collection of information is: ''Regulation 14A (Commission Rules 14a–1 through 14a–21 and Schedule 14A)'' (OMB Control No. 3235–0059).

We adopted existing Regulation 14A [312] pursuant to the Exchange Act. Regulation 14A and its related schedules set forth the disclosure and other requirements for proxy statements, as well as the exemptions therefrom, filed by registrants and other soliciting persons to help investors make informed voting decisions.[313] A detailed description of the final amendments, including the need for the information and its proposed use, as well as a description of the likely respondents, can be found in Section II, and a discussion of the expected economic effects of the final amendments can be found in Section IV.

B. Summary of Comment Letters on PRA Estimates

We did not receive any comment letters in response to the request for comment on the PRA estimates and analysis included in the 2021 Proposing Release. We did, however, receive one comment letter stating that ''the proposal requests comments on an array of complex issues that cannot be addressed within 30 days,'' and noting that the 30-day comment period on the 2021 Proposed Amendments ''also applies to comments on the proposed burden analysis for the information collections associated with the Proposal.'' [314] That commenter expressed concern that ''[t]here is no guarantee'' as to how quickly the Commission's Office of FOIA Services will process requests for materials submitted to OMB by the Commission regarding the collection of information required by the 2021 Proposed Amendments. For the reasons discussed above, we believe that the comment period provided adequate opportunity for interested parties to share their views.[315]

C. Burden and Cost Estimates for the Final Amendments

Below we estimate the incremental and aggregate effect on paperwork burden as a result of the final amendments, which, as discussed in Section II, we are adopting as proposed. Most, if not all, of the effect on paperwork burden as a result of the final amendments derives from the rescission of the Rule 14a–2(b)(9)(ii) conditions and the related safe harbors set forth in Rules 14a–2(b)(9)(iii) and (iv), as we expect those amendments will reduce the paperwork burden associated with Rule 14a–2(b)(9).

As discussed in Section II, we are adopting the 2021 Proposed Amendments as proposed. Further, because we did not receive any comment letters directly addressing the PRA estimates and analysis included in the 2021 Proposing Release, we have not adjusted those estimates to account for comments. In the 2021 Proposing Release, the Commission noted that ''because Rule 14a–2(b)(9) has not yet become effective, that rule has not yet resulted in any paperwork burden, and there is nothing yet to reduce.'' [316] As such, the PRA analysis in the 2021 Proposing Release ''instead set forth the estimated amount of paperwork burden that the parties affected by Rule 14a–2(b)(9) would avoid as a result of [the] proposed amendments to Rule 14a–2(b)(9).'' [317] However, Rule 14a–2(b)(9) became effective on December 1, 2021, after the Commission issued the 2021 Proposing Release. We have, therefore, revised the PRA analysis to reflect our expectation that the final amendments will reduce, rather than avoid, the burdens associated with Rule 14a–2(b)(9).

1. Impact on Affected Parties

As discussed in Section IV.A.1, the final amendments may directly or indirectly affect a variety of parties. These parties include PVABs; the clients to whom PVABs provide proxy voting advice; investors and other groups on whose behalf the clients of PVABs make voting determinations; registrants who are conducting solicitations and are the subject of proxy voting advice; and the registrants' shareholders, who ultimately bear the costs and benefits to the registrant associated with the outcome of voting matters covered by proxy voting advice. Of these parties, we expect that PVABs will experience some reduction in paperwork burden as a result of the final amendments.[318] As discussed further

[311] 44 U.S.C. 3507(d); 5 CFR 1320.11.

[312] 17 CFR 240.14a–1 *et seq.*

[313] To the extent that a person or entity incurs a burden imposed by Regulation 14A, it is encompassed within the collection of information estimates for Regulation 14A. This includes registrants and other soliciting persons preparing, filing, processing and circulating their definitive proxy and information statements and additional soliciting materials, as well as the efforts of third parties such as PVABs whose proxy voting advice falls within the ambit of the Federal rules and regulations that govern proxy solicitations.

[314] *See* letter from CCMC I.

[315] *See* discussion *supra* note 71.

[316] 2021 Proposing Release at 67396.

[317] *Id.*

[318] The PRA requires that we estimate ''the total annual reporting and recordkeeping burden that will result from the collection of information.'' 5 CFR 1320.5(a)(1)(iv)(B)(5). A ''collection of information'' includes any requirement or request for persons to obtain, maintain, retain, report or publicly disclose information. 5 CFR 1320.3(c). OMB's current inventory for Regulation 14A, therefore, is an assessment of the paperwork burden associated with such requirements and requests under the regulation, and this PRA is an assessment of changes to such inventory expected to result from these amendments. While other parties, such

below, we believe that any incremental decrease in these burdens would be attributable to the rescission of Rule 14a–2(b)(9)(ii). We do not expect that the deletion of Note (e) to Rule 14a–9 will have a significant economic impact because it will not change existing law and, therefore, will not change respondents' legal obligations.[319] Moreover, any impact arising from this amendment should not materially change the average PRA burden hour estimates associated with Regulation 14A. Thus, we have not made any adjustments to our PRA burden estimates as a result of the deletion of Note (e).

a. Proxy Voting Advice Businesses

We expect that our amendments to Rule 14a–2(b)(9) will decrease the paperwork burden for PVABs. Rule 14a–2(b)(9) applies to anyone relying on the exemptions in Rules 14a–2(b)(1) or (b)(3) who furnishes proxy voting advice covered by Rule 14a–1(l)(1)(iii)(A). The amount by which a PVAB's burden will decrease depends on a number of factors that are firm-specific and highly variable, which makes it difficult to provide reliable quantitative estimates.[320]

Two components of the amendments to Rule 14a–2(b)(9) should decrease PVABs' paperwork burden. First, under Rule 14a–2(b)(9)(ii)(A), PVABs are required to adopt and publicly disclose written policies and procedures reasonably designed to ensure that registrants that are the subject of the proxy voting advice have such advice made available to them at or prior to the time such advice is disseminated to the PVABs' clients. Second, under Rule 14a–2(b)(9)(ii)(B), PVABs are required to adopt and publicly disclose written policies and procedures reasonably designed to ensure that PVABs provide their clients with a mechanism by which they can reasonably be expected to become aware of a registrant's written statements about the proxy voting advice in a timely manner before the shareholder meeting. The final amendments will rescind both of these rules, thereby relieving PVABs of the obligation to comply with these requirements. The final amendments will also rescind the non-exclusive safe harbors set forth in Rules 14a–2(b)(9)(iii) and (iv) that PVABs may use to satisfy the Rule 14a–2(b)(9)(ii) conditions. We address each of these components in turn.

In the 2020 Adopting Release,[321] the Commission estimated that PVABs would incur an annual incremental paperwork burden to comply with Rules 14a–2(b)(9)(ii), (iii) and (iv) as follows:

Requirement	PVAB estimated incremental annual compliance burden
Rule 14a–2(b)(9)(ii)(A)—Notice to Registrants and Rule–14a 2(b)(9)(iii) Safe Harbor.	Increase in paperwork burden corresponding to:
The PVAB has adopted and publicly disclosed written policies and procedures reasonably designed to ensure that registrants who are the subject of proxy voting advice have such advice made available to them at or prior to the time the advice is disseminated to clients of the PVAB. Safe Harbor—The PVAB has written policies and procedures that are reasonably designed to provide a registrant with a copy of the PVAB's proxy voting advice, at no charge, no later than the time it is disseminated to the PVAB's clients. Such policies and procedures may include conditions requiring that: (A) The registrant has filed its definitive proxy statement at least 40 calendar days before the security holder meeting date (or if no meeting is held, at least 40 calendar days before the date the votes, consents, or authorizations may be used to effect the proposed action); and (B) The registrant has acknowledged that it will only use the copy of the proxy voting advice for its internal purposes and/or in connection with the solicitation and it will not be published or otherwise shared except with the registrant's employees or advisers.	To the extent that the PVAB's current practices and procedures are not already sufficient: ○ Developing new or modifying existing systems, policies and methods, or developing and maintaining new systems, policies and methods to ensure that it has the capability to timely provide each registrant with information about its proxy voting advice necessary to satisfy the requirement in Rule 14a–2(b)(9)(ii)(A) and/or the safe harbor in Rule 14a–2(b)(9)(iii); ○ If applicable, obtaining acknowledgments or agreements with respect to use of any information shared with the registrant; and ○ Delivering copies of proxy voting advice to registrants. We estimate the increase in paperwork burden to be 8,535 hours per PVAB, consisting of 2,845 hours for system updates and 5,690 hours for acknowledgments regarding sharing information.
Rule 14a–2(b)(9)(ii)(B)—Notice to Clients of Proxy Voting Advice Businesses and Rule 14a–2(b)(9)(iv) Safe Harbor	Increase in paperwork burden corresponding to:

as the clients of PVABs, may experience benefits and costs associated with the amendments, *see supra* Section IV.B, only PVABs and registrants will avoid any additional paperwork burden as a result of the amendments.

[319] The deletion of Note (e) may relieve PVABs of direct costs to the extent that Note (e) prompted PVABs to provide additional disclosure about the bases for their proxy voting advice. However, we expect any such costs would be minimal because the adoption of that Note neither represented a change to existing law nor broadened the concept of materiality or created a new cause of action. *See* 2020 Adopting Release at 55146, n.685. Similarly, we expect that any avoidance of incremental burdens associated with this amendment would be minimal because our deletion of Note (e) does not alter the application of Rule 14a–9 to proxy voting advice. *See supra* Section II.B.3.

[320] *See generally supra* Section IV.B.1 (discussing the difficulty in providing quantitative estimates of the benefits to PVABs associated with the amendments).

[321] 2020 Adopting Release at 55148–49.

Requirement	PVAB estimated incremental annual compliance burden
The PVAB has adopted and publicly disclosed written policies and procedures reasonably designed to ensure that the PVAB provides clients with a mechanism by which they can reasonably be expected to become aware of any written statements regarding proxy voting advice by registrants who are the subject of such advice, in a timely manner before the shareholder meeting. Safe Harbor—The PVAB has written policies and procedures that are reasonably designed to inform clients who receive the proxy voting advice when a registrant that is the subject of such voting advice notifies the proxy voting advice business that it intends to file or has filed additional soliciting materials with the Commission setting forth the registrant's statement regarding the voting advice, by: (A) providing notice to its clients on its electronic client platform that the registrant intends to file or has filed such additional soliciting materials and including an active hyperlink to those materials on EDGAR when available; or (B) The PVAB providing notice to its clients through email or other electronic means that the registrant intends to file or has filed such additional soliciting materials and including an active hyperlink to those materials on EDGAR when available.	To the extent that the PVAB's current practices and procedures are not already sufficient: Developing new or modifying existing systems, policies and methods, or developing and maintaining new systems, policies and methods capable of: ○ Tracking whether the registrant has filed additional soliciting materials; ○ Ensuring that PVABs provide clients with a means to learn of a registrant's written statements about proxy voting advice in a timely manner that satisfies the requirement in Rule 14a–2(b)(9)(ii)(B) and/or the safe harbor in Rule 14a–2(b)(9)(iv). If relying on the safe harbor in Rule 14a–2(b)(9)(iv)(A) or (B), the associated paperwork burden would include the time and effort required of the PVAB to: ○ provide notice to its clients through the PVAB's electronic client platform or email or other electronic medium, as appropriate, that the registrant intends to file or has filed additional soliciting materials setting forth its views about the proxy voting advice; and ○ include a hyperlink to the registrant's statement on EDGAR We estimate the increase in paperwork burden to be 2,845 hours per PVAB.
Total	11,380 hours per PVAB.

Altogether, the Commission estimated an annual total increase of 34,140 hours [322] in compliance burden to be incurred by PVABs that would be subject to Rules 14a–2(b)(9)(ii), (iii), and (iv). Accordingly, we expect that the final amendments will decrease PVABs' burdens by the same amount.

b. Registrants

In addition to PVABs, we anticipate that the final amendments to Rule 14a–2(b)(9) will decrease the paperwork burden for registrants. In the 2020 Adopting Release, the Commission noted that registrants could, as a result of the adoption of Rule 14a–2(b)(9), experience increased burdens associated with coordinating with PVABs to receive proxy voting advice, reviewing proxy voting advice, and preparing and filing supplementary proxy materials in response to proxy voting advice, if they choose to do so.[323] Because Rule 14a–2(b)(9) does not require registrants to engage with PVABs or take any action in response to proxy voting advice, the Commission stated that it expected a registrant would bear additional paperwork burden only if such registrant anticipated the benefits of engaging with the PVABs would exceed the costs of participation. The Commission noted that these costs would vary depending upon the particular facts and circumstances of the proxy voting advice and any issues identified therein, as well as the resources of the registrant, which made it difficult to provide a reliable quantifiable estimate of these costs.

Notwithstanding those difficulties, the Commission estimated an average increase of 50 hours per registrant in connection with Rule 14a–2(b)(9) for a total annual increase of 284,500 hours, assuming that a registrant's annual meeting of shareholders is covered by at least two of the three major PVABs in the United States, and the registrant has opted to review both sets of proxy voting advice and file additional soliciting materials in response.[324] Accordingly, we expect that by rescinding the Rule 14a–2(b)(9)(ii) conditions, the final amendments will decrease registrants' paperwork burdens by the same amount.

2. Aggregate Decrease in Burden

Table 1 summarizes the calculations and assumptions used to derive our estimates of the aggregate decrease in burden for all affected parties due to our rescission of the Rule 14a–2(b)(9)(ii) conditions.

[322] This represented the annual total burden increase expected to be incurred by PVABs (as an average of the yearly burden predicted over the three-year period following adoption of the 2020 Final Rules) and was intended to be inclusive of all burdens reasonably anticipated to be associated with compliance with the Rule 14a–2(b)(9)(ii) conditions. We are aware of three PVABs in the U.S. (*i.e.,* Glass Lewis, ISS, and Egan-Jones) whose activities fall within the scope of proxy voting advice constituting a solicitation under amended Rule 14a–1(l)(1)(iii)(A). The Commission estimated that each of these would have a burden of 11,380 hours per year associated with Rules 14a–2(b)(9)(ii), (iii), and (iv). *See* 2020 Adopting Release at n.700. The Commission recognized that there could be other PVABs, including both smaller firms and firms operating outside the U.S., which may also be subject to those rules. However, that number was expected to be small. Accordingly, rather than increasing the estimate of the number of affected PVABs beyond the three discussed above, the Commission increased the annual total burden estimate by 500 hours to account for those businesses. However, that 500 hour increase also accounted for the burden imposed by Rule 14a–2(b)(9)(i), which is not affected by the amendments. Because the Commission did not indicate, in the 2020 Adopting Release, what portion of that 500 hour increase would be attributable to the various conditions in Rule 14a–2(b)(9), we do not include that 500 hour increase in this PRA analysis in order to avoid overestimating the amount of burden that PVABs would be relieved of as a result of the amendments.

[323] 2020 Adopting Release at 55149.

[324] *Id.* at 55149–50. The Commission also noted that such burden increase would be offset against any corresponding reduction in burden resulting from the registrant forgoing other methods of responding to the proxy voting advice (such as investor outreach) that the registrant determines are no longer necessary or are less preferable in light of Rule 14a–2(b)(9). *Id.* at 55150, n.705.

PRA TABLE 1—CALCULATION OF AGGREGATE DECREASE IN BURDEN HOURS RESULTING FROM RESCISSION OF THE RULE 14a–2(b)(9)(ii) CONDITIONS AND RELATED SAFE HARBORS

	Affected parties	
	Proxy voting advice businesses (A)	Registrants (B)
Burden Hour Decrease	34,140	284,500
Aggregate Decrease in Burden Hours	[Column Total (A)] + [Column Total (B)] = [318,640]	

3. Decrease in Annual Responses

We believe that the final amendments will decrease the number of annual responses [325] to the existing collection of information for Regulation 14A. In the 2020 Adopting Release, the Commission stated that it did not expect registrants to file any different number of proxy statements as a result of the 2020 Final Rules. The Commission did state, however, that it anticipated that the number of additional soliciting materials filed under 17 CFR 240.14a–6 may increase in proportion to the number of times that registrants choose to provide a statement in response to a PVAB's proxy voting advice as contemplated by Rule 14a–2(b)(9)(ii)(B) or the safe harbor under Rule 14a–2(b)(9)(iv). For purposes of the PRA analysis in that release, the Commission estimated that there would be an additional 783 annual responses to the collection of information as a result of the 2020 Final Rules.[326] Accordingly, we expect that the final amendments will decrease the number of annual responses to the collection of information for Regulation 14A by the same amount.

4. Incremental Change in Compliance Burden for Collection of Information

PRA Table 2 below illustrates our estimated incremental change to the total annual compliance burden for the Regulation 14A collection of information in hours and in costs [327] as a result of our rescission of the Rule 14a–2(b)(9)(ii) conditions. The table sets forth the percentage estimates we typically use for the burden allocation for each response.

PRA TABLE 2—DECREASE IN BURDEN HOURS RESULTING FROM THE RESCISSION OF THE RULE 14a–2(b)(9)(ii) CONDITIONS AND RELATED SAFE HARBORS

Number of estimated responses (A) †	Total decrease in burden hours (B) ††	Decrease in burden hours per response (C) = (B)/(A)	Decrease in internal hours (D) = (B) × 0.75	Decrease in professional hours (E) = (B) × 0.25	Decrease in professional costs (F) = (E) × $400
5,586	318,640	57	238,980	79,660	$31,864,000

† This number reflects an estimated decrease of 783 annual responses to the existing Regulation 14A collection of information as a result of the rescission of the Rule 14a–2(b)(9)(ii) conditions. The current OMB inventory for Regulation 14A reflects 6,369 annual responses.

†† Calculated as the sum of annual burden increases estimated for PVABs (34,140 hours) and registrants (284,500 hours). *See supra* PRA Table 1.

††† The estimated increases in Columns (C), (D), and (E) are rounded to the nearest whole number.

5. Program Change and Revised Burden Estimates

PRA Table 3 summarizes the estimated change to the total annual compliance burden of the Regulation 14A collection of information, in hours and in costs, as a result of the rescission of the Rule 14a–2(b)(9)(ii) conditions.

[325] For purposes of the Regulation 14A collection of information, the number of annual responses corresponds to the estimated number of new filings that will be made each year under Regulation 14A. When calculating PRA burden for any particular collection of information, the total number of annual burden hours estimated is divided by the total number of annual responses estimated, which provides the average estimated annual burden per response. The current inventory of approved collections of information is maintained by the Office of Information and Regulatory Affairs (''OIRA''), a division of OMB. The total annual burden hours and number of responses associated with Regulation 14A, as updated from time to time, can be found at *https://www.reginfo.gov/public/do/PRAMain.*

[326] 2020 Adopting Release at 55150, n.707.

[327] For purposes of the PRA, the paperwork burden for the information collection is to be allocated between internal burden hours and outside professional costs. The Commission's estimates in the 2020 Adopting Release assumed that 75% of the burden of Regulation 14A would be borne internally by the company and 25% would be outside professional costs. The Commission recognized that the costs of retaining outside professionals may vary depending on the nature of the professional services, but for purposes of the PRA analysis, the Commission estimated that such costs would be an average of $400 per hour. This estimate was based on consultations with several registrants, law firms, and other persons who regularly assist registrants in preparing and filing reports with the Commission. *See id.* at 55150, n.708. We use these same estimates for the final amendments.

PRA TABLE 3—PAPERWORK BURDEN AS A RESULT OF THE RESCISSION OF THE RULE 14a–2(b)(9)(ii) CONDITIONS AND RELATED SAFE HARBORS

Reg. 14A	Current burden			Program change			Revised burden		
	Current annual responses	Current burden hours	Current cost burden	Decrease in responses	Decrease in internal hours	Decrease in professional costs	Annual responses	Burden hours	Cost burden
	(A)	(B)	(C)	(D)±	(E)±±	(F)±±±		(H) = (B) − (E)	(I) = (C) − (F)
	6,369	778,802	$103,805,312	783	238,980	$31,864,000	5,586	539,822	$71,941,312

± *See* Column (A) in PRA Table 2 noting an estimated decrease of 783 annual responses to the Regulation 14A collection of information as a result of the rescission of the Rule 14a–2(b)(9)(ii) conditions.
±± *See* Column (D) in PRA Table 2.
±±± From Column (F) in PRA Table 2.

VI. Final Regulatory Flexibility Analysis

This Final Regulatory Flexibility Analysis (''FRFA'') has been prepared in accordance with the Regulatory Flexibility Act (''RFA'').[328] It relates to the amendments to the proxy solicitation exemptions in Rule 14a–2(b) and the prohibition on false or misleading statements in solicitations in Rule 14a–9 of Regulation 14A under the Exchange Act. Specifically, we are amending Rules 14a–2 and 14a–9 to rescind the Rule 14a–2(b)(9)(ii) conditions (as well as the related safe harbors and exclusions set forth in Rules 14a–2(b)(9)(iii) through (vi)) and to delete Note (e) to Rule 14a–9. An Initial Regulatory Flexibility Analysis (''IRFA'') was prepared in accordance with the RFA and included in the 2021 Proposing Release.

A. Need for, and Objectives of, the Final Amendments

The intent of the final amendments is to avoid burdens on PVABs that may impede and impair the timeliness and independence of their proxy voting advice and avoid misperceptions regarding the application of Rule 14a–9 liability to proxy voting advice, while also preserving investors' confidence in the integrity of such advice. We discuss the need for, and objectives of, these amendments in more detail in Sections I and II. We address the economic impact of these amendments in Sections IV and V.

B. Significant Issues Raised by Public Comments

In the 2021 Proposing Release, the Commission requested comments on the IRFA, including on the extent to which PVABs' current internal policies and procedures would mitigate any costs imposed on PVABs' clients as a result of the proposed amendments to Rule 14a–2(b)(9). The Commission also requested comments on how the 2021 Proposed Amendments may affect PVABs, their clients, and registrants.

We did not receive comments on the IRFA or any comments that directly responded to the Commission's requests for comments in the IRFA. However, several commenters generally discussed PVABs' current internal policies and procedures and the potential impact of the amendments on PVABs, their clients, and registrants.[329] In developing the FRFA, we considered these comments as well as the other comments on the 2021 Proposed Amendments.[330]

C. Small Entities Subject to the Final Amendments

The final amendments are likely to affect some small entities that are either: (i) PVABs; or (ii) registrants conducting solicitations that are the subject of proxy voting advice.

The RFA defines ''small entity'' to mean ''small business,'' ''small organization,'' or ''small governmental jurisdiction.'' [331] For purposes of the RFA, under our rules, an issuer of securities or a person, other than an investment company or an investment adviser, is a ''small business'' or ''small organization'' if it had total assets of $5 million or less on the last day of its most recent fiscal year.[332] An investment company, including a BDC, is considered to be a ''small business'' if it, together with other investment companies in the same group of related investment companies, has net assets of $50 million or less as of the end of its most recent fiscal year.[333] An investment adviser generally is a small entity if it: (1) has assets under management having a total value of less than $25 million; (2) did not have total assets of $5 million or more on the last day of the most recent fiscal year; and (3) does not control, is not controlled by, and is not under common control with another investment adviser that has assets under management of $25 million or more, or any person (other than a natural person) that had total assets of $5 million or more on the last day of its most recent fiscal year.[334] We estimate that there are 772 issuers that file with the Commission, other than investment companies and investment advisers, that may be considered small entities.[335] In addition, we estimate that, as of December 2021, there were 80 registered investment companies that would be subject to the final amendments that may be considered small entities.[336] Finally, we estimate that, as of December 2021, there were 594 investment advisers that may be considered small entities.[337] As discussed above, one of the three major PVABs in the United States—ISS—is a registered investment adviser.[338]

D. Projected Reporting, Recordkeeping, and Other Compliance Requirements

Because we are rescinding the Rule 14a–2(b)(9)(ii) conditions (as well as the related safe harbors and exemptions set forth in Rules 14a–2(b)(9)(iii) through (vi)) and deleting Note (e) to Rule 14a–9, the final amendments will not impose reporting, recordkeeping, or other compliance requirements on entities of any size, including small entities. To the contrary, the final amendments will alleviate the need for entities of any size, including small entities, to incur any costs needed to comply with the requirements of the rules that we are rescinding.[339] For example, as discussed in our PRA analysis, we expect that the rescission of the Rule 14a–2(b)(9)(ii) conditions and related safe harbors will decrease the paperwork burdens for PVABs and registrants by the amounts that the Commission estimated that PVABs and registrants would incur as a result of these rules when adopting them.[340] Accordingly, we believe that the final amendments will reduce the reporting, recordkeeping, and other compliance requirements applicable to small entities.

The amendments could have other economic effects beyond simply reducing compliance requirements. We refer to the discussion of the final amendments' economic effects on all affected parties, including small entities, in Sections IV and V.[341] Consistent with that discussion, we anticipate that the economic benefits and costs likely would vary widely among small entities based on a number of factors, including the nature and conduct of their businesses, which makes it difficult to project the economic impact on small entities with precision.[342]

As a general matter, however, we recognize that any costs of the final

[328] 5 U.S.C. 601 *et seq.*

[329] *See supra* Sections II.A.2 and II.B.2.

[330] *See supra* Sections II, III, and IV.

[331] 5 U.S.C. 601(6).

[332] *See* Exchange Act Rule 0–10(a) [17 CFR 240.0–10(a)].

[333] *See* Investment Company Act Rule 0–10(a) [17 CFR 270.0–10(a)].

[334] *See* Advisers Act Rule 0–7(a) [17 CFR 275.0–7(a)].

[335] This estimate is based on staff analysis of issuers potentially subject to the final amendments, excluding co-registrants, with EDGAR filings on Form 10–K, or amendments thereto, filed during the calendar year of Jan. 1, 2021 to Dec. 31, 2021. This analysis is based on data from XBRL filings, Compustat, Ives Group Audit Analytics, and manual review of filings submitted to the Commission.

[336] This estimate is derived from an analysis of data obtained from Morningstar Direct as well as data filed with the Commission (Forms N–Q and N–CSR) for the last quarter of 2021.

[337] We based this estimate on registered investment adviser responses to Items 5.F. and 12 of Form ADV.

[338] *See supra* Section IV.A.1.

[339] *See supra* Sections IV.B and V.

[340] *See supra* Section V.

[341] In particular, we discuss the estimated benefits and costs of the final amendments on affected parties in Section IV.B. We also discuss the estimated compliance burden associated with the final amendments for purposes of the PRA in Section V.

[342] *See supra* Section IV.C.

amendments borne by the affected entities could have a proportionally greater effect on small entities, as they may be less able to bear such costs relative to larger entities. For example, as discussed in Section IV.B.2, the final amendments to Rule 14a–2(b)(9) could potentially reduce the overall mix of information available to PVABs' clients as they assess proxy voting advice and make determinations about how to cast votes. Further, as noted in Section IV.C, small institutions tend to rely more heavily on PVABs' proxy voting advice than larger institutions because those smaller institutions have more limited resources to conduct their own research. As such, to the extent the amendments to Rule 14a–2(b)(9) reduce the overall mix of information available to PVABs' clients in connection with PVABs' proxy voting advice, the costs associated by such reduction will be borne disproportionately by smaller institutions. That said, as discussed in Section IV.B.2, we expect that any such costs imposed on PVABs' clients would be mitigated to the extent that PVABs currently have internal policies and procedures aimed at enabling feedback from certain registrants before they issue proxy voting advice.

Although we do not expect that PVABs or registrants will incur significant costs as a result of the final amendments, compliance with the amended rules may require the use of professional skills, including legal skills.

E. Agency Action To Minimize Effect on Small Entities

As noted, the purpose of the final amendments is to avoid burdens on PVABs that may impede and impair the timeliness and independence of their proxy voting advice and avoid misperceptions regarding the application of Rule 14a–9 liability to proxy voting advice, while also preserving investors' confidence in the integrity of such advice. The RFA directs us to consider alternatives that would accomplish our stated objectives, while minimizing any significant adverse impact on small entities. In connection with the final amendments, we considered the following alternatives:

- Establishing different compliance or reporting requirements that take into account the resources available to small entities;
- Exempting small entities from all or part of the requirements;
- Using performance rather than design standards; and
- Clarifying, consolidating, or simplifying compliance and reporting requirements under the rules for small entities.

As a primary matter, we do not expect that PVABs, investors, or registrants of any size will incur significant costs as a result of the deletion of Note (e) to Rule 14a–9. We recognize, however, that any costs of rescinding the Rule 14a–2(b)(9)(ii) conditions borne by the affected entities could have a proportionally greater effect on small entities as they may be less able to bear such costs relative to larger entities. While we acknowledge the potential costs that small entities may bear due to the rescission of the Rule 14a–2(b)(9)(ii) conditions, neither the above alternatives nor any other alternative to rescinding the conditions would be as effective in accomplishing our objectives. As discussed in more detail above, rescinding the Rule 14a–2(b)(9)(ii) conditions is appropriate because we believe that the potential informational benefits to investors of these conditions do not sufficiently justify the risks they pose to the cost, timeliness, and independence of proxy voting advice on which many investors rely.[343] We also believe that deleting Note (e) is appropriate given our conclusion that, rather than reducing legal uncertainty and confusion, the addition of Note (e) has unnecessarily exacerbated it. We believe that rescinding these rules is the best course of action to address these concerns.

Thus, the above alternatives are not relevant because we are rescinding rules that imposed requirements (*i.e.,* the Rule 14a–2(b)(9)(ii) conditions) rather than adopting new requirements that could be modified to account for their potential impact on small entities. Our objectives, therefore, would not be served by establishing different compliance or reporting requirements for small entities, exempting small entities from all or part of the requirements, or clarifying, consolidating or simplifying compliance and reporting requirements for small entities. Similarly, because the final amendments do not set forth any standards, our objectives would not be served by establishing performance rather than design standards.

Statutory Authority

We are adopting the rule amendments contained in this release under the authority set forth in Sections 3(b), 14, 23(a) and 36 of the Securities Exchange Act of 1934, as amended.

[343] *See supra* Section II.A.3.

List of Subjects

17 CFR Part 240

Brokers, Confidential business information, Fraud, Reporting and recordkeeping requirements, Securities.

17 CFR Part 276

Securities.

Text of Rule Amendments

In accordance with the foregoing, we are amending title 17, chapter II of the Code of Federal Regulations as follows:

PART 240—GENERAL RULES AND REGULATIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934

■ 1. The general authority citation for part 240 continues to read as follows:

Authority: 15 U.S.C. 77c, 77d, 77g, 77j, 77s, 77z–2, 77z–3, 77eee, 77ggg, 77nnn, 77sss, 77ttt, 78c, 78c–3, 78c–5, 78d, 78e, 78f, 78g, 78i, 78j, 78j–1, 78k, 78k–1, 78l, 78m, 78n, 78n–1, 78o, 78o–4, 78o–10, 78p, 78q, 78q–1, 78s, 78u–5, 78w, 78x, 78ll, 78mm, 80a–20, 80a–23, 80a–29, 80a–37, 80b–3, 80b–4, 80b–11, 7201 *et seq.,* and 8302; 7 U.S.C. 2(c)(2)(E); 12 U.S.C. 5221(e)(3); 18 U.S.C. 1350; Pub. L. 111–203, 939A, 124 Stat. 1376 (2010); and Pub. L. 112–106, sec. 503 and 602, 126 Stat. 326 (2012), unless otherwise noted.

* * * * *

■ 2. Amend § 240.14a–2 by revising paragraph (b)(9) to read as follows:

§ 240.14a–2 Solicitations to which § 240.14a–3 to § 240.14a–15 apply.

* * * * *

(b) * * *

(9) Paragraphs (b)(1) and (b)(3) of this section shall not be available to a person furnishing proxy voting advice covered by § 240.14a–1(l)(1)(iii)(A) (''proxy voting advice business'') unless the proxy voting advice business includes in its proxy voting advice or in an electronic medium used to deliver the proxy voting advice prominent disclosure of:

(i) Any information regarding an interest, transaction, or relationship of the proxy voting advice business (or its affiliates) that is material to assessing the objectivity of the proxy voting advice in light of the circumstances of the particular interest, transaction, or relationship; and

(ii) Any policies and procedures used to identify, as well as the steps taken to address, any such material conflicts of interest arising from such interest, transaction, or relationship.

§ 240.14a–9 [Amended]

■ 3. Amend § 240.14a–9 by removing paragraph e. of the Note.

PART 276—INTERPRETATIVE RELEASES RELATING TO THE INVESTMENT ADVISERS ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

■ 4. The authority citation for part 276 continues to read as follows:

Authority: 15 U.S.C. 80b *et seq.*

■ 5. Amend the table by removing the entry for ''Supplement to Commission Guidance Regarding the Proxy Voting Responsibilities of Investment Advisers''.

By the Commission.

Dated: July 13, 2022.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2022–15311 Filed 7–18–22; 8:45 am]

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Federal Register

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