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Contents

Federal Register

Vol. 87, No. 138

Wednesday, July 20, 2022

Reader Aids

Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents electronic mailing list, go to https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new, enter your e-mail address, then follow the instructions to join, leave, or manage your subscription.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR

Proclamations:
10423.....43199
10424.....43201

Executive Orders:
14077.....43203

7 CFR

Proposed Rules:
1230.....43222

10 CFR

Proposed Rules:
431.....43226

12 CFR

Proposed Rules:
Ch. VI.....43227

14 CFR
39.....43209

32 CFR

Proposed Rules:
310.....43228

33 CFR
100.....43212

39 CFR
3010.....43213

40 CFR
180.....43214

Proposed Rules:
174.....43231
180.....43231

50 CFR
648.....43219
679.....43220

Proposed Rules:
17.....43233

Federal Register
Vol. 87, No. 138
Wednesday, July 20, 2022

Presidential Documents

Title 3—

The President

Proclamation 10423 of July 15, 2022

Captive Nations Week, 2022

By the President of the United States of America

A Proclamation

America has firmly set its sights on the ideals of freedom, democracy, equality, liberty, and justice for all. We have never fully lived up to that founding promise, but we have never walked away from it either. These core values have also moved us to support people around the world—especially those who live under oppressive regimes—so that they can freely exercise their rights. As a long-standing democracy, the United States carries a responsibility to show the world how representative governance delivers benefits for all people. During Captive Nations Week, we reaffirm our commitment to supporting and amplifying the voices of the courageous individuals around the world who are striving to advance the universal principles of freedom, democracy, justice, and the rule of law while living under oppression.

Today, defending democracy is more vital and more urgent than ever. Around the world, we bear witness to alarming trends—autocratic nations brutally invading the territory of their neighbors, backsliding of democratic values, intrusive digital surveillance, widespread human rights abuses, and increasing acts of transnational repression. These practices and policies imperil the essential work of activists, journalists, and defenders of human rights, and they oppress average citizens. Increasingly, repressive regimes in Russia, Iran, Belarus, Syria, Cuba, Venezuela, Nicaragua, the Democratic People's Republic of Korea, the People's Republic of China, and elsewhere are seeking to subjugate not only those within their own borders but also those in other countries. They reach across borders to surveil, harass, threaten, and even kill human rights defenders, media workers, and civilians in other sovereign nations. It is an outrage and an affront to the rules-based order that underwrites international peace and security. The world's democracies must stand together and show the strength of our resolve to put an end to these injustices.

With the first Summit for Democracy in December 2021 and the ongoing Year of Action, the United States launched an effort to bring together governments around the world to counter authoritarianism, defend democracy, and safeguard the human rights and fundamental freedoms that foster peace, security, and prosperity. Collectively, we are working to bolster sustainable and independent media, protect and support civil society, and insist on the rule of law and accountability for those who commit abuses.

As Russia relentlessly wages its brutal and unprovoked war against the people of Ukraine, our Nation has led a global response to hold Russia accountable and denounce its inhumanity and its contempt for international law. We honor the valor and sacrifice of the people of Ukraine, who have reminded the world through their courage of the universal yearning for freedom. We will continue to stand with them as they defend their country, their liberty, and their democracy.

During Captive Nations Week, we stand in solidarity with the brave human rights and pro-democracy advocates around the world—many of whom risk their lives each day to protect the rights of others. We remain committed

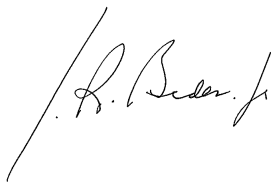
to ensuring that all those who are oppressed around the globe are heard, supported, and protected.

May Captive Nations Week reinvigorate our efforts to live up to our ideals by championing justice, dignity, and freedom for all.

The Congress, by joint resolution approved July 17, 1959 (73 Stat. 212), has authorized and requested the President to issue a proclamation designating the third week of July of each year as ''Captive Nations Week.''

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim July 17 through July 23, 2022, as Captive Nations Week. I call upon all Americans to reaffirm our commitment to championing those around the world who are working, often at great personal risk, to secure liberty and justice for all.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of July, in the year of our Lord two thousand twenty-two, and of the Independence of the United States of America the two hundred and forty-seventh.



[FR Doc. 2022–15590
Filed 7–19–22; 8:45 am]
Billing code 3395–F2–P

Federal Register
Vol. 87, No. 138
Wednesday, July 20, 2022

Presidential Documents

Proclamation 10424 of July 15, 2022

National Atomic Veterans Day, 2022

By the President of the United States of America

A Proclamation

On National Atomic Veterans Day, we recognize the brave service of America's Atomic Veterans. We renew our commitment to supporting Atomic Veterans and to preserving their stories, so that Americans will always remember both their crucial role in our history and our aspiration for a world without nuclear weapons.

The military personnel who participated in nuclear testing between 1945 and 1962, served in the Armed Forces in or around Hiroshima and Nagasaki through mid-1946, or were held as prisoners of war in or near Hiroshima or Nagasaki stand among our bravest heroes. Many of these veterans stepped forward to defend our democratic values and helped to end the deadliest conflict in history. Yet, despite their service in uniform, Atomic Veterans were prevented from discussing the nature of their service—including with their families. Although many Atomic Veterans developed serious health conditions due to radiation exposure, they were unable to seek medical care or disability compensation from the Department of Veterans Affairs (VA) for injuries and diseases associated with their exposure.

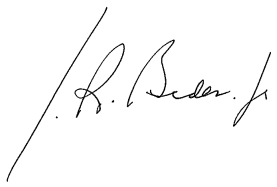
Decades later, when the United States Congress repealed the Nuclear Radiation and Secrecy Agreements Act, veterans exposed to radiation through their service-related activities were finally able to break their silence and qualify for select VA benefits and services. Tragically, many Atomic Veterans passed away without ever receiving the health care they deserved and without their families knowing the true extent of their service.

Our Nation has many obligations, but only one sacred obligation: to prepare and equip the troops that we send into harm's way and to care for them when they return home, as well as their families, caregivers, and survivors. For far too long, our Nation failed in our sacred obligation to our Atomic Veterans. It is a mistake our country must never repeat. I am committed to ensuring that all of our Nation's veterans and their families, caregivers, and survivors have timely access to the services, medical care, and benefits that they deserve—including addressing the health effects of exposures to environmental toxins and harmful substances, such as the toxic fumes from burn pits. Since taking office, we have made several improvements to how we identify and address potential service-connected conditions, and the First Lady and I are personally committed to ensuring that all our veterans and their families, caregivers, and survivors receive the benefits and services they have earned.

On National Atomic Veterans Day, we honor the Atomic Veterans who sacrificed on behalf our Nation. Our Atomic Veterans are patriots, and their bravery and service will always be remembered.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim July 16, 2022, as National Atomic Veterans Day. I call upon all Americans to observe this day with appropriate ceremonies and activities that honor our Nation's Atomic Veterans whose brave service and sacrifice played an important role in the defense of our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of July, in the year of our Lord two thousand twenty-two, and of the Independence of the United States of America the two hundred and forty-seventh.



[FR Doc. 2022–15593
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Federal Register
Vol. 87, No. 138
Wednesday, July 20, 2022

Presidential Documents

Title 3—

The President

Executive Order 14077 of July 15, 2022

Establishing an Emergency Board To Investigate Disputes Between Certain Railroads Represented by the National Carriers' Conference Committee of the National Railway Labor Conference and Their Employees Represented by Certain Labor Organizations

Disputes exist between certain railroads represented by the National Carriers' Conference Committee of the National Railway Labor Conference and their employees represented by certain labor organizations. The railroads and labor organizations involved in these disputes are designated on the attached list, which is made part of this order.

The disputes have not heretofore been adjusted under the provisions of the Railway Labor Act, as amended, 45 U.S.C. 151–188 (RLA).

I have been notified by the National Mediation Board that in its judgment these disputes threaten substantially to interrupt interstate commerce to a degree that would deprive a section of the country of essential transportation service.

NOW, THEREFORE, by the authority vested in me as President by the Constitution and the laws of the United States, including section 10 of the RLA (45 U.S.C. 160), it is hereby ordered as follows:

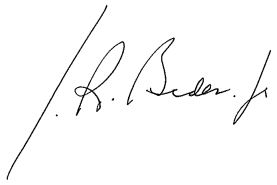
Section 1. *Establishment of Emergency Board (Board).* There is established, effective 12:01 a.m. eastern daylight time on July 18, 2022, a Board composed of a chair and two other members, all of whom shall be appointed by the President to investigate and report on these disputes. No member shall be pecuniarily or otherwise interested in any organization of railroad employees or any carrier. The Board shall perform its functions subject to the availability of funds.

Sec. 2. *Report.* The Board shall report to the President with respect to the disputes within 30 days of its creation.

Sec. 3. *Maintaining Conditions.* As provided by section 10 of the RLA, from the date of the creation of the Board and for 30 days after the Board has submitted its report to the President, no change in the conditions out of which the disputes arose shall be made by the parties to the controversy, except by agreement of the parties.

Sec. 4. *Records Maintenance.* The records and files of the Board are records of the Office of the President and upon the Board's termination shall be maintained in the physical custody of the National Mediation Board.

Sec. 5. *Expiration*. The Board shall terminate upon the submission of the report provided for in section 2 of this order.



THE WHITE HOUSE,
July 15, 2022.

Billing code 3395–F2–P

LIST OF PARTIES

Railroads

BNSF Railway Company

CSX Transportation, Inc.

The Kansas City Southern Railway Company

Norfolk Southern Railway Company

Union Pacific Railroad Company

Alameda Belt Line Railway

Alton & Southern Railway Company

The Belt Railway Company of Chicago

Bessemer and Lake Erie Railroad Company d.b.a. C.N.

Brownsville and Matamoros Bridge Company

Cedar River Railroad Company

Central California Traction Company

Consolidated Rail Corporation

Delaware & Hudson Railroad Company d.b.a. C.P.

Gary Railway Company

Grand Trunk Western Railroad Company d.b.a. C.N.

Idaho & Sedalia Transportation Company

Illinois Central Railroad Company d.b.a. C.N.

Indiana Harbor Belt Railroad Company

Kansas City Terminal Railway Company

Longview Switching Company

Los Angeles Junction Railway Company

New Orleans Public Belt Railroad Corporation

Norfolk & Portsmouth Belt Line Railroad Company

Northeast Illinois Regional Commuter Railroad Corporation

(METRA)

Northern Indiana Commuter Transportation District

Palmetto Railways

Port Terminal Railroad Association

Portland Terminal Railroad Company

Soo Line Railroad Company d.b.a. C.P.

Terminal Railroad Association of St. Louis

Texas City Terminal Railway Company

Union Railroad Company

Western Fruit Express Company

Wichita Terminal Association

Winston-Salem Southbound Railway Company

Wisconsin Central Ltd. d.b.a. C.N.

Labor Organizations

BMWED/SMART-MD Coalition consisting of:

Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters

International Association of Sheet Metal, Air, Rail and Transportation Workers – Railroad, Mechanical and Engineering Department

Coordinated Bargaining Coalition consisting of:

American Train Dispatchers Association

Brotherhood of Locomotive Engineers and Trainmen

Brotherhood of Railroad Signalmen

International Association of Machinists and Aerospace Workers

International Brotherhood of Boilermakers, Iron Ship Builders, Forgers and Helpers

International Brotherhood of Electrical Workers

National Conference of Firemen & Oilers, 32BJ, SEIU

International Association of Sheet Metal, Air, Rail and Transportation Workers – Transportation Division

3

Transportation Communications Union/IAM

Transport Workers Union of America

[FR Doc. 2022–15628
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Rules and Regulations

Federal Register
Vol. 87, No. 138
Wednesday, July 20, 2022

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

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–0877; Project Identifier AD–2022–00506–E; Amendment 39–22123; AD 2022–15–04]

RIN 2120–AA64

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain CFM International, S.A. (CFM) LEAP–1A model turbofan engines. This AD was prompted by reports of non-synchronous vibrations resulting in more open clearances and potential hot gas ingestion into the high-pressure turbine (HPT) rotor cavity, which may result in thermal degradation of the HPT rotor interstage seal and HPT rotor stage 2 disk. This AD requires inspection of the stage 2 HPT nozzle assembly honeycomb and HPT stator stationary seal honeycomb. Depending on the results of the inspection, this AD requires replacement of the stage 2 HPT nozzle assembly honeycomb, HPT stator stationary seal, HPT rotor interstage seal, and HPT rotor stage 2 disk. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective August 4, 2022.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of August 4, 2022.

The FAA must receive comments on this AD by September 6, 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 CFM International, S.A., Aviation Operations Center, 1 Neumann Way, M/D Room 285, Cincinnati, OH 45125; phone: (877) 432–3272; email: *aviation.fleetsupport@ge.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0877.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0877; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The street address for the Docket Operations is listed above.

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

SUPPLEMENTARY INFORMATION:

Background

On January 26, 2020, an Airbus Model A319NEO airplane, powered by CFM LEAP–1A model turbofan engines, experienced high vibrations. A subsequent engine disassembly by the manufacturer revealed three areas of missing material on the HPT rotor interstage seal and multiple radial and circumferential cracks on the forward arm. The manufacturer's investigation determined that the degraded HPT rotor interstage seal failure locations were initiated by creep rupture, related to hot gas ingestion due to reduced effectiveness of the stage 2 HPT nozzle honeycomb seals, a condition that could impact the HPT rotor stage 2 disk low-cycle fatigue life. This condition, if not addressed, could result in an uncontained release of the HPT rotor interstage seal and HPT rotor stage 2 disk, damage to the engine, and damage to the airplane. The FAA is issuing this AD to address the unsafe condition on these products.

FAA's Determination

The FAA is issuing this AD because the agency has determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Related Service Information Under 1 CFR Part 51

The FAA reviewed CFM Service Bulletin (SB) LEAP–1A–72–00–0460–01A–930A–D, Issue 002–00, dated June 10, 2022. This service information specifies procedures for inspecting the stage 2 HPT nozzle assembly honeycomb and HPT stator stationary seal honeycomb. This service information also specifies procedures for replacing the stage 2 HPT nozzle assembly honeycomb, HPT stator stationary seal, HPT rotor interstage seal, and HPT rotor stage 2 disk. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in **ADDRESSES**.

AD Requirements

This AD requires inspection of the stage 2 HPT nozzle assembly honeycomb and HPT stator stationary seal honeycomb. Depending on the results of the inspection, this AD requires replacement of the stage 2 HPT nozzle assembly honeycomb, HPT stator stationary seal, HPT rotor interstage seal, and HPT rotor stage 2 disk.

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.

The FAA has found the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because no domestic operators use this product. It is unlikely that the FAA will receive any adverse comments or useful information about this AD from any U.S. operator. Accordingly, notice and opportunity for prior public comment are unnecessary, pursuant to 5 U.S.C. 553(b)(3)(B). In addition, for the foregoing reason, 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.

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–2022–0877 and Project Identifier AD–2022–00506–E'' 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 Mehdi Lamnyi, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

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 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 0 engines installed on airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspect stage 2 HPT nozzle assembly honeycomb	3 work-hours × $85 per hour = $255	$0	$255	$0
Inspect HPT stator stationary seal honeycomb	3 work-hours × $85 per hour = $255	0	255	0

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replace HPT rotor interstage seal	8 work-hours × $85 per hour = $680	$168,000	$168,680
Replace HPT rotor stage 2 disk	8 work-hours × $85 per hour = $680	324,400	325,080
Replace stage 2 HPT nozzle assembly honeycomb	24 work-hours × $85 per hour = $2,040	951,840	953,880
Replace HPT stator stationary seal	8 work-hours × $85 per hour = $680	98,000	98,680

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

(2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2022–15–04 CFM International, S.A.: Amendment 39–22123; Docket No. FAA–2022–0877; Project Identifier AD–2022–00506–E.

(a) Effective Date

This airworthiness directive (AD) is effective August 4, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to CFM International, S.A. (CFM) LEAP–1A23, LEAP–1A24, LEAP–1A24E1, LEAP–1A26, LEAP–1A26CJ, LEAP–1A26E1, LEAP–1A29, LEAP–1A29CJ, LEAP–1A30, LEAP–1A32, LEAP–1A33, LEAP–1A33B2, LEAP–1A35A model turbofan engines with engine serial number (ESN) 598–280, 598–283, 598–284, 598–291, 598–300, 598–302, 598–327, 598–572, 598–629, 598–646, 598–648, 598–659, 598–667, 598–812, 598–862, 598–909, and 599–192.

(d) Subject

Joint Aircraft System Component (JASC) Code 7250, Turbine Section.

(e) Unsafe Condition

This AD was prompted by reports of non-synchronous vibrations resulting in more open clearances and potential hot gas ingestion into the high-pressure turbine (HPT) rotor cavity, which may result in thermal degradation of the HPT rotor interstage seal and HPT rotor stage 2 disk. The FAA is issuing this AD to prevent creep rupture and low-cycle fatigue of the HPT rotor interstage seal and HPT rotor stage 2 disk. The unsafe condition, if not addressed, could result in an uncontained release of the HPT rotor interstage seal and HPT rotor stage 2 disk, damage to the engine, and damage to the airplane.

(f) Compliance

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

(g) Required Actions

(1) Before reaching the lowest applicable inspection threshold in Accomplishment Instructions, paragraph 5.A.(1), Table 1 or Table 2 of CFM Service Bulletin LEAP–1A–72–00–0460–01A–930A–D, Issue 002–00, dated June 10, 2022 (the SB), as applicable to each ESN and engine rating, or within 100 cycles after the effective date of this AD, whichever occurs later, perform an inspection of the stage 2 HPT nozzle assembly honeycomb in accordance with the Accomplishment Instructions, paragraph 5.B.(3)(a) of the SB.

(2) If, during the inspection required by paragraph (g)(1) of this AD, the stage 2 HPT nozzle assembly honeycomb fails to meet the criteria in the Accomplishment Instructions, paragraphs 5.B.(3)(a)1 to 5.B.(3)(a)4 of the SB, perform the following:

(i) Before further flight, remove and replace the stage 2 HPT nozzle assembly honeycomb in accordance with the Accomplishment Instructions, paragraph 5.B.(3)(c)1 of the SB.

(ii) For engines with an installed HPT rotor interstage seal, identified by serial number in Accomplishment Instructions, paragraph 5.A.(1), Table 1 of the SB, before further flight, remove the HPT rotor interstage seal and replace with a part eligible for installation.

(iii) For engines with ESN 598–646 and ESN 598–812, before further flight, remove the HPT rotor stage 2 disk and replace with a part eligible for installation.

(iv) For Group 1 engines, or an engine that has previously operated as a Group 1 engine, before further flight, remove the HPT rotor stage 2 disk and replace with a part eligible for installation.

(3) Before reaching the lowest applicable inspection threshold in Accomplishment Instructions, paragraph 5.A.(1), Table 1 or Table 2 of the SB, as applicable to each ESN and engine rating, or within 100 cycles after the effective date of this AD, whichever occurs later, perform an inspection of the HPT stator stationary seal honeycomb in accordance with the Accomplishment Instructions, paragraph 5.B.(4)(a) of the SB.

(4) If, during the inspection required by paragraph (g)(3) of this AD, the HPT stator stationary seal honeycomb fails to meet the criteria in the Accomplishment Instructions, paragraph 5.B.(4)(a)1 to 5.B.(4)(a)3 of the SB, before further flight, replace the HPT stator stationary seal in accordance with the Accomplishment Instructions, paragraph 5.B.(4)(c)1, of the SB.

(h) Definition

For the purpose of this AD, Group 1 engines are affected LEAP–1A30, LEAP–1A32, LEAP–1A33, LEAP–1A33B2, and LEAP–1A35A model turbofan engines.

(i) No Reporting Requirement

The reporting requirements in the Accomplishment Instructions, paragraphs 5.B.(3)(a)5 and 5.B.(4)(a)4, of the SB, are not required by this AD.

(j) Alternative Methods of Compliance (AMOCs)

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

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

(k) Related Information

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

(l) Material Incorporated by Reference

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

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

(i) CFM Service Bulletin LEAP–1A–72–00–0460–01A–930A–D, Issue 002–00, dated June 10, 2022.

(ii) [Reserved]

(3) For CFM service information identified in this AD, contact CFM International, S.A., Aviation Operations Center, 1 Neumann Way, M/D Room 285, Cincinnati, OH 45125; phone: (877) 432–3272; email: *fleetsupport@ge.com.*

(4) You may view this service information at FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222–5110.

(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. 2022–15391 Filed 7–19–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2022–0596]

RIN 1625–AA08

Special Local Regulation; Tennessee River Mile 643–652, Knoxville, TN

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

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary special local regulation on the Tennessee River from mile marker 643 to 652 on August 6, 2022. This special local regulation is needed to protect personnel, vessels, and the marine environment from potential hazards created during the kayakers associated with the event. Entry into the regulated area is prohibited unless specifically authorized by the Captain of the Port Sector Ohio Valley (COTP).

DATES: This rule is effective from 8 a.m. until 4 p.m. on August 6, 2022.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2022–0596 in the search box and click ''Search.'' Next, in the Document Type column, select ''Supporting & Related Material.''

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email MST3 Joshua Rehl, MSD Nashville, U.S. Coast Guard; telephone 615–736–5421, email *Joshua.M.Rehl@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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. The Coast Guard was notified of the event without ample time to allow for a reasonable comment period because we must establish this special local regulation by August 6, 2022.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable because action is needed on August 6, 2022 to ensure the safety of the participants in the Three Rivers Regatta marine event.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port Sector Ohio Valley (COTP) has determined that potential hazards associated with with the Three Rivers Regatta, kayaking marine event, will be a safety concern for anyone within the kayaking area. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the special local regulated area for the duration of the rowing event.

IV. Discussion of the Rule

This rule establishes a special local regulation from 8 a.m. until 4 p.m. on August 6, 2022. The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters while the kayaking event is occuring. No vessel or person will be permitted to enter the regulated area without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration, and time-of-day of the special local regulation. This special local regulation restricts transit on the Tennessee River from mile 643 to 652. The area will have limited access for a period of 9 hours. Moreover, the Coast Guard would issue Broadcast Notices to Mariners, Local Notices to Mariners, and Marine Safety Information Bulletins, as appropriate, about this special local regulation so that waterway users may plan accordingly for this short restriction on transit This rule will allow vessels to request permission to enter the special local regulation.

B. Impact on Small Entities

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

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

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

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by

employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, 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 determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a special local regulation lasting only 9 hours that will prohibit entry within mile marker 643 to 652, on the Tennessee River, of vessels for the duration of the Three Rivers Regatta, rowing marine event. It is categorically excluded from further review under paragraph L61 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

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.

List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 46 U.S.C. 70041; 33 CFR 1.05–1.

■ 2. Add § 100.T08–0596 to read as follows:

§ 100.T08–0596 Special Local Regulation; Knoxville, TN, Tennessee River.

(a) *Regulated area.* The regulations in this section apply to the following area: All waters of the Tennessee River from mile marker 643 to mile marker 652.

(b) *Definitions.* As used in this section—

Designated representative means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Sector Ohio Valley (COTP) in the enforcement of the regulations in this section.

Participant means all persons and vessels registered with the event sponsor as a participants in the race.

(c) *Regulations.* (1) All non-participants are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area described in paragraph (a) of this section unless authorized by the Captain of the Port Sector Ohio Valley or their designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's representative by Sector Ohio Valley command center at 502–779–5422. Those in the regulated area must comply with all lawful orders or directions given to them by the COTP or the designated representative.

(3) The COTP will provide notice of the regulated area through advanced notice via broadcast notice to mariners and by on-scene designated representatives.

(d) *Enforcement period.* This section will be enforced from 8 a.m. until 4 p.m. on August 6, 2022.

Dated: July 13, 2022.

H.R. Mattern,

Captain, U.S. Coast Guard, Captain of the Port Sector Ohio Valley.

[FR Doc. 2022–15500 Filed 7–19–22; 8:45 am]

BILLING CODE 9110–04–P

POSTAL REGULATORY COMMISSION

39 CFR Part 3010

[Docket No. RM2022–4; Order No. 6222]

RIN 3211–AA26

Rules of Practice and Procedure

AGENCY: Postal Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission is revising its rules of practice and procedure regarding notices, motions, and information requests to provide specific rules for motions for reconsideration of final Commission orders.

DATES: Effective August 19, 2022.

ADDRESSES: For additional information, Order No. 6222 can be accessed electronically through the Commission's website at *https://www.prc.gov.*

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

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Background

The Commission currently considers timely motions for reconsideration of its final orders to determine if those motions raise material errors of fact or

law.[1] However, there are no existing Commission rules specific to motions for reconsideration, including when such a motion should be considered timely. Movants file such motions citing to the Commission's general rule for motions, found in 39 CFR 3010.160, or the underlying rules governing the subject matter of the docket.

II. Basis and Purpose of Final Rules

The instant revisions provide rules specific to motions for reconsideration. These revised rules provide guidance with respect to the timing, content, and procedural requirements of these motions, as well as their effect on appellate deadlines, to facilitate public participation in Commission dockets, and to ensure finality of Commission orders.

III. Final Rules

The Commission adopts regulations in order to improve the clarity of its procedures by providing rules specific to motions for reconsideration.

List of Subjects in 39 CFR Part 3010

Administrative practice and procedure, Confidential business information, Freedom of information, Sunshine Act.

For the reasons stated in the preamble, the Commission amends chapter III of title 39 of the Code of Federal Regulations as follows:

PART 3010—RULES OF PRACTICE AND PROCEDURE

■ 1. The authority citation for part 3010 continues to read as follows:

Authority: 39 U.S.C. 404(d); 503; 504; 3661.

■ 2. Add § 3010.165 to read as follows:

§ 3010.165 Motions for reconsideration.

(a) Any person may file a motion requesting reconsideration of a final order by the Commission.

(b) The motion shall be filed within 15 days of the issuance of the final order that is the subject of the motion and must:

(1) Briefly and specifically allege material errors of fact or law and the relief sought; and

(2) Be confined to new questions raised by the determination or action ordered and upon which the moving party had no prior opportunity to submit arguments.

(c) Upon filing a motion for reconsideration, the underlying Commission order is not deemed to be final for purposes of 39 U.S.C. 3663 until final disposition of the motion.

Erica A. Barker,

Secretary.

[FR Doc. 2022–15437 Filed 7–19–22; 8:45 am]

BILLING CODE 7710–FW–P

[1] *See, e.g.,* Docket No. RM2020–9, Order Denying United Parcel Service, Inc.'s Motion for Reconsideration of Order No. 6048, January 28, 2022 (Order No. 6097).

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2021–0356; FRL–9839–01–OCSPP]

Spiropidion; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of the insecticide spiropidion and its metabolites and degradates in or on multiple commodities which are identified and discussed later in this document. Syngenta Crop Protection, LLC requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective July 20, 2022. Objections and requests for hearings must be received on or before September 19, 2022 and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2021–0356, is available at *https://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room and the OPP Docket is (202) 566–1744. Please review the visitor instructions and additional information about the EPA Docket Center and Reading Room that are available at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Marietta Echeverria, Acting Director, Registration Division (7505T), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460; main telephone number: (202) 566–1030; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Office of the Federal Register's e-CFR site at *https://www.ecfr.gov/current/title-40.*

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2021–0356 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing and must be received by the Hearing Clerk on or before September 19, 2022. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–

2021–0356, by one of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *https://www.epa.gov/dockets/contacts.html.* Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *https://www.epa.gov/dockets.*

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of June 28, 2021 (86 FR 33924) (FRL–10025–08), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 0E8880) by Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC 27419–8300. The petition requested that 40 CFR part 180 be amended by establishing tolerances for residues of the insecticide spiropidion, [3-(4-chloro-2,6-dimethyl-phenyl)-8-methoxy-1-methyl-2-oxo-1,8-diazaspiro[4.5]dec-3-en-4-yl ethyl carbonate] and its metabolite SYN547305 [3-(4-chloro-2,6-dimethyl-phenyl)-8-methoxy-1-methyl-1,8-diazaspiro[4.5]decane-2,4-dione; and 2-(4-chloro-2,6-dimethyl-phenyl)-1-hydroxy-8-methoxy-4-methyl-4,8-diazaspiro[4.5]dec-1-en-3-one], in or on the following raw agricultural/processed and livestock commodities: cucurbit vegetables (crop group 9) at 0.8 parts per million (ppm); fruiting vegetables (crop group 8) at 1.5 ppm; soybeans at 3 ppm; potato (crop subgroup 1C) at 1.5 ppm; poultry meat at 0.01 ppm; meat byproducts of poultry at 0.01 ppm; fat of poultry at 0.01 ppm; eggs at 0.01 ppm; milk and milk byproducts at 0.01 ppm; meat byproducts of cattle, goat, hogs, horses and sheep at 0.3 ppm; fat of cattle, goat, hogs, horses and sheep at 0.04 ppm; wet tomato peel at 3 ppm; dried tomato pomace at 40 ppm; tomato paste at 3 ppm; tomato puree at 2 ppm; dried tomatoes at 15 ppm; soy meal at 5 ppm; soy flour at 5 ppm; pollard at 4 ppm; soy aspirated grain fractions at 6 ppm; raw peeled potatoes at 3 ppm; baked potatoes with skin at 3 ppm; potato chips/fries at 2 ppm; potato granules/flakes at 5 ppm; potato process waste at 3 ppm; dried potato pulp at 3 ppm; and potato protein at 5 ppm. That document referenced a summary of the petition prepared by Syngenta Crop Protection, LLC, the registrant, which is available in the docket, *https://www.regulations.gov.* There were no comments received in response to the notice of filing.

Based on review of the data supporting the petition and EPA policy, EPA has revised some of the commodity definitions and tolerance levels from the petition. The reason for these changes are explained in Unit IV.C.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for spiropidion including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with spiropidion follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The toxicological database for spiropidion is complete and indicates that decreased body weight and mortality were the most common adverse effects observed. The dog was the most sensitive species with effects including severe clinical signs (salivation, unsteadiness on feet, ataxia, being subdued, twitching, abnormal breathing, hypersensitivity, and tremors) leading to humane euthanasia after acute, subchronic and chronic exposure at doses ≥30 mg/kg/day. No additional treatment related effects in dogs were observed at doses that did not cause severe clinical signs. These effects occurred at doses ~4x lower and ~7x lower than the doses at which effects were observed in rats and mice, respectively. In rats, decreased body weight was observed at the highest dose tested following a 28-day exposure. Additionally, in rats, minimal to mild thyroid follicular cell hypertrophy was consistently observed across subchronic durations. In mice, premature death was observed in both sexes at the highest dose tested (448.6/465.4 mg/kg/day male/female) following subchronic exposure. At lower dose levels in mice, increased urea and blood urea nitrogen concentrations, increased alkaline phosphatase levels (females), decreased albumin levels and albumin/globulin ratio (females), and increased liver weights (males) were observed. However, these findings were not considered adverse, as there were no corroborating macroscopic or microscopic pathology findings noted in mice. Following chronic exposure in the rat and mouse, no adverse effects were observed up to the highest dose tested. Decreased body weight in males and severe convulsions in females were observed at a relatively high dose (500 mg/kg) in the acute neurotoxicity study in rats. No adverse effects were observed in rats following exposures via the dermal route up to the limit dose.

There was no evidence of increased pre- or post-natal sensitivity or susceptibility observed in the database. No adverse parental, offspring, or reproductive effects were observed in the two-generation reproductive toxicity study up to the highest dose tested. No adverse parental or developmental effects were observed in the rat and rabbit developmental toxicity studies up to the highest dose tested.

Spiropidion is classified as ''Not Likely to Be Carcinogenic to Humans'' based on a lack of treatment related neoplastic lesions in two species and no mutagenic concerns.

Specific information on the studies received and the nature of the adverse effects caused by spiropidion as well as the no observed adverse effect level

(NOAEL) and the lowest observed adverse effect level (LOAEL) from the toxicity studies can be found at *https://www.regulations.gov* in the document entitled ''Spiropidion: First Food Use; Human Health Risk Assessment for the Establishment of Permanent Tolerances without U.S. Registration for Residues in or on Soybean, Tomato, Bell and Nonbell Peppers, Muskmelon, Watermelon, Cucumber, Pumpkin, and Potato'' in docket ID number EPA–HQ–OPP–2021–0356.

B. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies points of departure (PODs) and levels of concern (LOCs) to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *https://www.epa.gov/risk*.

A summary of the toxicological endpoints for spiropidion used for human risk assessment can be found in the Spiropidion Human Health Risk Assessment.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to spiropidion, EPA considered exposure under the petitioned-for tolerances. EPA assessed dietary exposures from spiropidion in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure. Such effects were identified for spiropidion. Acute dietary (food only) exposure and risk assessments were conducted using the Dietary Exposure Evaluation Model software with the Food Commodity Intake Database (DEEM–FCID) Version 4.02. This software uses 2005–2010 food consumption data from the U.S. Department of Agriculture's (USDA's) National Health and Nutrition Examination Survey, What We Eat in America (NHANES/WWEIA). The current assessment includes bell and nonbell pepper, cucumber, muskmelon, potato, pumpkin, soybean, tomato, watermelon, and fat and meat byproducts of cattle, goats, horses, and sheep.

EPA conducted an unrefined acute dietary (food only) exposure assessment for the proposed uses of spiropidion. EPA's default processing factors for potato dry commodities, dried tomato, tomato paste, tomato puree, and soybean flour were set to 1 as processing data for these commodities are available and no appreciable concentration of residues that would require an additional tolerance was identified. In addition, EPA's default processing factors were also used for dried bell and dried nonbell pepper. It was assumed that 100% of the crops were treated. As the request is for tolerances without U.S. registration, residues in drinking water are not expected.

Results of the acute dietary assessment indicate that the general U.S. population and all other population subgroups have exposure and risk estimates below EPA's level of concern (LOC). The acute dietary exposure estimate is 3.2% of the aPAD for the general U.S. population, and 7.3% of the aPAD for the highest exposed population subgroup, children 1–2 years old.

ii. *Chronic exposure.* In conducting the chronic dietary (food only) exposure assessment, EPA used DEEM–FCID Version 4.02 with 2005–2010 food consumption data from the USDA's NHANES/WWEIA. EPA's default processing factors for potato dry commodities, dried tomato, tomato paste, tomato puree, and soybean flour were set to 1 as processing data for these commodities are available and no concentration of residues that would require an additional tolerance was required. In addition, EPA's default processing factors were also used for dried bell and dried nonbell pepper. It was assumed that 100% of the crops were treated. As the request is for tolerances without U.S. registration, residues in drinking water are not expected.

EPA conducted an unrefined chronic dietary (food only) exposure assessment for the proposed uses of spiropidion. Results of the chronic dietary assessment indicate that the general U.S. population and all other population subgroups have exposure and risk estimates below EPA's LOC. The chronic dietary exposure estimate is 2.3% of the cPAD for the general U.S. population, and 6.7% of the cPAD for the highest exposed population subgroup, children 1–2 years old.

iii. *Cancer.* EPA determines whether quantitative cancer exposure and risk assessments are appropriate for a food-use pesticide based on the weight of the evidence from cancer studies and other relevant data. Cancer risk is quantified using a linear or nonlinear approach. If sufficient information on the carcinogenic mode of action is available, a threshold or nonlinear approach is used and a cancer RfD is calculated based on an earlier noncancer key event. If carcinogenic mode of action data are not available, or if the mode of action data determines a mutagenic mode of action, a default linear cancer slope factor approach is utilized. Based on the data summarized in Unit III.A., EPA has concluded that spiropidion does not pose a cancer risk to humans. Therefore, a dietary exposure assessment for the purpose of assessing cancer risk was unnecessary.

iv. *Anticipated residue and percent crop treated (PCT) information.* EPA did not use anticipated residue and/or PCT information in the dietary assessment for spiropidion. Tolerance level residues and/or 100 PCT were assumed for all food commodities.

2. *Dietary exposure from drinking water.* Spiropidion is not registered for use in the United States; therefore, EPA assumes that there is no exposure through groundwater or surface water sources of drinking water. Because residues are not expected in drinking water, dietary risk estimates include exposures from food only.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* for lawn and garden pest control, indoor pest control, termiticides, and fleas and tick control on pets). Spiropidion is not registered for any specific use patterns that would result in residential exposure.

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a

tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA has not found spiropidion to share a common mechanism of toxicity with any other substances, and spiropidion does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, EPA has assumed that spiropidion does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's website at *https://www.epa.gov/pesticides/cumulative.*

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional ten-fold (10x) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines, based on reliable data, that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the Food Quality Protection Act (FQPA) Safety Factor (SF). In accordance with Section 408(b)(2)(C) of the Federal Food, Drug, and Cosmetic Act (FFDCA), EPA either retains the default value of 10x margin of safety or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* The toxicology database is complete and is adequate for the purpose of assessing prenatal and postnatal susceptibility based on the following considerations: (1) the toxicity database is complete and includes adequate studies to assess potential susceptibility in the young; (2) no effects were identified in the prenatal developmental studies or in the two-generation reproduction toxicity study up to the highest dose tested; and (3) the endpoints chosen for risk assessment are protective of any potential susceptibility that may occur at higher doses.

3. *Conclusion.* EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF of 10x were reduced to 1x. That decision is based on the following findings:

i. The toxicology database is considered complete and is adequate for the purpose of assessing prenatal and postnatal susceptibility. Acceptable guideline studies for developmental, reproductive toxicity, and neurotoxicity are available for FQPA SF assessment.

ii. There is evidence of potential neurotoxicity in the acute neurotoxicity study (ACN) (severe convulsions in females) and in the subchronic and chronic dog studies (clinical signs indicative of potential neurotoxicity); however, concern is low because (1) the effects observed in the ACN were observed at a relatively high dose (500 mg/kg); (2) clear NOAELs were identified for the neurotoxic effects; and (3) the points of departure chosen for risk assessment are protective of any potential neurotoxicity observed in the database.

iii. There was no evidence of increased quantitative or qualitative pre-natal susceptibility in the rabbit or rat developmental toxicity studies or postnatal susceptibility in the two-generation reproduction toxicity study up to the highest doses tested. Even though these studies did not test up to the limit dose, there is little concern about the potential for toxicity and/or susceptibility at higher doses than those tested since (1) the current POD (15 mg/kg/day) is protective of any potential developmental and/or reproductive effects that may occur above the highest tested doses used in these studies (>30.6/24.1 mg/kg/day [M/F]) and (2) the dog is the more sensitive species and additional developmental and reproductive studies in the rat and rabbit are not expected to have a lower POD than currently used.

iv. There are no residual uncertainties identified in the exposure databases. An unrefined dietary exposure assessment was completed, and tolerance level residues and 100 PCT were assumed; therefore, dietary exposures will not underestimate the exposure and risks posed by spiropidion.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the aPAD and cPAD. For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* Imported commodities will be the only source of exposure for spiropidion in the U.S.; therefore, the aggregate assessment was limited to food exposure (acute and chronic). As a result, the aggregate assessments are equivalent to the dietary assessments and are not of concern. Based on the explanation in Unit III.C.3., acute residential exposure to residues of spiropidion is not expected.

2. *Chronic risk.* Imported commodities will be the only source of exposure for spiropidion in the U.S.; therefore, the aggregate assessment was limited to food exposure (acute and chronic). As a result, the aggregate assessments are equivalent to the dietary assessments and are not of concern. Based on the explanation in Unit III.C.3., chronic residential exposure to residues of spiropidion is not expected.

3. *Short-term risk.* Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Because no short-term exposure scenario has been identified for spiropidion, no short-term aggregate exposure is expected.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Because no intermediate-term exposure scenario has been identified for spiropidion, no intermediate-term aggregate exposure is expected.

5. *Aggregate cancer risk for U.S. population.* Based on the lack of evidence of carcinogenicity in two adequate rodent carcinogenicity studies, spiropidion is not expected to pose a cancer risk to humans.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general U.S. population, or to infants and children from aggregate exposure to spiropidion residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Syngenta has submitted an acceptable method description and method validation data and an independent laboratory validation (ILV) for a ''Quick, Easy, Cheap, Effective, Rugged, and Safe'' method (QuEChERS) liquid chromatography done with tandem mass spectroscopy (LC/MS/MS), Method No. BPL19–0035, for the determination of residues of spiropidion

and metabolite SYN547305 in crop commodities for purposes of regulatory enforcement. In addition, Syngenta has submitted an acceptable method description and method validation data and an ILV for LC/MS/MS Method No. PG26LL for the determination of residues of metabolites SYN547305 (free and conjugated) in livestock commodities for purposes of regulatory enforcement.

These methods may be requested from: Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Road, Suite 5350, Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov.*

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Joint Meeting on Pesticide Residues (JMPR) proposed Codex MRLs for residues of spiropidion in or on soybean; melon, watermelon, cucumber, tomato, potato, pumpkin, bell and nonbell pepper; meat byproduct of cattle, goat, hogs, horses, and sheep; fat of cattle, goat, hogs, horses, and sheep. The JMPR recommendations will be considered by the Codex Committee on Pesticide Residues (CCPR) and potentially adopted by the Codex Alimentarius Commission this year. The tolerance level for residues in pumpkin and tomato have been harmonized to the proposed Codex MRLs. The tolerance level for residues in bell and nonbell pepper have not been harmonized with the proposed Codex MRLs because the MRL is lower than the tolerance for pepper and harmonizing could result in a situation where compliance with label directions results in residues in excess of the tolerance.

C. Revisions to Petitioned-For Tolerances

EPA is establishing tolerances for most of the commodities requested by the petitioner; however, a number of the tolerances being established as part of this action differ from what was initially requested in the tolerance petition. All of the revisions and/or changes to the petitioned-for tolerances and the reasoning behind those changes were presented to the petitioner and subsequently accepted. The reasoning for those revisions are explained in full detail below.

EPA revised the commodity definitions for the requested tolerances for soybeans; cucurbit vegetables (crop group 9); fruiting vegetables (crop group 8); potato (crop subgroup 1C); fat of cattle, goat, horse and sheep; and meat byproduct of cattle, goat, horse and sheep to be consistent with EPA's commodity vocabulary. Several of the requested tolerances are being established at levels that differ from what was requested based on available residue data and the use of the Organization for Economic Co-operation and Development (OECD) MRL calculator and/or for harmonization purposes. EPA has also determined that tolerances for residues in the processed commodities of potato and tomato are not required because the tolerances for the raw commodities are sufficient to cover the processed commodities. In addition, based upon estimated dietary burden and the results of the metabolism study, hog and poultry tolerances are not needed. Further, a tolerance for milk is not being established based upon results in the ruminant feeding study in that milk does not contain residues of spiropidion.

EPA has determined that tolerances for residues in the processed commodities of soybean and pollard are not required. Soybean and pollard are considered to be minor livestock feed items, and EPA does not set tolerances for, nor does it require residue data on minor livestock feed items. The tolerance for soybean, seed is sufficient to cover these processed commodities; therefore, a tolerance for soybean and pollard are not needed. Based upon a soybean processing study, EPA has also determined that a tolerance for soybean aspirated grain fractions is not required because it is covered by the tolerance set on soybean, seed.

Although the petitioner originally requested tolerances for crop group 8, crop group 9 and crop subgroup 1C, EPA is establishing tolerances only for the representative commodities for which residue data were submitted.

V. Conclusion

Therefore, tolerances are established for residues of the insecticide spiropidion and its metabolites and degradates in or on cucumber at 0.8 ppm; muskmelon at 0.9 ppm; pepper, bell at 1.5 ppm; pepper, nonbell at 1.5 ppm; potato at 1.5 ppm; pumpkin at 0.9 ppm; soybean, seed at 3 ppm; tomato at 0.8 ppm; watermelon at 0.9 ppm; cattle, fat at 0.03 ppm; cattle, meat byproducts at 0.3 ppm; goat, fat at 0.03 ppm; goat, meat byproducts at 0.3 ppm; horse, fat at 0.03ppm; horse, meat byproducts at 0.3 ppm; sheep, fat at 0.03 ppm; sheep, meat byproducts at 0.3 ppm. Compliance with tolerances for the plant commodities will be determined by measuring only the sum of spiropidion [3-(4-chloro-2,6-dimethyl-phenyl)-8-methoxy-1-methyl-2-oxo-1,8-diazaspiro[4.5]dec-3-en-4-yl ethyl carbonate] and its metabolite SYN547305 [3-(4-chloro-2,6-dimethyl-phenyl)-8-methoxy-1-methyl-1,8-diazaspiro[4.5]decane-2,4-dione; and 2-(4-chloro-2,6-dimethyl-phenyl)-1-hydroxy-8-methoxy-4-methyl-4,8-diazaspiro[4.5]dec-1-en-3-one], calculated as the stoichiometric equivalent of spiropidion, in or on the plant commodities. Compliance with the tolerances for the livestock commodities will be determined by measuring only SYN547305 [3-(4-chloro-2,6-dimethyl-phenyl)-8-methoxy-1-methyl-1,8-diazaspiro[4.5]decane-2,4-dione; and 2-(4-chloro-2,6-dimethyl-phenyl)-1-hydroxy-8-methoxy-4-methyl-4,8-diazaspiro[4.5]dec-1-en-3-one], calculated as the stoichiometric equivalent of spiropidion, in or on the livestock commodities.

VI. Statutory and Executive Order Reviews

This action establishes tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This action does not

contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994). Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or Tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or Tribal Governments, on the relationship between the National Government and the States or Tribal Governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian Tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000), do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: July 13, 2022.

Edward Messina,

Director, Office of Pesticide Programs.

Therefore, for the reasons stated in the preamble, EPA is amending 40 CFR chapter I as follows:

PART 180—TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES IN FOOD

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. Add § 180.723 to subpart C to read as follows:

§ 180.723 Spiropidion; tolerances for residues.

(a) *General.* (1) Tolerances are established for residues of the insecticide spiropidion, including its metabolites and degradates, in or on the commodities in Table 1 to this paragraph (a)(1). Compliance with the tolerance levels specified in Table 1 to this paragraph (a)(1) is to be determined by measuring only the sum of spiropidion [3-(4-chloro-2,6-dimethyl-phenyl)-8-methoxy-1-methyl-2-oxo-1,8-diazaspiro[4.5]dec-3-en-4-yl ethyl carbonate] and its metabolite SYN547305 [3-(4-chloro-2,6-dimethyl-phenyl)-8-methoxy-1-methyl-1,8-diazaspiro[4.5]decane-2,4-dione; and 2-(4-chloro-2,6-dimethyl-phenyl)-1-hydroxy-8-methoxy-4-methyl-4,8-diazaspiro[4.5]dec-1-en-3-one], calculated as the stoichiometric equivalent of spiropidion, in or on the following plant commodities:

TABLE 1 TO PARAGRAPH (a)(1)

Commodity	Parts per million
Cucumber [1]	0.8
Muskmelon [1]	0.9
Pepper, bell [1]	1.5
Pepper, nonbell [1]	1.5
Potato [1]	1.5
Pumpkin [1]	0.9
Soybean, seed [1]	3
Tomato [1]	0.8
Watermelon [1]	0.9

[1] There are no U.S. registrations for this commodity as of July 20, 2022.

(2) Tolerances are established for residues of the insecticide spiropidion, including its metabolites and degradates, in or on the commodities in Table 2 to this paragraph (a)(2). Compliance with the tolerance levels specified in Table 2 to this paragraph (a)(2) is to be determined by measuring only SYN547305 [3-(4-chloro-2,6-dimethyl-phenyl)-8-methoxy-1-methyl-1,8-diazaspiro[4.5]decane-2,4-dione; and 2-(4-chloro-2,6-dimethyl-phenyl)-1-hydroxy-8-methoxy-4-methyl-4,8-diazaspiro[4.5]dec-1-en-3-one], calculated as the stoichiometric equivalent of spiropidion, in or on the following livestock commodities:

TABLE 2 TO PARAGRAPH (a)(2)

Commodity	Parts per million
Cattle, fat [1]	0.03
Cattle, meat byproducts [1]	0.3
Goat, fat [1]	0.03
Goat, meat byproducts [1]	0.3
Horse, fat [1]	0.03
Horse, meat byproducts [1]	0.3
Sheep, fat [1]	0.03
Sheep, meat byproducts [1]	0.3

[1] There are no U.S. registrations for this commodity as of July 20, 2022.

(b)–(d) [Reserved]

[FR Doc. 2022–15410 Filed 7–19–22; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 220126–0034; RTID 0648–XC185]

Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfers From VA to NY and RI

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

ACTION: Notification; quota transfers.

SUMMARY: NMFS announces that the Commonwealth of Virginia is transferring a portion of its 2022 commercial bluefish quota to the states of New York and Rhode Island. These quota adjustments are necessary to comply with the Atlantic Bluefish Fishery Management Plan quota transfer provisions. This announcement informs the public of the revised commercial bluefish quotas for Virginia, New York, and Rhode Island.

DATES: Effective July 19, 2022 through December 31, 2022.

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

SUPPLEMENTARY INFORMATION: Regulations governing the Atlantic bluefish fishery are found in 50 CFR 648.160 through 648.167. These regulations require annual specification of a commercial quota that is apportioned among the coastal states from Maine through Florida. The process to set the annual commercial quota and the percent allocated to each state is described in § 648.162, and the final 2022 allocations were published on February 2, 2022 (87 FR 5739).

The final rule implementing Amendment 1 to the Bluefish Fishery Management Plan (FMP) published in the **Federal Register** on July 26, 2000 (65 FR 45844), and provided a mechanism for transferring bluefish quota from one state to another. Two or more states, under mutual agreement and with the concurrence of the NMFS Greater Atlantic Regional Administrator, can request approval to transfer or combine bluefish commercial quota under § 648.162(e)(1)(i) through (iii). The Regional Administrator must approve any such transfer based on the criteria in § 648.162(e). In evaluating requests to transfer a quota or combine quotas, the Regional Administrator shall consider whether: The transfer or combinations would preclude the overall annual quota from being fully harvested; the transfer addresses an unforeseen variation or contingency in the fishery; and the transfer is consistent with the objectives of the FMP and the Magnuson-Stevens Act.

Virginia is transferring 40,000 lb (18,144 kg) to New York and 40,000 lb (18,144 kg) to Rhode Island through mutual agreement of the states. These transfers were requested to ensure that New York and Rhode Island would not exceed their 2022 state quotas. The revised bluefish quotas for 2022 are: Virginia, 309,802 lb (140,524 kg); New York, 454,693 lb (206,254 kg); and Rhode Island, 294,956 lb (133,790 kg).

Classification

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

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

Dated: July 15, 2022.

Jennifer M. Wallace,

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

[FR Doc. 2022–15509 Filed 7–19–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 220223–0054; RTID 0648–XC083]

Fisheries of the Exclusive Economic Zone Off Alaska; Several Groundfish Species in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; apportionment of reserves; request for comments.

SUMMARY: NMFS apportions amounts of the non-specified reserve to the initial total allowable catch (ITAC) of Bering Sea and Aleutian Islands (BSAI) Kamchatka flounder and Central Aleutian Islands and Western Aleutian Islands (CAI/WAI) blackspotted/rougheye rockfish. This action is necessary to allow the fisheries to continue operating. It is intended to promote the goals and objectives of the fishery management plan for the BSAI management area.

DATES: Effective July 15, 2022, through 2400 hours, Alaska local time, December 31, 2022. Comments must be received at the following address no later than 4:30 p.m., Alaska local time, August 4, 2022.

ADDRESSES: You may submit comments on this document, identified by docket number NOAA–NMFS–2022–0076, by any of the following methods:

Electronic Submission: Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *https://www.regulations.gov* and enter NOAA–NMFS–2022–0076 in the Search box. Click on the ''Comment'' icon, complete the required fields, and enter or attach your comments.

Mail: Submit written comments to Anne Marie Eich, Acting Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS. Mail comments to P.O. Box 21668, Juneau, AK 99802–1668.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907–586–7228.

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

The 2022 ITAC of BSAI Kamchatka flounder was established as 7,832 metric tons (mt) and the 2022 ITAC of CAI/WAI blackspotted/rougheye rockfish was established as 150 mt by the final 2022 and 2023 harvest specifications for groundfish of the BSAI (87 FR 11626, March 2, 2022). In accordance with § 679.20(a)(3) the Regional Administrator, Alaska Region, NMFS, has reviewed the most current available data and finds that the ITACs for BSAI Kamchatka flounder and CAI/WAI blackspotted/rougheye rockfish need to be supplemented from the non-specified reserve to promote efficiency in the utilization of fishery resources in the BSAI and allow fishing operations to continue.

Therefore, in accordance with § 679.20(b)(3), NMFS apportions from the non-specified reserve of groundfish to ITACs in the BSAI management area as follows: 1,382 mt to BSAI Kamchatka flounder and 27 mt to CAI/WAI blackspotted/rougheye rockfish. These apportionments are consistent with § 679.20(b)(1)(i) and do not result in overfishing of any target species because the revised ITACs and total allowable catches (TACs) are equal to or less than the specifications of the acceptable biological catch in the final 2022 and 2023 harvest specifications for groundfish in the BSAI (87 FR 11626, March 2, 2022).

The harvest specification for the 2022 ITACs and TACs included in the harvest

specifications for groundfish in the BSAI are revised as follows 9,214 mt for BSAI Kamchatka flounder and 177 mt for CAI/WAI blackspotted/rougheye rockfish

Classification

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

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the apportionment of the non-specified reserves of groundfish to the BSAI Kamchatka flounder and CAI/WAI blackspotted/rougheye rockfish. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of June 25, 2022.

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

Under § 679.20(b)(3)(iii), interested persons are invited to submit written comments on this action (see **ADDRESSES**) until August 4, 2022.

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

Dated: July 15, 2022.

Jennifer M. Wallace,

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

[FR Doc. 2022–15510 Filed 7–15–22; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 87, No. 138
Wednesday, July 20, 2022

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1230

[Doc. No. AMS–LP–22–0032]

Pork Promotion, Research, and Consumer Information Order—Decrease in Assessment Rate and Importer Assessments

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: Pursuant to the Pork Promotion, Research, and Consumer Information Act of 1985 (Act) and the Pork Promotion, Research, and Consumer Information Order (Order) thereunder, this proposed rule would decrease the current rate of assessment of the market value of live porcine animals and decrease the amount of assessment per pound due on imported pork and pork products. These reductions in assessment rates are made in response to the increase in the average prices of live hogs and reflect the National Pork Producers Delegate Body's (Delegate Body) desire to lessen the assessment burden on producers and make such funds available to pork producers and the industry. The adjustment in importer assessments also would bring the equivalent market value of live animals from which imported pork and pork products are derived in line with the market value of domestic porcine animals. A Harmonized Tariff Schedule number for prepared or preserved pork also would be updated in the regulation.

DATES: Comments must be received by August 19, 2022.

ADDRESSES: Submit comments identified by docket number AMS–LP–22–0032 online at *https://www.regulations.gov* or mail to Maribel Reyna, Agricultural Marketing Specialist; Research and Promotion Division; Livestock and Poultry Program, AMS, USDA; Room 2625–S, STOP 0251, 1400 Independence Avenue SW, Washington, DC 20250–0251. All comments will be made available for public inspection, including name and address, if provided, via internet at *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Maribel Reyna; Agricultural Marketing Specialist; Research and Promotion Division; Telephone: (202) 302–1139; or email to *Maribel.Reyna@usda.gov.*

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This rulemaking does not meet the definition of significant regulatory action contained in section 3(f) of Executive Order (E.O.) 12866 and is not subject to review by the Office of Management and Budget (OMB).

Executive Order 12988

This proposed rule has been reviewed under E.O. 12988, Civil Justice Reform. This proposal is not intended to have a retroactive effect. The Act states that the statute is intended to occupy the field of promotion and consumer education involving pork and pork products and of obtaining funds thereof from pork producers and that the regulation of such activity (other than a regulation or requirement relating to a matter of public health or the provision of State or local funds for such activity) that is in addition to or different from the Act may not be imposed by a State.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under Sec. 1625 of the Act, a person subject to an order may file a petition with the United States Department of Agriculture (USDA) stating that such order, a provision of such order or an obligation imposed in connection with such order is not in accordance with the law; and requesting a modification of the order or an exemption from the order. Such person is afforded the opportunity for a hearing on the petition. After the hearing, the USDA would rule on the petition. The Act provides that the district court of the United States in the district in which a person resides or does business has jurisdiction to review the USDA's determination, if a complaint is filed no later than 20 days after the date such person receives notice of such determination.

Executive Order 13175

This proposed rule has also been reviewed under E.O. 13175, Consultation and Coordination with Indian Tribal Governments. E.O. 13175 requires Federal agencies to consult and coordinate with tribes on a government-to-government basis on: (1) policies that have tribal implication, including regulation, legislative comments, or proposed legislation; and (2) other policy statements or actions that 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. The Agricultural Marketing Service (AMS) has assessed the impact of this proposed rule on Indian tribes and determined that this rule would not have tribal implications that require consultation under E.O. 13175. AMS participates on teleconference with tribal leaders where matters of mutual interest regarding the marketing of agricultural products are discussed. Information about the proposed changes to the assessment rate will be shared during the next call, and tribal leaders will be informed about the opportunity to submit comments. AMS will work with the USDA, Office of Tribal Relations to ensure meaningful consultation is provided as needed with regards to the proposed rule.

Regulatory Flexibility Act and Paperwork Reduction Act

This action was reviewed under the Regulatory Flexibility Act (5 United States Code (U.S.C.) 601 *et seq.*) in the Order initially published in the September 5, 1986, issue of the **Federal Register** (51 FR 31898). The AMS Administrator determined at that time that the Order would not have significant economic impact on a substantial number of small entities; therefore, a regulatory impact analysis was not required. The Census of Agriculture reports that 64,871 U.S. farms produce hogs and pigs in 2017. Many of those farms are likely to be classified as small business by having total sales less than the $3.5 million threshold set by the Small Business Administration (SBA) definition (13 CFR 121.201). AMS does not believe that this rule change will have a significant or differential economic

impact on small producers because total assessments paid are proportionate to the value of hogs sold by a producer.

This proposed rule would decrease the rate of the assessment from 0.40 percent of the market value of porcine animals to 0.35 percent and decrease the amount of assessment per pound due on imported pork and pork products. While domestic assessments are only made to live porcine animals, assessments on imports are made to both live animal imports and post-slaughter pork and pork products. This update to the regulations updates assessments on the imported product based on the Harmonized Tariff Schedule (HTS) to bring the equivalent market value of live animals from which imported pork and pork products are derived in line with the market value of domestic porcine animals.

From 2018 to 2020, total checkoff revenue ranged from $72.3 million to $77.6 million. In that time, 95.6 percent of all revenue was from domestic sales and 4.4 was derived from assessments on imported hogs and pork products. Of domestic revenue, 98.6 percent was derived from market hogs and 1.4 percent was derived from feeder hogs. In 2021, total checkoff revenue increased approximately 41 percent to $103.6 million, an increase primarily reflecting the 47 percent increase in live hog prices.[1] Despite the price increase, both the share of all revenue derived from imports and the share of domestic revenue share derived from live hogs was mostly unchanged in 2021 relative to previous years.

The assessment decrease would reduce annual funding of the promotion, research, and consumer information program by an estimated $13.5 million under the assumption that 2021 market conditions persist. This decrease reflects both a $12.3 million reduction in domestic assessments stemming from the 12.5 percent decrease in the rate of assessment for live hogs (*i.e.,* the change from 0.40 to 0.35 percent assessment for live weight hogs), which totaled $98.4 million in 2021 and a $1.2 million reduction in importer assessments.

In 2021, the gross market value of all swine marketed in the United States was approximately $27 billion. The proposed assessment decrease reflects the Delegate Body's desire to lessen the assessment burden on producers and make such funds available to pork producers and the industry. The expected benefit of the rule change is savings of $13.5 million in assessments that would have been paid under the existing rule. The expected cost of the rule is the potential loss of returns accruing to the industry from promotion, research, and consumer information programs paid for by the National Pork Board using assessment funds. While these programs have been shown to earn positive returns in academic studies when considering pre-2021 data, the sharp 2021 increase in assessment revenue is likely to create diminishing marginal returns to advertising.[2] However, even with the proposed reduction in assessment rates, total program funds will have still increased significantly above 2020 levels owing to the ongoing increase in price levels, assuming the general market conditions of 2021 persist. For these reasons, the economic impact of the proposed assessments is not expected to be a significant part of the total market value of swine. Accordingly, the AMS Administrator determined that this action will not have a significant economic impact on substantial number of small entities.

The information collection requirements have been previously approved by the OMB and have been assigned OMB control number 0581–0093. Reapproval for the information collection will not be necessary since the rate assessment does not substantially change the assessment collection process.

The Act (7 U.S.C. 4801–4819), enacted on December 23, 1985, authorized the establishment of a national pork promotion, research, and consumer information program. The final Order at 7 CFR part 1230 establishing a pork promotion, research, and consumer information program was published in the September 5, 1986, issue of the **Federal Register** (51 FR 31898; as corrected, at 51 FR 36383 and amended at 53 FR 1909, 53 FR 30243, 56 FR 4, 56 FR 51635, 60 FR 29962, 61 FR 28002, 62 FR 26205, 63 FR 45935, 64 FR 44643, 66 FR 67071, 67 FR 58320, and 69 FR 9924) and assessments began on November 1, 1986. The program was funded by an initial assessment rate of 0.25 percent of the market value of all porcine animals marketed in the United States and on imported porcine animals with an equivalent assessment on pork and pork products. However, that rate was increased to 0.35 percent effective December 1, 1991 (56 FR 51635) and to 0.45 percent effective September 3, 1995 (60 FR 29962). Further, the rate was decreased to 0.40 percent effective September 30, 2002 (67 FR 58320). The import assessments were decreased by five-hundredths to seven-hundredths of a cent per pound effective April 2, 2004, to reflect a decrease in the 2002 average price for domestic barrows and gilts (69 FR 9924). The total annual assessment rate collected in 2021 was $103.6 million. Assessments on imported pork and pork products accounted for about $4.5 million of the total.

The Order requires that producers pay to the National Pork Board an assessment of 0.40 percent of the market value of each porcine animal upon sale (7 CFR 1230.112). However, for purposes of collecting and remitting assessments, porcine animals are divided into three separate categories (1) feeder pigs, (2) slaughter hogs, and (3) breeding stock. Regulations under 7 CFR 1230.71 specifies that purchasers of feeder pigs, slaughter hogs, and breeding stock shall collect an assessment on these animals if assessments are due. Section 1230.71(b) of the Order further provides that for the purpose of collecting and remitting assessments persons engaged as a commission merchant, auction market, or livestock market in the business of receiving such porcine animals for sale on commission for or on behalf of a producer shall be deemed to be a purchaser.

Section 1230.110(a) requires importers of porcine animals to pay U.S. Customs Service (USCS), upon importation, the assessment of 0.40 percent of the porcine animal's declared value and importers of pork and pork products to pay USCS, upon importation, the assessment of 0.40 percent of the market value of the live porcine animals from which such pork and pork products were produced.

The Act and Order contain provisions for adjusting the rate of assessment. The Delegate Body has the responsibility to recommend the rate of assessment to the Department. The 2022 Delegate Body, at its annual meeting March 9–11, 2022, in Louisville, Kentucky, voted to recommend to the USDA the rate of assessment of 0.40 percent be decreased to 0.35 percent. In 2022, the Secretary appointed 155 members to serve on the Delegate Body, including 150 producers and 5 importers. At the Delegate Body annual meeting, 145 Delegates were present representing 101,017.5 valid share votes. There were 98,797.6 share votes cast following floor debate of the resolution for the rate assessment reduction. There were 93,151.3 share votes cast in favor of the 0.05 percent decrease in checkoff rate assessment. A simple majority of share votes is

[1] Specifically, the Barrow and Gilt National Base Live Equivalent Price (51–52% Lean) rose from its 2018–20 average of $45.7 to $67.29 per cwt.

[2] Kaiser, Harry M. ''An Economic Analysis of the National Pork Board Checkoff Program'' Publication of the National Pork Board, January 2022.

required to pass the resolution (7 CFR 1230.36). The assessment rate decrease will also apply to the amount of assessment on imported pork and pork products pursuant to the 7 CFR 1230.110.

Methodology and Analysis

AMS weighed the costs and benefits of the proposed change in pork assessment rates, acknowledging the role the Delegate Body plays in the disposition of funds and its insight into the effect of an assessment decrease. The cost of the assessment reduction is the reduced funds available for research, promotion and consumer information of pork and pork products and activities that strengthen and increase demand for lives hogs sold by producers paying the assessment. Economic research has shown that such research and promotion programs generally yield positive net returns to producers, a finding confirmed in the National Pork Board's own commissioned evaluation of the program based on data through 2020. While this finding would initially suggest that a reduction in the assessment would reduce returns to pork producers (and thus fails a cost benefit analysis test), AMS notes the sharp increase in pork prices in the intervening period as a mitigating factor to relying solely on that study.

Between 2018 and 2020, the national barrows and gilt national base live weight equivalent price for 51–51% lean hogs was $45.69 per cwt on a slaughter of 131.5 million head. In 2021, the price rose 47% to $67.29 per cwt while slaughter only fell 2 percent to 129.0 million head. Together, these changes have caused checkoff revenue to increase 41 percent between 2020 and 2021. While the reduced assessment will lower expected assessment revenue in future years from 2021, AMS still expects revenue to be greater than the 2018–2020 average in 2022 and in future years owing to the expected continuation of elevated prices.

In its assessments of the costs of the proposed rule, AMS assumed that demand for hogs and pork products is unchanged in the short run by any reduction in promotion expenditure that may result from the reduced assessment. As such, AMS finds there would be no cost to the proposed rule change in terms of reduced demand for pork. AMS notes that research and promotion spending is likely to exhibit diminishing marginal returns, meaning that the large increase in promotion expenditure from the 2021 increase in assessment revenue is unlikely to generate economic returns as those returns estimated from data in earlier periods, which started at a lower level.[3] AMS also notes that the National Pork Board, subject to the Secretary's approval, determines specifically how assessment revenue is spent to promote pork consumption and enhance demand. Subsequently, it is also likely to know the point at which the highest return promotional opportunities have been exhausted and that additional advertising becomes ineffective. Based on its independent analysis of market trends and the research on returns to the pork checkoff program, AMS agrees with the National Pork Board and its Delegate Body in recommending the reduction in the assessment rate.

AMS notes that total assessment revenue is expected to remain above the 2020 level despite the assessment rate reduction. On this point, AMS calculated the total reduction in assessment revenue as the sum of the reduction in domestic and foreign revenue. Between 2018 and 2020, about 95.6 percent of assessment revenue was from domestic assessments on live hogs, most of which are market hogs although all types of hogs pay the same assessment rate. AMS estimated the reduction in domestic revenue of $12.3 by multiplying 2021 domestic revenue level of $97.3 million by the 12.5 percent reduction in the rate of assessment (*i.e.,* the change in the assessment rate from 0.4 to 0.35 dollars per hundred weight.)

AMS estimated the reduction in import assessment revenue using trade data available from the USDA Foreign Agricultural Service. This data shows that approximately 49 percent of assessment revenue from imports in 2021 was derived from live hog assessments, which, like domestic hogs, would see a 12.5 percent reduction in the rate of assessment. The remaining 51 percent of pork and processed pork products would see variable decreases in the rate of assessments, all of which are larger in magnitude than the 12.5 percent in the live hog rate. AMS calculated the average rate reduction for these pork and processed products to be 38.6 percent based on each product's average value share of imports between 2019 and 2021. AMS then calculated a change in the rate of all import assessments of 25.9 percent, calculated as the sum of the 49 percent revenue share for live hogs times the 12.5 assessment reduction plus the 51 percent revenue share for pork products times the 38.6 percent reduction. Applying the average rate of assessment to the $4.53 million in assessment revenue from imports in 2021, AMS found that import revenue would fall by $1.2 million.

The adjustment in importer assessments also would bring the equivalent market value of live animals from which imported pork and pork products are derived in line with the market value of domestic porcine animals. Since the original rule was put in place, the wholesale-to-farm price spread for pork has increased from 38.7 percent in 2002 to 74 percent between 2019 and 2021, as report by the USDA Economic Research Service. Other things equal, a widening price spread will cause assessments on finished wholesale products to increase relative to hogs. This rule reduces the assessment rate for imported processed products by 38.6 percent on average but only 12.5 percent for live hogs.

This is not the first reduction in assessment rate for this program. As mentioned above, the program was funded by an initial assessment rate of 0.25 percent. The rate was increased to 0.35 percent effective December 1, 1991 (56 FR 51635) and then to 0.45 percent effective September 3, 1995 (60 FR 29962). Further, the rate was decreased to 0.40 percent effective September 30, 2002 (67 FR 58320). The import assessments were decreased by five-hundredths to seven-hundredths of a cent per pound effective April 2, 2004, to reflect a decrease in the 2002 average price for domestic barrows and gilts (69 FR 9924).

From 2012 to current, working off a comparable rate decrease, the Board has continued to build industry initiatives that have long-term return on investment impact for pork producers. Over the years, the Board has initiated several major projects that continue to add value to the industry regardless of budget such as building trust and adding value through a positive image of US Pork, establishing US Pork as the global leader in sustainability agriculture, preventing and preparing for foreign animal diseases, and strengthening state and industry partnerships to build support that keeps

[3] In the 2021 publication ''An Economic Analysis of the National Pork Board Checkoff Program'', Kaiser finds that benefit-cost ratios (BCR) for expenditure components of pork assessments to range from 71.58 to 1.37 using data from 1976 to 2020. At the lower bound of that range, the 1.37 BCR value indicates that a dollar invested in promotion raises returns to producer by 1.37. That research also finds that the 90 percent lower bound for the marginal benefit-cost ratio is less one for the category of demand enhancing research (indicating negative producer returns) and between 5 and 7 for pork advertising and non-advertising promotion. These estimates, however, only consider the effects of changing program expenditure by 1 percent. AMS believes that for some promotional activities funded by the checkoff the BCR may fall below one if expenditure increases by 41 percent as it did in 2021.

people, pigs and the planet as leading fundamentals. Even with the proposed rate reduction, AMS has no reason to believe that the Board could not effectively continue its goal to develop and expand markets for pork and pork products by funding promotion, research, and consumer information initiatives.

Further, over the past 10 years the National Pork Board has averaged producer checkoff revenue of $80.6 million. Even with an estimated $13.5 million ($12.3 million of that decrease deriving from reduced domestic assessments and $1.2 million deriving from reduced importer assessments) reduction in assessment revenue, the total assessment revenue would still fall above the last 10-year average assessment revenue.

AMS assumes that the reduction in promotional spending from the new rates would have a negligibly small effect on demand, especially given the still substantial increase in promotion spending above historic levels. For this reason, the costs of the rule would be small as well. The benefits of the rule, however, would be the direct saving to producers of $13.5 million in reduced assessment payments. Together, AMS assesses that the benefits to this rule change would exceed its costs.

List of Subjects in 7 CFR Part 1230

Administrative practice and procedure, Advertising, Agriculture research, Meat and meat products, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Agricultural Marketing Service proposes to amend 7 CFR part 1230 as follows:

PART 1230—PORK PROMOTION, RESEARCH, AND CONSUMER INFORMATION

■ 1. The authority citation for part 7 CFR part 1230 continues to read as follows:

Authority: 7 U.S.C. 4801–4819.

■ 2. Section 1230.110 is revised to read as follows:

§ 1230.110 Assessments on imported pork and pork products.

(a) The following Harmonized Tariff Schedule (HTS) categories of imported live porcine animals are subject to assessment at the rate specified.

Live porcine animals	Article description	Assessment
0103.10.0000	Purebred breeding animals	0.35 percent Customs Entered Value.
0103.91.00	Other: Weighing less than 50 kg each.	
0103.91.0010	Weighing less than 7 kg each	0.35 percent Customs Entered Value.
0103.91.0020	Weighing 7 kg or more but less than 23 kg each	0.35 percent Customs Entered Value.
0103.91.0030	Weighing 23 kg or more but less than 50 kg each	0.35 percent Customs Entered Value.
0103.92.00	Weighing 50 kg or more each.	
0103.92.0010	Imported for immediate slaughter	0.35 percent Customs Entered Value.
0103.92.0090	Other	0.35 percent Customs Entered Value.

(b) The following HTS categories of imported pork and pork products are subject to assessment at the rates specified.

Pork and pork products	Article description	Assessment	
		Cents/lb	Cents/kg
0203	Meat of swine, fresh, chilled, or frozen: Fresh or chilled:		
0203.11.0000	Carcasses and half-carcasses	.15	.390920
0203.12.1010	Processed hams and cuts thereof, with bone in	.15	.390920
0203.12.1020	Processed shoulders and cuts thereof, with bone in	.15	.390920
0203.12.9010	Other hams and cuts thereof, with bone in	.15	.390920
0203.12.9020	Other shoulders and cuts thereof, with bone in	.15	.390920
0203.19.2010	Processed spare ribs	.18	.457058
0203.19.2090	Processed other	.18	.457058
0203.19.4010	Bellies	.15	.390920
0203.19.4090	Other	.15	.390920
0203.21.0000	Frozen carcasses and half-carcasses	.15	.390920
0203.22.1000	Frozen-processed hams, shoulders, and cuts thereof, with bone in	.15	.390920
0203.22.9000	Frozen-other hams, shoulders, and cuts thereof, with bone in	.15	.390920
0203.29.2000	Frozen processed other	.18	.457058
0203.29.4000	Frozen other: Other	.15	.390920
0206	Edible offal of bovine animals, swine, sheep, goats, horses, asses, mules or hinnies, fresh, chilled, or frozen:		
0206.30.0000	Of swine, fresh or chilled	.15	.390920
0206.41.0000	Of swine, frozen: Livers	.15	.390920
0206.49.0000	Of swine, frozen: Other:	.15	.390920
0210	Meat and edible meat offal, salted, in brine, dried or smoked; edible flours and meals of meat or meat offal:		
0210.11.0010	Meat of swine: Hams and cuts thereof, with bone in	.15	.390920
0210.11.0020	Meat of swine: Shoulders and cuts thereof, with bone in	.15	.390920
0210.12.0020	Meat of swine: Bellies (streaky) and cuts thereof, Bacon	.15	.390920
0210.12.0040	Meat of swine: Bellies (streaky) and cuts thereof, Other	.15	.390920
0210.19.0010	Meat of swine: Canadian style bacon	.18	.457058
0210.19.0090	Meat of Swine: Other	.18	.457058
1601	Sausages and similar products, of meat, meat offal or blood; food preparations based on these products:		

Pork and pork products	Article description	Assessment	
		Cents/lb	Cents/kg
1601.00.2010	Pork canned	.23	.567288
1601.00.2090	Pork other	.23	.567288
1602	Other prepared or preserved meat, meat offal or blood:	.....	.....
1602.41.2020	Of swine: Boned and cooked and packed in airtight containers holding less than 1 kg	.25	.611380
1602.41.2040	Of swine: Shoulders and cuts thereof: Other boned and cooked and packed in airtight containers.	.25	.611380
1602.41.9000	Of swine: Other	.15	.390920
1602.42.2020	Of swine: Shoulders and cuts thereof: Boned and cooked and packed in airtight containers holding less than 1 kg.	.25	.611380
1602.42.2040	Of swine: Shoulders and cuts thereof: Other boned and cooked and packed in airtight containers.	.25	.611380
1602.42.4000	Of swine: Other shoulders and cuts thereof	.15	.390920
1602.49.2000	Of swine: Other, including mixtures: Not containing cereals or vegetables: Boned and cooked and packed in air-tight containers.	.23	.567288
1602.49.4000	Of swine: Other, including mixtures: Not containing cereals or vegetables: Other	.18	.457058
1602.49.9000	Of swine: Other, including mixtures: Other	.18	.457058

■ 3. Section 1230.112 is revised to read as follows:

§ 1230.112 Rate of assessment.

In accordance with § 1230.71(d) the rate of assessment shall be 0.35 percent of market value.

Melissa Bailey,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2022–15266 Filed 7–19–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF ENERGY

10 CFR Part 431

[EERE–2021–BT–STD–0027]

RIN 1904–AD34

Energy Conservation Program: Energy Conservation Standards for Commercial Water Heating Equipment; Reopening of Comment Period

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

ACTION: Notice of proposed rulemaking; reopening of public comment period.

SUMMARY: On May 19, 2022, the U.S. Department of Energy (DOE or the Department) published in the **Federal Register** a notice of proposed rulemaking and announcement of public meeting regarding energy conservation standards for commercial water heaters. DOE received three requests to extend the public comment period by 60 days. DOE has reviewed and denied these requests. But, considering the particular circumstances of DOE's denial of these petitions, the Department is reopening the public comment period to allow comments to be submitted until August 1, 2022.

DATES: The comment period for the notice of proposed rulemaking published in the **Federal Register** on May 19, 2022 (87 FR 30610) is reopened until August 1, 2022. Written comments, data, and information are requested and will be accepted on and before August 1, 2022.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at *www.regulations.gov.* Follow the instructions for submitting comments. Alternatively, interested persons may submit comments, identified by docket number EERE–2021–BT–STD–0027, by any of the following methods:

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

(2) *Postal Mail:* Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, Mailstop EE–5B, 1000 Independence Avenue SW, Washington, DC, 20585–0121. Telephone: (202) 287–1445. If possible, please submit all items on a compact disc (''CD''), in which case it is not necessary to include printed copies.

(3) *Email:* to *CommWater Heaters2021STD0027@ee.doe.gov.* Include docket number EERE–2021–BT–STD–0027 in the subject line of the message.

No telefacsimilies (''faxes'') will be accepted.

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

The docket web pages can be found at: *www.regulations.gov/docket/EERE-2021-BT-STD-0027.* The docket web page contains instructions on how to access all documents, including public comments, in the docket.

FOR FURTHER INFORMATION CONTACT:

Ms. Julia Hegarty, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–5B, 1000 Independence Avenue SW, Washington, DC, 20585–0121. Telephone: (240) 597–6737. Email: *ApplianceStandardsQuestions@ee.doe.gov.*

Mr. Matthew Ring, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW, Washington, DC, 20585–0121. Telephone: (202) 586–2555. Email: *Matthew.Ring@hq.doe.gov.*

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

SUPPLEMENTARY INFORMATION: On May 19, 2022, DOE published in the **Federal Register** a notice of proposed rulemaking (''NOPR'') and announcement of public meeting regarding energy conservation standards for commercial water heaters. DOE stated it would accept written comments, data, and information on the proposal by July 18, 2022. 87 FR 30610.

On June 17, 2022, DOE received a joint comment from the American Public Gas Association (''APGA''), American Gas Association (''AGA''), Plumbing-Heating- Cooling Contractors—National Association

(''PHCC''), Air-Conditioning, Heating, & Refrigeration Institute (''AHRI''), Spire Inc., Spire Missouri Inc., and Spire Alabama Inc. (collectively, the ''Joint Commenters''), requesting a 60-day extension of the public comment period to allow more time to review the NOPR, the preliminary Technical Support Document (''TSD''), and the supportive material.[1] On July 8, 2022, DOE also received a comment from Atmos Energy requesting a 60-day extension to allow for the collection and analysis of data from their service territories.[2] Finally on July 11, 2022, DOE also received a comment from Bradford White Corporation requesting a 60-day extension of the public comment period as DOE has produced a substantial number of rulemakings in the past few months, and additional time is needed to meaningfully respond to these actions.[3]

In response, DOE notes its continued belief that a 60-day comment period is sufficient for most proposed rules.[4] Generally, DOE will consider extending comment periods for good cause when the proposed rule is unusually complex or presents novel issues.[5] Absent a showing of good cause, DOE will adhere to its default 60-day comment period. As DOE has explained, it is the Department's view that 60-days comment periods adequately balance the need for efficient rulemaking to meet statutory rulemaking deadlines with the public's interest in meaningfully participating in those rulemakings. In this case, DOE has reviewed these requests and determined that none of the petitioners have shown good cause to extend the 60-day comment period. However, given the timing of this notice, DOE is nevertheless reopening the comment period until August 1, 2022.

Signing Authority

This document of the Department of Energy was signed on July 15, 2022, by Kelly J. Speakes-Backman, Principal Deputy Assistant Secretary for Energy Efficiency and Renewable Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on July 15, 2022.

Treena V. Garrett,

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

[FR Doc. 2022–15504 Filed 7–19–22; 8:45 am]

BILLING CODE 6450–01–P

[1] See *https://www.regulations.gov/comment/EERE-2021-BT-STD-0027-0007.*

[2] See *https://www.regulations.gov/comment/EERE-2021-BT-STD-0027-0011.*

[3] See *https://www.regulations.gov/comment/EERE-2021-BT-STD-0027-0012.*

[4] See Procedures, Interpretations, and Policies for Consideration in New or Revised Energy Conservation Standards and Test Procedures for Consumer Products and Commercial/Industrial Equipment, 86 FR 35668, 35674 (proposed July 7, 2021).

[5] *Id.* (''DOE may extend the comment period, as appropriate and on a case-by-case basis, commensurate with the nature and complexity of the energy conservation standard at issue.'')

FARM CREDIT ADMINISTRATION

12 CFR Chapter VI

RIN 3052–AD55

Statement on Regulatory Burden

AGENCY: Farm Credit Administration.

ACTION: Notice of intent; request for comment.

SUMMARY: The Farm Credit Administration (FCA, our, or we) issues this notice and request for comment to facilitate a retrospective analysis of the requirements the FCA imposes on Farm Credit System (System) institutions, including the Federal Agricultural Mortgage Corporation (Farmer Mac). We ask for public comments on any of our regulations that may be unnecessary, unduly burdensome or costly, duplicative of other requirements, outmoded, insufficient, ineffective, or not based on law.

DATES: Please send your comments to FCA by October 18, 2022.

ADDRESSES: For accuracy and efficiency, we encourage commenters to submit comments by email or through the FCA website. We do not accept comments submitted by facsimile (fax) because faxes are difficult for us to process and achieve compliance with section 508 of the Rehabilitation Act. Regardless of the method you use, please do not submit your comment multiple times via different methods. You may submit comments by any one of the following:

Email: Send us an email at *reg-comm@fca.gov.*

FCA website: https://www.fca.gov. Click inside the ''I want to . . .'' field near the top of the page; select ''comment on a pending regulation'' from the dropdown menu; and click ''Go.'' This takes you to an electronic public comment form.

Mail: Autumn R. Agans, Deputy Director, Office of Regulatory Policy, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102–5090.

We will show your comments as submitted, including any supporting data provided, but for technical reasons we may omit some items such as logos and special characters. Identifying information that you provide, such as phone numbers and addresses, will be publicly available. However, we will attempt to remove email addresses to help reduce internet spam.

You may review copies of all comments we receive on our website at *https://www.fca.gov.* Once you are on the website, click inside the ''I want to . . .'' field near the top of the page; select ''find comments on a pending regulation'' from the dropdown menu; and click ''Go.'' This will take you to the Comment Letters page where you can select the regulation for which you would like to read the public comments. You may also review comments at our office in McLean, Virginia. Please call us at (703)883–4056 or email us at *reg-comm@fca.gov* to make an appointment.

FOR FURTHER INFORMATION CONTACT:

Technical Information: Luke Gallegos, Policy Analyst, Office of Regulatory Policy, Farm Credit Administration, McLean, VA 22102–5090, (703)883–4414, TTY (703)883–4056, or *ORPMailbox@fca.gov;* or

Legal Information: Rebecca Orlich, Senior Counsel, Office of General Counsel, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4020, TTY (703)883–4056.

SUPPLEMENTARY INFORMATION:

I. Objective

The objective of this notice and request for comment is to continue our comprehensive review of regulations governing the System and to eliminate, consistent with law and the safety and soundness of the System, all regulations that are unnecessary, unduly burdensome or costly, or not based on the law.

This notice requests public comment on FCA regulations that were effective prior to January 1, 2022, and are not currently on our Unified Agenda as a Notice of Proposed Rulemaking or Advance Notice of Proposed Rulemaking; and

- May duplicate other requirements;
- Are ineffective;
- Are not based on law; or
- Impose burdens that are greater than the benefits received.

We encourage all interested parties to respond to this notice and request for comment. We are especially interested to understand how our regulations affect associations differently. In particular, how does an association's district location, size compared to other associations in the district, or complexity of operations impact the burden of specific regulations?

II. Background

FCA is an independent Federal agency in the executive branch of the Government responsible for examining and regulating System institutions. System banks and associations primarily provide loans to farmers, ranchers, aquatic producers and harvesters, agricultural cooperatives, and rural utilities. Farmer Mac provides a secondary market for agricultural and rural housing mortgages and eligible rural utility cooperative loans.

III. Our Continuing Efforts to Reduce Unnecessary Regulatory Burdens

As stated in section 212 of the Farm Credit System Reform Act of 1996, ''The Farm Credit Administration shall continue the comprehensive review of regulations governing the Farm Credit System to identify and eliminate, consistent with law, safety, and soundness, all regulations that are unnecessary, unduly burdensome or costly, or not based on law.'' This review is consistent with Presidential Executive Order (E.O.) 13579, dated July 11, 2011, on Regulation and Independent Regulatory Agencies.

The regulations of FCA subject to regulatory review described in this notice are codified in title 12, chapter VI, of the Code of Federal Regulations. We request your comments on any FCA regulations that may duplicate other governmental requirements, are not effective in achieving stated objectives, are not based on law, or create a burden that is perceived to be greater than the benefits received. Please do not respond to this solicitation with comments concerning proposed regulations currently under review, or final regulations that did not become effective prior to January 1, 2022.

Your comments will assist us in our continuing efforts to identify and reduce unnecessary regulatory burdens on System institutions. We will also continue our efforts to maintain and adopt regulations necessary to implement the Farm Credit Act of 1971, as amended, and ensure the safety and soundness of the System. These actions will enable System institutions to better serve the credit needs of America's farmers, ranchers, aquatic producers and harvesters, cooperatives, and rural residents, in the changing agricultural credit markets.

Date: July 14, 2022.

Ashley Waldron,

Secretary, Farm Credit Administration Board.

[FR Doc. 2022–15434 Filed 7–19–22; 8:45 am]

BILLING CODE 6705–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 310

[Docket ID: DoD–2022–OS–0082]

RIN 0790–AL44

Privacy Act of 1974; Implementation

AGENCY: Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Department of Defense (DoD).

ACTION: Proposed rule.

SUMMARY: The Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency (OATSD(PCLT)) is giving concurrent notice of a new component-wide system of records pursuant to the Privacy Act of 1974 for the CIG–30, Data Analytics Platform system of records and this proposed rulemaking. In this rulemaking, the Department proposes to exempt portions of this system of records from certain provisions of the Privacy Act because of national security and law enforcement requirements and to avoid interference during the conduct of criminal, civil, or administrative actions or investigations.

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

ADDRESSES: You may submit comments, identified by docket number, Regulation Identifier Number (RIN), and title, by any of the following methods.

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

* *Mail:* Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Regulatory Directorate, 4800 Mark Center Drive, Attn: Mailbox 24, Suite 08D09, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name and docket number or RIN for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *https://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Ms. Rahwa Keleta, *OSD.DPCLTD@mail.mil;* (703) 571–0070.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with the Privacy Act of 1974, the Office of the Inspector General (OIG) is establishing a new Component-wide system of records titled CIG–30, Data Analytics Platform. The records collected will assist with the performance of audits, evaluations, investigations, and reviews of DoD programs, functions, and individuals. The system consists of both electronic and paper records and will be used by the Office of the Inspector General to maintain records about individuals who are subject and/or associated with a matter involved in DoD OIG audits, evaluations, investigations, and reviews.

II. Privacy Act Exemption

The Privacy Act allows Federal agencies to exempt eligible records in a system of records from certain provisions of the Act, including those that provide individuals with a right to request access to and amendment of their own records. If an agency intends to exempt a particular system of records, it must first go through the rulemaking process pursuant to 5 U.S.C. 553(b)(1)–(3), (c), and (e). This proposed rule explains why an exemption is being claimed for this system of records and invites public comment, which DoD will consider before the issuance of a final rule implementing the exemption.

The OATSD(PCLT) proposes to modify 32 CFR part 310 to add a new Privacy Act exemption rule for the CIG–30, ''Data Analytics Platform,'' system of records. The DoD OIG proposes this exemption because some of its records may contain classified national security information, and as a result, notice, access, amendment, and disclosure (to include accounting for those records) to an individual, and certain record-keeping requirements may cause damage to national security. The Privacy Act, pursuant to 5 U.S.C. 552a(k)(1), authorizes agencies to claim an exemption for systems of records that contain information properly classified pursuant to executive order. The DoD OIG is proposing to claim an exemption from several provisions of the Privacy Act, including various access, amendment, disclosure of accounting, and certain record-keeping and notice requirements pursuant to 5 U.S.C.

552a(k)(1), to prevent disclosure of any information properly classified pursuant to executive order, as implemented by DoD Instruction 5200.01 and DoD Manual 5200.01, Volumes 1 and 3.

The DoD OIG also proposes to exempt this system of records because these records support the conduct of criminal law enforcement activities, and certain requirements of the Privacy Act may interfere with the effective execution of these activities, and undermine good order and discipline. The Privacy Act, pursuant to 5 U.S.C. 552a(j)(2), authorizes agencies with a principal law enforcement function pertaining to the enforcement of criminal laws (including activities of prosecutors, courts, etc.) to claim an exemption for systems of records that contain information identifying criminal offenders and alleged offenders, information compiled for the purpose of criminal investigation, or reports compiled for the purpose of criminal law enforcement proceedings. Additionally, pursuant to 5 U.S.C. 552a(k)(2), agencies may exempt a system of records from certain provisions of the Privacy Act if it contains investigatory material compiled for law enforcement purposes, other than materials within the scope of 5 U.S.C. 552a(j)(2). The DoD OIG is proposing to claim exemptions from several provisions of the Privacy Act, including various access, amendment, disclosure of accounting, and certain record-keeping and notice requirements, pursuant to 5 U.S.C. 552a(j)(2) and 552a(k)(2), to prevent the harms articulated in this rule from occurring.

Records in this system of records are only exempt from the Privacy Act to the extent the purposes underlying the exemption pertain to the record. A notice of a new system of records for CIG–30, ''Data Analytics Platform'' is published in this issue of the **Federal Register**.

Regulatory Analysis

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

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distribute impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. It has been determined that this rule is not a significant regulatory action under these executive orders.

Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. DoD will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States. A major rule may take effect no earlier than 60 calendar days after Congress receives the rule report or the rule is published in the **Federal Register**, whichever is later. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Section 202, Public Law 104–4, ''Unfunded Mandates Reform Act''

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1532) requires agencies to assess anticipated costs and benefits before issuing any rule whose mandates may result in the expenditure by State, local and tribal governments in the aggregate, or by the private sector, in any one year of $100 million in 1995 dollars, updated annually for inflation. This rule will not mandate any requirements for State, local, or tribal governments, nor will it affect private sector costs.

Public Law 96–354, ''Regulatory Flexibility Act'' (5 U.S.C. Chapter 6)

The Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency has certified that this rule is not subject to the Regulatory Flexibility Act (5 U.S.C. 601) because it would not, if promulgated, have a significant economic impact on a substantial number of small entities. This rule is concerned only with the administration of Privacy Act systems of records within the DoD. Therefore, the Regulatory Flexibility Act, as amended, does not require DoD to prepare a regulatory flexibility analysis.

Public Law 96–511, ''Paperwork Reduction Act'' (44 U.S.C. Chapter 35)

The Paperwork Reduction Act (PRA) was enacted to minimize the paperwork burden for individuals; small businesses; educational and nonprofit institutions; Federal contractors; State, local and tribal governments; and other persons resulting from the collection of information by or for the federal government. The Act requires agencies obtain approval from the Office of Management and Budget before using identical questions to collect information from ten or more persons. This rule does not impose reporting or recordkeeping requirements on the public.

Executive Order 13132, ''Federalism''

It has been determined that this rule does not have federalism implications. This rule does not 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.

Executive Order 13175, ''Consultation and Coordination With Indian Tribal Governments''

Executive Order 13175 establishes certain requirements that an agency must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct compliance costs on one or more Indian tribes, preempts tribal law, or affects the distribution of power and responsibilities between the federal government and Indian tribes. This rule will not have a substantial effect on Indian tribal governments.

List of Subjects in 32 CFR Part 310

Privacy.

Accordingly, 32 CFR part 310 is proposed to be amended as follows:

PART 310—[AMENDED]

■ 1. The authority citation for 32 CFR part 310 continues to read as follows:

Authority: 5 U.S.C. 552a.

■ 2. Section 310.28 is amended by adding paragraph (c)(10) to read as follows:

§ 310.28 Office of the Inspector General (OIG) exemptions.

* * * * *

(c) * * *

(10) *System identifier and name:* CIG–30, ''Data Analytics Platform.''

(i) *Exemptions:* This system of records is exempt from 5 U.S.C. 552a (c)(3) and (4); (d)(1), (2), (3), and (4); (e)(1); (e)(2); (e)(3); (e)(4)(G), (H), and(I); (e)(5); (e)(8); (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2). This system of records is exempt from 5 U.S.C. 552a(c)(3); (d)(1), (2), (3), and (4); (e)(1); (e)(4)(G), (H), and (I); and (f) of the Privacy Act to the extent the records are subject to exemption pursuant to 5 U.S.C. 552a(k)(1) and (k)(2).

(ii) *Authority:* 5 U.S.C. 552a(j)(2), (k)(1), and (k)(2).

(iii) *Exemption from the particular subsections.* Exemption from the particular subsections is justified for the following reasons:

(A) *Subsections (c)(3), (d)(1), and (d)(2)*

(1) *Exemption (j)(2).* Records in this system of records may contain investigatory material compiled for criminal law enforcement purposes to include information identifying criminal offenders and alleged offenders, information compiled for the purpose of criminal investigation, or reports compiled during criminal law enforcement proceedings. Application of exemption (j)(2) may be necessary because access to, amendment of, or release of the accounting of disclosures of such records could inform the record subject of an investigation of the existence, nature, or scope of an actual or potential law enforcement or disciplinary investigation, and thereby seriously impede law enforcement or prosecutorial efforts by permitting the record subject and other persons to whom he might disclose the records to avoid criminal penalties or disciplinary measures; reveal confidential sources who might not have otherwise come forward to assist in an investigation and thereby hinder DoD's ability to obtain information from future confidential sources and result in an unwarranted invasion of the privacy of others.

(2) *Exemption (k)(1).* Records in this system of records may contain information that is properly classified pursuant to executive order. Application of exemption (k)(1) may be necessary because access to and amendment of the records, or release of the accounting of disclosures for such records, could reveal classified information. Disclosure of classified records to an individual may cause damage to national security.

(3) *Exemption (k)(2).* Records in this system of records may contain investigatory material compiled for law enforcement purposes other than material within the scope of 5 U.S.C. 552a(j)(2). Application of exemption (k)(2) may be necessary because access to, amendment of, or release of the accounting of disclosures of such records could: inform the record subject of an investigation of the existence, nature, or scope of an actual or potential law enforcement or disciplinary investigation, and thereby seriously impede law enforcement or prosecutorial efforts by permitting the record subject and other persons to whom he might disclose the records or the accounting of records to avoid criminal penalties, civil remedies, or disciplinary measures; interfere with a civil or administrative action or investigation which may impede those actions or investigations; reveal confidential sources who might not have otherwise come forward to assist in an investigation and thereby hinder DoD's ability to obtain information from future confidential sources; and result in an unwarranted invasion of the privacy of others.

(B) *Subsection (c)(4), (d)(3) and (4).* These subsections are inapplicable to the extent that an exemption is being claimed from subsections (d)(1) and (2). Accordingly, exemption from subsection (c)(4) is claimed pursuant to (j)(2) and exemptions from subsections (d)(3) and (d)(4) are claimed pursuant to (j)(2), (k)(1), and (k)(2).

(C) *Subsection (e)(1).* In the collection of information for investigatory and law enforcement purposes it is not always possible to conclusively determine the relevance and necessity of particular information in the early stages of the investigation or adjudication. In some instances, it will be only after the collected information is evaluated in light of other information that its relevance and necessity for effective investigation and adjudication can be assessed. Collection of such information permits more informed decision-making by the Department when making required disciplinary and prosecutorial determinations. Additionally, records within this system may be properly classified pursuant to executive order. Accordingly, application of exemptions (j)(2), (k)(1), and (k)(2) may be necessary.

(D) *Subsection (e)(2).* To collect information from the subject individual could serve notice that he or she is the subject of a criminal investigation and thereby present a serious impediment to such investigations. Collection of information only from the individual accused of criminal activity or misconduct could also subvert discovery of relevant evidence and subvert the course of justice. Accordingly, application of exemption (j)(2) may be necessary.

(E) *Subsection (e)(3).* To inform individuals as required by this subsection could reveal the existence of a criminal investigation and compromise investigative efforts. Accordingly, application of exemption (j)(2) may be necessary.

(F) *Subsection (e)(4)(G) and (H).* These subsections are inapplicable to the extent exemption is claimed from subsections (d)(1) and (2).

(G) *Subsection (e)(4)(I).* To the extent that this provision is construed to require more detailed disclosure than the broad, generic information currently published in the system notice, an exemption from this provision is necessary to protect the confidentiality of sources of information and to protect the privacy and physical safety of witnesses and informants. Accordingly, application of exemptions (j)(2), (k)(1), and (k)(2) may be necessary.

(H) *Subsection (e)(5).* It is often impossible to determine in advance if investigatory records contained in this system are accurate, relevant, timely and complete, but, in the interests of effective law enforcement, it is necessary to retain this information to maintain an accurate record of the investigatory activity to preserve the integrity of the investigation and satisfy various Constitutional and evidentiary requirements, such as mandatory disclosure of potentially exculpatory information in the investigative file to a defendant. It is also necessary to retain this information to aid in establishing patterns of activity and provide investigative leads. With the passage of time, seemingly irrelevant or untimely information may acquire new significance as further investigation brings new details to light and the accuracy of such information can only be determined through judicial processes. Accordingly, application of exemption (j)(2) may be necessary.

(I) *Subsection (e)(8).* To serve notice could give persons sufficient warning to evade investigative efforts. Accordingly, application of exemption (j)(2) may be necessary.

(J) *Subsection (f).* The agency's rules are inapplicable to those portions of the system that are exempt. Accordingly, application of exemptions (j)(2), (k)(1), and (k)(2) may be necessary.

(K) *Subsection (g).* This subsection is inapplicable to the extent that the system is exempt from other specific subsections of the Privacy Act. Accordingly, an exemption from subsection (g) is claimed pursuant to (j)(2).

(iv) *Exempt records from other systems.* In the course of carrying out the overall purpose for this system, exempt records from other systems of records may in turn become part of the records maintained in this system. To the extent that copies of exempt records from those other systems of records are maintained in this system, the DoD claims the same exemptions for the records from those other systems that are entered into this system, as claimed for the prior system(s) of which they are a part, provided the reason for the exemption remains valid and necessary.

* * * * *

Dated: July 14, 2022.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2022–15456 Filed 7–19–22; 8:45 am]

BILLING CODE 5001–06–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 174 and 180

[EPA–HQ–OPP–2022–0161; FRL–9410–03–OCSPP]

Receipt of Pesticide Petitions Filed for Residues of Pesticide Chemicals in or on Various June 2022

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notices of filing of petitions and request for comment.

SUMMARY: This document announces the Agency's receipt of initial filings of pesticide petitions requesting the establishment or modification of regulations for residues of pesticide chemicals in or on various commodities.

DATES: Comments must be received on or before August 19, 2022.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2022–0161, 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: Marietta Echeverria, Registration Division (RD) (7505P), main telephone number: (703) 305–7090, email address: *RDFRNotices@epa.gov.* The mailing address for each contact person is Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001. As part of the mailing address, include the contact person's name, division, and mail code. The division to contact is listed at the end of each application summary.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. 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.*

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 pesticides discussed in this document, compared to the general population.

II. What action is the Agency taking?

EPA is announcing receipt of pesticide petitions filed under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, requesting the establishment or modification of regulations in 40 CFR part 174 or part 180 for residues of pesticide chemicals in or on various food commodities. The Agency is taking public comment on the requests before responding to the petitioners. EPA is not proposing any particular action at this time. EPA has determined that the pesticide petitions described in this document contain data or information prescribed in FFDCA section 408(d)(2), 21 U.S.C. 346a(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the pesticide petitions. After considering the public comments, EPA intends to evaluate whether and what action may be warranted. Additional data may be needed before EPA can make a final determination on these pesticide petitions.

Pursuant to 40 CFR 180.7(f), summaries of the petitions that are the subject of this document, prepared by the petitioners, are included in dockets EPA has created for these rulemakings. The dockets for these petitions are available at *https://www.regulations.gov.*

As specified in FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), EPA is publishing notice of the petitions so that the public has an opportunity to comment on these requests for the establishment or modification of regulations for residues of pesticides in or on food commodities. Further information on the petitions may be obtained through the petition summaries referenced in this unit.

A. Amended Tolerance Exemptions for Inerts (Except PIPS)

IN–11470. (EPA–HQ–OPP–2021–0183). Croda, Inc., 300–A Columbus Circle, Edison, NJ 08837 requests to amend an exemption from the requirement of a tolerance for residues of styrene, copolymers with acrylic acid and/or methacrylic acid, with none and/or one or more of the following monomers: Acrylamidopropyl methyl sulfonic acid, methallyl sulfonic acid, 3-sulfopropyl acrylate, 3-sulfopropyl methacrylate, hydroxypropyl methacrylate, hydroxypropyl acrylate, hydroxyethyl methacrylate, hydroxyethyl acrylate, and/or lauryl methacrylate; and its sodium, potassium, ammonium, monoethanolamine, and triethanolamine salts; the resulting polymer having a minimum number average molecular weight (in amu), 1200 by adding poly (oxy-1,2-ethanediyl),α-(2-methyl-1-oxo-2-propenyl)- ω-

methoxy- (CAS Reg. No. 26915–72–0) to the descriptor when used as a pesticide inert ingredient in pesticide formulations under 40 CFR 180.960. The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of a tolerance. *Contact:* RD.

B. Amended Tolerances for Non-Inerts

1. *PP* 2F8992. (EPA–HQ–OPP–2022–0488). BASF Corporation, 26 Davis Dr., P.O. Box 13528, Research Triangle Park, N.C. 27709, requests to amend the tolerance(s) in 40 CFR 180.714 for residues of the insecticide, broflanilide, including its metabolites and degradates, in or on poultry, fat by increasing the tolerance from 0.02 ppm to 0.3 parts per million (ppm) and by increasing the tolerance in or on poultry, meat byproducts from 0.02 ppm to 0.04 ppm. The BASF Analytical Method Number D1604/01 and high-pressure liquid chromatography/triple stage quadrupole mass spectrometry (LC/MS/MS) is used to measure and evaluate the chemical broflanilide residues. *Contact:* RD.

2. *PP* 2F9002. (EPA–HQ–OPP–2022–0479). Bayer CropScience, 800 N. Lindbergh Blvd., St. Louis, MO, 63141, requests to amend the tolerance in 40 CFR 180.653 for residues of the herbicide indaziflam including its metabolites and degradates in or on the raw agricultural commodities: Grass forage, fodder, and hay group 17, forage at 50 ppm and hay at 80 ppm and for livestock fat, meat, meat byproducts, milk and milk fat at 0.1, 0.01, 0.30, 0.015, and 0.04 ppm respectively. The LC/MS/MS method is used to measure and evaluate the chemical indaziflam. *Contact:* RD.

C. New Tolerance Exemptions for Inerts (Except PIPS)

1. *PP IN–11559.* (EPA–HQ–OPP–2021–0305). Valent BioSciences LLC, 1910 Innovation Way, Suite 100, Libertyville, Il, 60048, requests to establish an exemption from the requirement of a tolerance for residues of malic acid (CAS Reg. No. 6915–15–7) when used as a pesticide inert ingredient (buffering, stabilizing agent) in pesticide formulations under 40 CFR 180.920. The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of a tolerance. *Contact:* RD.

2. *PP IN–11645.* (EPA–HQ–OPP–2022–0390). Spring Regulatory Sciences, 6620 Cypresswood Dr., Suite 250, Spring, TX 77379 on behalf of Stepan Company, 22 W. Frontage Rd., Northfield, IL 60093, requests to establish an exemption from the requirement of a tolerance in 40 CFR part 180.960 for residues of oxirane, 2-(phenoxymethyl)-, polymer with oxirane, monobutyl ether, block (A CI) (CAS Reg. No. 1010819–15–4), when used as a pesticide inert ingredient (surfactant and/or adjuvant of surfactants) in pesticide formulations. The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of a tolerance. *Contact:* RD.

3. *PP IN–11697.* (EPA–HQ–OPP–2022–0507). The Dow Chemical Company, 715 E Main Street, Midland MI, requests to establish an exemption from the requirement of a tolerance in 40 CFR part 180.960 for residues of siloxanes and silicones, di-me, me hydrogen, reaction products with vinyl group-terminated di-me siloxanes (CAS Reg. No. 156065–02–0) when used as a pesticide inert ingredient (foam control additive) in pesticide formulations. The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of a tolerance. *Contact:* RD.

D. New Tolerances for Non-Inerts

1. *PP 1E8939.* (EPA–HQ–OPP–2021–0789). BASF Corporation, 26 Davis Dr., Research Triangle Park, NC 27709 requests to establish a tolerance in 40 CFR part 180.589 for residues of the herbicide glufosinate-ammonium (butanoic acid, 2-amino-4-(hydroxymethylphosphinyl)-monoammonium salt) and its metabolites, 2-acetamido-4-methylphosphinico-butanoic acid and 3-methylphosphinico-propionic acid, expressed as 2-amino-4-(hydroxymethylphosphinyl)butanoic acid equivalents in or on fresh tea leaves at 0.05 ppm and dried tea leaves at 0.50 ppm. Analytical methods include water extraction, filtration, addition of an isotopically labeled internal standard followed by solid phase extraction and high-performance LC/MS/MS and are used to measure and evaluate the chemical glufosinate-ammonium (butanoic acid, 2-amino-4-(hydroxymethylphosphinyl)-monoammonium salt) and its metabolites, 2-acetamido-4-methylphosphinico-butanoic acid and 3-methylphosphinico-propionic acid, expressed as 2-amino-4-(hydroxymethylphosphinyl)butanoic acid equivalents. *Contact:* RD.

2. *PP 1E8952.* (EPA–HQ–OPP–2021–0789). BASF Corporation, 26 Davis Drive, Research Triangle Park, NC 27709 requests to establish a tolerance in 40 CFR part 180.589 for residues of the herbicide glufosinate-ammonium (butanoic acid, 2-amino-4-(hydroxymethylphosphinyl)-monoammonium salt) and its metabolites, 2-acetamido-4-methylphosphinico-butanoic acid and 3-methylphosphinico-propionic acid, expressed as 2-amino-4-(hydroxymethylphosphinyl) butanoic acid equivalents in or on rice, grain at 0.9 ppm. Analytical methods include water extraction, filtration, addition of an isotopically labeled internal standard followed by solid phase extraction and LC/MS/MS and are used to measure and evaluate the chemical glufosinate-ammonium(butanoic acid, 2-amino-4-(hydroxymethylphosphinyl)-monoammonium salt) and its metabolites, 2-acetamido-4-methylphosphinico-butanoic acid and 3-methylphosphinico-propionic acid, expressed as 2-amino-4-(hydroxymethylphosphinyl)butanoic acid equivalents. *Contact:* RD.

3. *PP 2E8990.* (EPA–HQ–OPP–2022–0508). Tea Association of the U.S.A. Inc., 362 5th Avenue, Suite 1002, New York, NY 10001, requests to establish a tolerance in 40 CFR part 180 for residues of the insecticide cypermethrin ([cyano-(3-phenoxyphenyl)methyl]-3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropane-1-carboxylate), in or on tea, dried at 15 parts ppm. The GC–ECD method C is used to measure and evaluate the chemical cypermethrin. *Contact:* RD.

4. *PP 2E8999.* (EPA–HQ–OPP–2022–0502). Gowan Company P.O. Box 5569, Yuma, AZ 85366, requests to establish a tolerance in 40 CFR part 180 for residues of the herbicide trifluralin in or on tea at 0.05 ppm. The analytical method used is acetone water extraction with QuEChERS clean up. Quantitation was performed by gas chromatography with tandem mass spectrometric detection. This method is used to measure and evaluate the chemical residues of trifluralin. *Contact:* RD.

5. *PP 1F8974.* (EPA–HQ–OPP–2022–0258). BASF Corporation, 26 Davis Drive, P.O. Box 13528, Research Triangle Park, NC 27709–3528 requests to establish a tolerance in 40 CFR part 180.666 for residues of the fungicide fluxapyroxad (3-(difluoromethyl)-1-methyl-*N*-(3′,4′,5′-trifluoro[1,1′-biphenyl]-2-yl)-1*H*-pyrazole-4-carboxamide) in or on avocado at 0.6 ppm. Independently validated analytical methods that have been submitted are used to measure and evaluate the chemical fluxapyroxad and its metabolites, M700F008, M700F048, and M700F002. *Contact:* RD.

6. *PP 2F8986.* (EPA–HQ–OPP–2022–0314). Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC 27419,

requests to establish a tolerance in 40 CFR part 180 for residues of the fungicide, sedaxane (*N*-[2-[1,1′-bicyclopropyl]-2-ylphenyl]-3-(difluoromethyl)-1-methyl-1*H*-pyrazole-4-carboxamide), in or on vegetable, cucurbit, group 9 at 0.01 ppm and vegetable, dry bulb, crop subgroup 3–07A at 0.01 ppm. Methods GRM023.01A and modified method GRM023.01B, taken through an extraction procedure with final determination by high-performance LC/MS/MS are used to measure and evaluate the chemical Sedaxane in its cis and trans isomer forms. *Contact:* RD.

Authority: 21 U.S.C. 346a.

Dated: July 13, 2022.

Delores Barber,

Director, Information Technology and Resources Management Division, Office of Program Support.

[FR Doc. 2022–15518 Filed 7–19–22; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–HQ–ES–2021–0073; FF09E21000 FXES1111090FEDR 223]

RIN 1018–BF34

Endangered and Threatened Wildlife and Plants; Endangered Species Status for Russian, Ship, Persian, and Stellate Sturgeon

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; extension of public comment period and announcement of public hearing.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), are extending the public comment period on our May 25, 2022, proposed rule to list the Russian sturgeon (*Acipenser gueldenstaedtii*), ship sturgeon (*A. nudiventris*), Persian sturgeon (*A. persicus*), and stellate sturgeon (*A. stellatus*), all large fish native to the Black, Azov, Aral, Caspian, and northern Aegean Sea basins and their rivers in Europe and western Asia, as endangered species under the Endangered Species Act of 1973, as amended (Act). We are extending the proposed rule's comment period for 30 days to conduct a public hearing on the petition to list these four species of sturgeon. Comments previously submitted need not be resubmitted and will be fully considered in preparation of the final rule.

DATES: *Comment submission:* The public comment period on the proposed rule that published on May 25, 2022, at 87 FR 31834 is extended. We will accept comments received or postmarked on or before August 25, 2022. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES**, below) must be received by 11:59 p.m. Eastern Time on the closing date, and comments submitted by U.S. mail must be postmarked by that date to ensure consideration.

Public hearing: On August 11, 2022, we will hold a public hearing on the proposed rule to list the Russian sturgeon, ship sturgeon, Persian sturgeon, and stellate sturgeon under the Act from 6 to 7:30 p.m. Eastern Time, using the Zoom platform (for more information, see Public Hearing, below).

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

(1) *Electronically:* Go to the Federal eRulemaking Portal: *https://www.regulations.gov.* In the Search box, enter FWS–HQ–ES–2021–0073, which is the docket number for this rulemaking. Then, click on the Search button. On the resulting page, in the Search panel on the left side of the screen, under the Document Type heading, check the Proposed Rule box to locate this document. You may submit a comment by clicking on ''Comment.''

(2) *By hard copy:* Submit by U.S. mail to: Public Comments Processing, Attn: FWS–HQ–ES–2021–0073, U.S. Fish and Wildlife Service, MS: PRB/3W, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

We request that you send comments only by the methods described above. We will post all comments on *https://www.regulations.gov.* This generally means that we will post any personal information you provide us (see Public Comments, below, for more information).

Document availability: The proposed rule and supporting documents, including the species status assessment report, are available at *https://www.regulations.gov* under Docket No. FWS–HQ–ES–2021–0073.

Public hearing: Interested parties may present verbal testimony (formal, oral comments) at a public hearing, which will be held virtually using the Zoom platform. See Public Hearing, below, for more information.

FOR FURTHER INFORMATION CONTACT: Elizabeth Maclin, Chief, Branch of Delisting and Foreign Species, Ecological Services, U.S. Fish and Wildlife Service, MS: ES, 5275 Leesburg Pike, Falls Church, VA 22041–3803; telephone, 703–358–2171. 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:

Background

On May 25, 2022, we published a proposed rule (87 FR 31834) to list the Russian sturgeon, ship sturgeon, Persian sturgeon, and stellate sturgeon as endangered species under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*). The proposed rule opened a 60-day public comment period, ending July 25, 2022. On June 10, 2022, we received a request for a public hearing on the proposed rule. With this document, we are announcing a public hearing and an extension of the comment period for an additional 30 days (see **DATES**, above) to allow the public further opportunity to provide comments on the proposed rule to list the Russian sturgeon, ship sturgeon, Persian sturgeon, and stellate sturgeon.

For a description of previous Federal actions concerning the Russian sturgeon, ship sturgeon, Persian sturgeon, and stellate sturgeon and information on the types of comments that would be helpful to us in promulgating this rulemaking action, please refer to the May 25, 2022, proposed rule (87 FR 31834).

Public Hearing

We are holding a public hearing to accept comments on the proposed rule to list the Russian sturgeon, ship sturgeon, Persian sturgeon, and stellate sturgeon on the date and at the time listed in **DATES**. We are holding the public hearing via the Zoom online video platform and via teleconference so that participants can attend remotely. For security purposes, registration is required. All participants must register in order to listen and view the hearing via Zoom, listen to the hearing by telephone, or provide oral public comments at the hearing by Zoom or telephone. For information on how to register, or if technical problems occur joining Zoom on the day of the hearing, visit *https://www.fws.gov/event/public-hearing-proposed-listing-ponto-caspian-sturgeon.*

Registrants will receive the Zoom link and the telephone number for the public

hearing. If applicable, interested members of the public not familiar with the Zoom platform should view the Zoom video tutorials (*https://support.zoom.us/hc/en-us/articles/206618765-Zoom-video-tutorials*) prior to the public hearing.

The public hearing will provide interested parties an opportunity to present verbal testimony (formal, oral comments) regarding the May 25, 2022, proposed rule to list the Russian sturgeon, ship sturgeon, Persian sturgeon, and stellate sturgeon as endangered species (87 FR 31834). The public hearing will not be an opportunity for dialogue with the Service, but rather a forum for accepting formal verbal testimony. In the event there is a large attendance, the time allotted for oral statements may be limited. Therefore, anyone wishing to make an oral statement at the public hearing for the record is encouraged to provide a prepared written copy of their statement to us through the Federal eRulemaking Portal or U.S. mail (see **ADDRESSES**, above). There are no limits on the length of written comments submitted to us. Anyone wishing to make an oral statement at the public hearing must register before the hearing (*https://www.fws.gov/event/public-hearing-proposed-listing-ponto-caspian-sturgeon*). The use of a virtual public hearing is consistent with our regulations at 50 CFR 424.16(c)(3).

Reasonable Accommodation

The Service is committed to providing access to the public hearing for all participants. Closed captioning will be available during the public hearing. Further, a full audio and video recording and transcript of the public hearing will be posted online at *https://www.fws.gov/event/public-hearing-proposed-listing-ponto-caspian-sturgeon* after the hearing. Participants will also have access to live audio during the public hearing via their telephone or computer speakers. Persons with disabilities requiring reasonable accommodations to participate in the hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** at least 5 business days prior to the date of the hearing to help ensure availability. An accessible version of the Service's public hearing presentation will also be posted online at *https://www.fws.gov/event/public-hearing-proposed-listing-ponto-caspian-sturgeon* following the hearing (see **DATES**, above). See *https://www.fws.gov/event/public-hearing-proposed-listing-ponto-caspian-sturgeon* for more information about reasonable accommodation.

Public Comments

If you submit information via *https://www.regulations.gov,* your entire submission—including your personal identifying information—will be posted on the website. If your submission is made via a hardcopy that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy submissions on *https://www.regulations.gov.*

Comments and materials we receive, as well as supporting documentation we used in preparing the proposed rule, will be available for public inspection on *https://www.regulations.gov.*

Authors

The primary authors of this document are the staff members of the Branch of Delisting and Foreign Species, Ecological Services Program.

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Martha Williams,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 2022–14731 Filed 7–19–22; 8:45 am]

BILLING CODE 4333–15–P

Notices

Federal Register
Vol. 87, No. 138
Wednesday, July 20, 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

National Institute of Food and Agriculture

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

AGENCY: National Institute of Food and Agriculture, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and Office of Management and Budget (OMB) regulations, this notice announces the National Institute of Food and Agriculture's (NIFA) intention to request an extension and revision of collection titled *Veterinary Medicine Loan Repayment Program (VMLRP).*

DATES: Written comments on this notice must be received by September 19, 2022 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: You may submit comments through the Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Robert Martin, 202–445–5388, *Robert.martin3@usda.gov*.

SUPPLEMENTARY INFORMATION:

Title of Collection: Veterinary Medicine Loan Repayment Program (VMLRP).

OMB Control Number: 0524–0050.

Expiration Date of Current Approval: 12/31/2022.

Type of Request: Notice of intent to extend and revise a currently approved information collection.

NIFA is requesting a three-year extension for the current collection entitled ''Veterinary Medicine Loan Repayment Program.''

NIFA is also proposing to update the VMLRP application forms to ensure that they align with the VMLRP loan repayment and awardee requirements as found in 7 U.S.C. 3151a and 7 CFR 3431, as well as updated VMLRP program policies as outlined in NIFA–21–015 VMLRP Program Guidance Manual (March 2021).

Abstract: In January 2003, the National Veterinary Medical Services Act (NVMSA) was passed into law adding section 1415A to the National Agricultural Research, Extension, and Teaching Policy Act of 1997. This law established a new Veterinary Medicine Loan Repayment Program (VMLRP) (7 U.S.C. 3151a) authorizing the Secretary of Agriculture to carry out a program of entering into agreements with veterinarians under which they agree to provide veterinary services in veterinarian shortage situations. The purpose of the program is to ensure an adequate supply of trained food animal veterinarians in shortage situations.

NIFA is requesting to extend and modify a currently approved information collection. NIFA will collect information from current and former VMLRP participants and State Animal Health Officials. NIFA will use this information to assess the VMLRP program and to improve oversight of the program. Each form has been updated to align with the VMLRP loan repayment and awardee requirements as found in 7 U.S.C. 3151a and 7 CFR 3431, as well as updated VMLRP program policies. The surveys have been modified based on stakeholder input to maximize the impact of feedback collected and minimize the burden of responding for State Animal Health Officials, applicants, and participants of the VMLRP.

Total Estimate of Burden: The estimated annual reporting burden for all VMLRP collection is as follows:

Type of respondents	Number of respondents	Estimated number of responses per respondent	Estimated burden per response (hours)	Estimated total annual burden on respondents (hours)
Applicants:				
Veterinary Medicine Loan Repayment Program, Application OMB0524–0050	150	1	11	1,650
Applicants subtotal				1,650
State Animal Health Officials:				
Veterinary Medicine Loan Repayment Program Shortage Situation Nomination OMB0524–0050	60	4	2	480
Survey of Animal Health Officials Completing VMLRP Veterinary Shortage Nomination Form	60	1	.25	15
State Animal Health Officials subtotal				495
Active Participants:				
Service Log	150	260	.25	9,750
Applicant Feedback Survey	150	1	.25	38
Awardee Feedback Survey	80	1	.25	20
Close-out Report	80	1	.5	40
Active Participants subtotal				9,848
Past Participants:				

Type of respondents	Number of respondents	Estimated number of responses per respondent	Estimated burden per response (hours)	Estimated total annual burden on respondents (hours)
Post-Award Termination Survey	240	1	.25	60
Past Participants subtotal				60
Grand Total				12,053

Comments: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

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

Obtaining a Copy of the Information Collection: A copy of the information collection and related instructions may be obtained free of charge by contacting Robert Martin as directed above.

Done at Washington, DC, this day of July 5, 2022.

Dionne Toombs,

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

[FR Doc. 2022–15406 Filed 7–19–22; 8:45 am]

BILLING CODE 3410–22–P

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

[Docket No. RBS–22–NONE–0017]

60-Day Notice of Proposed Information Collection: Socially-Disadvantaged Groups Grant; OMB Control No.: 0570–0052

AGENCY: Rural Business-Cooperative 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 Business-Cooperative Service (RB–CS), 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: (RBS–22–NONE–0017). 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: Socially-Disadvantaged Groups Grant; OMB Control No.: 0570–0052) 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 RB–CS is submitting to OMB as extension to an existing collection with Agency adjustment.

Title: Socially-Disadvantaged Groups Grant.

OMB Number: 0570–0052.

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 18.75 hours per response.

Respondents: Provide technical assistance to socially-disadvantaged groups through eligible cooperatives and cooperative development centers.

Estimated Number of Respondents: 40.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 668 hours.

Abstract: The SDGG program was authorized by the Federal Agriculture Improvement and Reform Act of 2006 (Section 2744), and further updated by the Federal Agricultural Improvement and Reform Act of 2009 (Section 310B (e)) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932). The Act enables the Secretary of Agriculture to make grants to cooperatives, groups of cooperatives, and cooperative development centers where a majority of the board of directors or governing board is comprised of individuals who are members of socially disadvantaged groups and whose primary focus is to provide assistance to socially-disadvantaged groups. The reporting burden covered by this collection of information consists of forms, documents and written burden to

support a request for funding for a Socially-Disadvantaged Group Grant.

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 Crystal Pemberton, Rural Development Innovation Center—Regulations Management Division, at (202) 260–8621. 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.

Karama Neal,

Administrator, Rural Business-Cooperative Service.

[FR Doc. 2022–15442 Filed 7–19–22; 8:45 am]

BILLING CODE 3410–XY–P

DEPARTMENT OF COMMERCE

U.S. Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Household Pulse Survey

On May 25, 2022, the Department of Commerce received clearance from the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act of 1995 to conduct Phase 3.5 of the Household Pulse Survey (OMB No. 0607–1013, Exp. 10/31/23). The Household Pulse Survey was designed to meet a need for timely information associated with household experiences during the Covid–19 pandemic. The Department is committed to ensuring that the data collected by the Household Pulse Survey continue to meet information needs as they may evolve over the course of the pandemic. This notice serves to inform of the Department's intent to request clearance from OMB to make some revisions to the Household Pulse Survey questionnaire. To ensure that the data collected by the Household Pulse Survey continue to meet information needs as they evolve over the course of the pandemic, the Census Bureau submits this Request for Revision to an Existing Collection for a revised Phase 3.6 questionnaire.

Phase 3.6 includes new questions on the ability to carry out day-to-day activities due to experiencing long COVID, non-parental childcare arrangements and costs of childcare, changes in transportation behaviors due to cost of gas, a series of questions regarding access to infant formula, and inflation and changes in behavior due to increasing prices. Questions on K–12 enrollment and educational catch-up activities will be reinstated for Phase 3.6. There are also modifications to existing questions, including changing the reference period for the unemployment insurance items, adding Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) as a response option to the question that asks about how households meet spending needs, and replacing employment categories with the standard North American Industry Classification System (NAICS) codes. Several questions will be removed for Phase 3.6, including questions on lack of access to childcare, use of public transportation and ridesharing, working or volunteering outside the home, receipt and use of the Child Tax Credit, post-secondary educational disruptions, and telehealth for adults and children.

It is the Department's intention to commence data collection using the revised instrument on or about August 24, 2022. The Department 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. Public comments were previously sought on the Household Pulse Survey via the **Federal Register** on May 19, 2020, June 3, 2020, February 1, 2021, April 13, 2021, June 24, 2021, October 26, 2021, January 24, 2022, and April 18, 2022. This notice allows for an additional 30 days for public comments on the proposed revisions.

Agency: U.S. Census Bureau, Department of Commerce.

Title: Household Pulse Survey.

OMB Control Number: 0607–1013.

Form Number(s): None.

Type of Request: Request for a Revision of a Currently Approved Collection.

Number of Respondents: 235,200.

Average Hours per Response: 20 minutes.

Burden Hours: 77,616.

Needs and Uses: Data produced by the Household Pulse Survey are designed to inform on a range of topics related to households' experiences during the COVID–19 *pandemic. Topics to date have included employment, facility to telework, travel patterns, income loss, spending patterns, food and housing security, amount of monthly rent and changes in monthly rent, access to benefits, mental health and access to care, difficulty with self-care and communicating, intent to receive the COVID–19 vaccine/booster, timing of coronavirus testing, use of coronavirus treatments, the experience of long COVID, and post-secondary educational disruption. The* requested revision, if approved by OMB, will remove selected items from the questions for which utility has declined and add questions based on information needs expressed via public comment and in consult with other Federal agencies. The overall burden change to the public will be insignificant.

The Household Pulse Survey was initially launched in April, 2020 as an experimental project (see *https://www.census.gov/data/experimental-data-products.html*) under emergency clearance from the Office of Management and Budget (OMB) initially granted April 19, 2020; regular clearance was subsequently sought and approved by OMB on October 30, 2020 (OMB No. 0607–1013; Exp. 10/30/2023).

Affected Public: Households.

Frequency: Households will be selected once to participate in a 20-minute survey.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13, United States Code, Sections 8(b), 182 and 196.

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 0607–1013.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2022–15465 Filed 7–19–22; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–954, C–570–955]

Certain Magnesia Carbon Bricks From the People's Republic of China: Notice of Covered Merchandise Referral and Initiation of Covered Merchandise Inquiry

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

SUMMARY: The U.S. Department of Commerce (Commerce) has received a covered merchandise referral from U.S. Customs and Border Protection (CBP) in connection with a CBP investigation concerning alleged evasion of the antidumping/countervailing duty (AD/CVD) orders on certain magnesia carbon bricks (bricks) from the People's Republic of China (China). In accordance with 19 CFR 351.227(b)(1), Commerce is initiating a covered merchandise inquiry to determine whether the merchandise described in the referral is subject to the AD/CVD orders on bricks from China. Interested parties are invited to comment and submit factual information addressing this initiation.

DATES: Applicable July 20, 2022.

FOR FURTHER INFORMATION CONTACT: Brittany Bauer at (202) 482–3860, AD/CVD Operations Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

Section 517(b)(4)(A)(i) of the Tariff Act of 1930, as amended (the Act), provides a procedure whereby if, during the course of an Enforce and Protect Act (EAPA) investigation, CBP is unable to determine whether the merchandise at issue is covered merchandise within the meaning of section 517(a)(3) of the Act, it shall refer the matter to Commerce to make such a determination. Section 517(a)(3) of the Act defines covered merchandise as merchandise that is subject to an AD order issued under section 736 of the Act or a CVD order issued under section 706 of the Act. Section 517(b)(4)(B) of the Act states that Commerce, after receiving a covered merchandise referral from CBP, shall determine whether the merchandise is covered merchandise and promptly transmit its determination to CBP. Commerce's regulations at 19 CFR 351.227 establish procedures for covered merchandise referrals that Commerce receives from CBP in connection with an EAPA investigation.[1]

On June 30, 2022, Commerce received a sufficient covered merchandise referral from CBP regarding CBP EAPA Investigation No. 7412 [2] which concerns the AD/CVD orders on bricks from China.[3] Specifically, CBP explained that an allegation was filed by the Magnesia Carbon Brick Fair Trade Coalition (MCBFTC) alleging that products imported by Fedmet Resource Corporation, LLC (Fedmet) as non-subject Bastion® brand magnesia alumina carbon (MAC) bricks are instead magnesia carbon bricks which are covered by the AD/CVD orders. CBP informed Commerce that CBP is unable to determine whether certain merchandise is covered merchandise subject to the AD/CVD orders on bricks from China. Thus, CBP has requested that Commerce issue a determination as to whether products imported as non-subject Bastion® brand MAC bricks are subject to the AD/CVD orders on bricks from China.

Initiation of Covered Merchandise Inquiry

Commerce is hereby notifying interested parties that it is initiating a covered merchandise inquiry to determine whether the merchandise subject to the referral is covered merchandise within the meaning of section 517(a)(3) of the Act. Additionally, Commerce intends to provide interested parties with the opportunity to participate in this segment of the proceeding, including through the submission of comments and factual information, and, if appropriate, verification. In accordance with 19 CFR 351.227(m)(2), Commerce is initiating a single inquiry regarding the merchandise described in the covered merchandise referral on the record of the AD proceeding. Upon issuance of a final covered merchandise determination, Commerce will include a copy of the determination on the record of the CVD proceeding.

In accordance with 19 CFR 351.227(d)(1), within 30 days of the date of publication of this notice, interested parties are permitted one opportunity to submit comment and factual information addressing the initiation. Within 14 days of the filing of such comments, any interested party is permitted one opportunity to submit comment and factual information to rebut, clarify, or correct factual information submitted by the other interested parties.

In accordance with 19 CFR 351.227(d)(2), following initiation of a covered merchandise inquiry, Commerce may also issue questionnaires and verify submissions received, where appropriate. Commerce may limit issuance of questionnaires to a reasonable number of respondents. Questionnaire responses are due on the date specified by Commerce. Within 14 days after a questionnaire response has been filed with Commerce, an interested party other than the original submitter is permitted one opportunity to submit comment and factual information to rebut, clarify, or correct factual information contained in the questionnaire response. Within seven days of the filing of such rebuttal, clarification, or correction, the original submitter is permitted one opportunity to submit comment and factual information to rebut, clarify, or correct factual information submitted in the interested party's rebuttal, clarification, or correction.

In certain circumstances, Commerce may issue a preliminary determination as to whether there is a reasonable basis to believe or suspect that the product that is subject to the covered merchandise inquiry is covered by the scope of the order. Pursuant to 19 CFR 351.227(c), Commerce intends to issue a final determination within 120 days of the publication of this notice (this deadline may be extended if Commerce determines that good cause exists to warrant an extension). Promptly after publication of Commerce's final determination, Commerce will convey a

[1] *See Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws,* 86 FR 52300, 52354–62 (September 20, 2021) (final rule promulgating the regulation establishing procedures for covered merchandise referrals).

[2] *See* CBP's Letter, ''Covered Merchandise Referral Request for EAPA Investigation 7412 (Remand Number 7703), Imported by Fedmet Resources Corporation, LLC: Antidumping and Countervailing Duty Orders on Certain Magnesia Carbon Brick from the People's Republic of China,'' dated June 30, 2022. The covered merchandise referral and any supporting documents will be made available on Enforcement and Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS).

[3] *See Certain Magnesia Carbon Bricks from Mexico and the People's Republic of China: Antidumping Duty Orders,* 75 FR 57257 (September 20, 2010); *see also Certain Magnesia Carbon Bricks from the People's Republic of China: Countervailing Duty Order,* 75 FR 57442 (September 21, 2010).

copy of the final determination in the manner prescribed by section 516A(a)(2)(A)(ii) of the Act to all parties to the proceeding and Commerce will transmit its final determination to CBP in accordance with section 517(b)(4)(B) of the Act.[4]

Pursuant to 19 CFR 351.227(d)(5), during the pendency of this proceeding, Commerce may rescind, in whole or in part, a covered merchandise inquiry. Situations in which Commerce may rescind a covered merchandise inquiry include if CBP withdraws its covered merchandise referral or if Commerce determines that it can address CBP's covered merchandise referral in another segment of the proceeding. In accordance with 19 CFR 351.227(c)(3), Commerce may align the deadlines of this covered merchandise inquiry with the deadlines of another segment of the proceeding if it determines it is appropriate to do so.

Parties are hereby notified that this may be the only notice that Commerce publishes in the **Federal Register** concerning this covered merchandise referral. Except as indicated below, interested parties that wish to participate in this segment of the proceeding and receive notice of the final determination, must submit their letters of appearance as discussed below. Further, any representative of an interested party desiring access to business proprietary information in this segment of the proceeding must file an application for access to business proprietary information under administrative protective order (APO), as discussed below.

Scope of the AD/CVD Orders

The merchandise covered by the orders are certain chemically bonded (resin or pitch), magnesia carbon bricks with a magnesia component of at least 70 percent magnesia (MgO) by weight, regardless of the source of raw materials for the MgO, with carbon levels ranging from trace amounts to 30 percent by weight, regardless of enhancements (for example, magnesia carbon bricks can be enhanced with coating, grinding, tar impregnation or coking, high temperature heat treatments, anti-slip treatments or metal casing) and regardless of whether or not antioxidants are present (for example, antioxidants can be added to the mix from trace amounts to 15 percent by weight as various metals, metal alloys, and metal carbides).

Certain magnesia carbon bricks that are subject to the AD/CVD orders are currently classifiable under subheadings 6902.10.1000, 6902.10.5000, 6815.91.0000, 6815.99.2000 and 6815.99.4000 of the Harmonized Tariff Schedule of the United States (HTSUS). While HTSUS subheadings are provided for convenience and customs purposes, the written description is dispositive.

Merchandise Subject to the Covered Merchandise Inquiry

The covered merchandise inquiry will address whether the scope covers products imported by Fedmet as non-subject Bastion® brand MAC bricks. Pursuant to 19 CFR 351.227(m)(1), Commerce will consider, based on the available record evidence, whether the final determination in the covered merchandise inquiry should be applied on a (i) producer-specific, exporter-specific, importer-specific basis, or some combination thereof; or (ii) on a country-wide basis, regardless of the producer, exporter, or importer, to all products from the same country with the same relevant physical characteristics as the product at issue.

Filing Requirements

All submissions to Commerce must be filed electronically via Enforcement and Compliance's ACCESS, unless an exception applies.[5] An electronically filed document must be received successfully in its entirety by the applicable deadline. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information until further notice.[6] Each submission must be placed on the record of the segment of the proceeding for the AD order (A–570–954), ACCESS Covered Merchandise Inquiry segment ''EAPA—7412.''

Suspension of Liquidation

In accordance with 19 CFR 351.227(l)(1), Commerce will notify CBP of the initiation of the covered merchandise inquiry and direct CBP to continue to suspend liquidation of entries of products subject to the covered merchandise inquiry that were already subject to the suspension of liquidation, and to apply the cash deposit rate that would be applicable if the product were determined to be covered by the scope of the orders. Should Commerce issue preliminary or final covered merchandise determinations, Commerce will follow the suspension of liquidation rules under 19 CFR 351.227(l)(2)-(4). In accordance with 19 CFR 351.227(l)(5), nothing in this section affects CBP's authority to take any additional action with respect to the suspension of liquidation or related measures.

Notification to Interested Parties

Interested parties that wish to participate in this segment of the proceeding and be added to the public service list for this segment of the proceeding must file a letter of appearance in accordance with 19 CFR 351.103(d)(1), with one exception: the relevant parties to CBP's EAPA investigation publicly identified by CBP in the covered merchandise referral referenced above are not required to submit a letter of appearance, and will be added to the public service list for this segment of the proceeding by Commerce.

Commerce placed an APO on the record on July 11, 2022.[7] Commerce intends to place the business proprietary versions of the documents contained in the covered merchandise referral on the record of this proceeding in ACCESS.

Representatives of interested parties must submit applications for disclosure under the APO in accordance with the procedures outlined in Commerce's regulations at 19 CFR 351.305. Those procedures apply to this segment of the proceeding, with one exception: APO applicants representing the parties that have been identified by CBP as an importer in the covered merchandise referral (referenced above) are exempt from the additional filing requirements for importers pursuant to 19 CFR 351.305(d).

This notice is issued and published pursuant to section 517(b)(4) of the Act and 19 CFR 351.227(b).

Dated: July 15, 2022.

Alex Villanueva,

Senior Director, Office I, Antidumping and Countervailing Duty Operations.

[FR Doc. 2022–15503 Filed 7–19–22; 8:45 am]

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[4] *See* 19 CFR 351.227(e)(2).

[5] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011), as amended in *Enforcement and Compliance; Change of Electronic Filing System Name,* 79 FR 69046 (November 20, 2014) for details of Commerce's electronic filing requirements, effective August 5, 2011. Information on help using ACCESS is found at *https://access.trade.gov/help.aspx* and a handbook is found at *https://access.trade.gov/help/Handbook%20on%20Electronic%20Filing%20Procedures.pdf.*

[6] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19,* 85 FR 17006 (March 26, 2020); *see also Temporary Rule Modifying AD/CVD Service Requirements Due to COVID19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

[7] *See* Memorandum, ''Request for Establishment of Administrative Protective Order Certain Magnesia Carbon Bricks from the People's Republic of China (A–570–954),'' dated July 11, 2022.

DEPARTMENT OF COMMERCE

International Trade Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Procedures for Importation of Supplies for Use in Emergency Relief Work

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 May 6, 2022, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: International Trade Administration, Department of Commerce.

Title: Procedures for Importation of Supplies for Use in Emergency Relief Work.

Form Number(s): N/A.

OMB Control Number: 0625–0256.

Type of Request: Regular Submission.

Number of Respondents: 1.

Average Hours per Response: 15.

Burden Hours: 15.

Needs and Uses: The regulations (19 CFR 358.101–104) provide procedures for requesting the Secretary of Commerce to permit the importation of supplies, such as food, clothing, medical, surgical, and other supplies, for use in emergency relief work free of antidumping and countervailing duties.

Affected Public: Business or other for-profit organizations.

Frequency: Varies.

Respondent's Obligation: Voluntary.

Legal Authority: 19 U.S.C 1318(a).

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 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 and entering either the title of the collection or the OMB Control Number 0625–0256.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2022–15467 Filed 7–19–22; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Admintration

[A–523–808]

Certain Steel Nails From the Sultanate of Oman: 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) is conducting an administrative review of the antidumping duty order on certain steel nails (steel nails) from the Sultanate of Oman (Oman). This review covers 15 exporters and producers from Oman. We have preliminarily assigned the sole mandatory respondent, Oman Fasteners LLC (Oman Fasteners), an antidumping duty margin based on the application of adverse facts available for the period of review (POR) July 1, 2020, through June 30, 2021. In addition, we preliminarily find that Astrotech Steels Private Ltd. (Astrotech); Geekay Wires Ltd. (Geekay); and Trinity Steel Pvt. Ltd. (Trinity) had no shipments during the POR. Interested parties are invited to comment on these preliminary results.

DATES: Applicable July 20, 2022.

FOR FURTHER INFORMATION CONTACT: Dakota Potts, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0223.

SUPPLEMENTARY INFORMATION:

Background

On July 13, 2015, Commerce published the antidumping duty order on steel nails from Oman.[1] On July 1, 2021, we published a notice of opportunity to request an administrative review of the *Order*.[2] On September 7, 2021, based on timely requests for an administrative review, Commerce published a notice of initiation of the administrative review.[3] Commerce initiated this administrative review covering the following 15 companies: Airlift Trans Oceanic Pvt. Ltd.; Al Kiyumi Global LLC; Al Sarah Building Materials LLC; Astrotech; CL Synergy (Pvt) Ltd.; Geekay; Gulf Steel Manufacturers LLC; Modern Factory For Metal Products; Oman Fasteners LLC; Omega Global Uluslararasi Tasimacilik Lojistik Ticaret Ltd Sti.; Overseas International Steel Industry, LLC; Swift Freight India Private Ltd.; Trinity; Universal Freight Services LLC; and WWL Indian Private Ltd.[4] Commerce selected Oman Fasteners as the sole mandatory respondent for individual examination in this review.[5]

On March 30, 2022, Commerce extended the time limit for completing the preliminary results of this review, until June 1, 2022.[6] On May 25, 2022, Commerce extended the time limit for completing the preliminary results by an additional 30 days, until July 1, 2022.[7]

For a complete description of the events since the initiation of this review, *see* the Preliminary Decision Memorandum.[8] A list of the topics included in the Preliminary Decision Memorandum is included as the appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision

[1] *See Certain Steel Nails from the Republic of Korea, Malaysia, the Sultanate of Oman, Taiwan, and the Socialist Republic of Vietnam: Antidumping Duty Orders,* 80 FR 39994 (July 13, 2015) (*Order*).

[2] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review,* 86 FR 35065 (July 1, 2021) (*Opportunity Notice*).

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 86 FR 50034 (September 7, 2021).

[4] *Id.*

[5] *See* Memorandum, ''Antidumping Duty Administrative Review of Steel Nails from the Sultanate of Oman: Selection of Respondent for Individual Review,'' dated October 13, 2021.

[6] *See* Memorandum, ''Certain Steel Nails from the Sultanate of Oman: Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review,'' dated March 30, 2022.

[7] *See* Memorandum, ''Certain Steel Nails from the Sultanate of Oman: Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review,'' dated May 25, 2022.

[8] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the Antidumping Duty Administrative Review of Certain Steel Nails from the Sultanate of Oman; 2020–2021,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Scope of the Order

The merchandise covered by the scope of this *Order* is steel nails from Oman. A complete description of the scope of the *Order* is contained in the Preliminary Decision Memorandum.[9]

Preliminary Determination of No Shipments

Based upon the no-shipment certifications received by Commerce, and our review of the U.S. Customs and Border Protection (CBP) data, we preliminary find that Astrotech, Geekay, and Trinity had no shipments during the POR. CBP did not have any information to contradict the claims of no shipments during the POR. Consistent with Commerce's practice, we will not rescind the review with respect to Astrotech, Geekay, and Trinity in these preliminary results, but rather will complete the review and issue appropriate liquidation instructions to CBP based on the final results.[10] For additional information regarding this determination, *see* the Preliminary Decision Memorandum.

Application of Facts Available with Adverse Inferences

Pursuant to section 776(a)–(b) of the Tariff Act of 1930, as amended (the Act), Commerce is preliminarily relying upon total adverse facts available (AFA) to determine a weighted-average dumping margin for Oman Fasteners in this review. Commerce preliminary finds that necessary information is not available on the record, and that Oman Fasteners failed to provide the requested information by the deadlines established by Commerce and significantly impeded the proceeding, warranting a determination on the basis of facts available under section 776(a) of the Act. Further, Commerce preliminarily determines that Oman Fasteners failed to cooperate to the best of its ability in complying with Commerce's request for information, thus warranting use of an adverse inference in selecting from among the facts otherwise available, in accordance with section 776(b) of the Act. For a full description of the methodology underlying our conclusions regarding the application of AFA, *see* the Preliminary Decision Memorandum.

Rate for Non-Selected Companies

In accordance with the U.S. Court of Appeals for the Federal Circuit's decision in *Albermarle,* [11] we are applying a rate based on the all-others rate applied in prior segments of this proceeding (*i.e.,* 9.10 percent) to the eleven companies not selected for individual examination. In this review, we find this rate is reasonably reflective of the non-selected companies' potential dumping margins, and thus, it is appropriate to apply this rate to the non-selected companies, under section 735(c)(5)(B) of the Act. For a detailed discussion, *see* the Preliminary Decision Memorandum.

Preliminary Results of Review

Commerce preliminary determines that the following estimated weighted-average dumping margins exist for the period July 1, 2020, through June 30, 2021:

Exporter/producer	Weighted-average dumping margin (percent)
Oman Fasteners LLC	[12] 154.33
Non-Selected Companies [13]	9.10

Disclosure and Public Comment

Normally, Commerce discloses to interested parties the calculations performed in connection with preliminary results within five days after the date of public announcement or publication of this notice. However, because Commerce preliminarily applied a rate based entirely on AFA to the sole mandatory respondent under review in accordance with section 776 of the Act, there are no calculations to disclose.

Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs no later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than seven days after the date for filing case briefs.[14] Parties that submit case or rebuttal briefs in this proceeding 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.[15] Note that Commerce has temporarily modified certain portions of its requirements for serving documents containing business proprietary information, until further notice.[16]

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 written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, filed electronically via ACCESS within 30 days of the date of publication of this notice. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; (3) whether any participant is a foreign national; and (4) a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date. An electronically-filed hearing request must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time on the established deadline.

Commerce intends to issue the final results of this administrative review, including the results of its analysis of issues raised in the case briefs, no later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act, unless otherwise extended.

Assessment Rates

Upon issuance of the final results of this administrative review, Commerce shall determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.[17] The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by this review and for future deposits of estimated duties, where applicable.[18]

[9] *Id.*

[10] *See Polyethylene Terephthalate Film, Sheet, and Strip from Taiwan: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2018–2019,* 85 FR 74673 (November 23, 2020), unchanged in *Polyethylene Terephthalate Film, Sheet, and Strip (PET Film) from Taiwan: Final Results of Antidumping Duty Administrative Review; 2018–2019,* 86 FR 14311 (March 15, 2021).

[11] *See Albemarle Corp.* v. *United States,* 821 F.3d 1345 (Fed. Cir. 2016) (*Albemarle*).

[12] Based on total AFA. For a full description of the methodology underlying our conclusions regarding the application of AFA, *see* the Preliminary Decision Memorandum.

[13] The eleven non-selected companies are: Airlift Trans Oceanic Pvt. Ltd.; Al Kiyumi Global LLC; Al Sarah Building Materials LLC; CL Synergy (Pvt) Ltd.; Gulf Steel Manufacturers LLC; Modern Factory For Metal Products; Omega Global Uluslararasi Tasimacilik Lojistik Ticaret Ltd Sti.; Overseas International Steel Industry, LLC; Swift Freight India Private Ltd.; Universal Freight Services LLC; and WWL Indian Private Ltd.

[14] *See* 19 CFR 351.309(d).

[15] *See* 19 CFR 351.309(c) and (d); *see also* 19 CFR 351.303 (for general filing requirements).

[16] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension Effective Period,* 85 FR 41363 (July 10, 2020).

[17] *See* 19 CFR 351.212(b)(1).

[18] *See* section 751(a)(2)(C) of the Act.

In accordance with Commerce's ''automatic assessment'' practice, for entries of subject merchandise during the POR produced by Oman Fasteners for which the company did not know that the merchandise was destined for the United States, we will instruct CBP to liquidate those entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.[19]

Should we continue to apply facts available with an adverse inference to Oman Fasteners in the final results, we will instruct CBP to apply an assessment rate equal to the dumping margin of 154.33 percent, as indicated above, to all entries produced and/or exported by Oman Fasteners. The assessment rate for antidumping duties for each of the companies not selected for individual examination will be equal to the weighted-average dumping margin identified in the final results of review. We intend to issue instructions to CBP no earlier than 35 days after the publication date of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication in the **Federal Register** of the notice of final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for the companies listed in the final results of this review will be equal to the weighted-average dumping margin established in the final results of this administrative review; (2) for merchandise exported by producers or exporters not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently-completed segment of this proceeding in which they were reviewed; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the producer is, then the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the merchandise; (4) the cash deposit rate for all other producers or exporters will continue to be 9.10 percent, the all-others rate established in the less-than-fair-value investigation.[20] The cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during the POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

Commerce is issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(4).

Dated: July 1, 2022.

Ryan Majerus,

Deputy Assistant Secretary for Policy and Negotiations.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

[FR Doc. 2022–15487 Filed 7–19–22; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews; Amendment of Notice

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

SUMMARY: The U.S. Department of Commerce (Commerce) is amending the notice of initiation of administrative reviews of antidumping duty (AD) and countervailing duty (CVD) orders with January 2021 anniversary dates to include a company that was inadvertently omitted from the AD administrative review of softwood lumber from Canada.

DATES: Applicable July 20, 2022.

FOR FURTHER INFORMATION CONTACT: Jeffrey Pedersen, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482–2769.

SUPPLEMENTARY INFORMATION:

Correction

On March 4, 2021, Commerce published a notice of initiation of administrative reviews of AD and CVD orders with January 2021 anniversary dates.[1] Commerce inadvertently omitted from the *Initiation Notice* the initiation of a company from the administrative review of the AD order on softwood lumber from Canada. Commerce is hereby admending the *Initiation Notice* to initiate the request for review of the following company:

AD proceedings	Period to be reviewed
Canada: Softwood Lumber, A–122–857	1/1/20–12/31/20
Comox Valley Shakes (2019) Ltd.	

[19] For a full description of this practice, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[20] *See Order.*

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 86 FR 12599 (March 4, 2021) (*Initiation Notice*).

Dated: July 14, 2022.

Scot Fullerton,

Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC186]

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 TGS–NOPEC Geophysical Company (TGS) for the take of marine mammals incidental to geophysical survey activity in the Gulf of Mexico.

DATES: The LOA is effective from September 15, 2022, through September 14, 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

TGS plans to conduct a 3D ocean bottom node (OBN) survey in the Mississippi Canyon, Atwater Valley, Green Canyon, Ewing Bank, and South Timbalier lease areas, with approximate water depths ranging from 130 to 2,000 meters (m). See Figure 1 of the LOA application for a map of the area.

TGS anticipates using two triple source vessels, towing airgun array sources consisting of 28 elements, with a total volume of 5,200 cubic inches (in^3). Please see TGS's application for additional detail.

Consistent with the preamble to the final rule, the survey effort proposed by TGS 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 75 km

[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).

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 TGS is not proposing to perform a survey using the coil geometry, its planned 3D OBN survey is expected to cover approximately 120–140 km^2 per day, meaning that the coil proxy is most representative of the effort planned by TGS 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 between the airgun array planned for use (28 elements, 5,200 in^3) and the proxy array modeled for the rule.

The survey will take place over approximately 119 days, including 65 days of sound source operation, all 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. TGS'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,

[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.

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 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	1,710	723.2	2,207	32.8
Kogia spp.	646[3]	196.5	4,373	5.3
Beaked whales	7,546	762.1	3,768	20.2
Rough-toothed dolphin	1,297	372.4	4,853	7.7
Bottlenose dolphin	6,148	1,764.4	176,108	1.0

TABLE 1—TAKE ANALYSIS—Continued

Species	Authorized take	Scaled take [1]	Abundance [2]	Percent abundance
Clymene dolphin	3,651	1,047.8	11,895	8.8
Atlantic spotted dolphin	2,456	704.8	74,785	0.9
Pantropical spotted dolphin	16,568	4,755.0	102,361	4.6
Spinner dolphin	4,439	1,274.1	25,114	5.1
Striped dolphin	1,426	409.3	5,229	7.8
Fraser's dolphin	410	117.7	1,665	7.1
Risso's dolphin	1,073	316.4	3,764	8.4
Melon-headed whale	2,399	707.6	7,003	10.1
Pygmy killer whale	565	166.5	2,126	7.8
False killer whale	898	264.9	3,204	8.3
Killer whale	7	n/a	267	2.6
Short-finned pilot whale	694	204.7	1,981	10.3

[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 34 takes by Level A harassment and 612 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 TGS'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 TGS authorizing the take of marine mammals incidental to its geophysical survey activity, as described above.

Dated: July 14, 2022.

Catherine G. Marzin,

Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2022–15476 Filed 7–19–22; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC183]

Request for Information on Research in Dedicated Habitat Research Areas; Fisheries of the Northeastern United States; Essential Fish Habitat

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

ACTION: Notice; request for information.

SUMMARY: NMFS is requesting information about ongoing and proposed research in the Stellwagen and Georges Bank Dedicated Habitat Research Areas, which were established in 2018. The regulations require the NMFS Regional Administrator to initiate a review, consult with the New England Fishery Management Council about, and evaluate the use of the Dedicated Habitat Research Areas 3 years after their establishment. This action is intended to collect information to support the review of the Dedicated Habitat Research Areas and to determine whether they should be maintained. Response to this request for information is voluntary.

DATES: Interested persons are invited to submit comments on or before August 19, 2022.

ADDRESSES: You may submit written comments by the following method:

- *Email: Laura.Deighan@noaa.gov.* Include in the subject line ''DHRA Research.''

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

SUPPLEMENTARY INFORMATION: In Omnibus Essential Fish Habitat Amendment 2 (OHA2), the New England Fishery Management Council adopted the Stellwagen and Georges Bank Dedicated Habitat Research Areas (DHRA) to better understand how habitat management measures influence stock productivity and to allow for the design of more effective conservation measures in future actions (83 FR 15240; April 9, 2018). The regulations at 50 CFR 648.371 codify the Stellwagen DHRA, which prohibits fishing with bottom-tending mobile gear, sink gillnet gear, or demersal longline gear, unless otherwise exempted, and the Georges Bank DHRA, which prohibits bottom-tending mobile gear, unless otherwise exempted.

The regulations require the NMFS Regional Administrator to initiate a review, consult with the New England Fishery Management Council about, and evaluate the use of the DRHAs beginning 3 years after their establishment to determine if they should be maintained. Criteria used to evaluate whether the DHRAs may continue include documented active and ongoing research in the form of data records, cruise reports, or inventory of samples, approved research proposals, or funding requests for pending research. The review is intended to evaluate whether appropriate research activities are ongoing or imminent, or if these designated areas are unused for their intended purpose of improving habitat science. Specific questions NMFS will consider in the evaluation include:

- Is there active research being conducted in the DHRA?
- Is it anticipated that it will continue beyond this fishing year?
- Is there potential research currently in the permitting process at the Greater Atlantic Regional Fisheries Office or other entities, *e.g.,* Stellwagen Bank National Marine Sanctuary?
- Is there potential research currently in the funding process?

• Is there a high likelihood that the project will be funded?

• Are the fishing restrictions associated with the DHRA designation an explicit part of the design of the project?

• Is there potential research [at some other critical stage in the idea—funding process]?

Following the review and evaluation of the DHRAs, including information provided through this notice and request, and in consultation with the Council, the Regional Administrator will determine whether the DHRAs should be maintained or removed. Removal of the DHRAs, if warranted, would be completed consistent with the Administrative Procedure Act. Additional information and a flowchart outlining how these questions should be used in the evaluation process can be found on pages 116 and 117 of Volume III of OHA2 (*https://www.nefmc.org/library/omnibus-habitat-amendment-2*).

The DHRAs are intended to allow coordinated research and to build on past studies and baselines by restricting certain types of fishing to create appropriate reference conditions in the research area and facilitate scientific study. The DHRAs are set up as general closures where project scientists determine study sites and treatments and arrange research fishing activity. The DHRAs are intended to provide opportunities for addressing the following research topics and questions:

1. Gear Impacts

a. How do different types of bottom tending fishing gear (*e.g.,* trawl nets, dredges, hook and line, traps, gillnets, longlines) affect the susceptibility and recovery of physical and biological characteristics of seabed habitat, and how do these impacts collectively influence key elements of habitat including spatial complexity, functional groups, community state, and recovery rates and dynamics?

b. Are our estimates of gear contact with the bottom accurate? Can we develop trawl gear that minimizes contact on the bottom, thereby reducing the potential for gear impacts?

2. Habitat Recovery

a. What recovery models (*e.g.,* successional vs. multiple-stable states) are operant in the region and how resilient are seafloor habitats to disturbance? In other words, how do seafloor habitats recover, and are there thresholds after which habitats have achieved an alternate state and are no longer capable of recovering to their previous, undisturbed condition?

b. Do ''small'' fishing-caused disturbances surrounded by unimpacted habitat recover more quickly and exhibit greater resilience in contrast to ''large'' fishing-caused disturbances embedded with small un-impacted patches?

c. When a particular area is fished for the first time vs. subsequent efforts, are these impacts equal per unit effort? Or, is the first pass over an area much more detrimental? Conversely, is there a tipping point beyond which the habitat is no longer capable of recovering?

3. Natural Disturbance

a. In the absence of fishing, what are the dynamics of natural disturbance (*e.g.,* major storm events) on seafloor habitat (especially biological components) across five major grain size classes (mud, sand, coarse sand-granule, pebble-cobble, boulder) and across oceanographic regimes? In areas where natural disturbance is high, are signals of the impacts of fishing masked?

4. Productivity

a. How does the productivity of managed species (and prey species) vary across habitat types nested within the range of oceanographic and regional settings? How does this productivity change when habitats are impacted by fishing gear? Do durable mobile bottom-tending gear closures increase fish production? Why are highly productive areas so productive?

NMFS requests information about active and planned research in the DHRAs, the stage of the research, the role of the DHRA in the research, and the relationship of the research to the above DHRA research agenda, if any. Response to this request is voluntary. You may submit written comments via email to *Laura.Deighan@noaa.gov* with ''DHRA Research'' in the subject line within 30 days of this notice.

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

Dated: July 15, 2022.

Jennifer M. Wallace,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB958]

Process for Distinguishing Serious From Non-Serious Injury of Marine Mammals; Proposed Revisions to Procedural Directive (NMFS PD 02–038–01)

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

ACTION: Notice; request for comments.

SUMMARY: The National Marine Fisheries Service (NMFS) solicits public comments on draft revisions to the Process for Injury Determination, Distinguishing Serious from Non-Serious Injury of Marine Mammals (NMFS Procedural Directive (PD) 02–038–01).

DATES: Comments must be received by August 19, 2022.

ADDRESSES: The draft revisions to the Process for Injury Determination Distinguishing Serious from Non-Serious Injury of Marine Mammals (NMFS PD 02–038–01) are available at: *https://www.regulations.gov/docket/NOAA-NMFS-2022-0043.* You may submit comments on the proposed revisions, through the Federal e-Rulemaking Portal:

1. Go to *https://www.regulations.gov* and enter NOAA–NMFS–2022–0043 in the Search box.

2. Click the ''Comment'' icon, and complete the required fields.

3. Enter or attach your comments.

Instructions: NMFS may not consider comments if they are sent by any other method, to any other address or individual, or received after the end of the comment period. Due to delays in processing mail related to COVID–19 and health and safety concerns, no mail, courier, or hand deliveries will be accepted. All comments received are a part of the public record and will generally be posted for public viewing on *https://www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the commenter may be publicly accessible. NMFS will also accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Jaclyn Taylor, NMFS Office of Protected Resources, (301) 427–8402, *Jaclyn.Taylor@noaa.gov*; or Phinn Onens, NMFS Office of Protected Resources, (301) 427–8402, *Phinn.Onens@noaa.gov.*

SUPPLEMENTARY INFORMATION: The Marine Mammal Protection Act (MMPA) (16 U.S.C. 1361 *et seq.*) requires NMFS to estimate the annual levels of human-caused mortality and serious injury (M/SI) to marine mammal stocks (Section 117) and to classify commercial fisheries based on their level of incidental M/SI of marine mammals (Section 118). This charge requires that NMFS distinguish between injuries that are serious and those that are not serious. However, the MMPA and its legislative history do not provide guidance on how severe an injury must be to qualify as ''serious.'' NMFS defined ''Serious Injury'' in regulations (50 CFR 229.2) as ''any injury that will likely to lead to mortality.'' While this definition provided guidance on which injuries should be considered serious injuries, it allowed subjective interpretation of the likelihood that an injury would result in mortality.

To promote national consistency for interpreting the regulatory definition of serious injury, NMFS convened a workshop in April 1997 to discuss available information related to the impact of injuries to marine mammals incidental to commercial operations (Angliss and DeMaster, 1998). The outcomes of the 1997 Workshop, including the development of regional techniques for assessing and quantifying the serious injury of marine mammals, helped NMFS to accomplish the MMPA's mandates. However, through implementing workshop guidance, NMFS recognized a need for a nationally consistent and transparent process for effective conservation of marine mammal stocks and management of human activities implementing these stocks. Further, since 1997, additional information had been collected on human-caused injuries to marine mammals and survival rates of certain individuals and/or species of marine mammals.

Accordingly, NMFS convened a second workshop in September 2007 (Serious Injury Technical Workshop) to review performance under existing guidance, gather scientific information, and update guidance based on the best scientific information available (Andersen *et al.* 2008). Based on the results of the 2007 workshop and input from marine mammal scientists, veterinary experts, and the MMPA Scientific Review Groups, NMFS developed national guidance and criteria in 2012, comprising a Policy Directive (02–038) and associated Procedural Directive (02–038–01), for distinguishing serious from non-serious injuries of marine mammals (Both directives are available at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-protection-act-policies-guidance-and-regulations*). The Policy Directive provides further guidance on NMFS' definition of ''serious injury,'' and the Procedural Directive describes the annual process for making and documenting injury determinations. The annual process includes guidance for which NMFS personnel make the annual injury determinations; what information should be used in making injury determinations; information exchange between NMFS Science Centers; NMFS Regional Office and Scientific Review Group review of the injury determinations; injury determination report preparation and clearance, and inclusion of injury determinations in the marine mammal stock assessment reports and marine mammal conservation management regimes (*e.g.,* MMPA List of Fisheries, Take Reduction Teams, Take Reduction Plans, vessel speed regulations).

The injury criteria set forth in the Procedural Directive were developed separately for large whales, small cetaceans, and pinnipeds because of the differences in the source and nature of injury data for these groups. In addition, the types and impacts of injuries differ between these broad taxonomic groups. The injury determinations for large whales are largely based on an analysis of NMFS data on injury events with known outcomes (*i.e.,* survival or death of the animal), with the exception of a few criteria based on expert opinion (Andersen *et al.* 2008). In contrast, the injury criteria and determination for small cetaceans and pinnipeds are based almost entirely on expert opinion because data on documented injuries and known outcomes in the wild are not available for most small cetaceans and pinnipeds.

NMFS solicited public comment on both the policy and procedural directive (76 FR 42216; July 18, 2011) and the directives were finalized in 2012. The NMFS Policy Directive specifies that NMFS should review both the Policy and Procedural Directives at least once every five years, or when new information becomes available, to determine whether any revisions to the Directives are warranted. The review must be based on the best scientific information available, input from the MMPA Scientific Review Groups, as appropriate, and experience gained in implementing the process and criteria. If significant revisions are indicated during the review, NMFS will consider making these available for public review and comment prior to acceptance.

In 2017, NMFS initiated a review of the Policy and Procedural Directives and invited subject matter experts from within NMFS to identify necessary revisions based upon the best scientific information available. The review suggested that, in general, the national guidance is meeting its objectives of providing a consistent, transparent, and systematic process for assessing serious from non-serious injuries of marine mammals. However, there was enough substantive feedback to warrant revising the Procedural Directive.

Through the review process, several topics were identified by an internal NMFS Working Group to help concentrate the proposed revisions to the Procedural Directive. Revisions primarily focused on the pinniped and small cetacean sections (Section VIII and IX respectively) and included the creation of a new case specific harassment category (P16) for pinnipeds and expanding existing subcategories (S15a and S15b for small cetaceans) using the best scientific information available. NMFS has also clarified criteria associated with some small cetacean injury categories, including those involving lip and mouth hookings. To inform these proposed revisions, NMFS conducted literature reviews, sought input from several researchers with long-term longitudinal data sets, and solicited individual expert opinion from experts familiar with small cetacean injuries (including anatomists and veterinarians). Further, NMFS included potential risk factors that may lead to the development of capture myopathy in certain individuals, and a list of observable external physical signs that may lead to capture myopathy. This information on capture myopathy is included as an appendix to the Procedural Directive. In addition to the taxa specific revisions, some minor edits were made to improve readability and clarity and to clarify the determination process and reporting procedures. The proposed revised Procedural Directive is available at: *https://www.regulations.gov/docket/NOAA-NMFS-2022-0043*. NMFS solicits public comments on the proposed revisions.

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2008. Differentiating Serious and Non-Serious Injury of Marine Mammals: Report of the Serious Injury Technical Workshop, 10–13 September 2007, Seattle, Washington. U.S. Dep. Commer., NOAA Tech. Memo. NMFS–OPR–39. 94 p.

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Catherine Marzin,

Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

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BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No. PTO–P–2022–0023]

Request for Comments on Director Review, Precedential Opinion Panel Review, and Internal Circulation and Review of Patent Trial and Appeal Board Decisions

AGENCY: Patent Trial and Appeal Board, United States Patent and Trademark Office, U.S. Department of Commerce.

ACTION: Request for Comments.

SUMMARY: The United States Patent and Trademark Office (USPTO or Office) seeks public comments on practices and policies for the review of Patent Trial and Appeal Board (PTAB or Board) decisions. The USPTO has implemented a number of processes that promote the accuracy, consistency, and integrity of PTAB decision-making in Leahy-Smith America Invents Act of 2011 (AIA) proceedings. The USPTO plans to formalize those processes through notice-and-comment rulemaking. To inform such rulemaking, and to inform any modifications to the interim processes pending formalization, the USPTO seeks public comments. Specifically, the USPTO seeks input on the current interim Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office (Director) review process that allows a party to request Director review of a PTAB final written decision in inter partes review (IPR) or post-grant review (PGR) proceedings, and also provides the Director the option to sua sponte initiate the review of any PTAB decisions (at the Director's discretion), including institution decisions and decisions on rehearing. The USPTO also seeks input on the Precedential Opinion Panel (POP) process. Finally, the USPTO seeks input on the current interim process for PTAB decision circulation and internal PTAB review. These processes, implemented by the PTAB prior to issuing decisions and implemented without Director input, are modeled after practices of the U.S. Court of Appeals for the Federal Circuit.

DATES: *Comment Deadline Date:* Written comments must be received on or before September 19, 2022, to ensure consideration.

ADDRESSES: For reasons of Government efficiency, comments must be submitted through the Federal eRulemaking Portal at *www.regulations.gov*. To submit comments via the portal, enter docket number PTO–P–2022–0023 on the homepage and click ''Search.'' The site will provide a search results page listing all documents associated with this docket. Find a reference to this Request for Comments and click on the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments. Attachments to electronic comments will be accepted in ADOBE® portable document format or MICROSOFT WORD® format. Because comments will be made available for public inspection, information that the submitter does not desire to make public, such as an address or phone number, should not be included in the comments.

Visit the Federal eRulemaking Portal (*www.regulations.gov*) for additional instructions on providing comments via the portal. If electronic submission of comments is not feasible due to a lack of access to a computer and/or the internet, please contact the USPTO using the contact information below for special instructions regarding how to submit comments by mail or by hand delivery, based on the public's ability to obtain access to USPTO facilities at the time.

FOR FURTHER INFORMATION CONTACT: Kalyan Deshpande, Vice Chief Administrative Patent Judge; Amanda Wieker, Acting Senior Lead Administrative Patent Judge; or Melissa Haapala, Vice Chief Administrative Patent Judge, at 571–272–9797.

SUPPLEMENTARY INFORMATION:

Background

Development of This Request for Comments

On September 16, 2011, the AIA was enacted into law (Pub. L. 112–29, 125 Stat. 284 (2011)). The AIA established the PTAB, which is made up of administrative patent judges (APJs) and four statutory members, namely the USPTO Director, the USPTO Deputy Director, the USPTO Commissioner for Patents, and the USPTO Commissioner for Trademarks. 35 U.S.C. 6(a). The Director is appointed by the President, by and with the advice and consent of the Senate. 35 U.S.C. 3(a)(1). APJs are appointed by the Secretary of Commerce in consultation with the Director. *Id.* 6(a). The PTAB hears and decides ex parte appeals of adverse decisions by examiners in applications for patents; appeals of reexaminations; and proceedings under the AIA, including IPRs, PGRs, covered business method (CBM) patent reviews,[1] and derivation proceedings, in panels of at least three members. *Id.* 6(b), (c). Under the statute, the Director designates the members of each panel. *Id.* 6(c). The Director has delegated that authority to the Chief Judge of the Board. *See* PTAB Standard Operating Procedure 1 (Rev. 15) (SOP1), Assignment of Judges to Panels, *https://go.usa.gov/xtdt2*.

35 U.S.C. 6(c) states that ''[o]nly the Patent Trial and Appeal Board may grant rehearings'' of Board decisions. In *United States* v. *Arthrex, Inc.,* the U.S. Supreme Court (Court) held that the Appointments Clause of the Constitution (art. II, sec. 2, cl. 2) and the supervisory structure of the USPTO require that the Board's final decisions must be subject to review by the Director, a principal officer of the United States. *See United States* v. *Arthrex, Inc.,* 141 S. Ct. 1970, 1986 (2021). The Court determined that ''35 U.S.C. 6(c) is unenforceable as applied to the Director insofar as it prevents the Director from reviewing the decisions of the PTAB on his own.'' *Id.* at 1987. The Court explained that:

> this suit concerns only the Director's ability to supervise APJs in adjudicating petitions for inter partes review. We do not address the Director's supervision over other types of adjudications conducted by the PTAB, such as the examination process for which the Director has claimed unilateral authority to issue a patent.

Id. The Court thus held that the Director has the discretion to review IPR final written decisions rendered by APJs, and, upon review, the Director may issue decisions on behalf of the Board. *Id.* at 1988.

On June 29, 2021, the USPTO implemented an interim process for Director review. At that time, the interim Director review process provided that the Director may initiate Director review of any PTAB final

[1] Under section 18 of the AIA, the transitional program for post-grant review of CBM patents sunset on September 16, 2020. AIA 18(a). Although the program has sunset, existing CBM proceedings, based on petitions filed before September 16, 2020, remain pending.

written decision sua sponte, and a party to a PTAB proceeding may request Director review of an IPR or PGR final written decision. To request Director review, a party to a final written decision must concurrently: (1) enter a Request for Rehearing by the Director into PTAB E2E, the PTAB's filing system, and (2) submit a notification of the Request for Rehearing by the Director to the USPTO by email to *Director_PTABDecision_Review@uspto.gov*, copying counsel for all parties. *Id.*

The USPTO further published *Arthrex* Q&As, updated on December 4, 2021, available at *https://go.usa.gov/xtDnS* (superseded on April 22, 2022, by the ''Interim process for Director review'' web page, available at *https://go.usa.gov/xuHwP*). As explained in the *Arthrex* Q&As, Director review is a de novo review that may address any issue of fact or law. A party may not make new arguments or submit new evidence with a request for Director review unless permitted by the Director. Also, a party may only request Director review of a final written decision issued in an IPR or PGR. At this time, the USPTO does not accept requests for Director review of other decisions, including decisions on institution and Board ex parte appeal decisions. Third parties may not request Director review or submit comments concerning Director review of a particular case unless comments are requested by the Director. Further, the POP review process outlined in the Board's Standard Operating Procedure 2 (Rev. 10), available at *https://go.usa.gov/xu4PT*, remains in effect and unchanged.

On April 22, 2022, the USPTO published two web pages to increase openness as it formalizes the Director review process. The USPTO published an ''Interim process for Director review web page,'' setting forth more details on the interim process and some additional suggestions for parties who wish to request Director review. The suggestions include guidance on focusing and prioritizing issues, and strongly encourage parties to provide a priority-ranked list of the issues being raised, with a brief explanation of each issue and a brief explanation of the rationale for the prioritized-ranking of them. The USPTO also published a web page providing the status of all Director review requests, available at *https://go.usa.gov/xuHwE*. The status web page includes a spreadsheet that is updated monthly, as well as information about the proceedings in which Director review has been granted.

On May 25, 2022, and June 17, 2022, the USPTO further updated the ''Interim process for Director review'' web page. The first update explains that although the Office does not accept requests for Director review of institution decisions in AIA proceedings, the Director has always retained and continues to retain the authority to review such decisions sua sponte after issuance. If the Director sua sponte initiates Director review of an institution decision, the parties and the public will be notified, and the Director may order party and amicus briefing. The second update made two modifications. First, the update specifies that if a requesting party believes that the issue presented for Director review is an issue of first impression, the party should indicate that in the email requesting Director review. Second, the update explains that, in anticipation of this Request for Comments, any preliminary feedback to the Director review suggestion email box (*Director_Review_Suggestions@uspto.gov*) could be submitted through July 11, 2022.

The Interim Director Review Process

The interim Director review process follows existing PTAB rehearing procedures under 37 CFR 42.71(d) and Standard Operating Procedure 2. Under the interim process, a Request for Rehearing by the Director must be filed within 30 days of entry of the Board's final written decision or a decision by the Board granting rehearing of a final written decision. *See* 37 CFR 42.71(d)(2). A request for Director review of a decision remanded by the Federal Circuit for further proceedings consistent with *Arthrex* must be filed within 30 days of the remand order, unless the Federal Circuit sets a different deadline for filing the Director review request. The Director may choose to extend the rehearing deadline for good cause on a party's request before the due date. A timely Request for Rehearing by the Director will be considered a request for rehearing under 37 CFR 90.3(b) and will reset the time for appeal or civil action as set forth in that rule. Requests for Rehearing by the Director are limited to 15 pages (*see* 37 CFR 42.24(a)(1)(v)), and the Director will not consider new evidence or arguments submitted with a Director review request. At this time, there is no fee for requesting Director review.

Moreover, under the interim process, parties are limited to requesting either: (1) Director review, or (2) rehearing by the original Board panel. Parties may also request Director review of a Board decision that results from a rehearing grant, but not a Board decision to deny rehearing. Requests for both Director review and panel rehearing of the same decision are treated as a request for Director review only.

When a party submits a request for Director review, the USPTO catalogs the request and reviews it to ensure compliance with the interim Director review requirements. If the request is compliant, it is entered into the record of the corresponding proceeding as ''Exhibit 3100—Director Review Request.'' If the request is not compliant, the USPTO will attempt to work with the party making the request to rectify any areas of noncompliance. If the request is not compliant, for example, because it was submitted after the deadline, it will not be considered because it will be untimely.

Each request for Director review is then routed to and considered by an Advisory Committee that the Director has established to assist with the process. The Advisory Committee currently has 11 members and includes representatives from various business units within the USPTO, who serve at the discretion of the Director. The Advisory Committee currently comprises members from the Office of the Under Secretary (not including the Director), the PTAB (not including members of the original panel for each case under review), the Office of the Commissioner for Patents (not including any persons involved in the examination of the challenged patent), the Office of the General Counsel, and the Office of Policy and International Affairs. The Advisory Committee meets periodically to evaluate each request for Director review and recommends to the Director which decisions to review. Advisory Committee meetings may proceed with less than all members in attendance, as long as a quorum of seven members is present for each meeting.

The Advisory Committee reviews each Director review request for, among other things, issues that involve an intervening change in the law or USPTO procedures or guidance; material errors of fact or law in the PTAB decision; matters that the PTAB misapprehended or overlooked; novel issues of law or policy; issues on which PTAB panel decisions are split; issues of particular importance to the USPTO or the patent community; or inconsistencies with USPTO procedures, guidance, or decisions.[2] The Advisory Committee

[2] No member of the Advisory Committee may participate in considering a request for Director review if that member has a conflict of interest under the U.S. Department of Commerce USPTO Summary of Ethics Rules, available at *https://go.usa.gov/xJ7wF*. PTAB APJs who are Advisory Committee members will also follow the guidance on conflicts of interest set forth in the Board's

then presents the Director with each Director review request, the associated arguments and evidence, and the recommendation of the Advisory Committee to determine whether to grant or deny the request. The Director also may consult others in the USPTO on an as-needed basis, so long as those individuals do not have a conflict. Although the Advisory Committee and other individuals in the USPTO may advise the Director on whether a decision merits review, the Director has sole discretion to grant or deny review.[3] The Director's decision to grant or deny a request will be communicated directly to the parties in the proceeding through PTAB E2E. Director review grants will be posted on the Director review status web page. Director review denials can be found on the Director review status spreadsheet, which is updated monthly and posted on the Director review status web page.

In addition to allowing parties to request Director review under the interim process, the Director may choose to conduct a sua sponte Director review. The Director may initiate a sua sponte review of any PTAB decision, including institution decisions, or a corresponding decision on rehearing (whether denying or granting rehearing). As explained in more detail below, PTAB Executive Management (the PTAB Chief Judge, Deputy Chief Judge, Vice Chief Judges, and Senior Lead Judges) may identify decisions as candidates for sua sponte Director review. The Director may also convene the Advisory Committee to make recommendations on decisions that the Director is considering for sua sponte Director review. If the Director initiates a sua sponte review, the parties will be given notice and may be given an opportunity for briefing. The public also will be notified, and the Director may request amicus briefing. If briefing is requested, the USPTO will set forth the procedures to be followed.

At this time, the USPTO does not accept requests for Director review of decisions on institution in AIA proceedings or appeal decisions. To request review of those types of decisions (and other decisions), parties may request review by the POP, which, by default, includes the Director, the Commissioner for Patents, and the PTAB Chief Judge. As a general matter, the interim process for Director review does not alter the current POP process. As explained above and below, however, the USPTO seeks comments on the POP process in view of the Director review process.

On July 6, 2022, the USPTO further updated the ''Interim process for Director review'' web page to make clear that: (1) decisions made on Director review are not precedential by default, and instead are precedential only upon the Director's designation; and (2) final written decisions by the Director after Director review are appealable to the U.S. Court of Appeals for the Federal Circuit using the same procedures for appealing Board final written decisions. *See* ''Interim process for Director review'' web page, §§ 2, 14; 37 CFR 90.3.

As of July 5, 2022, the USPTO had received 204 requests for Director review under the interim process. Of those requests, the Director review process was completed for 198 requests. Of the 198 completed requests, 5 requests were granted, 1 request was withdrawn, and the remaining requests were denied. Eleven requests did not meet the requirements for Director review and were not considered. Additionally, Director Kathi Vidal has initiated sua sponte Director review in four cases. Andrew Hirshfeld, former Commissioner for Patents, who was performing the functions and duties of the Director prior to Director Vidal's confirmation, granted Director review and rehearing in *Ascend Performance Materials Operations LLC* v. *Samsung SDI Co.,* IPR2020–00349, Paper 57 (Nov. 1, 2021) (Order granting Director review request); *Proppant Express Investments, LLC* v. *Oren Technologies, LLC,* IPR2018–00733, Paper 95 (Nov. 18, 2021) (Order granting Director review request); and each of *Apple Inc.* v. *Personalized Media Communications LLC,* IPR2016–00754, Paper 50 (Mar. 3, 2022), and IPR2016–01520, Paper 47 (Mar. 3, 2022) (Orders granting Director review requests).[4] Recently, Director Vidal sua sponte ordered a Director review of the Final Written Decisions in each of *MED–EL Elektromedizinische Geräte Ges.m.b.H.* v. *Advanced Bionics AG,* IPR2020–01016, Paper 43 (June 1, 2022), and IPR2021–00044, Paper 41 (June 1, 2022) (Orders initiating Director review); and of the Decisions on Institution in *OpenSky Industries, LLC* v. *VLSI Technology LLC,* IPR2021–01064, Paper 41 (June 7, 2022) (Order initiating Director review), and *Patent Quality Assurance, LLC* v. *VLSI Technology LLC,* IPR2021–01229, Paper 31 (June 7, 2022) (Order initiating Director review). Director Vidal also granted a request for Director review of the Final Written Decision in *Nested Bean, Inc.* v. *Big Beings USA Pty Ltd.,* IPR2020–01234, Paper 36 (June 17, 2022) (Order granting Director review and authorizing additional briefing).

The USPTO plans to formalize the Director and POP review processes through notice-and-comment rulemaking. To inform such rulemaking, and to inform any modifications to the interim processes pending formalization, the USPTO seeks public comments.

The Interim Process for PTAB Decision Circulation and Internal PTAB Review

Since May 2022, the USPTO has been using an interim process for PTAB decision circulation and internal PTAB review to promote consistent, clear, and open decision-making. *See* ''Interim process for PTAB decision circulation and internal PTAB review,'' available at *https://go.usa.gov/xJ7fq*. Under the interim process, certain categories of PTAB decisions are circulated to a pool of non-management judges (the Circulation Judge Pool (CJP)) prior to issuance. These decisions include all AIA institution decisions; AIA final written decisions; AIA decisions on rehearing; decisions on remand from the Federal Circuit; inter partes reexamination appeal decisions; and designated categories of ex parte appeal, ex parte reexamination appeal, and reissue appeal decisions. Judges may, at their option, circulate other types of decisions for CJP review.

The CJP comprises a representative group of at least eight non-management PTAB judges who collectively have technical/scientific backgrounds and legal experience representative of the PTAB judges as a whole. The CJP is modeled after both the Federal Circuit's previous office of the Senior Technical Assistant and the Federal Circuit's 10-day circulation process for precedential decisions. *See* United States Court of Appeals for the Federal Circuit, Internal Operating Procedures, Redlined Copy, 18 (Mar. 1, 2022), available at *https://go.usa.gov/xJ7fx* (describing the previous office of the Senior Technical Assistant); and United States Court of

SOP1, and will recuse themselves from any discussion involving cases on which they are paneled.

[3] If the Director has a conflict with the parties, patent, or counsel in the decision, she will be recused, and the required action will be taken by the Deputy Director. If the position of the Deputy Director is vacant, or if the Deputy Director also has a conflict of interest, the required action will be taken by the Commissioner for Patents.

[4] The U.S. Court of Appeals for the Federal Circuit upheld Mr. Hirshfeld's authority to decide requests for Director review, finding that the delegation of the function of Director review did not violate the Appointments Clause (U.S. Const. art. II, § 2, cl. 2); the Federal Vacancies Reform Act (5 U.S.C. 3345 *et seq.*); or the Constitution's separation of powers (U.S. Const. art. II, § 2, cl. 2) [Is it correct that this citation should be the same as the one for the Appointments Clause?]. *See Arthrex, Inc.* v. *Smith & Nephew, Inc.,* 35 F.4th 1328, 1333–1340 (Fed. Cir. 2022).

Appeals for the Federal Circuit, Internal Operating Procedures, 10.5 (Mar. 1, 2022), available at *https://go.usa.gov/xJ7fg* (describing the 10-day circulation process for precedential decisions).

For each reviewed PTAB decision, the CJP provides the panel with information regarding potential conflicts or inconsistencies with relevant authority, including PTAB precedential decisions, Director-written guidance, and other USPTO policies. The CJP also provides the panel with information regarding potential inconsistencies with informative or routine PTAB decisions and suggestions for improved readability and stylistic consistency. The panel has the final authority and responsibility for the content of a decision and determines when and how to incorporate feedback from the CJP. Judges are required to apply pertinent statutes, binding case law, and written guidance issued by the Director or the Director's delegate that is applicable to PTAB proceedings. There is no unwritten guidance applicable to PTAB proceedings that judges are required to apply.

The CJP also identifies, and brings to the attention of PTAB Executive Management, notable draft decisions, such as decisions that address issues of first impression or that appear to be inconsistent with USPTO policy or involve areas where policy clarification may be needed. PTAB Executive Management may discuss decisions after issuance with the Director and/or the Director review Advisory Committee for consideration for sua sponte Director review, or with the POP Screening Committee [5] for consideration for POP review. The CJP has periodic meetings with PTAB Executive Management to discuss potentially conflicting panel decisions and general areas for potential policy clarification. PTAB Executive Management may discuss these issues with the Director for the purpose of considering whether to issue new or updated policies through regulation, precedential or informative decisions, and/or a Director guidance memorandum.

[5] The POP Screening Committee provides recommendations to Precedential Opinion Panel. The Screening Committee comprises of the members of the Precedential Opinion Panel, or their designees, typically in equal numbers (for example, 3 designees of each of the Chief Judge, Commissioner for Patents, and Director). *See* PTAB Standard Operating Procedure 2 (Rev. 10) (SOP2), Precedential Opinion Panel to Decide Issues of Exceptional Importance Involving Policy or Procedure and Publication of Decisions and Designation or De-Designation of Decisions as Precedential or Informative, *https://go.usa.gov/xPMqx.*

Any panel member, at his or her sole discretion, may also optionally consult with one or more members of PTAB management (*i.e.,* PTAB Executive Management and Lead Judges) regarding a decision prior to issuance. If consulted, PTAB management may provide information regarding the consistent application of USPTO policy, applicable statutes and regulations, and binding case law. Adoption of any suggestions provided by PTAB management based on such consultation is optional. Unless consulted by a panel member, PTAB management does not make suggestions to the panel on any pre-issuance decisions, either directly or indirectly through the CJP.

The Office recognizes that it is important that the PTAB maintain a consistent and clear approach to substantive areas of patent law and PTAB-specific procedures, while maintaining open decision-making. The interim PTAB decision circulation and internal review processes promote decisional consistency and open decision-making by reinforcing that the adoption of all CJP and requested PTAB management feedback is optional, that members of PTAB management do not provide feedback on decisions pre-issuance unless they are a panel member or a panel member requests such feedback, and that the PTAB panel has the final authority and responsibility for the content of a decision. Additionally, the process provides a mechanism by which the Director may be made aware of decisions to consider for sua sponte Director review or POP review, and of areas to consider for issuing new, or modified, USPTO policy to promote a strong intellectual property system. The interim process makes clear that the Director is not involved, pre-issuance, in directing or otherwise influencing panel decisions.

The USPTO seeks feedback on the PTAB decision circulation and internal review processes.

Request for Public Comments

The USPTO seeks written public comments on the interim Director review process, the POP review process, and the PTAB decision circulation and internal review processes. The USPTO welcomes any comments from the public on the processes and is particularly interested in the public's input on the questions and requested information noted below.

1. Should any changes be made to the interim Director review process, and if so, what changes and why?

2. Should only the parties to a proceeding be permitted to request Director review, or should third-party requests for Director review be allowed, and if so, which ones and why?

3. Should requests for Director review be limited to final written decisions in IPR and PGR? If not, how should they be expanded and why?

4. Should a party to a proceeding be able to request both Director review and rehearing by the merits panel? If so, why and how should the two procedures interplay?

5. What criteria should be used in determining whether to initiate Director review?

6. What standard of review should the Director apply in Director review? Should the standard of review change depending on what type of decision is being reviewed?

7. What standard should the Director apply in determining whether or not to grant sua sponte Director review of decisions on institution? Should the standard change if the decision on institution addresses discretionary issues instead of, or in addition to, merits issues?

8. Should there be a time limit on the Director's ability to reconsider a petition denial? And if so, what should that time limit be?

9. Are there considerations the USPTO should take with regard to the fact that decisions made on Director review are not precedential by default, and instead are made and marked precedential only upon designation by the Director?

10. Are there any other considerations the USPTO should take into account with respect to Director review?

11. Should the POP review process remain in effect, be modified, or be eliminated in view of Director review? Please explain.

12. Are there any other considerations the USPTO should take into account with respect to the POP process?

13. Should any changes be made to the interim PTAB decision circulation and internal review processes, and if so, what changes and why?

14. Are there any other considerations the USPTO should take into account with respect to the interim PTAB decision circulation and internal review processes?

Katherine K. Vidal,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 2022–15475 Filed 7–19–22; 8:45 am]

BILLING CODE 3510–16–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No. CFPB–2022–0040]

Request for Information Regarding Relationship Banking and Customer Service

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice; request for information; extension of comment period.

SUMMARY: On June 14, 2022, the Consumer Financial Protection Bureau (Bureau or CFPB) requested information from the public regarding relationship banking and how consumers can assert the right to obtain timely responses to requests for information about their accounts from banks and credit unions with more than $10 billion in assets, as well as from their affiliates. The request for comment was published in the **Federal Register** on June 21, 2022, in a document titled, ''Request for Information Regarding Relationship Banking and Customer Service.'' The Bureau has determined that a 30-day extension of the comment period until August 22, 2022, is appropriate.

DATES: The end of the comment period for the document titled, ''Request for Information Regarding Relationship Banking and Customer Service,'' published on June 21, 2022 (87 FR 36828), is extended from July 21, 2022, until August 22, 2022.

ADDRESSES: You may submit comments, identified by Docket No. CFPB–2022–0040, by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: RelationshipBankingAndCustomerService@cfpb.gov.* Include Docket No. CFPB–2022–0040 in the subject line of the message.
- *Mail/Hand Delivery/Courier:* Comment Intake—Relationship Banking, Consumer Financial Protection Bureau, 1700 G Street NW, Washington, DC 20552. Please note that due to circumstances associated with the COVID–19 pandemic, the CFPB discourages the submission of comments by hand delivery, mail, or courier.

Instructions: The CFPB encourages the early submission of comments. All submissions should include document title and docket number. Because paper mail in the Washington, DC area and at the CFPB is subject to delay, commenters are encouraged to submit comments electronically. In general, all comments received will be posted without change to *https://www.regulations.gov.* In addition, once the CFPB's headquarters reopens, comments will be available for public inspection and copying at 1700 G Street NW, Washington, DC 20552, on official business days between the hours of 10 a.m. and 5 p.m. Eastern Time. At that time, you can make an appointment to inspect the documents by telephoning 202–435–7275. All comments, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. Proprietary information or sensitive personal information, such as account numbers or Social Security numbers, or names of other individuals, should not be included. Comments will not be edited to remove any identifying or contact information.

FOR FURTHER INFORMATION CONTACT: Leslie Parrish, Deputy Assistant Director, Consumer Credit, Payments, and Deposits Markets, or Ted Wegner, Policy Analyst, Office of Consumer Education, at 202–435–7700. If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.*

SUPPLEMENTARY INFORMATION: On June 14, 2022, the Bureau issued a Request for Information seeking information from the public on what customer service obstacles consumers face in the banking market, and specifically, what information would be helpful for consumers to obtain from depository institutions pursuant to section 1034(c) of the CFPA.[1] Under section 1034(c) of the Consumer Financial Protection Act (CFPA), consumers have a legal right to obtain information from the approximately 175 largest banks and credit unions in the country with more than $10 billion in assets, as well as from their affiliates. Through this statutory authority, consumers are able to gain valuable insight into their accounts by requesting certain account information from their depository institution. Allowing an additional comment period will provide additional opportunity for the public to prepare comments related to this inquiry. Therefore, the Bureau is extending the comment period for this request until August 22, 2022.

Dani Zylberberg,

Counsel and Federal Register Liaison, Consumer Financial Protection Bureau.

[FR Doc. 2022–15243 Filed 7–19–22; 8:45 am]

BILLING CODE 4810–AM–P

[1] *See* 87 FR 36828 (June 21, 2022).

DEPARTMENT OF DEFENSE

Office of the Secretary

Notice of Virtual Listening Session

AGENCY: Department of Defense (DoD).

ACTION: Notice; announcement of virtual listening session.

SUMMARY: The Department of Defense Internal Review Team on Racial Disparities in the Investigative and Military Justice Systems will host a virtual listening session on July 27, 2022. The purpose of this session is to receive oral feedback from a variety of groups on topics of general interest to the Internal Review Team. Target respondent groups include: (1) racial affinity groups with an interest in criminal justice, law enforcement, or racial equity in the military; (2) professional organizations representing criminal justice or law enforcement personnel, advocacy groups focused on the military justice system, and organizations focused on issues relating to race, justice, and the law; (3) members of Congress and staff of the Committees on Armed Services of the Senate and the House of Representatives, and interested House Caucuses; (4) components of other Federal agencies, Congressionally-chartered organizations, and Federally Funded Research and Development Centers; and (5) ''think tanks'' and members of academia with significant experience in issues at the intersection of race and policing, criminal justice, or the military justice system. Groups and other interested members of the public may also attend the virtual listening session on a ''view/listen only'' basis. Groups and interested members of the public are also invited to submit written feedback, including related data and research. For more information on this event see the **SUPPLEMENTARY INFORMATION** section of this announcement.

DATES: The Internal Review Team on Racial Disparities in the Investigative and Military Justice Systems will host a virtual listening session on July 27, 2022. The virtual listening session will be conducted via live webcast and will be open to participation by a variety of groups interested in providing oral feedback. In addition, groups and interested members of the public may participate in all or part of the virtual listening session in a ''view/listen only'' mode. The session will start at 10:00 a.m. eastern time (ET) and will end no later than 2:00 p.m. ET. Virtual check-in for the event will begin at 9:00 a.m. ET. The deadline for groups to register

to provide oral feedback during the session is 12:00 p.m. ET on July 20, 2022. The deadline for groups and interested members of the public to register to participate in a ''view/listen only'' mode is 12:00 p.m. ET on July 22, 2022. The deadline for groups and interested members of the public to submit written feedback for consideration by the Internal Review Team is 12:00 p.m. ET on July 22, 2022; written feedback received after the deadline will not be reviewed. Instructions on registration and the submission of oral and written feedback are set forth in the **SUPPLEMENTARY INFORMATION** section of this announcement.

ADDRESSES: The virtual listening session can be accessed via the internet and/or telephone. Access information and codes will be provided to those groups and interested members of the public who register for the event. The total number of participants in the virtual listening session will be limited to the maximum allowed by the live webcast platform.

FOR FURTHER INFORMATION CONTACT: Ms. Katrina Logan, IRT Executive Secretary, at (703) 839–5173 (this is not a toll free number) or *katrina.l.logan4.civ@mail.mil.*

SUPPLEMENTARY INFORMATION:

I. Background

In May 2019, the Government Accountability Office (GAO) issued its report, *DoD and the Coast Guard Need to Improve their Capabilities to Assess Racial and Gender Disparities* (GAO–19–344). GAO analyzed all offenses under the Uniform Code of Military Justice and found that Black and Hispanic servicemembers were more likely than white servicemembers to be the subjects of investigations in all of the Military Services and were more likely to be tried by court-martial in the Army, Navy, Marine Corps, and Air Force. GAO recommended that the Secretary of Defense take steps to identify and address the causes of disparities in these systems.

On May 3, 2022, the Deputy Secretary of Defense directed the establishment of the Internal Review Team on Racial Disparities in the Investigative and Military Justice Systems to provide actionable recommendations the Department can implement to improve strategies, programs, policies, processes, and resources to address racial disparities in the investigative and military justice systems. The Internal Review Team comprises military General Officers and members of the Department of Defense Senior Executive Service who, with the support of subject matter experts, will focus their full-time efforts on this review. The Internal Review Team began its work on June 1, 2022, and is charged to provide its findings and recommendations to the Deputy Secretary not later than August 24, 2022.

II. Oral and Written Feedback Requested

The Internal Review Team will host a virtual listening session to obtain oral feedback from a variety of groups on topics of general interest to the Internal Review Team. Target respondent groups include: (1) racial affinity groups with an interest in criminal justice, law enforcement, or racial equity in the military; (2) professional organizations representing criminal justice or law enforcement personnel, advocacy groups focused on the military justice system, and organizations focused on issues relating to race, justice, and the law; (3) members of Congress and staff of the Committees on Armed Services of the Senate and the House of Representatives, and interested House Caucuses; (4) components of other Federal agencies, Congressionally-chartered organizations, and Federally Funded Research and Development Centers; and (5) ''think tanks'' and members of academia with significant experience in issues at the intersection of race and policing, criminal justice, or the military justice system. Groups and other interested members of the public may also participate in the virtual listening session on a ''view/listen only'' basis. Regardless of participation in the virtual listening session, groups and interested members of the public are invited to submit written feedback, including data and research. The Internal Review Team intends to consider feedback received prior to and during the session to inform its findings and recommendations to the Deputy Secretary of Defense.

III. Instructions for Registration and Participation in the Virtual Listening Session

Recording: The virtual listening session will be recorded and a copy maintained in the records of the Internal Review Team.

Oral Feedback: Groups that wish to provide oral feedback during the virtual listening session must register to do so not later than 12:00 p.m. ET, on July 20, 2022.

To register to provide oral feedback, groups must send an email to the Internal Review Team electronic ''drop box'' at *doddisparities@mnbdefense.com.* The registration email must include: (1) the sender's name and the name of the group the sender represents; (2) a statement that the group wishes to provide oral feedback during the virtual listening session; and (3) a valid email address to which the Internal Review Team can send additional administrative information, including virtual listening session access codes. The virtual listening session will be conducted informally. Each group that has registered to provide oral feedback should be represented during the virtual listening session by no more than two persons. There will be no opportunity for audio-visual presentations during the session. A group's oral feedback will be limited to 10 minutes per group (regardless of the number of people representing the group). To enable the participation of as many groups as possible, these time limits will be strictly enforced. At the expiration of the 10 minutes allotted for each group, the group will be expected to cede the floor to the next presenter, and may be ''cut off'' by the session administrator, if required. Groups will be scheduled to provide oral feedback in the order in which their completed registration email (including all required information) was received in the IRT electronic ''drop box'' at *doddisparities@mnbdefense.com.* Each registered group will be invited to provide feedback, in the prescribed order, until the four hours allotted for the virtual listening session expires. Not later than 12:00 p.m. ET on July 25, 2022, registered groups will be informed of the order in which each will present during the virtual listening session. At the expiration of the four-hour session, no further oral feedback will be accepted from any group, even if properly registered. Groups registering to provide oral feedback are also welcomed to provide written copies of their expected remarks, but any written material must be received by 12:00 p.m. ET on July 22, 2022. Participating members of the Internal Review Team will be in a ''listening and learning'' posture during the virtual session, but may ask a participating group to clarify or expand on its presentation. Due to the deliberative nature of the Internal Review Team's work, members of the Team are unable to discuss their thoughts, plans, or intentions for specific recommendations that will ultimately be made to the Deputy Secretary of Defense.

''*View/Listen Only*'' *Registration:* The deadline for groups and interested members of the public to register to participate in the virtual listening session in a ''view/listen only'' mode is

12:00 p.m. ET, on July 22, 2022. To register for the ''view/listen only'' option, groups and interested members of the public must send an email to the Internal Review Team electronic ''drop box'' at *doddisparities@mnbdefense.com.* The email must include: (1) the statement, ''We are/I am registering for the 'view/listen only' option''; and (2) a valid email address to which the Internal Review Team can send any additional administrative information, including session access codes. ''View/Listen Only'' participants will not be able to present, ask questions, or provide commentary orally or through written means during the virtual listening session; their microphones/phones/audio lines will be muted, and no chat function will be available.

Written Feedback: Regardless of participation in the virtual listening session, groups and interested members of the public are invited to submit written feedback to the Internal Review Team, including data and research. The deadline for submission of written feedback for consideration by the Team is 12:00 p.m. ET, on July 22, 2022. Written feedback received after the deadline will not be reviewed. Written feedback must be submitted via email to the Internal Review Team electronic ''drop box'' at *doddisparities@mnbdefense.com.* Written feedback may include attachments and should include a cover sheet referencing the total number of pages of written feedback submitted and the date and page number of this issue of the **Federal Register**.

General Instructions for Oral and Written Feedback: Groups and interested members of the public are encouraged to provide oral and/or written feedback (as indicated above) in regard to some or all of the four topics of general interest to the Internal Review Team set forth below, but may provide other relevant feedback for consideration. Both oral and written feedback may be structured as the submitter sees fit. Oral or written feedback should *not* include: (1) proprietary or copyrighted information or (2) personally identifiable information beyond that minimally necessary for self-identification (*e.g.,* name of individual and title within organization, if applicable).

Virtual Accommodations: If you are a group that will provide oral feedback during the virtual session or a group or any interested member of the public who will participate in ''view/listen only'' mode and require a reasonable accommodation, please make requests for sign language interpretation or other reasonable accommodation in advance, by including your request in the registration email sent to the Internal Review Team electronic ''drop box'' at *doddisparities@mnbdefense.com,* not later than 12:00 p.m. on July 22, 2022. Decisions regarding reasonable accommodation requests will be made on a case-by-case basis.

Cancellation: Should it be necessary to cancel the virtual listening session due to technical issues, an emergency, or for other reasons, the Internal Review Team will take available measures to notify registered groups and persons.

IV. Topics of General Interest to the Internal Review Team

(1) The root causes of racial disparities in the investigative and military justice systems of the Department of Defense.

(2) In considering actions to address the root causes of racial disparities in the DoD investigative and military justice systems, the specific actions that would have the most significant effects in the short term and specific actions that will require the Department's long-term engagement and commitment.

(3) Performance factors or metrics the DoD could apply to measure progress in mitigating or eliminating racial disparities in its investigative and military justice systems.

(4) Best practices for addressing racial disparities in other contexts that should be considered to address racial disparities in the investigative and military justice systems of the Department of Defense.

Dated: July 15, 2022.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2022–15486 Filed 7–19–22; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2022–OS–0081]

Privacy Act of 1974; System of Records

AGENCY: DoD Office of Inspector General (DoD OIG), Department of Defense (DoD).

ACTION: Notice of a new system of records.

SUMMARY: In accordance with the Privacy Act of 1974, the DoD is establishing a new system of records titled, ''OIG Data Analytics Platform, CIG–30.'' This system of records covers the DoD OIG collection and maintenance of records necessary in order to fulfill the responsibilities of the Inspector General Act of 1978, as amended. The DoD OIG will use this system of records to develop data models and analytical assessments that will assist with the performance of audits, evaluations, investigations, and reviews in order to identify fraud, waste, and abuse relating to the programs and operations of the DoD. Additionally, DoD is issuing a Notice of Proposed Rulemaking, which proposes to exempt this system of records from certain provisions of the Privacy Act, elsewhere in today's issue of the **Federal Register**.

DATES: This system of records is effective upon publication; however, comments on the Routine Uses will be accepted on or before August 19, 2022. The Routine Uses are effective at the close of the comment period.

ADDRESSES: You may submit comments, identified by docket number and title, by either of the following methods:

* *Federal Rulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.

* *Mail:* Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Regulatory Directorate, 4800 Mark Center Drive, Attn: Mailbox 24, Suite 08D09, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *https://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Anna Rivera, DoD OIG, FOIA, Privacy and Civil Liberties Office, 4800 Mark Center Drive, Alexandria, VA 22350; email: *privacy@dodig.mil,* (703) 699–5680.

SUPPLEMENTARY INFORMATION:

I. Background

The DoD OIG is establishing the OIG Data Analytics Platform, CIG–30 as a Privacy Act system of records. The DoD OIG Data Analytics Team (DAT) will use this system of records to develop data models and analyses in order to identify fraud, waste and abuse, and programmatic problems and deficiencies. This system of records will allow the DoD OIG DAT to identify correlations between existing DoD data

sets and other government agency data sets so as to identify patterns and correlations that indicate fraud and issues of program waste and abuse. This system of records will also be used to identify problems or failures in the implementation or performance of internal controls within the DoD by using existing datasets within DoD databases and applying analytics and data modeling principles to identify deficiencies, anomalies, and trends that may identify fraud, waste, and abuse. Additionally, DoD is issuing a Notice of Proposed Rulemaking, which proposes to exempt this system of records from certain provisions of the Privacy Act, elsewhere in today's issue of the **Federal Register**.

DoD system of records notices (SORNs) have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or at the Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties and Transparency (OATSD(PCLT) website at *https://dpcld.defense.gov/.*

II. Privacy Act

Under the Privacy Act, a ''system of records'' is a group of records under the control of an agency from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act, an individual is defined as a U.S. citizen or lawful permanent resident.

In accordance with 5 U.S.C. 552a(r) and Office of Management and Budget (OMB) Circular No. A–108, OATSD(PCLT) has provided a report of this system of records to the OMB and to Congress.

Dated: July 14, 2022.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

SYSTEM NAME AND NUMBER:

OIG Data Analytics Platform, CIG–30.

SECURITY CLASSIFICATION:

Unclassified, Classified.

SYSTEM LOCATION:

Department of Defense (Department or DoD), located at 1000 Defense Pentagon, Washington, DC 20301–1000, and other Department installations, offices, or mission locations. Information may also be stored within a government-certified cloud, implemented and overseen by the Department's Chief Information Officer, 6000 Defense Pentagon, Washington, DC 20301–6000.

SYSTEM MANAGER:

DoD Office of Inspector General (OIG), Data Analytics Team (DAT), Technical Director, 4800 Mark Center Drive, Alexandria, VA 22350–1500.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 141, Inspector General; Inspector General Reform Act of 2008 (Pub. L. 110–409); Inspector General Empowerment Act of 2016 (Pub. L. 110–317); Executive Order 9397 (SSN), as amended; and DoD Directive 5106.01, Inspector General of the Department of Defense.

PURPOSE(S) OF THE SYSTEM:

A. To carry out the DoD OIG's responsibilities of conducting and overseeing audits, evaluations, investigations, and reviews relating to DoD programs and operations pursuant to the Inspector General Act of 1978, as amended.

B. To identify internal control weaknesses and to provide information required for conducting and overseeing audits, evaluations, investigations, and reviews relating to DoD programs and operations.

C. To promote economy, efficiency, and effectiveness in the administration of such programs and operations.

D. To prevent and detect fraud, waste, and abuse by performing data modeling and conducting data analysis to detect fraud, waste, and abuse in DoD programs and operations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Military Services personnel, including from National Guard and Reserve components; former members and retirees of the Military Services; dependent family members of Military Services members; DoD ''affiliated'' individuals (*e.g.,* non-appropriated fund employees working on military installations, Red Cross volunteers assisting at military hospitals, United Services Organization (USO) staff providing services on military installations, Congressional staff members visiting military installations, etc.); DoD presidential appointees; and DoD civilian employees, contractor personnel, or individuals (and their surviving beneficiaries) accorded benefits, rights, privileges, or immunities associated with DoD as provided by U.S. law.

CATEGORIES OF RECORDS IN THE SYSTEM:

The OIG Data Analytics Platform, CIG–30, system of records will contain a wide variety of records to carry out its purpose across the DoD. The following categories of records may be collected from existing DoD information systems and/or the information systems of other agencies to the extent that information is pertinent to a DoD OIG audit, evaluation, investigation, or review:

A. Personal and employment information such as: individual's full name, DoD Identification Number, Social Security Number (SSN), date of birth, marital status, race, gender, duty positions, payment histories, home addresses, physical addresses, driver's license numbers and telephone numbers.

B. Medical information such as: dates of treatment, medical/dental diagnosis, prescription drug information, location of care, pharmacy records, immunization records, Medical and Physical Evaluation Board records, laboratory test results, dental records, family medical history, death records, medical insurance records, and health risk assessments.

C. Financial information, including: bank account numbers and transactions, contracting and business ownership data, and Electronic Funds Transfer Numbers.

D. Cybersecurity information, including: internet Protocol (IP) addresses, email addresses, and electronic signature data such as media access control (MAC) addresses, International Mobile Equipment Identity (IMEI) numbers, Router or network signatures, Public Key Infrastructure keys and credit card metadata.

RECORD SOURCE CATEGORIES:

Records and information stored in this system of records are obtained from publicly available sources and various systems of records and information systems within the DoD and other Federal, State, local and foreign government agencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, all or a portion of the records or information contained herein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

A. To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the federal government when necessary to accomplish an agency function related to this system of records.

B. To the appropriate Federal, State, local, territorial, tribal, foreign, or

international law enforcement authority or other appropriate entity where a record, either alone or in conjunction with other information, indicates a violation or potential violation of law, whether criminal, civil, or regulatory in nature.

C. To any component of the Department of Justice for the purpose of representing the DoD, or its components, officers, employees, or members in pending or potential litigation to which the record is pertinent.

D. In an appropriate proceeding before a court, grand jury, or administrative or adjudicative body or official, when the DoD or other Agency representing the DoD determines that the records are relevant and necessary to the proceeding; or in an appropriate proceeding before an administrative or adjudicative body when the adjudicator determines the records to be relevant to the proceeding.

E. To the National Archives and Records Administration for the purpose of records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

F. To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, and at the request of, the individual who is the subject of the record.

G. To appropriate agencies, entities, and persons when (1) the DoD suspects or confirms a breach of the system of records; (2) the DoD determines as a result of the suspected or confirmed breach there is a risk of harm to individuals, the DoD (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the DoD OIG's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

H. To another Federal agency or Federal entity, when the DoD determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

I. To another Federal, State or local agency for the purpose of comparing to the agency's system of records or to non-Federal records, in coordination with an Office of Inspector General in conducting an audit, investigation, inspection, evaluation, or some other review as authorized by the Inspector General Act.

J. To such recipients and under such circumstances and procedures as are mandated by Federal statute or treaty.

K. To the news media and the public with the approval of the DoD Inspector General in consultation with counsel, when there exists a legitimate public interest in the disclosure of the information, when disclosure is necessary to preserve confidence in the integrity of DoD, or when disclosure is necessary to demonstrate the accountability of DoD's officers, employees, or individuals covered by the system, except to the extent the Inspector General determines that release of the specific information in the context of a particular case would constitute a clearly unwarranted invasion of personal privacy.

L. To designated officers, contractors, and employees of Federal, State, local, territorial, tribal, international, or foreign agencies for the purpose of the hiring or retention of an individual, the conduct of a suitability or security investigation, the letting of a contract, or the issuance of a license, grant or other benefit, to the extent that the information is relevant and necessary to the agency's decision on the matter and that the employer is appropriately informed about information that relates to or may impact an individual's suitability or eligibility.

M. To other Federal Inspector General offices, the Council of the Inspectors General on Integrity and Efficiency (CIGIE), or other law enforcement agencies for the purpose of coordinating and conducting audits, reviews, administrative inquiries, civil or criminal investigations, or when responding to such offices in connection with the investigation of a potential violation of law, rule, and/or regulation.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records will be stored electronically. The records may be stored on magnetic disc, tape, or digital media; in agency-owned cloud environments; or in vendor Cloud Service Offerings certified under the Federal Risk and Authorization Management Program (FedRAMP).

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records may be retrieved by individual name, SSN, DoD ID number, or driver's license number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are retained and disposed of in accordance with the applicable records schedule for the systems from which they were collected. Any unscheduled records will be retained indefinitely, until they have been scheduled with the National Archives and Records Administration and have become eligible for disposition under those schedules.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

The DoD safeguards records in this system of records according to applicable rules, policies, and procedures, including all applicable DoD automated systems security and access policies. DoD policies require the use of controls to minimize the risk of compromise of personally identifiable information (PII) in paper and electronic form and to enforce access by those with a need to know and with appropriate clearances. Additionally, the DoD established security audit and accountability policies and procedures that support the safeguarding of PII and detection of potential PII incidents. The DoD routinely employs safeguards to information systems and paper recordkeeping systems, such as the following: Multifactor log-in authentication including Common Access Card (CAC) authentication and password; physical token as required; physical and technological access controls governing access to data; network encryption to protect data transmitted over the network; disk encryption securing disks storing data; key management services to safeguard encryption keys; masking of sensitive data as practicable; mandatory information assurance and privacy training for individuals who will have access; identification, marking, and safeguarding of PII; physical access safeguards including multifactor identification physical access controls, detection and electronic alert systems for access to servers and other network infrastructure; and electronic intrusion detection systems in DoD facilities.

RECORD ACCESS PROCEDURES:

Individuals seeking access to their records should address written inquiries to the DoD OIG Freedom of Information Act, Privacy and Civil Liberties Office, 4800 Mark Center Drive, Alexandria, VA 22350–1500; *www.dodig.mil/FOIA* or *foiarequests@dodig.mil.* Signed written requests should contain the name and number of this system of records notice along with full name, current address, and email address of the individual and

any details which may assist in locating records of the individual. In addition, the requester must provide either a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the appropriate format:

If executed outside the United States: ''I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature).''

If executed within the United States, its territories, possessions, or commonwealths: ''I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).''

CONTESTING RECORD PROCEDURES:

The DoD rules for accessing records, contesting contents, and appealing initial agency determinations are contained in 32 CFR part 310, or may be obtained from the system manager.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether information about themselves is contained in this system of records should follow the instructions for Record Access Procedures above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

DoD has exempted records maintained in this system from 5 U.S.C. 552a(c)(3), (c)(4), (d)(1)-(4), (e)(1), (e)(2), (e)(3), (e)(4)(G) through (I), (e)(5), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2). The DoD also has exempted records maintained in this system from 5 U.S.C. 552a(c)(3), (d)(1)–(4), (e)(1), and (e)(4)(G) through (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(1) and (k)(2). An exemption rule for this record system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR 310. In addition, when exempt records received from other systems of records become part of this system, DoD also claims the same exemptions for those records that are claimed for the prior system(s) of records from which they were a part and claims any additional exemptions set forth here.

HISTORY:

None.

[FR Doc. 2022–15457 Filed 7–19–22; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Inland Waterways Users Board Meeting Notice

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of open Federal advisory committee meeting.

SUMMARY: The Department of the Army is publishing this notice to announce the Federal advisory committee meeting of the U.S. Army Corps of Engineers, Inland Waterways Users Board (Board). This meeting is open to the public. For additional information about the Board, please visit the committee's website at *https://www.iwr.usace.army.mil/Missions/Navigation/Inland-Waterways-Users-Board/.*

DATES: The Army Corps of Engineers, Inland Waterways Users Board will conduct a meeting from 9:30 a.m. to 2:30 p.m. PDT on August 16, 2022.

ADDRESSES: The Inland Waterways Users Board meeting will be conducted at the Courtyard by Marriott Walla Walla, 550 West Rose Street, Walla Walla, Washington 99362, 509–876–8100. The online virtual portion of the Inland Waterways Users Board meeting can be accessed at *https://usace1.webex.com/meet/ndc.nav,* Public Call-in: USA Toll-Free 844–800–2712, USA Caller Paid/International Toll: 1–669–234–1177 Access Code: 199 117 3596, Security Code 1234.

FOR FURTHER INFORMATION CONTACT: Mr. Mark R. Pointon, the Designated Federal Officer (DFO) for the committee, in writing at the Institute for Water Resources, U.S. Army Corps of Engineers, ATTN: CEIWR–GN, 7701 Telegraph Road, Casey Building, Alexandria, VA 22315–3868; by telephone at 703–428–6438; and by email at *Mark.Pointon@usace.army.mil.* Alternatively, contact Mr. Steven D. Riley, an Alternate Designated Federal Officer (ADFO), in writing at the Institute for Water Resources, U.S. Army Corps of Engineers, ATTN: CEIWR–NDC, 7701 Telegraph Road, Casey Building, Alexandria, VA 22315–3868; by telephone at 703–659–3097; and by email at *Steven.D.Riley@usace.army.mil.*

SUPPLEMENTARY INFORMATION: The committee meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150.

Purpose of the Meeting: The Board is chartered to provide independent advice and recommendations to the Secretary of the Army on construction and rehabilitation project investments on the commercial navigation features of the inland waterways system of the United States. At this meeting, the Board will receive briefings and presentations regarding the investments, projects, and status of the inland waterways system of the United States and conduct discussions and deliberations on those matters. The Board is interested in written and verbal comments from the public relevant to these purposes.

Agenda: At this meeting, the agenda will include the status of the Inland Waterways Trust Fund (IWTF); update of funding for Navigation for Fiscal Year (FY) 2022 and the Infrastructure Investment and Jobs Act (IIJA); the status of the FY 2023 Budget for Navigation; the status of the inland waterways Capital Investment Strategy activities; the value of the Snake River Locks and Dams; an overview of future inland waterways projects for the Upper Ohio River Navigation (Montgomery Lock), Mississippi River-Illinois Waterway Navigation and Ecosystem Sustainability Program (NESP), McClellan-Kerr Arkansas River Navigation System (MKARNS) Three Rivers, Arkansas, and 12-foot Channel Deepening Project, and the Gulf Intracoastal Waterway; the status of the ongoing construction activities for the Monongahela River Locks and Dams 2, 3, and 4, Chickamauga Lock Project and the Kentucky Lock Project; and the status of Inner Harbor Navigation Canal Lock and Bayou Sorrel Lock.

Availability of Materials for the Meeting. A copy of the agenda or any updates to the agenda for the August 16, 2022, meeting will be available. The final version will be available at the meeting. All materials will be posted to the website for the meeting.

Public Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.140 through 102–3.1 65, and subject to the availability of space, this virtual meeting is open to the public. Registration of members of the public who wish to participate in the virtual meeting will begin at 7:30 a.m. PDT on the day of the meeting. Participation is on a first-to-arrive basis. Any interested person may participate in the meeting, file written comments or statements with the committee, or make verbal comments during the virtual public meeting, at the times, and in the manner, permitted by the committee, as set forth below.

Special Accommodations: Individuals requiring any special accommodations related to the virtual public meeting or seeking additional information about the procedures, should contact Mr. Mark Pointon, the committee DFO, or Mr. Steven Riley, an ADFO, at the email addresses or telephone numbers listed in the **FOR FURTHER INFORMATION CONTACT** section, at least five (5) business days prior to the meeting so that appropriate arrangements can be made.

Written Comments or Statements: Pursuant to 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the Federal Advisory Committee Act, the public or interested organizations may submit written comments or statements to the Board about its mission and/or the topics to be addressed in this virtual public meeting. Written comments or statements should be submitted to Mr. Pointon, the committee DFO, or Mr. Riley, a committee ADFO, via electronic mail, the preferred mode of submission, at the addresses listed in the **FOR FURTHER INFORMATION CONTACT** section in the following formats: Adobe Acrobat or Microsoft Word. The comment or statement must include the author's name, title, affiliation, address, and daytime telephone number. Written comments or statements being submitted in response to the agenda set forth in this notice must be received by the committee DFO or ADFO at least five (5) business days prior to the meeting so that they may be made available to the Board for its consideration prior to the meeting. Written comments or statements received after this date may not be provided to the Board until its next meeting. Please note that because the Board operates under the provisions of the Federal Advisory Committee Act, as amended, all written comments will be treated as public documents and will be made available for public inspection.

Verbal Comments: Members of the public will be permitted to make verbal comments during the virtual public meeting only at the time and in the manner allowed herein. If a member of the public is interested in making a verbal comment at the open virtual meeting, that individual must submit a request, with a brief statement of the subject matter to be addressed by the comment, at least three business (3) days in advance to the committee DFO or ADFO, via electronic mail, the preferred mode of submission, at the addresses listed in the **FOR FURTHER INFORMATION CONTACT** section. The committee DFO and ADFO will log each request to make a comment, in the order received, and determine whether the subject matter of each comment is relevant to the Board's mission and/or the topics to be addressed in this public meeting. A 15-minute period near the end of the meeting will be available for verbal public comments. Members of the public who have requested to make a verbal comment and whose comments have been deemed relevant under the process described above, will be allotted no more than three (3) minutes during this period, and will be invited to speak in the order in which their requests were received by the DFO and ADFO.

Thomas P. Smith,

Chief, Operations and Regulatory Division, Directorate of Civil Works, U.S. Army Corp of Engineers.

[FR Doc. 2022–15407 Filed 7–19–22; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP22–482–000]

National Fuel Gas Supply Corporation; Notice of Application and Establishing Intervention Deadline

Take notice that on July 5, 2022, National Fuel Gas Supply Corporation (National Fuel), 6363 Main Street Williamsville, NY 14221–5887 filed in the above referenced docket an application pursuant to section 7(b) of the Natural Gas Act and Part 157 of the Commission's regulations requesting abandon by sale to KC Midstream Solutions of the Corry Storage Field including the base gas, the Carter Hill Compressor Station, land rights, and all associated facilities located in Wayne Township, in Erie County, Pennsylvania. KC Midstream Solutions has agreed to purchase and plans to operate the acquired assets as part of its non-jurisdictional production and gathering facilities. National Fuel does not propose the abandonment of service to any customers as result of the proposed sale. All as more fully set forth in the application which is on file with the Commission and open for the 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 Alice A. Curtiss, Deputy General Counsel, National Fuel Gas Supply Corporation, 6363 Main Street Williamsville, NY 14221–5887; by phone (716) 857–7075; or by email: *curtissa@natfuel.com.*

Pursuant to Section 157.9 of the Commission's Rules of Practice and Procedure, [1] within 90 days of this Notice the Commission staff will either: complete its environmental review and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or environmental assessment (EA) for this proposal. The filing of an EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

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 August 3, 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

[1] 18 CFR (Code of Federal Regulations) § 157.9.

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 August 3, 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 August 3, 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 August 3, 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 CP22–482–000 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 (*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''; or[7]

(2) You can file a paper copy of your submission by mailing it to the address below. Your submission must reference the Project docket number CP22–482–000.

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

The Commission encourages electronic filing of submissions (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

Protests and motions to intervene must be served on the applicant either by mail or email (with a link to the document) at: Alice A. Curtiss, Deputy General Counsel, National Fuel Gas Supply Corporation, 6363 Main Street Williamsville, NY 14221–5887; or by email: *curtissa@natfuel.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 14, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–15484 Filed 7–19–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP22–1052–000.

Applicants: Tennessee Gas Pipeline Company, L.L.C.

[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.

[7] Additionally, you may file your comments electronically by using the eComment feature, which is located on the Commission's website at *www.ferc.gov* under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project.

Description: § 4(d) Rate Filing: PAL NRA Vitol SP378768 & Macquarie SP378803 to be effective 8/1/2022.

Filed Date: 7/14/22.

Accession Number: 20220714–5034.

Comment Date: 5 pm ET 7/26/22.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

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 14, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–15479 Filed 7–19–22; 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: EC22–90–000.

Applicants: Centrica Business Solutions Optimize, LLC, Enerwise Global Technologies, LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act of Centrica Business Solutions Optimize, LLC.

Filed Date: 7/13/22.

Accession Number: 20220713–5211.

Comment Date: 5 p.m. ET 8/3/22.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER22–2008–000.

Applicants: SEPV Sierra, LLC.

Description: Amendment to June 1, 2022 SEPV Sierra, LLC submits tariff filing per 35.1: Market-Based Rate Application to be effective 6/2/2022.

Filed Date: 7/7/22.

Accession Number: 20220707–5209.

Comment Date: 5 p.m. ET 7/18/22.

Docket Numbers: ER22–2141–000.

Applicants: Sun Mountain Solar 1, LLC.

Description: Supplement to June 17, 2022 Sun Mountain Solar 1, LLC tariff filing.

Filed Date: 7/5/22.

Accession Number: 20220705–5209.

Comment Date: 5 p.m. ET 7/19/22.

Docket Numbers: ER22–2376–000.

Applicants: New York Independent System Operator, Inc., Power Authority of the State of New York.

Description: § 205(d) Rate Filing: New York Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii: Joint NYISO–NYPA 205 LGIA for Excelsior Energy Center Project SA No. 2689—CEII to be effective 6/29/2022.

Filed Date: 7/14/22.

Accession Number: 20220714–5081.

Comment Date: 5 p.m. ET 8/4/22.

Docket Numbers: ER22–2377–000.

Applicants: Black Hills Colorado Electric, LLC.

Description: Compliance filing: Order No. 864 Compliance Filing to be effective 9/1/2022.

Filed Date: 7/14/22.

Accession Number: 20220714–5094.

Comment Date: 5 p.m. ET 8/4/22.

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 14, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–15480 Filed 7–19–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD10–12–013]

Increasing Market and Planning, Efficiency through Improved Software; Supplemental Notice of Technical Conference on Increasing Real-Time and Day-Ahead Market and Planning Efficiency Through Improved Software

As first announced in the Notice of Technical Conference issued in this proceeding on February 24, 2022, Commission staff convened a technical conference on June 21, 22, and 23, 2022 to discuss opportunities for increasing real-time and day-ahead market and planning efficiency of the bulk power system through improved software. Attached to this Second Supplemental Notice is a final agenda for the technical conference and speakers' summaries of their presentations with minor corrections to the agenda published in the Supplemental Notice of Technical Conference on May 27, 2022.

For further information about these conferences, please contact:

Sarah McKinley (Logistical Information), Office of External Affairs, (202) 502–8004, *Sarah.McKinley@ferc.gov*.

Alexander Smith (Technical Information), Office of Energy Policy and Innovation, (202) 502–6601, *Alexander.Smith@ferc.gov*.

Dated: July 14, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–15481 Filed 7–19–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No.15259–000]

Lock+™ Hydro Friends Fund X, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On February 4, 2022, Lock+™ Hydro Friends Fund X, LLC 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 Lock and Dam No. 24 Hydropower Project to be located on the Mississippi River and near the city of Clarksville, Missouri in Pike County and Calhoun County, Illinois. 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.

The proposed project would consist of the following: (1) a 250-foot-long by 40-foot-wide reinforced concrete headrace; (2) a 250-foot-long by 40-foot-wide by 50-foot-high submersible reinforced concrete powerhouse containing seven 10-megawatt (MW) turbines; (3) seven submersible 10–MW generators rated at 6.9 kilovolts (kV) or 13 kV; (4) 50-foot-wide by 250-foot-long draft tubes; (5) 40-foot-wide by 250-foot-long reinforced concrete tailrace; (6) a 25-foot by 50-foot switchyard; (7) a 3-mile-long, 6.9 (kV) or 13 kV transmission line connecting to an existing transmission system; and (8) appurtenant facilities. The estimated annual generation of the Lock and Dam No. 24 Hydropower would be 300,000 megawatt-hours.

Applicant Contact: Mr. Wayne Krouse; Lock+ Hydro Friends Fund X, LLC; 2901 4th Avenue South, #B 253, Birmingham, AL 35233; phone: (877) 556–6566 ext. 709.

FERC Contact: Michael Davis; phone: (202) 502–8339.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–15259–000.

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–15259) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: July 14, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–15482 Filed 7–19–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP22–484–000]

Columbia Gas Transmission, LLC; Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that on July 6, 2022, Columbia Gas Transmission, LLC (Columbia), 700 Louisiana Street, Suite 1300, Houston, TX 77002–2700 filed in the above referenced docket a prior notice pursuant to sections 157.205, 157.213 and 157.216 of the Federal Energy Regulatory Commission's regulations under the Natural Gas Act (NGA), requesting authorization to convert four existing injection/withdrawal wells to observation status, and to abandon associated pipelines and appurtenances located at the Lucas Storage Field in Ashland County, Ohio. Columbia proposes to abandon these facilities under authorities granted by its blanket certificate issued in Docket No. CP83–76–000.[1] The proposed Project will have no impact on the Lucas Storage Field's certificated physical parameters, including total inventory, reservoir pressure, reservoir and buffer boundaries, and certificated capacity. In addition, there will be no abandonment or decrease in service to Columbia's customers as a result of the Project. The estimated cost for the Project is approximately $350,000, 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 David A. Alonzo, Manager, Project Authorizations, Columbia Gas Transmission, LLC, 700 Louisiana Street, Suite 1300, Houston, Texas, 77002–2700, at (832) 320–5477 or *david_alonzo@tcenergy.com.*

Pursuant to Section 157.9 of the Commission's Rules of Practice and Procedure,[2] within 90 days of this Notice the Commission staff will either: complete its environmental review and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or environmental assessment (EA) for this proposal. The filing of an EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

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.

[1] *Columbia Gas Transmission Corporation* (predecessor to Columbia Gas Transmission, LLC), 22 FERC 62,029 (1983).

[2] 18 CFR (Code of Federal Regulations) § 157.9.

Protests

Pursuant to section 157.205 of the Commission's regulations under the NGA,[3] any person [4] 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,[5] 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 [6] and the regulations under the NGA [7] 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 CP22–484–000 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 (*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''; or [8]

(2) You can file a paper copy of your submission by mailing it to the address below. Your submission must reference the Project docket number CP22–484–000.

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

The Commission encourages electronic filing of submissions (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

Protests and motions to intervene must be served on the applicant either by mail or email (with a link to the document) at: David A. Alonzo, Manager, Project Authorizations, Columbia Gas Transmission, LLC, 700 Louisiana Street, Suite 1300, Houston, TX 77002–2700 or *david_alonzo@tcenergy.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 14, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–15483 Filed 7–19–22; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2022–0163; FRL–9408–06–OCSPP]

Pesticide Product Registration; Receipt of Applications for New Uses (June 2022)

AGENCY: Environmental Protection Agency (EPA).

[3] 18 CFR 157.205.

[4] Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

[5] 18 CFR 157.205(e).

[6] 18 CFR 385.214.

[7] 18 CFR 157.10.

[8] Additionally, you may file your comments electronically by using the eComment feature, which is located on the Commission's website at *www.ferc.gov* under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project.

ACTION: Notice.

SUMMARY: EPA has received applications to register new uses for pesticide products containing currently registered active ingredients. Pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is hereby providing notice of receipt and opportunity to comment on these applications.

DATES: Comments must be received on or before August 19, 2022.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2022–0163, 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: Marietta Echeverria, Registration Division (RD) (7505P), main telephone number: (703) 305–7090, email address: *RDFRNotices@epa.gov.* The mailing address for each contact person is: Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001. As part of the mailing address, include the contact person's name, division, and mail code. The division to contact is listed at the end of each application summary.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).

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/commenting-epa-dockets.*

II. Registration Applications

EPA has received applications to register new uses for pesticide products containing currently registered active ingredients. Pursuant to the provisions of FIFRA section 3(c)(4) (7 U.S.C. 136a(c)(4)), EPA is hereby providing notice of receipt and opportunity to comment on these applications. Notice of receipt of these applications does not imply a decision by the Agency on these applications.

Notice of Receipt—New Uses

1. *EPA Registration Number:* 100–1374. *Docket ID number:* EPA–HQ–OPP–2022–0314. *Applicant:* Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC 27419. *Active ingredient:* Sedaxane. *Product type:* Fungicide. *Proposed use:* Vegetable, cucurbit, group 9 and vegetable dry bulb, crop subgroup 3–07A. *Contact:* RD.

2. *EPA Registration Number:* 100–1381. *Docket ID number:* EPA–HQ–OPP–2022–0314. *Applicant:* Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC 27419. *Active ingredient:* Sedaxane. *Product type:* Fungicide. *Proposed use:* Vegetable, cucurbit, group 9 and vegetable dry bulb, crop subgroup 3–07A. *Contact:* RD.

3. *EPA Registration Numbers:* 264–824, 264–1055, 264–1084. *Docket ID number:* EPA–HQ–OPP–2022–0478. *Applicant:* Bayer CropScience 800 N Lindbergh Blvd. St. Louis, MO 63167 *Active ingredient:* Prothioconazole. *Product type:* Fungicide. *Proposed use:* Foliar use of prothioconazole in potatoes. *Contact:* RD.

4. *EPA Registration Numbers:* 279–3633. *Docket ID number:* EPA–HQ–OPP–2022–0547. *Applicant:* FMC Corporation, 2929 Walnut Street, PA 19104. *Active ingredient:* Flutriafol. *Product type:* Fungicide. *Proposed use:* Residential turf and ornamentals. *Contact:* RD.

5. *EPA Registration Numbers:* 4787–55 and 4787–61. *Docket ID number:* EPA–HQ–OPP–2022–0547. *Applicant:* Cheminova A/S, 2929 Walnut Street, PA 19104. *Active ingredient:* Flutriafol. *Product type:* Fungicide. *Proposed use:* Residential turf and ornamental. *Contact:* RD.

6. *EPA File Symbol:* 7969–UON. *Docket ID number:* EPA–HQ–OPP–2022–0488. *Applicant:* BASF Corporation, 26 Davis Dr., Research Triangle, NC 27709. *Active ingredient:* Broflanilide. *Product type:* Insecticide. *Proposed use:* Control of darkling beetles inside of poultry houses and their exterior. *Contact:* RD.

7. *EPA Registration Number:* 7969–310. *Docket ID number:* EPA–HQ–OPP–2022–0258. *Applicant:* BASF Corporation, 26 Davis Drive, P.O. Box 13528, Research Triangle Park, NC 27709–3528. *Active ingredient:* Fluxapyroxad (3-(difluoromethyl)-1-methyl-*N*-(3′,4′,5′-trifluoro[1,1′-biphenyl]-2-yl)-1*H*-pyrazole-4-carboxamide). *Product type:* Fungicide. *Proposed use:* Avocado. *Contact:* RD.

8. *EPA Registration Number:* 7969–312. *Docket ID number:* EPA–HQ–OPP–2022–0258. *Applicant:* BASF Corporation, 26 Davis Drive, P.O. Box 13528, Research Triangle Park, NC 27709–3528. *Active ingredient:* Fluxapyroxad (3-(difluoromethyl)-1-methyl-*N*-(3′,4′,5′-trifluoro[1,1′-biphenyl]-2-yl)-1*H*-pyrazole-4-carboxamide). *Product type:* Fungicide. *Proposed use:* Avocado. *Contact:* RD.

9. *EPA Registration Numbers:* 86203–1 & 352–834. *Docket ID number:* EPA–HQ–OPP–2021–0658. *Applicant:* Interregional Research Project Number 4 (IR–4), Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, NJ 08540. *Active ingredient:* Penthiopyrad. *Product type:* Fungicide. *Proposed use:* Banana and Leafy Greens Subgroup 4–16A (lettuce) (Greenhouse). *Contact:* RD.

10. *EPA Registration Number:* 86203–28. *Docket ID number:* EPA–HQ–OPP–2022–0488. *Applicant:* BASF Corporation, 26 Davis Dr., Research Triangle, NC 27709. *Active ingredient:* Broflanilide. *Product type:* Insecticide. *Proposed use:* Poultry Houses/Facilities. *Contact:* RD.

(Authority: 7 U.S.C. 136 *et seq.*)

Dated: July 12, 2022.

Delores Barber,

Director, Information Technology and Resources Management Division, Office of Program Support.

[FR Doc. 2022–15411 Filed 7–19–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2016–0741; FRL–9944–01–OCSPP]

1-Bromopropane (1-BP); Draft Revision to Toxic Substances Control Act (TSCA) Risk Determination; Notice of Availability and Request for Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is announcing the availability of and seeking public comment on a draft revision to the risk determination for the 1-bromopropane (1-BP) risk evaluation issued under TSCA. The draft revision to the 1-BP risk determination reflects the announced policy changes to ensure the public is protected from unreasonable risks from chemicals in a way that is supported by science and the law. In this draft revision to the risk determination EPA finds that 1-BP, as a whole chemical substance, presents an unreasonable risk of injury to health when evaluated under its conditions of use. In addition, this revised risk determination does not reflect an assumption that all workers always appropriately wear personal protective equipment (PPE). EPA understands that there could be occupational safety protections in place at workplace locations; however, not assuming use of PPE reflects EPA's recognition that unreasonable risk may exist for subpopulations of workers that may be highly exposed because they are not covered by OSHA standards, or their employers are out of compliance with OSHA standards, or because OSHA has not issued a permissible exposure limit (PEL) (as is the case for 1-BP). This revision, when final, would supersede the condition of use-specific no unreasonable risk determinations in the August 2020 1-BP risk evaluation (and withdraw the associated order) and would make a revised determination of unreasonable risk for 1-BP as a whole chemical substance.

DATES: Comments must be received on or before August 19, 2022.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–EPA–HQ–OPPT–2016–0741, using 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: Amy Shuman, Office of Pollution Prevention and Toxics (7404M), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–2978; email address: *shuman.amy@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. Does this action apply to me?

This action is directed to the public in general. This action may, however, be of interest to those involved in the manufacture, processing, distribution, use, disposal, and/or the assessment of risks involving chemical substances and mixtures. You may be potentially affected by this action if you manufacture (defined under TSCA to include import), process (including recycling), distribute in commerce, use or dispose of 1-BP, including 1-BP in products. Since other entities may also be interested in this draft revision to the risk determination, EPA has not attempted to describe all the specific entities that may be affected by this action.

B. What is EPA's authority for taking this action?

TSCA section 6, 15 U.S.C. 2605, requires EPA to conduct risk evaluations to determine whether a chemical substance presents an unreasonable risk of injury to health or the environment, without consideration of costs or other non-risk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation (PESS) identified as relevant to the risk evaluation by the Administrator, under the conditions of use. 15 U.S.C. 2605(b)(4)(A). TSCA sections 6(b)(4)(A) through (H) enumerate the deadlines and minimum requirements applicable to this process, including provisions that provide instruction on chemical substances that must undergo evaluation, the minimum components of a TSCA risk evaluation, and the timelines for public comment and completion of the risk evaluation. TSCA also requires that EPA operate in a manner that is consistent with the best available science, make decisions based on the weight of the scientific evidence, and consider reasonably available information. 15 U.S.C. 2625(h), (i), and (k).

The statute identifies the minimum components for all chemical substance risk evaluations. For each risk evaluation, EPA must publish a document that outlines the scope of the risk evaluation to be conducted, which includes the hazards, exposures, conditions of use, and the potentially exposed or susceptible subpopulations that EPA expects to consider. 15 U.S.C. 2605(b)(4)(D). The statute further provides that each risk evaluation must also: (1) integrate and assess available information on hazards and exposures for the conditions of use of the chemical substance, including information that is relevant to specific risks of injury to health or the environment and information on relevant potentially exposed or susceptible subpopulations; (2) describe whether aggregate or sentinel exposures were considered and the basis for that consideration; (3) take into account, where relevant, the likely duration, intensity, frequency, and number of exposures under the conditions of use; and (4) describe the weight of the scientific evidence for the identified hazards and exposures. 15 U.S.C. 2605(b)(4)(F)(i) through (ii) and (iv) through (v). Each risk evaluation must not consider costs or other non-risk factors. 15 U.S.C. 2605(b)(4)(F)(iii).

EPA has inherent authority to reconsider previous decisions and to revise, replace, or repeal a decision to the extent permitted by law and supported by reasoned explanation. *FCC* v. *Fox Television Stations, Inc.,* 556 U.S. 502, 515 (2009); *see also Motor Vehicle Mfrs. Ass'n* v. *State Farm Mutual Auto. Ins. Co.,* 463 U.S. 29, 42 (1983). Pursuant to such authority, EPA is reconsidering the risk determinations in the August 2020 1-BP Risk Evaluation.

C. What action is EPA taking?

EPA is announcing the availability of and seeking public comment on a draft revision to the risk determination for the risk evaluation for 1-BP under TSCA, which was initially published in August 2020 (Ref. 1). EPA is specifically seeking public comment on the draft revision to

the risk determination for the risk evaluation where the Agency intends to determine that 1-BP, as a whole chemical, presents an unreasonable risk of injury to health when evaluated under its conditions of use. The Agency's risk determination for 1-BP is better characterized as a whole chemical risk determination rather than condition-of-use-specific risk determinations. Accordingly, EPA would revise and replace section 5 of the risk evaluation for 1-BP where the findings of unreasonable risk to health were previously made for the individual conditions of use evaluated. EPA would also withdraw the order issued previously for nine conditions of use previously determined not to present unreasonable risk.

This revision would be consistent with EPA's plans to revise specific aspects of the first ten TSCA chemical risk evaluations in order to ensure that the risk evaluations better align with TSCA's objective of protecting health and the environment. Under the draft revision removing the assumptions that all workers always and appropriately use PPE (see Unit II.C.) in making the whole chemical risk determination for 1-BP would mean that: seven conditions of use in addition to the original 16 would drive the unreasonable risk determination for 1-BP; additional risks of cancer from dermal exposures would also drive the unreasonable risk to workers in six conditions of use; additional risks for acute and chronic non-cancer effects from inhalation exposures would also drive the unreasonable risk to workers in two conditions of use; and additional risks for acute and chronic non-cancer effects and cancer from inhalation and dermal exposures to workers would also drive the unreasonable risk in one conditions of use (where previously this condition of use was identified as presenting unreasonable risk only to ONUs). Overall, 23 conditions of use out of the 25 EPA evaluated drive the 1-BP whole chemical unreasonable risk determination due to risks identified for human health. The full list of the conditions of use evaluated for the 1-BP TSCA risk evaluation is in Table 4–58 and 4–59 of the risk evaluation (Ref. 2).

D. 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 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 *http://www.epa.gov/dockets/comments.html.*

II. Background

A. Why is EPA re-issuing the risk determination for the 1-BP risk evaluation conducted under TSCA?

In 2016, as directed by TSCA section 6(b)(2)(A), EPA chose the first ten chemical substances to undergo risk evaluations under the amended TSCA. These chemical substances are asbestos, 1-BP, carbon tetrachloride, C.I. Pigment Violet (PV 29), cyclic aliphatic bromide cluster (HBCD), 1,4-dioxane, methylene chloride, n-methylpyrrolidone (NMP), perchloroethylene (PCE), and trichloroethylene (TCE).

From June 2020 to January 2021, EPA published risk evaluations on the first ten chemical substances, including for 1-BP in August 2020. The risk evaluations included individual unreasonable risk determinations for each condition of use evaluated. EPA issued determinations that particular conditions of use did not present an unreasonable risk by order under TSCA section 6(i)(1).

In accordance with Executive Order 13990 (Ref. 3) and other Administration priorities (Refs. 4, 5, and 6), EPA reviewed the risk evaluations for the first ten chemical substances, including 1-BP, to ensure that they meet the requirements of TSCA, including conducting decision making in a manner that is consistent with the best available science.

As a result of this review, EPA announced plans to revise specific aspects of the first ten risk evaluations in order to ensure that the risk evaluations appropriately identify unreasonable risks and thereby help ensure the protection of human health and the environment (Ref. 7). To that end, EPA is reconsidering two key aspects of the risk determinations for 1-BP published in August 2020. First, following a review of specific aspects of the August 2020 1-BP risk evaluation, EPA proposes that making an unreasonable risk determination for 1-BP as a whole chemical substance, rather than making unreasonable risk determinations separately on each individual condition of use evaluated in the risk evaluation, is the most appropriate approach to 1-BP under the statute and implementing regulations. Second, EPA proposes that the risk determination should be explicit that it does not rely on assumptions regarding the use of personal protective equipment (PPE) in making the unreasonable risk determination under TSCA section 6, even though some facilities might be using PPE as one means to reduce workers exposures; rather, the use of PPE would be considered during risk management as appropriate.

Separately EPA is conducting a screening approach to assess potential risks from pathways excluded from evaluation for several of the first 10 chemicals, including this chemical. For 1-BP, the air exposure pathway was not fully assessed in the final risk evaluation (see section 1.4.2 of the August 2020 1-BP risk evaluation). The goal of the recently-developed screening approach is to remedy this exclusion and to identify if there are risks that were unaccounted for in the 1-BP risk evaluation. While this analysis is underway, EPA is not incorporating the screening-level approach into this draft revised unreasonable risk determination. If the results suggest there is additional risk, EPA will determine if the risk management approaches being contemplated for 1-BP will protect against these risks or if the risk evaluation will need to be formally supplemented or revised.

This action pertains only to the risk determination for 1-BP. While EPA intends to consider and may take additional similar actions on other of the first ten chemicals, EPA is taking a chemical-specific approach to reviewing the risk evaluations and is incorporating new policy direction in a surgical manner, while being mindful of the Congressional direction on the need to complete risk evaluations and move toward any associated risk management activities in accordance with statutory deadlines.

B. What is a whole chemical view of the unreasonable risk determination for the 1-BP risk evaluation?

TSCA section 6 repeatedly refers to determining whether a chemical *substance* presents unreasonable risk under its conditions of use. Stakeholders have disagreed over whether a chemical substance should receive: A single determination that is

comprehensive for the chemical substance after considering the conditions of use, referred to as a whole-chemical determination; or multiple determinations, each of which is specific to a condition of use, referred to as condition-of-use-specific determinations.

The proposed risk evaluation procedural rule was premised on the whole chemical approach to making an unreasonable risk determination (Ref. 8). In that proposed rule, EPA acknowledged a lack of specificity in statutory text that might lead to different views about whether the statute compelled EPA's risk evaluations to address all conditions of use of a chemical substance or whether EPA had discretion to evaluate some subset of conditions of use (*i.e.,* to scope out some manufacturing, processing, distribution in commerce, use, or disposal activities), but also stated that ''EPA believes the word 'the' (in TSCA section 6(b)(4)(A)) is best interpreted as calling for evaluation that considers all conditions of use.'' (Ref. 8).

The proposed rule, however, was unambiguous on the point that an unreasonable risk determination would be for the chemical substance as a whole, even if based on a subset of uses. (See Ref. 8 at pgs. 7565–66: ''TSCA section 6(b)(4)(A) specifies that a risk evaluation must determine whether 'a chemical substance' presents an unreasonable risk of injury to health or the environment 'under the conditions of use.' The evaluation is on the chemical substance—not individual conditions of use—and it must be based on 'the conditions of use.' In this context, EPA believes the word 'the' is best interpreted as calling for evaluation that considers all conditions of use.''). In the proposed regulatory text, EPA proposed to determine whether the chemical substance presents an unreasonable risk of injury to health or the environment under the conditions of use. (Ref. 8 at pg. 7480).

The final risk evaluation procedural rule stated (82 FR 33726, July 20, 2017) (FRL–9964–38) (Ref. 9): ''As part of the risk evaluation, EPA will determine whether the chemical substance presents an unreasonable risk of injury to health or the environment under each condition of uses [sic] within the scope of the risk evaluation, either in a single decision document or in multiple decision documents.'' (See also 40 CFR 702.47). For the unreasonable risk determinations in the first ten risk evaluations, EPA applied this provision by making individual risk determinations for each condition of use evaluated in each risk evaluation (*i.e.,* the condition-of-use-specific approach to risk determinations). That approach was based on one particular passage in the preamble to the final risk evaluation procedural rule, which stated that EPA will make individual risk determinations for all conditions of use identified in the scope (Ref. 9 at pg. 33744).

In contrast to this portion of the preamble of the final risk evaluation procedural rule, the regulatory text itself and other statements in the preamble reference a risk determination *for the chemical substance* under its conditions of use, rather than separate risk determinations for each of the conditions of use of a chemical substance. In the key regulatory provision excerpted earlier from 40 CFR 702.47, the text explains that, ''[a]s part of the risk evaluation, EPA will determine whether *the chemical substance* presents an unreasonable risk of injury to health or the environment under each condition of uses [sic] within the scope of the risk evaluation, either in a single decision document or in multiple decision documents'' (Ref. 9, emphasis added). Other language reiterates this perspective. For example, 40 CFR 702.31(a) states that the purpose of the rule is to establish the EPA process for conducting a risk evaluation to determine whether a chemical substance presents an unreasonable risk of injury to health or the environment as required under TSCA section 6(b)(4)(B). Likewise, there are recurring references to whether the chemical substance presents an unreasonable risk in 40 CFR 702.41(a). See, for example, 40 CFR 702.41(a)(6), which explains that the extent to which EPA will refine its evaluations for one or more condition of use in any risk evaluation will vary as necessary to determine whether a chemical substance presents an unreasonable risk. Notwithstanding the one preambular statement about condition-of-use-specific risk determinations, the preamble to the final rule also contains support for a risk determination on the chemical substance as a whole. In discussing the identification of the conditions of use of a chemical substance, the preamble notes that this task inevitably involves the exercise of discretion on EPA's part, and, ''as EPA interprets the statute, the Agency is to exercise that discretion consistent with the objective of conducting a technically sound, manageable evaluation to determine whether a chemical substance—not just individual uses or activities—presents an unreasonable risk.'' (Ref. 8 at pg. 33729).

Therefore, notwithstanding EPA's choice to issue condition-of-use-specific risk determinations to date, EPA interprets its risk evaluation regulation to also allow the Agency to issue whole-chemical risk determinations. Either approach is permissible under the regulation. A panel of the Ninth Circuit Court of Appeals also recognized the ambiguity of the regulation on this point. *Safer Chemicals* v. *EPA, 943 F.3d 397, 413* (9th Cir. 2019) (holding a challenge about ''use-by-use risk evaluations [was] not justiciable because it is not clear, due to the ambiguous text of the Risk Evaluation Rule, whether the Agency will actually conduct risk evaluations in the manner Petitioners fear'').

EPA plans to consider the appropriate approach for each chemical substance risk evaluation on a case-by-case basis, taking into account considerations relevant to the specific chemical substance in light of the Agency's obligations under TSCA. The Agency expects that this case-by-case approach will provide greater flexibility in the Agency's ability to evaluate and manage unreasonable risk from individual chemical substances. EPA believes this is a reasonable approach under TSCA and the Agency's implementing regulations.

With regard to the specific circumstances of 1-BP, as further explained in this notice, EPA proposes that a whole chemical approach is appropriate for 1-BP in order to protect human health and the environment. The whole chemical approach is appropriate for 1-BP because there are benchmark exceedances for multiple conditions of use (spanning across most aspects of the chemical lifecycle—from manufacturing (including import), processing, commercial and industrial use, consumer use, and disposal) for health of workers, occupational non-users, consumers, and bystanders and the irreversible health effects (specifically developmental toxicity and cancer) associated with 1-BP exposures. Because these chemical-specific properties cut across the conditions of use within the scope of the risk evaluation, a substantial amount of the conditions of use drive the unreasonable risk; therefore it is appropriate for the Agency to make a determination for 1-BP that the whole chemical presents an unreasonable risk.

As explained later in this document, the revisions to the unreasonable risk determination (section 5 of the risk evaluation) would be based on the existing risk characterization section of the risk evaluation (section 4 of the risk evaluation) and would not involve

additional technical or scientific analysis. The discussion of the issues presented in this **Federal Register** notice and in the accompanying draft revision to the risk determination would supersede any conflicting statements in the prior 1-BP risk evaluation and the response to comments document (Ref. 10). With respect to the 1-BP risk evaluation, EPA intends to change the risk determination to a whole chemical approach without considering the use of PPE and does not intend to amend, nor does a whole chemical approach require amending, the underlying scientific analysis of the risk evaluation in the risk characterization section of the risk evaluation. EPA views the peer reviewed hazard and exposure assessments and associated risk characterization as robust and upholding the standards of best available science and weight of the scientific evidence per TSCA sections 26(h) and (i).

EPA is announcing the availability of and seeking public comment on the draft superseding unreasonable risk determination for 1-BP, including a description of the risks driving the unreasonable risk determination under the condition of use for the chemical substance as a whole. For purposes of TSCA section 6(i), EPA is making a draft risk determination on 1-BP as a whole chemical. Under the proposed revised approach, the ''whole chemical'' risk determination for 1-BP would supersede the no unreasonable risk determinations for 1-BP that were premised on a condition-of-use-specific approach to determining unreasonable risk. When finalized, EPA's revised unreasonable risk determination would also contain an order withdrawing the TSCA section 6(i)(1) order in section 5.4.1 of the August 2020 1-BP risk evaluation.

C. What revision does EPA propose about the use of PPE for the 1-BP risk evaluation?

In the risk evaluations for the first ten chemical substances, as part of the unreasonable risk determination, EPA assumed for several conditions of use that all workers were provided and always used PPE in a manner that achieves the stated assigned protection factor (APF) for respiratory protection, or used impervious gloves for dermal protection. In support of this assumption, EPA considered reasonably available information such as public comments indicating that some employers, particularly in the industrial setting, provide PPE to their employees and follow established worker protection standards (*e.g.,* Occupational Safety and Health Administration (OSHA) requirements for protection of workers).

For the August 2020 1-BP risk evaluation, EPA assumed based on reasonably available information that workers use PPE—specifically, respirators with an APF of 10 or 50, or gloves with a protection factor (PF) of 5—for 15 of 16 occupational conditions of use. However, in the August 2020 1-BP risk evaluation, EPA determined that there is unreasonable risk for nine of these occupational conditions of use even with this assumed PPE use.

EPA is revising the assumption for 1-BP that workers always or properly use PPE, although it does not question the public comments received regarding the occupational safety practices often followed by industry respondents. When characterizing the risk to human health from occupational exposures during risk evaluation under TSCA, EPA believes it is appropriate to evaluate the levels of risk present in baseline scenarios where PPE is not assumed to be used by workers. This approach of not assuming PPE use by workers considers the risk to potentially exposed or susceptible subpopulations (workers and occupational non-users) who may not be covered by OSHA standards, such as self-employed individuals and public sector workers who are not covered by a State Plan. It should be noted that, in some cases, baseline conditions may reflect certain mitigation measures, such as engineering controls, in instances where exposure estimates are based on monitoring data at facilities that have engineering controls in place.

In addition, EPA believes it is appropriate to evaluate the levels of risk present in scenarios considering applicable OSHA requirements (*e.g.,* chemical-specific permissible exposure limits (PELs) and/or chemical-specific PELs with additional substance-specific standards) as well as scenarios considering industry or sector best practices for industrial hygiene that are clearly articulated to the Agency. Consistent with this approach, the August 2020 1-BP risk evaluation characterized risk to workers both with and without the use of PPE. By characterizing risks using scenarios that reflect different levels of mitigation, EPA risk evaluations can help inform potential risk management actions by providing information that could be used during risk management to tailor risk mitigation appropriately to address any unreasonable risk identified, or to ensure that applicable OSHA requirements or industry or sector best practices that address the unreasonable risk are required for all potentially exposed or susceptible subpopulations (including self-employed individuals and public sector workers who are not covered by an OSHA State Plan).

When undertaking unreasonable risk determinations as part of TSCA risk evaluations, however, EPA does not believe it is appropriate to assume as a general matter that an applicable OSHA requirement or industry practices related to PPE use is consistently and always properly applied. Mitigation scenarios included in the EPA risk evaluation (*e.g.,* scenarios considering use of various PPE) likely represent what is happening already in some facilities. However, the Agency cannot assume that all facilities have adopted these practices for the purposes of making the TSCA risk determination.

Therefore, EPA proposes to make a determination of unreasonable risk for 1-BP from a baseline scenario that does not assume compliance with OSHA standards, including any applicable exposure limits or requirements for use of respiratory protection or other PPE. Making unreasonable risk determinations based on the baseline scenario should not be viewed as an indication that EPA believes there are no occupational safety protections in place at any location, or that there is widespread non-compliance with applicable OSHA standards. EPA understands that there could be occupational safety protections in place at workplace locations; however, not assuming use of PPE reflects EPA's recognition that unreasonable risk may exist for subpopulations of workers that may be highly exposed because they are not covered by OSHA standards, such as self-employed individuals and public sector workers who are not covered by a State Plan, or because their employer is out of compliance with OSHA standards, or because OSHA has not issued a permissible exposure limit (PEL) (as is the case for 1-BP, noting that many of OSHA's chemical-specific permissible exposure limits largely adopted in the 1970's are described by OSHA as being ''outdated and inadequate for ensuring protection of worker health'' (Ref. 11), or because EPA finds unreasonable risk for purposes of TSCA notwithstanding OSHA requirements.

In accordance with this approach, EPA is proposing the draft revision to the 1-BP risk determination without relying on assumptions regarding the occupational use of PPE in making the unreasonable risk determination under TSCA section 6; rather, information on the use of PPE as a means of mitigating risk (including information received from industry respondents about

occupational safety practices in use) would be considered during the risk management phase as appropriate. This would represent a change from the approach taken in the 2020 risk evaluation for 1-BP and EPA invites comments on this draft change to the 1-BP risk determination. As a general matter, when undertaking risk management actions, EPA intends to strive for consistency with applicable OSHA requirements and industry best practices, including appropriate application of the hierarchy of controls, when those measures would address an identified unreasonable risk, including unreasonable risk to potentially exposed or susceptible subpopulations. Consistent with TSCA section 9(d), EPA will consult and coordinate TSCA activities with OSHA and other relevant Federal agencies for the purpose of achieving the maximum applicability of TSCA while avoiding the imposition of duplicative requirements. Informed by the mitigation scenarios and information gathered during the risk evaluation and risk management process, the Agency might propose rules that require risk management practices that may be already common practice in many or most facilities. Adopting clear, comprehensive regulatory standards will foster compliance across all facilities (ensuring a level playing field) and assure protections for all affected workers, especially in cases where current OSHA standards may not apply or be sufficient to address the unreasonable risk.

Removing the assumption that workers always and appropriately use PPE in making the whole chemical risk determination for 1-BP would add seven conditions of use to the original 16 conditions of use that drive the unreasonable risk. The seven conditions of use affected by this change are: manufacturing (domestic manufacturing); manufacturing (import); processing: as a reactant; processing: incorporation into articles; processing: repackaging; processing: recycling; and disposal. Additionally, removing this assumption would add: additional risks of cancer from dermal exposures as driving the unreasonable risk to workers in six conditions of use; additional risks for acute and chronic non-cancer effects from inhalation exposures as driving the unreasonable risk to workers in two conditions of use; and additional risks for acute and chronic non-cancer effects and cancer from inhalation and dermal exposures to workers as driving the unreasonable risk in one conditions of use (where previously this condition of use was identified as presenting unreasonable risk only to ONUs) (Ref. 1). The draft revision to the risk determination would clarify that EPA does not rely on the assumed use of PPE when making the risk determination for the whole substance. EPA is requesting comment on this potential change.

D. What is 1-BP?

1-BP is a colorless liquid with a sweet odor. It is a brominated hydrocarbon that is slightly soluble in water. 1-BP is a volatile organic compound that exhibits high volatility, a low boiling point, low flammability and no explosivity. 1-BP is produced and imported in the United States and has a wide range of uses, including as a solvent in degreasing operations, spray adhesives and dry cleaning; as a reactant in the manufacturing of other chemical substances; and in laboratory uses. There are also a variety of consumer and commercial products that contain 1-BP, such as aerosol degreasers, spot cleaners, stain removers, and insulation for building and construction materials. The total aggregate production volume reported for 1-BP under the Chemical Data Reporting rule ranged from 15.4 million to 25.8 million pounds between 2012 and 2015.

E. What conclusions did EPA reach about the risks of 1-BP in the 2020 TSCA risk evaluation and what conclusions is EPA proposing to reach based on the whole chemical approach and not assuming the use of PPE?

In the 2020 risk evaluation, EPA determined that 1-BP presents an unreasonable risk to health under the following conditions of use:

- Processing for incorporation into formulation, mixture or reaction product
- Industrial and commercial use as solvent for cleaning and degreasing in vapor degreaser (batch vapor degreaser—open-top, inline vapor degreaser)
- Industrial and commercial use as solvent for cleaning and degreasing in vapor degreaser (batch vapor degreaser—closed-loop)
- Industrial and commercial use as solvent for cleaning and degreasing in cold cleaners
- Industrial and commercial use as solvent in aerosol spray degreaser/cleaner
- Industrial and commercial use in adhesives and sealants
- Industrial and commercial use in dry cleaning solvents, spot cleaners and stain removers
- Industrial and commercial use in liquid cleaners (*e.g.,* coin and scissor cleaner) and liquid spray/aerosol cleaners
- Other industrial and commercial uses: arts, crafts, hobby materials (adhesives accelerant); automotive care products (engine degrease, brake cleaner, refrigerant flush); anti-adhesive agents (mold cleaning and release product); electronic and electronic products and metal products; functional fluids (close/open-systems)—refrigerant/cutting oils; asphalt extraction; laboratory chemicals; and temperature indicator—coatings
- Consumer use as solvent in aerosol spray degreasers/cleaners
- Consumer use in spot cleaners and stain removers
- Consumer use in liquid cleaners (*e.g.,* coin and scissor cleaners)
- Consumer use in liquid spray/aerosol cleaners
- Consumer use in arts, crafts, hobby materials (adhesive accelerant)
- Consumer use in automotive care products (refrigerant flush)
- Consumer use in anti-adhesives agents (mold cleaning and release product)

Under the proposed whole chemical approach to the 1-BP risk determination, the unreasonable risk from 1-BP would continue to be driven by risk from those same conditions of use. In addition, by removing the assumption that workers always and appropriately wear PPE (see Unit II.C.) in making the whole chemical risk determination for 1-BP, seven conditions of use in addition to the original 16 would drive the draft unreasonable risk determination:

- Manufacture (domestic manufacturing)
- Manufacture (import)
- Processing as a reactant
- Processing for incorporation into articles
- Processing by repackaging
- Recycling
- Disposal

Overall, 23 conditions of use out of the 25 EPA evaluated would drive the 1-BP whole chemical unreasonable risk determination.

III. Revision of the August 2020 Risk Evaluation

A. Why is EPA proposing to revise the risk determination for the 1-BP risk evaluation?

EPA is proposing to revise the risk determination for the 1-BP risk evaluation pursuant to TSCA section 6(b) and consistent with Executive Order 13990, (''Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis'') and other Administration priorities

(Refs. 3, 4, and 6). EPA is revising specific aspects of the first ten TSCA existing chemical risk evaluations in order to ensure that the risk evaluations better align with TSCA's objective of protecting health and the environment. For the 1-BP risk evaluation, this includes the draft revision: (1) making the risk determination in this instance based on the whole chemical substance instead of by individual conditions of use and (2) emphasizing that EPA does not rely on the assumed use of PPE when making the risk determination.

B. What are the draft revisions?

EPA is releasing a draft revision of the risk determination for the 1-BP risk evaluation pursuant to TSCA section 6(b). Under the revised determination, EPA preliminarily concludes that 1-BP, as evaluated in the risk evaluation as a whole, presents an unreasonable risk of injury to health under its conditions of use. This revision would replace the previous unreasonable risk determinations made for 1-BP by individual conditions of use, supersede the determinations (and withdraw the associated order) of no unreasonable risk for the conditions of use identified the TSCA section 6(i)(1) no unreasonable risk order, and clarify the lack of reliance on assumed use of PPE as part of the risk determination.

These draft revisions do not alter any of the underlying technical or scientific information that informs the risk characterization, and as such the hazard, exposure, and risk characterization sections are not changed except to the extent that statements about PPE assumptions in section 2.3.1.3 (Consideration of Engineering Controls and PPE) and section 4.2.2 (Occupational Inhalation Exposure Summary and PPE Use Determinations by OES) of the 1-BP risk evaluation would be superseded. The discussion of the issues in this notice and in the accompanying draft revision to the risk determination would supersede any conflicting statements in the prior executive summary and sections 2.3.1.3 and 4.2.2 from the 1-BP risk evaluation and the response to comments document (Refs. 2 and 10). Additional policy changes to other chemical risk evaluations, including any consideration of potentially exposed and susceptible subpopulations and/or inclusion of additional exposure pathways, are not necessarily reflected in these draft revisions to the risk determination.

C. Will the draft revised risk determination be peer reviewed?

The risk determination (section 5 in the August 2020 risk evaluation) was not part of the scope of the peer reviews of the 1-BP risk evaluation by the Science Advisory Committee on Chemicals (SACC). Thus, consistent with that approach, EPA does not intend to conduct peer review of the draft revised unreasonable risk determination for the 1-BP risk evaluation because no technical or scientific changes will be made to the hazard or exposure assessments or the risk characterization.

D. What are the next steps for finalizing revisions to the risk determination?

EPA will review and consider public comment received on the draft revised risk determination for the 1-BP risk evaluation and, after considering those public comments, issue the revised final 1-BP risk determination. If finalized as drafted, EPA would also issue a new order to withdraw the TSCA section 6(i)(1) no unreasonable risk order issued in Section 5.4.1 of the 2020 1-BP risk evaluation. This final revised risk determination would supersede the August 2020 risk determinations of no unreasonable risk. Consistent with the statutory requirements of TSCA section 6(a), the Agency would then propose risk management actions to address the unreasonable risk determined in the 1-BP risk evaluation.

IV. References

The following is a listing of the documents that are specifically referenced in this document. The docket includes these documents and other information considered by EPA, including documents that are referenced within the documents that are included in the docket, even if the referenced document is not physically located in the docket. For assistance in locating these other documents, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

1. EPA Draft Revised Unreasonable Risk Determination for 1-Bromopropane, Section 5, July 2022.
2. EPA Risk Evaluation for 1-Bromopropane. EPA Document #740–R1–8013. August 2020. *https://www.regulations.gov/document/EPA-HQ-OPPT-2019-0235-0085*
3. Executive Order 13990. Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis. **Federal Register**. 86 FR 7037, January 25, 2021.
4. Executive Order 13985. Advancing Racial Equity and Support for Underserved Communities Through the Federal Government. **Federal Register**. 86 FR 7009, January 25, 2021.
5. Executive Order 14008. Tackling the Climate Crisis at Home and Abroad. **Federal Register**. 86 FR 7619, February 1, 2021.
6. Presidential Memorandum. Memorandum on Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking. **Federal Register**. 86 FR 8845, February 10, 2021.
7. EPA Press Release. EPA Announces Path Forward for TSCA Chemical Risk Evaluations. June 2021. *https://www.epa.gov/newsreleases/epa-announces-path-forward-tsca-chemical-risk-evaluations.*
8. EPA. Proposed Rule; Procedures for Chemical Risk Evaluation Under the Amended Toxic Substances Control Act. **Federal Register**. 82 FR 7562, January 19, 2017 (FRL–9957–75).
9. EPA. Final Rule; Procedures for Chemical Risk Evaluation Under the Amended Toxic Substances Control Act. **Federal Register**. 82 FR 33726, July 20, 2017 (FRL–9964–38).
10. EPA. Summary of External Peer Review and Public Comments and Disposition for 1-Bromopropane (1-BP). August 2020. *https://www.regulations.gov/document/EPA-HQ-OPPT-2019-0235-0066.*
11. Occupational Safety and Health Administration. Permissible Exposure Limits—Annotated Tables. Accessed June 13, 2022. *https://www.osha.gov/annotated-pels.*

Authority: 15 U.S.C. 2601 *et seq.*

Dated: July 14, 2022.

Michal Freedhoff,

Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2022–15516 Filed 7–19–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–10005–01–R6]

Clean Air Act Operating Permit Program; Petition for Objection to State Operating Permit for Valero Refining-Texas, L.P., Harris County, Texas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final Order on Petition for objection to Clean Air Act Title V operating permit.

SUMMARY: The Environmental Protection Agency (EPA) Administrator signed an Order dated June 30, 2022, granting in part and denying in part a Petition dated June 29, 2021, from Texas Environmental Justice Advocacy Services, Sierra Club, Caring for Pasadena Communities, Environmental Integrity Project, and Earthjustice. The Petition requested that the EPA object to a Clean Air Act (CAA) title V operating

permit issued by the Texas Commission on Environmental Quality (TCEQ) to the Valero Houston Refinery located in Harris County, Texas.

ADDRESSES: The EPA requests that you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view copies of the final Order, the Petition, and other supporting information. Out of an abundance of caution for members of the public and our staff, the EPA Region 6 office may be closed to the public to reduce the risk of transmitting COVID–19. Please call or email the contact listed below if you need alternative access to the final Order and Petition, which are available electronically at: *https://www.epa.gov/title-v-operating-permits/title-v-petition-database.*

FOR FURTHER INFORMATION CONTACT: Aimee Wilson, EPA Region 6 Office, Air Permits Section, (214) 665–7596, *wilson.aimee@epa.gov.*

SUPPLEMENTARY INFORMATION: The CAA affords the EPA a 45-day period to review and object to, as appropriate, operating permits proposed by state permitting authorities under title V of the CAA. Section 505(b)(2) of the CAA authorizes any person to petition the EPA Administrator to object to a title V operating permit within 60 days after the expiration of the EPA's 45-day review period if the EPA has not objected on its own initiative. Petitions must be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided by the state, unless the petitioner demonstrates that it was impracticable to raise these issues during the comment period or unless the grounds for the issue arose after this period.

The EPA received the Petition from Texas Environmental Justice Advocacy Services, Sierra Club, Caring for Pasadena Communities, Environmental Integrity Project, and Earthjustice dated June 29, 2021, requesting that the EPA object to the issuance of operating permit no. O1381, issued by TCEQ to the Valero Houston Refinery in Harris County, Texas. The Petition claims TCEQ failed to provide notice to the public through a mailing list, the proposed permit fails to incorporate, describe, and assure compliance with Permits by Rule, the proposed permit fails to assure compliance with NSPS and NESHAP requirements, the proposed permit's monitoring, reporting, and emission calculation requirements cannot ensure compliance for key units and limits at the refinery, TCEQ failed to provide a reasoned explanation for why the proposed permit ensures compliance with the limits at issue for the FCCU, Flares, DAF Unit, Boilers, Fugitive Emissions, Atmospheric Tower Heater, Tanks, and Cooling Towers, the proposed permit includes unlawful provisions relaxing federally enforceable emission limits during startup, shutdown, and maintenance periods, and the proposed permit unlawfully incorporates language giving TCEQ discretion regarding whether CEMS data may be used to determine compliance.

On June 30, 2022, the EPA Administrator issued an Order granting in part and denying in part the Petition. The Order explains the basis for the EPA's decision.

Dated: July 14, 2022.

David Garcia,

Director, Air and Radiation Division, Region 6.

[FR Doc. 2022–15428 Filed 7–19–22; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in or To Acquire Companies Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR part 225) to engage de novo, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

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 question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the 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 4, 2022.

A. Federal Reserve Bank of Cleveland (Bryan S. Huddleston, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101–2566. Comments can also be sent electronically to *Comments.applications@clev.frb.org:*

1. *Farmers & Merchants Bancorp, Inc. Archbold, Ohio;* to acquire Peoples-Sidney Financial Corporation, and thereby indirectly acquire Peoples Federal Savings and Loan Association, both of Sidney, Ohio, and thereby engage in operating a savings association pursuant to section 225.28(b)(4)(ii) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System.

Margaret McCloskey Shanks,

Deputy Secretary of the Board.

[FR Doc. 2022–15507 Filed 7–19–22; 8:45 am]

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FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW,

Washington, DC 20551–0001, not later than August 4, 2022.

A. Federal Reserve Bank of Kansas City (Jeffrey Imgarten, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001: 1. J. Scott Schrempp, Hartington, Nebraska, Christine Rossiter, Elkhorn, Nebraska, and Mary Rossiter, Macon, Georgia; to become members of Rossiter Family Control Group, a group acting in concert, to retain voting shares of Cedar Bancorp, and thereby indirectly retain voting shares of Bank of Hartington, both of Hartington, Nebraska.

B. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414: 1. The ATPB Exempt Bank Trust, and the ATPB Non-Exempt Bank Trust, both of La Crosse, Wisconsin, Andrew R. Bosshard, La Crosse, Wisconsin, and Ashley B. Sawyer, Washington, DC, as co-trustees to both trusts, Alexandra Tana Pizitz Bosshard, Washington, DC, as investment advisor and with power to appoint or remove trustees, and Elizabeth Bosshard-Blackey, Edina, Minnesota, as trust protector and with power to appoint or remove trustees; to become members of the Bosshard Family Control Group, a group acting in concert, to acquire voting shares of Bosshard Financial Group, Inc., La Crosse, Wisconsin, and thereby indirectly acquire voting shares of One Community Bank, Oregon, Wisconsin, and Farmers State Bank-Hillsboro, Hillsboro, Wisconsin.

Board of Governors of the Federal Reserve System.

Margaret McCloskey Shanks,

Deputy Secretary of the Board.

[FR Doc. 2022–15508 Filed 7–19–22; 8:45 am]

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FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Notice of Board Meeting

DATES: July 26, 2022 at 10 a.m.

ADDRESSES: Telephonic. Dial-in (listen only) information: Number: 1–202–599–1426, Code: 303 807 400#; or via web: *https://teams.microsoft.com/l/meetup-join/19%3ameeting_NjVmZmM5NzktM2Q5NS00MmYzLWFlNmYtMjBhNTExNTdkYTM3%40thread.v2/0?context=%7b%22Tid%22%3a%223f6323b7-e3fd-4f35-b43d-1a7afae5910d%22%2c%22Oid%22%3a%227c8d802c-5559-41ed-9868-8bfad5d44af9%22%7d*

FOR FURTHER INFORMATION CONTACT: Kimberly Weaver, Director, Office of External Affairs, (202) 942–1640.

SUPPLEMENTARY INFORMATION:

Board Meeting Agenda

Open Session

1. Approval of the June 28, 2022 Board Meeting Minutes
2. Monthly Reports
   (a) Participant Activity Report
   (b) Legislative Report
3. Quarterly Report
   (c) Investment Policy
   (d) Budget Review
   (e) Audit Status
4. Internal Audit Update

Closed Session

5. Information covered under 5 U.S.C. 552b (c)(9)(B).

Authority: 5 U.S.C. 552b (e)(1).

Dated: July 14, 2022.

Dharmesh Vashee,

General Counsel, Federal Retirement Thrift Investment Board.

[FR Doc. 2022–15438 Filed 7–19–22; 8:45 am]

BILLING CODE 6760–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–10507]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by August 19, 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.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at website address at: *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing*.

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* State-based Exchange Annual Report Tool (SMART); *Use:* The annual report is the primary vehicle to insure comprehensive compliance with all reporting requirements contained in the Affordable Care Act (ACA). It is

specifically called for in Section 1313(a)(1) of the Act which requires a State Based Exchange (including an Exchange using the Federal Platform) to keep an accurate accounting of all activities, receipts, and expenditures, and to submit a report annually to the Secretary concerning such accounting. CMS will use the information collected from States to assist in determining if a State is maintaining a compliant operational Exchange. *Form Number:* CMS–10507 (OMB control number: 0938–1244); *Frequency:* Annually; *Affected Public:* State, Local, or Tribal governments; *Number of Respondents:* 21; *Total Annual Responses:* 21; *Total Annual Hours:* 4,281. (For policy questions regarding this collection contact Shilpa Gogna at 301–492–4257.)

Dated: July 14, 2022.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2022–15404 Filed 7–19–22; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–N–0921]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Standards for the Growing, Harvesting, Packaging, and Holding of Produce for Human Consumption

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments (including recommendations) on the collection of information by August 19, 2022.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be submitted to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. The OMB control number for this information collection is 0910–0816. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption; 21 CFR Part 112

OMB Control Number 0910–0816—Extension

To minimize the risk of serious adverse health consequences or death from consumption of contaminated produce, we have established science-based minimum standards for the safe growing, harvesting, packing, and holding of produce, meaning fruits and vegetables grown for human consumption. The standards are codified in part 112 (21 CFR part 112) and set forth procedures and processes that include information collection activities such as establishing monitoring and sampling plans, documenting data and training, and ensuring disclosure that produce for human consumption meets these requirements. The regulations also provide for certain exemptions and variances to qualified respondents. The information collection continues to implement provisions of the FDA Food Safety Modernization Act, while certain requirements for covered produce other than sprouts associated with pre-harvest agricultural water testing are being amended through rulemaking (RIN 0910–AI49). We use the information to verify that the standards established by the regulations are followed such that produce entering the marketplace is reasonably unlikely to be associated with foodborne illness.

In addition to the referenced regulations, we have developed two draft guidance documents: ''Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption'' and ''Compliance with and Recommendations for Implementation of the Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption for Sprout Operations;'' both are available at *https://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/default.htm.* The former was developed to help covered farms comply with the requirements of the Produce Safety regulation. This draft guidance, when finalized, will not create any additional burden not already considered as part of the Produce Safety regulation.

The latter (the Sprouts draft guidance) was developed to assist sprout operations also subject to the Produce Safety regulation. Sprouts represent a special food safety concern because the conditions under which they are produced (time, temperature, water activity, pH, and available nutrients) are ideal for the growth of pathogens, if present. The Sprouts draft guidance, when finalized, will assist sprout operations subject to the regulations in part 112 in complying with the sprout-specific requirements in subpart M.

Description of Respondents: Respondents to this information collection include farms that grow, harvest, pack, or hold produce for human consumption, meaning fruits and vegetables such as berries, tree nuts, herbs, and sprouts. Respondents are from the private sector (for-profit businesses).

In the **Federal Register** of December 3, 2021 (86 FR 68673), FDA published a 60-day notice requesting public comment on the proposed collection of information. One comment was received and appears to pertain to rulemaking that has already concluded, rather than to this renewal. Significantly, this comment did not suggest that we revise the currently approved estimate. To the extent that the comment relates to ongoing rulemaking, we have posted the comment to the docket at FDA–2021–N–0471 and will ensure it is considered and addressed appropriately.

We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

Activity; 21 CFR section	Number of recordkeepers	Number of records per recordkeeper [2]	Total annual records	Average burden per recordkeeping	Total hours
Exemptions under § 112.7	3,285	1	3,285	0.5 (30 minutes)	1,643
Training under § 112.30	24,420	1	24,420	7.25	177,045
Testing requirements for agricultural water under §§ 112.44 and 112.45.	48,361	2.990	144,599	0.825 (~50 minutes)	119,294
Records related to agricultural water	160,605	2.242	360,076	2.160	777,765
Testing requirements for sprouts under §§ 112.144, 112.145, and 112.147.	126	245.660	30,953.16	0.825 (~50 minutes)	25,536
Records related to sprouts	126	62.061	7,819.686	1.412 (~85 minutes)	11,041
"Compliance with and Recommendations for Implementation of the Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption for Sprout Operations".	126	233	29,358	1	29,358
Documentation supporting compliance with § 112.2	4,568	1	4,568	0.079 (~ 5 minutes)	361
Total	241,617		605,079		1,142,043

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] Numbers rounded to nearest 1/1,000.

TABLE 2—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1]

21 CFR section	Number of respondents	Number of disclosures per respondent	Total disclosures	Average burden per disclosure	Total hours
Disclosure under §§ 112.2, 112.6, 112.31, 112.33, and 112.142.	77,165	3.459	266,914	1.422 (~85 minutes)	379,551

[1] There are no capital costs or operating or maintenance costs associated with this collection of information.

Based on a review of the information collection since our last request for OMB approval, we have made no adjustments to our burden estimate. As respondents to the collection continue to implement the regulatory requirements and compliance schedules continue to be realized, we retain our current burden estimates. At the same time, and as communicated on our website at *https://www.fda.gov/food/food-safety-modernization-act-fsma/fsma-proposed-rule-agricultural-water,* we expect the burden associated with the testing of certain agricultural water for covered produce other than sprouts to be minimal for the period of time that FDA intends to exercise enforcement discretion with regard to those requirements.

Dated: July 14, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–15425 Filed 7–19–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2022–N–1526]

Fluorinated Polyethylene Containers for Food Contact Use; Request for Information

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

ACTION: Notice; request for information.

SUMMARY: The Food and Drug Administration (FDA or we) is opening a docket to obtain data and information on the use of fluorinated polyethylene for food contact applications. Specifically, FDA is seeking scientific data and information on current food contact uses of fluorinated polyethylene, consumer dietary exposure that may result from those uses, and safety of certain per- and polyfluoroalkyl substances that may migrate from fluorinated polyethylene food containers. The purpose of this request is to ensure that we have current information to support our review of the use of fluorinated polyethylene containers used in food contact applications to help ensure that this use continues to be safe. FDA may use information submitted in response to this notice to update dietary exposure estimates and safety assessments for the authorized food contact use of fluorinated polyethylene.

DATES: Either electronic or written comments and scientific data and information must be submitted by October 18, 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 October 18, 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–2022–N–1526 for ''Fluorinated Polyethylene Containers for Food Contact Use; Request for Information.'' 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.'' We will review this copy, including the claimed confidential information, in our 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: Sharon Koh-Fallet, Center for Food Safety and Applied Nutrition, Office of Food Additive Safety, Division of Food Contact Substances (HFS–275), Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 301–796–7732; or Joan Rothenberg, Center for Food Safety and Applied Nutrition, Office of Regulations and Policy (HFS–024), Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–2378.

SUPPLEMENTARY INFORMATION:

I. Background

Fluorinated polyethylene containers manufactured and used in compliance with our regulation at § 177.1615 (21 CFR 177.1615), *Polyethylene, fluorinated,* may be used in certain food contact applications. Fluorination of polyethylene containers allows for improved chemical barrier properties in comparison to polyethylene containers that have not been fluorinated. FDA's regulation, at § 177.1615(a), states that fluorinated polyethylene containers for food contact use be manufactured only by modifying the surface of the molded container using fluorine gas in combination with gaseous nitrogen as an inert diluent. We are aware that some manufacturers of fluorinated polyethylene produce fluorinated containers through alternative manufacturing methods, such as using alternative diluent gases such as oxygen or other gases. These alternative processes for fluorination of polyethylene do not comply with § 177.1615 and are not lawful for use in food contact applications.

Testing performed by the Environmental Protection Agency (EPA) found that certain per- and polyfluoroalkyl substances (PFAS) can form and migrate from some fluorinated high-density polyethylene (HDPE, which is a type of polyethylene) containers into the pesticide within the containers. EPA's testing was conducted on containers that are not FDA-regulated, specifically containers intended to hold mosquito-controlling pesticides. EPA detected perfluoroalkyl carboxylic acids (PFCAs), and analytical studies indicate that PFCAs can result from fluorination processes that do not comply with FDA's regulations (Ref. 1). PFCAs are a subset of PFAS, that include substances such as perfluorooctanoic acid (PFOA), which is known to be biopersistent in animals and humans. Additionally, PFOA is a potential human carcinogen and known to cause immunotoxicity and reproductive and developmental toxicity (Refs. 2 and 3).

On August 5, 2021, FDA made available on its website a letter (*https://www.fda.gov/media/151326/download*) to manufacturers, distributors, and food manufacturers that use fluorinated polyethylene food contact containers reminding them that only fluorinated polyethylene containers that comply with § 177.1615 are authorized for food contact use. However, because alternative fluorination processes exist, there is a possibility that these alternative fluorination processes are used to manufacture fluorinated polyethylene containers used to contain food. As such, we reminded food manufacturers of their responsibility to only use food contact articles in compliance with FDA's regulations.

Although EPA's testing was of containers not intended to contact food, it raises questions about the potential for PFAS to form and migrate from fluorinated polyethylene containers that are intended for food contact use. As such, we are interested in obtaining information on current food uses of fluorinated polyethylene containers as well as information on current manufacturing processes for these containers and any analytical testing information of substances that may migrate from fluorinated polyethylene containers to food. This information will enable us to better understand current food uses, manufacturing practices, and substances migrating from fluorinated polyethylene containers and, as appropriate, we may use information submitted in response

to this notice to update dietary exposure estimates and safety assessments for the authorized food contact use of fluorinated polyethylene. This is consistent with our efforts to increase our understanding of the potential for PFAS exposure from food and to reduce dietary exposure to PFAS that may pose a health risk. Current data and information on these topics will help us advance our public health mission and further support the current Administration's comprehensive approach to addressing PFAS and advancing clean air, water, and food (Ref. 4).

II. Request for Information

We request information on the food contact uses of fluorinated polyethylene food contact articles, including information on the types of food or food ingredients with which the articles used are in contact, any substances migrating from fluorinated polyethylene food contact articles used in food contact applications, consumer exposure data, and unpublished safety information. Specifically, we request data and information concerning:

1. Current food contact uses, including the types of containers and the food types (*e.g.,* acidic, alcoholic) they may contact, including use conditions (*e.g.,* time, temperature of contact);

2. Manufacturing conditions for the fluorination process and any pre- and post-treatment processes, including time, temperature, pressure, atmospheric conditions, treatment gases (*e.g.,* fluorine or other chemical gases), and use levels/ratios of treatment gases used during the manufacturing process;

3. Manufacturing process controls including moisture control measures and quality control variables monitored during the fluorination process;

4. Analyses related to pre- and post-treatment of fluorinated polyethylene containers, including surface chemical analyses, characterization of surface morphology, and identification of surface chemical functionalities;

5. Analyses characterizing the fluorinated surface thickness of the fluorinated layer on the article surface;

6. Analyses characterizing (qualitatively or quantitatively) the fluorinated polyethylene containers including any analyses for quality control (*e.g.,* Fourier-Transform Infrared Spectroscopy or other analyses);

7. Analyses characterizing (qualitatively or quantitatively) migrating substances from the fluorinated polyethylene containers, including fully and partially fluorinated low molecular weight polyethylene oligomers and other migrating substances;

8. Analyses characterizing (qualitatively or quantitatively) substances migrating from fluorinated polyethylene as a function of the degree of fluorination of the surface;

9. Analyses estimating consumer exposure from the use of fluorinated polyethylene containers in food contact, including substances migrating from fluorinated polyethylene;

10. The safety of fluorinated polyethylene, including unpublished safety studies on substances that migrate from fluorinated polyethylene including fully and partially fluorinated low molecular weight polyethylene oligomers; and

11. Analyses characterizing the polyethylene used to produce the containers prior to fluorination, including the molecular weight distribution, the weight-percent units derived from ethylene and other monomers, monomer ratios, and adjuvant substances (*e.g.,* processing aids) used in the manufacture of polyethylene polymers.

III. References

The following references marked with an asterisk (*) are on display at the Dockets Management Staff (see **ADDRESSES**) and are available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday; they also are available electronically at *https://www.regulations.gov* . References without asterisks are not on public display at *https://www.regulations.gov* because they have copyright restriction. Some may be available at the website address, if listed. References without asterisks are available for viewing only at the Dockets Management Staff. 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. Rand, A.A. and S.A. Mabury, ''Perfluorinated Carboxylic Acids in Directly Fluorinated High-Density Polyethylene Material,'' *Environmental Science & Technology,* 2011, vol. 45, pp. 8053–8059.

2. *Agency for Toxic Substances and Disease Registry, ''Toxicological Profile for Perfluoroalkyls,'' May 2021.

3. *The International Agency for Research on Cancer, Monogram for Perfluorooactanoic Acid, 2017.

4. *Fact Sheet: Biden-Harris Administration Launches Plan to Combat PFAS Pollution, October 2021. Available at: *https://www.whitehouse.gov/briefing-room/statements-releases/2021/10/18/fact-sheet-biden-harris-administration-launches-plan-to-combat-pfas-pollution/.*

Dated: July 14, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–15455 Filed 7–19–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Neurodevelopment and Neuropsychological Disorders.

Date: August 8, 2022.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Samuel C. Edwards, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5210, MSC 7846, Bethesda, MD 20892, (301) 435–1246, *edwardss@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: July 14, 2022.

Victoria E. Townsend,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–15430 Filed 7–19–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Clinical Trial Implementation Cooperative Agreement (U01 Clinical Trial Required).

Date: August 12, 2022.

Time: 9:00 a.m. to 11:30 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G11, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Barry J. Margulies, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G11, Rockville, MD 20852, (301) 761–7956, *barry.margulies@nih.gov*.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Clinical Trial Planning Grants (R34 Clinical Trial Not Allowed).

Date: August 19, 2022.

Time: 9:00 a.m. to 11:00 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G11, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Barry J. Margulies, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G11, Rockville, MD 20852, (301) 761–7956, *barry.margulies@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: July 14, 2022.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–15426 Filed 7–19–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Minority Health and Health Disparities; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Advisory Council on Minority Health and Health Disparities.

The meeting will be held as a virtual meeting and is open to the public as indicated below. Individuals who plan to view the virtual meeting and need special assistance or other reasonable accommodations to view the meeting, should notify the Contact Person listed below in advance of the meeting. The open session will be videocast and can be accessed from the NIH Videocasting and Podcasting website (*http://videocast.nih.gov/*).

A portion of the meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council on Minority Health and Health Disparities.

Date: September 1, 2022.

Closed: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Name of Committee: National Advisory Council on Minority Health and Health Disparities.

Date: September 2, 2022.

Open: 11:00 a.m. to 6:00 p.m.

Agenda: Opening Remarks, Administrative Matters, Director's Report, Presentations, and Other Business of the Council.

Place: National Institutes of Health, 6707 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Paul Cotton, Ph.D., RDN, Director, Office of Extramural Research Activities, National Institute on Minority Health and Health Disparities, National Institutes of Health, 6707 Democracy Boulevard, Suite 800, Bethesda, MD 20892, 301–402–1366, *paul.cotton@nih.gov*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: NIMHD: *https://www.nimhd.nih.gov/about/advisory-council/,* where an agenda and any additional information for the meeting will be posted when available.

Dated: July 14, 2022.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–15427 Filed 7–19–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary & Integrative Health Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Advisory Council for Complementary and Integrative Health.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Open Session will be open to the public via NIH Videocast. Individuals who plan to view the virtual meeting and need special assistance or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting. The NIH Videocast URL link to access this meeting is *https://videocast.nih.gov*.

Name of Committee: National Advisory Council for Complementary and Integrative Health.

Date: September 9, 2022.

Closed: 10:00 a.m. to 11:30 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 31C/6th Floor, 9000 Rockville Pike, Bethesda, MD 20882.

Open: 11:40 a.m. to 5:00 p.m.

Agenda: NCCIH Director Remark and Other Staff Presentations.

Place: National Institutes of Health, 31C/6th Floor, 9000 Rockville Pike, Bethesda, MD 20882.

Contact Person: Partap Singh Khalsa, Ph.D., DC, Director, Division of Extramural Activities, National Center for Complementary and Integrative Health, National Institutes of Health, 6707 Democracy Blvd., Suite 401, Bethesda, MD 20892–5475, 301–594–3462, *khalsap@mail.nih.gov*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person. Any member of the public may submit written comments no later than 15 days after the meeting.

Information is also available on the Institute's/Center's home page: *https://www.nccih.nih.gov/news/events/advisory-council-82nd-meeting,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.213, Research and Training in Complementary and Alternative Medicine, National Institutes of Health, HHS)

Dated: July 14, 2022.

Victoria E. Townsend,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–15429 Filed 7–19–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; AREA/REAP: Infectious Diseases and Immunology.

Date: August 8, 2022.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Dayadevi Jirage, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 809–H, Bethesda, MD 20892, (301) 867–5309, *jiragedb@csr.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: July 14, 2022.

David W Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–15424 Filed 7–19–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Announcement of the Modification of the National Customs Automation Program (NCAP) Test Concerning the Automated Commercial Environment (ACE) Portal Accounts To Establish the Vessel Agency Portal Account and To Decommission the Cartman and Lighterman Portal Accounts

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: General notice.

SUMMARY: This document announces U.S. Customs and Border Protection's (CBP) modification of the National Customs Automation Program (NCAP) test concerning Automated Commercial Environment (ACE) Portal Accounts to establish the ACE Vessel Agency Portal Account, and to decommission the Cartman and Lighterman Portal Accounts due to a lack of usage by the public. The ACE Vessel Agency Portal Account will include access to Vessel Entrance and Clearance Reports. Account ownership will be a prerequisite for eligibility in the forthcoming Maritime Forms Automation Test pilot, which will allow Vessel Agency Account users to file electronic Vessel Entrance and Clearance Statements through the Vessel Entrance and Clearance System (VECS). This notice describes the eligibility and documentation requirements to apply for a Vessel Agency Portal Account and invites public comment concerning any aspect of these modifications to the ACE Portal Account Test.

DATES: The modifications of the ACE Portal Account Test announced in this notice regarding the creation of the Vessel Agency Portal Account will be implemented on July 20, 2022. The decommissioning of the Cartman and Lighterman Portal Accounts will be implemented on August 19, 2022. This test will continue until concluded by way of announcement in the **Federal Register**.

ADDRESSES: Comments concerning this notice and any aspect of the modified ACE Portal Account Test may be submitted at any time during the testing period via email to Brian Sale, Cargo and Conveyance Security, Office of Field Operations, at *OFO-MANIFESTBRANCH@cbp.dhs.gov.* The email subject line should be as follows, ''Comment on ACE Vessel Agency Portal Account FRN''. For technical questions related to the application or requests for an ACE Portal Account, including ACE Vessel Agency Account, contact the ACE Account Service Desk by calling 1–866–530–4172, selecting option 1, then option 2, or by emailing *ACE.Support@cbp.dhs.gov* for assistance.

SUPPLEMENTARY INFORMATION:

I. Automated Commercial Environment (ACE)

A. The National Customs Automation Program

The National Customs Automation Program (NCAP) was established by Subtitle B of Title VI—Customs Modernization in the North American Free Trade Agreement (NAFTA) Implementation Act (Customs Modernization Act) (Pub. L. 103–182, 107 Stat. 2057, 2170, December 8, 1993) (19 U.S.C. 1411). With the establishment of the NCAP, customs modernization has focused on addressing trade compliance and the development of ACE, which is the planned successor to the Automated Commercial System (ACS). ACE is an automated and electronic system for commercial trade processing that is intended to streamline business processes, facilitate growth in trade, ensure cargo security, and foster participation in global commerce, while ensuring compliance with U.S. laws and regulations and reducing costs for U.S. Customs and Border Protection (CBP) and all of its communities of interest. The ability to meet these objectives depends on successfully modernizing CBP's business functions and the information technology that supports those functions. CBP's modernization

efforts are accomplished through phased releases of ACE component functionalities designed to replace specific legacy ACS functions and add new capabilities.

The procedures and criteria applicable to participation in the ACE Portal Account Test remain in effect unless otherwise explicitly changed by this notice.

B. ACE Portal Accounts

On May 1, 2002, the former U.S. Customs Service, now CBP, published a general notice in the **Federal Register** (67 FR 21800) announcing a plan to conduct an NCAP test of the first phase of ACE. The test was described as the first step toward the full electronic processing of commercial importations with a focus on defining and establishing an importer's account structure. That general notice announced that importers and authorized parties could access their customs data via an internet-based Portal Account. The notice also set forth eligibility criteria for companies interested in establishing ACE Portal Accounts.

Subsequent general notices expanded the types of ACE Portal Accounts. On February 4, 2004, CBP published a general notice in the **Federal Register** (69 FR 5360) that established ACE Truck Carrier Accounts. On September 8, 2004, CBP published a general notice in the **Federal Register** (69 FR 54302) inviting customs brokers to participate in the ACE Portal Account Test and informing interested parties that once they had been notified by CBP that their request to participate in the ACE Portal Account Test had been accepted, they would be asked to sign and submit a ''Terms and Conditions'' document. CBP subsequently contacted those participants and asked them to sign and submit an ACE Power of Attorney form and an Additional Account/Account Owner Information form.

On October 18, 2007, CBP published a general notice in the **Federal Register** (72 FR 59105) announcing the expansion of the ACE Portal Account Test to include the additional following ACE account types: Carriers (all modes: air, rail, sea); Cartman; Lighterman; Driver/Crew; Facility Operator; Filer; Foreign Trade Zone (FTZ) Operator; Service Provider; and Surety. On October 21, 2015, CBP published a general notice in the **Federal Register** (80 FR 63817) announcing the creation of the Exporter Portal Account. On August 8, 2016, CBP published a general notice in the **Federal Register** (81 FR 52453) announcing the creation of the Protest Filer Account. Since then, CBP has not announced the creation of any new types of ACE accounts.

II. Authorization for the ACE Portal Account Test

The Customs Modernization Act authorizes the Commissioner of CBP to conduct limited test programs or procedures designed to evaluate planned components of the NCAP. The ACE Portal Account Test, as modified in this notice, is authorized pursuant to section 101.9 of title 19 of the Code of Federal Regulation (19 CFR 101.9(b)), which provides for the testing of NCAP programs or procedures. *See* Treasury Decision (T.D.) 95–21.

III. Modification of the ACE Portal Account Test

This document announces the modification of the ACE Portal Account Test to establish the Vessel Agency Portal Account type. This new ACE account will provide vessel agents and vessel operators with the ability to submit consolidated, electronic vessel arrival, entrance, and clearance applications via ACE during the future Maritime Forms Automation Test (MFA) pilot,[1] and any future electronic submissions following regulatory amendments. Features of this new portal account type, as well as the eligibility and documentation requirements for applying for an ACE Vessel Agency Portal Account, are described below.

A. Vessel Agency Portal Account

The ACE Vessel Agency Portal Account will provide vessel owners or operators, or their authorized agents, with access to ACE and the ability to submit electronically vessel entrance and clearance information through the Vessel Entrance and Clearance System (VECS) as part of the MFA pilot, as well as special permit data associated with a carrier's International Maritime Organization (IMO) number (or other unique vessel ID number), *i.e.,* Entrance and Clearance Reports.[2] The ACE Vessel Agency Portal Account will only be available to vessel owners or operators, or authorized agents, which are either a U.S.-based entity or have a U.S.-based address (P.O. boxes not allowed) for enforcement purposes.

Vessel owners or operators, or authorized agents, who do not have existing ACE portal accounts will be required to submit an ACE application form and apply for an ACE Vessel Agency Portal Account, as explained in Section B.1 below. Existing ACE Portal Account owners wishing to request an ACE Vessel Agency Portal Account should follow instructions in Section B.2 below. Both new and existing ACE account holders must agree to the ''Terms and Conditions for Account Access of the Automated Commercial Environment (ACE) Portal.'' *See* 72 FR 27632 (May 16, 2007) and 73 FR 38464 (July 7, 2008). New ACE users will be prompted to accept these Terms and Conditions during the application process.

B. Establishing a Vessel Agency Account

1. New ACE Portal Account Owner

Vessel owners or operators, or authorized agents who do not have an existing ACE Portal Account may apply for a Vessel Agency Account according to the instructions online at: *https://www.cbp.gov/trade/automated/getting-started/using-ace-secure-data-portal.* Applicants will be required to complete an application at *https://www.cbp.gov/document/guidance/ace-secure-data-portal-account-application;* provide the ''Corporate Information'' and ''ACE Account Owner'' information listed below; certify that the applicant has read and agrees to the Terms and Conditions; and, submit the application to *ACE.Applications@cbp.dhs.gov* by clicking the Submit By Email button at the bottom of the form. The account validation process will begin once all steps have been completed.

Corporate Information:

(1) Company Name
(2) Company Officer Name
(3) Company Officer Title
(4) DUNS Number (optional)
(5) Company Organizational Structure
(6) End of Fiscal Year (month and day)
(7) U.S. Mailing Address (P.O. box not allowed)
(8) Vessel Agency Company Name
(9) Vessel Agency Identifier (EIN, IR, CBP Assigned Number)

ACE Account Owner:

(1) Name
(2) Date of Birth
(3) Email Address
(4) Telephone Number
(5) Fax Number (optional)
(6) Address (if the Account Owner's Address differs from the Corporate Address provided above)

[1] CBP will automate its paper-based commercial vessel arrival, entrance, and clearance forms and related processing. CBP plans to issue a **Federal Register** notice to announce the creation of the MFA pilot that will allow participants to submit consolidated, electronic vessel arrival, entrance, and clearance applications via ACE to the Vessel Entrance and Clearance System (VECS). The MFA pilot will be open only to those who have requested and established a Vessel Agency Account type within ACE, as described in this notice. More information about the MFA pilot will be made publicly available in a subsequent **Federal Register** notice and on CBP's website.

[2] *See, e.g.,* 19 CFR 4.7(b)(4)(ii)(A) and 4.7a(c)(4)(x).

Once the applicant completes and submits the Vessel Agency Portal Account application, the applicant will receive an email message confirming the submission of the application. This email will also direct the applicant to log on to ACE to complete the account set up process and access the ACE Vessel Agency Portal Account.[3] Applicants who do not receive an email message within 24 hours should contact the ACE Account Service Desk by calling 1–866–530–4172, selecting option 1, then option 2, or by emailing *ACE.Support@cbp.dhs.gov* for assistance.

2. Existing ACE Portal Account Owners

Parties with existing ACE Portal Accounts may request a Vessel Agency Portal Account through their established ACE Portal Accounts. For these accounts, an account owner may establish access to the Vessel Agency Portal Account functionality according to the instructions on the following website: *https://www.cbp.gov/trade/automated/getting-started/portal-managing.*

In order to request Vessel Agency Portal Account access, the account owner will be asked to provide the following information:

Corporate Information:

(1) Vessel Agency Company Name
(2) Vessel Agency Identifier (EIN, IR, CBP Assigned Number)
(3) Other Company Names (optional)
(4) U.S. Mailing Address (P.O. box not allowed)
(5) Company Telephone (optional)
(6) Website Address (optional)

Contact Information:

(1) Name
(2) Date of Birth (optional)
(3) Address (optional)
(4) Email Address (optional)
(5) Telephone Number (optional)
(6) Fax Number (optional)

Once the existing ACE Account Owner completes the process, the Vessel Agency Portal Account will be created and the account owner will be able to access the Vessel Agency Portal Account functionality.

IV. Decommissioning the ACE Cartman and Lighterman Account Types

As noted above, the Cartman and Lighterman ACE Portal Accounts were announced in a **Federal Register** notice published on October 18, 2007. *See* 72 FR 59105 (Oct. 18, 2007). However, these two accounts were not used by the public. Accordingly, these two accounts will not be included in the migration to the modernized ACE system and will be decommissioned as of August 19, 2022. Beginning on that day, these accounts will no longer be accessible. For further information, please contact *OFO-MANIFESTBRANCH@cbp.dhs.gov.*

V. Test Duration

Except as stated below, the modification of the ACE Portal Account Test announced in this notice regarding the creation of the Vessel Agency Portal Account is effective on July 20, 2022; the decommissioning of the Cartman and Lighterman Portal Accounts is effective on August 19, 2022. This modified test will continue until it concludes by way of announcement published in the **Federal Register**. After the testing of the modified test concludes, an evaluation will be conducted and the results of that evaluation will be published in the **Federal Register** and the *Customs Bulletin,* as required by section 101.9(b)(2) of the CBP regulations (19 CFR 101.9(b)(2)).

VI. Comments

All interested parties are invited to comment on any aspect of this modification of the ACE Portal Account Test for the duration of the test. CBP requests comments and feedback on all aspects of this modification, including the design, conduct, and implementation of the modification, in order to determine whether to modify, alter, expand, limit, continue, end, or fully implement this modification.

VII. Paperwork Reduction Act

The Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3507(d)) requires that CBP consider the impact of paperwork and other information collection burdens imposed on the public. An agency may not conduct, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number assigned by the Office of Management and Budget (OMB). The ACE Vessel Agency Portal Account application has been approved by OMB in accordance with the requirements of the Paperwork Reduction Act (44 U.S.C. 3507) and assigned OMB control number 1651–0105. The information collection conducted under 19 CFR part 4, including VECS under OMB control number 1651–0019, has been submitted to OMB for review and approval in accordance with the requirements of the Paperwork Reduction Act (44 U.S.C. 3507).

VIII. Confidentiality

All data submitted and entered into ACE is subject to the Trade Secrets Act (18 U.S.C. 1905) and is considered confidential, except as otherwise provided by law. Electronic Export Information (EEI) is also subject to the confidentiality provisions of 15 CFR 30.60. As stated in previous notices, participation in the ACE Portal Account Test or any of the previous ACE tests is not confidential and upon a written Freedom of Information Act (FOIA) request, a name(s) of an approved participant(s) will be disclosed by CBP in accordance with 5 U.S.C. 552.

IX. Misconduct Under the Test

A test participant may be subject to civil and criminal penalties, administrative sanctions, liquidated damages, or discontinuance from participation in the ACE Portal Account Test, as modified by this notice, for any of the following:

(1) Failure to follow the terms and conditions of this test;

(2) Failure to exercise reasonable care in the execution of a participant's obligations;

(3) Failure to abide by applicable laws and regulations that have not been waived; or

(4) Failure to deposit duties, taxes or fees in a timely manner.

If the Director of the Entry Summary, Accounts, and Revenue Division (ESAR) finds that there is a basis for discontinuing test participation privileges, the Director of ESAR will send a written notice to the test participant, which proposes the discontinuance with a description of the facts or conduct warranting the action. The test participant can appeal the Director's decision in writing within 10 calendar days of receipt of the written notice. The appeal must be submitted to the Executive Director, Trade Transformation Office (TTO), Office of Trade, by emailing *ESAR@cbp.dhs.gov.*

The Executive Director will issue a decision in writing on the proposed action within 30 working days after receiving a timely filed appeal from the test participant. If no timely appeal is received, the proposed notice becomes the final decision of CBP as of the date that the appeal period expires. A proposed discontinuance of a test participant's privileges will not take effect unless the appeal process under this paragraph has been concluded with a written decision adverse to the test participant.

[3] Establishing an ACE Vessel Agency Portal Account does not automatically provide access to the ACE Portal Account features for importers. Applicants wishing to establish an ACE Portal Account should submit an application by clicking on the ''Apply for an Account'' link located under the ACE Secure Data Portal sidebar on the following website: *http://www.cbp.gov/trade/automated.*

In the case of willful misconduct or when public health, interest, or safety so requires, the Director of ESAR may immediately discontinue the test participant's privileges upon written notice to the test participant. The notice will contain a description of the facts or conduct warranting the immediate action. The test participant will be offered the opportunity to appeal the Executive Director's decision within ten calendar days of receipt of the written notice providing for immediate discontinuance. The appeal must be submitted to the Executive Director, TTO, Office of Trade, by emailing *ESAR@cbp.dhs.gov.* The immediate discontinuance will remain in effect during the appeal period. The Executive Director will issue a decision in writing on the discontinuance within fifteen working days after receiving a timely filed appeal from the test participant. If no timely appeal is received, the notice becomes the final decision of CBP on the date that the appeal period expires.

Dated: July 14, 2022.

AnnMarie R. Highsmith,

Executive Assistant Commissioner, Office of Trade.

[FR Doc. 2022–15441 Filed 7–19–22; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. CISA–2022–0006]

Notice of President's National Security Telecommunications Advisory Committee Meeting

AGENCY: Cybersecurity and Infrastructure Security Agency (CISA), Department of Homeland Security.

ACTION: Notice of *Federal Advisory Committee Act* (FACA) meeting; request for comments.

SUMMARY: CISA is publishing this notice to announce the following President's National Security Telecommunications Advisory Committee (NSTAC) meeting. This meeting will be open to the public.

DATES: *Meeting Registration:* Registration to attend the meeting is required and must be received no later than 5:00 p.m. Eastern Time (ET) on August 16, 2022. For more information on how to participate, please contact *NSTAC@cisa.dhs.gov.*

Speaker Registration: Registration to speak during the meeting's public comment period must be received no later than 5:00 p.m. ET on August 16, 2022.

Written Comments: Written comments must be received no later than 5:00 p.m. ET on August 16, 2022.

Meeting Date: The NSTAC will meet on August 23, 2022, from 2:00 p.m. to 3:00 p.m. ET. The meeting may close early if the committee has completed its business.

ADDRESSES: The meeting will be held via conference call. For access to the conference call bridge, information on services for individuals with disabilities, or to request special assistance, please email *NSTAC@cisa.dhs.gov* by 5:00 p.m. ET on August 16, 2022.

Comments: Members of the public are invited to provide comment on the issues that will be considered by the committee as listed in the **SUPPLEMENTARY INFORMATION** section below. Associated materials that may be discussed during the meeting will be made available for review at *https://www.cisa.gov/nstac* on August 8, 2022. Comments may be submitted by 5:00 p.m. ET on August 16, 2022 and must be identified by Docket Number CISA–2022–0006. Comments may be submitted by one of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* Please follow the instructions for submitting written comments.
- *Email: NSTAC@cisa.dhs.gov.* Include the Docket Number CISA–2022–0006 in the subject line of the email.

Instructions: All submissions received must include the words ''Department of Homeland Security'' and the Docket Number for this action. Comments received will be posted without alteration to *www.regulations.gov,* including any personal information provided.

Docket: For access to the docket and comments received by the NSTAC, please go to *www.regulations.gov* and enter docket number CISA–2022–0006.

A public comment period is scheduled to be held during the meeting from 2:30 p.m. to 2:40 p.m. ET. Speakers who wish to participate in the public comment period must email *NSTAC@cisa.dhs.gov* to register. Speakers should limit their comments to three minutes and will speak in order of registration. Please note that the public comment period may end before the time indicated, following the last request for comments. The NSTAC is committed to ensuring all participants have equal access regardless of disability status. If you require reasonable accommodation due to a disability to fully participate, please contact Ms. Christina Berger at 207–701–6345 as soon as possible.

FOR FURTHER INFORMATION CONTACT: Christina Berger, 202–701–6345, *NSTAC@cisa.dhs.gov.*

SUPPLEMENTARY INFORMATION: The NSTAC is established under the authority of Executive Order (E.O.) 12382, dated September 13, 1982, as amended by E.O. 13286, continued and amended under the authority of E.O. 14048, dated September 30, 2021. Notice of this meeting is given under FACA, 5 U.S.C. Appendix (Pub. L. 92–463). The NSTAC advises the President on matters related to national security and emergency preparedness (NS/EP) telecommunications and cybersecurity policy.

Agenda: The NSTAC will hold a conference call on Tuesday, August 23, 2022, to discuss current NSTAC activities and the government's ongoing cybersecurity and NS/EP communications initiatives. This meeting is open to the public and will include: (1) remarks from the administration and CISA leadership on salient NS/EP and cybersecurity efforts; (2) a status update on the NSTAC Strategy for Increasing Trust in the Information and Communications Technology and Services Ecosystem Subcommittee; and (3) a deliberation and vote on the *NSTAC Report to the President on Information Technology and Operational Technology Convergence.*

Dated: July 14, 2022.

Christina Berger,

Designated Federal Officer, NSTAC Cybersecurity and Infrastructure Security Agency, Department of Homeland Security.

[FR Doc. 2022–15473 Filed 7–19–22; 8:45 am]

BILLING CODE 9110–9P–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7050–N–37]

30-Day Notice of Proposed Information Collection: Request for Acceptance of Changes in Approve Drawings and Specifications; OMB Control No.: 2502–0117

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 additional 30 days of public comment.

DATES: *Comments Due Date:* August 19, 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, REE, 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. Persons with hearing or speech impairments may access this number via TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on April 26, 2022, at 87 FR 24573.

A. Overview of Information Collection

Title of Information Collection: Request for Acceptance of Changes in Approved Drawings and Specifications.

OMB Approval Number: 2502–0117.

OMB Expiration Date: July 31, 2022.

Type of Request: Extension of a currently approved collection.

Form Number: HUD–92577.

Description of the need for the information and proposed use: Builders/Contractors/Consultants request approval for changes to accepted drawings and specifications of properties as required by home buyers or determined by the Contractor to address previously unknown health and safety issues. Builders/Contractors/Consultants submit the forms to lenders, who review and submit them to HUD for approval.

Respondents: Business.

Estimated Number of Respondents: 15,871.

Estimated Number of Responses: 15,871.

Frequency of Response: On occasion.

Average Hours per Response: 0.5.

Total Estimated Time Burden (Hours): 7,936.

Total Estimated Cost: $359,575.

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:

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. 2022–15416 Filed 7–19–22; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7050–N–38]

30-Day Notice of Proposed Information Collection: Revitalization Area Designation and Management; OMB Control No. 2502–0566

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 19, 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, REE, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410–5000; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400 (this is not a toll-free number). Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on March 4, 2022 at 87 FR 12481.

A. Overview of Information Collection

Title of Information Collection: Revitalization Area Designation and Management.

OMB Approval Number: 2502–0566.

Type of Request: Extension.

Form Numbers: None.

Description of the need for the information and proposed use: The Department accepts request from state, local, or tribal governments, or HUD-approved Nonprofit organizations to designate a Revitalization Area by sending a written Requesting Letter to HUD. Revitalization Areas are intended to promote community revitalization through expanded homeownership opportunities within the revitalization areas.

Respondents: State, local, or tribal governments, and HUD-approved Nonprofit organizations.

Estimated Number of Respondents: 8.

Estimated Number of Responses: 8.

Frequency of Response: On occasion.

Average Hours per Response: 2.5 hours.

Total Estimated Burdens: 20.

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:

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. 2022–15415 Filed 7–19–22; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7051–N–01; OMB Control No. 2501–0034]

60-Day Notice of Proposed Information Collection: Standards for Success Reporting

AGENCY: Office of the Chief Financial Officer, HUD.

ACTION: Notice.

SUMMARY: The Department of Housing and Urban Development (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 60 days of public comment.

DATES: *Comments Due Date:* September 19, 2022.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410–5000; telephone number 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov.* Copies of the proposed forms and other information are available by contacting Ms. Pollard. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

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 by telephone at 202–402–3400. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. Requests for copies of the proposed forms should be submitted to Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Standards for Success Reporting.

OMB Approval Number: 2501–0034.

Type of Request: Regular.

Type of Information Collection: Renewal.

Form Numbers: HUD–PRL.

Description of the need for the information and proposed use:

This request is for the continued clearance of data collection and reporting requirements to enable the Department of Housing and Urban Development (HUD) Office of the Chief Financial Officer (OCFO) to better assess the effectiveness of discretionary-funded programs included in this information collection request (ICR). The discretionary-funded programs included in this ICR are the Multifamily Housing Service Coordinator Grant Program, the Multifamily Housing Budget-based Service Coordinator Program, and the Resident Opportunity and Self Sufficiency Service Coordinator Grant Program (ROSS).

This proposed collection, titled Standards for Success, has three key tenets which improves data collection and reporting for participating programs. First is the standardization of data collection and reporting requirements across programs which increases data comparability and utilization. Second is the ability to report on measurable outcomes and aligning them with higher-level agency objectives. And third is the collection of record-level data, instead of aggregate data. Collecting de-identified data at the level of the service recipient allows for more meaningful analysis, improved management, and the ability to demonstrate the progress and achievements of the funding recipients and the programs. Standards for Success accepts data submission by direct data input through the HUD-funded GrantSolutions online data collection and reporting tool (OLDC) and by data file upload, accommodating file formats in Microsoft Excel or Extensible Markup Language (XML).

Currently across HUD, there are several reporting models in place for its discretionary programs. The reporting models provide information on a wide variety of outputs and outcomes and are based on unique data definitions and outcome measures in program-specific performance and progress reports. In Federal Fiscal Year 2013, nine program offices at HUD used six systems and 15 reporting tools to collect over 700 data elements in support of varied metrics to assess the performance of their funding recipients. The proposed data collection and reporting requirements described in this notice are designed to provide HUD programs a tested alternative to their existing disparate reporting methodologies, forms, systems, and requirements.

The lack of standardized data collection and reporting requirements imposes an increased burden on funding recipients with multiple HUD funding streams. The need for a comprehensive standardized reporting approach is underscored by reviews conducted by external oversight agencies, including the HUD Office of Inspector General (OIG) and the Government Accountability Office (GAO). These oversight agencies have questioned the soundness and comparability of data reported by HUD prior to Standards for Success. To address these issues, HUD is using its statutory and regulatory authority to improve and strengthen performance

reporting for its discretionary programs, ultimately working towards a single comprehensive reporting approach.

The Secretary's statutory and regulatory authority to administer housing and urban development programs include provisions allowing for the requirement of performance reporting from funding recipients. This legal authority is codified at 42 U.S.C. 3535(r). The individual privacy of service recipients is of the highest priority. The reporting repository established at HUD to receive data submission from funding recipients will not include any personally identifiable information (PII). Additionally, if the data from a funding recipient has 25 or fewer individuals served during a fiscal year as reported in the record-level reports, then the results for the demographic data elements for the 25 or fewer individuals will also be redacted or removed from the public-use data file and any publicly available analytical products in order to ensure the inability to identify any individual.

Eligible entities receiving funding by HUD are expected to implement the proposed recordkeeping and reporting requirements with available HUD funds. It is important to note that affected HUD funding recipients only submit a subset of the universe of data elements presented. The participating HUD program offices determine the specific data collection and reporting requirements, which considers the type and level of service provided by the respective HUD program.

The reporting requirements in this proposal better organize the data than participating programs collected in the past, standardize outcomes and performance measures, and allow program offices at HUD to select which data elements are relevant for their respective programs. Documents detailing the data elements are available for review by request from Colette Pollard (*Colette.Pollard@hud.gov*). All information reported to HUD will be submitted electronically. Funding recipients may use existing management information systems provided those systems collect all the required data elements and can be exported for submission to HUD. Funding recipients that sub-award funds to other organizations will need to collect the required information from their sub-recipients.

Information collected and reported will be used by funding recipients and HUD for the following purposes:

- To provide program and performance information to recipients, general public, Congress, and other stakeholders;
- To continuously improve the quality, effectiveness, and efficiency of discretionary-funded programs;
- To provide management information for use by HUD in program administration and oversight, including the scoring of applications and the monitoring of funding-recipient participation, services, and outcomes; and
- To better measure and analyze performance information to identify successful practices to be replicated and prevent or correct problematic practices and improve outcomes in compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act.

The data collection and reporting requirements may expand to other HUD programs. Program implementation will be determined by the program. HUD will provide technical assistance to funding recipients throughout the implementation.

Respondents: 5,723.

Organizations receiving HUD funding as listed on page 2.

ANNUAL BURDEN ESTIMATE FOR THE REQUESTED REPORTING APPROACH

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hours per response	Annual burden hours	Hourly cost per response	Annual cost
HUD Participant Record-Level Report (HUD–PRL)	5,723	1	[1] 595,532	0.33	198,511	[2] $20.88	$4,144,900

[1] There are an estimated 104 individuals served by each of the 5,723 funding recipients.
[2] The hourly cost of $20.88 is the average wage for office and administrative support occupations as reported in the May 2021 *Occupational Employment and Wages* produced by the U.S. Department of Labor, Bureau of Labor Statistics.

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.

HUD encourages interested parties to submit comments in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dorthera Yorkshire,

Director, Grants Management and Oversight.

[FR Doc. 2022–15488 Filed 7–19–22; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[FR–6339–N–01]

Availability of HUD's Fiscal Year 2020 Service Contract Inventory

AGENCY: Office of the Chief Procurement Officer, HUD.

ACTION: Notice.

SUMMARY: This notice advises of the availability to the public of service contracts awarded by HUD in Fiscal Year (FY) 2020.

FOR FURTHER INFORMATION CONTACT: Dr. Akinsola A. Ajayi, Assistant Chief Procurement Officer, Office of Policy, Systems and Risk Management, Office of the Chief Procurement Officer, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; telephone

number 202–402–6728 (this is not a toll-free number) and fax number 202–708–8912. Persons with hearing or speech impairments may access Dr. Ajayi's telephone number via TTY by calling the toll-free Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION: In accordance with section 743 of Division C of the Consolidated Appropriations Act of 2010 (Pub. L. 111–117, approved December 16, 2009, 123 Stat. 3034, at 123 Stat. 3216), HUD is publishing this notice to advise the public of service contracts inventories that were awarded in FY 2020. The inventories are organized by function and are reviewed by HUD to better understand how contracted services are used to support HUD's primary mission, to insure HUD maintains an adequate workforce for operations and to research whether contractors were performing inherently governmental functions.

The inventory was developed in accordance with guidance issued on November 5, 2010 by the Office of Management and Budget's Office Federal Procurement Policy (OFPP). OFPP's guidance is available at *https://obamawhitehouse.archives.gov/sites/default/files/omb/procurement/memo/service-contract-inventories-guidance-11052010.pdf.*

HUD has posted its inventory and a summary of the inventory on the Department of Housing and Urban Development's homepage at the following link: *http://portal.hud.gov/hudportal/HUD?src=/program_offices/cpo/sci.*

Akinsola A. Ajayi,

Assistant Chief Procurement Officer.

[FR Doc. 2022–15513 Filed 7–19–22; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R2–ES–2022–N034; FXES11130200000–223–FF02ENEH00]

Endangered and Threatened Wildlife and Plants; Recovery Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications for a permit to conduct activities intended to recover and enhance endangered species survival. With some exceptions, the Endangered Species Act (ESA) prohibits certain activities that may impact endangered species unless a Federal permit allows such activity. The ESA also requires that we invite public comment before issuing these permits.

DATES: To ensure consideration, please submit your written comments by August 19, 2022.

ADDRESSES:

Document availability: Request documents by phone or email: Marty Tuegel 505–248–6651, *marty_tuegel@fws.gov.*

Comment submission: Submit comments by email to *fw2_te_permits@fws.gov.* Please specify the permit application you are interested in by number (*e.g.,* Permit Record No. PER1234567).

FOR FURTHER INFORMATION CONTACT: Marty Tuegel, Supervisor, Environmental Review Division, 505–248–6651. 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:

Background

With some exceptions, the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), prohibits activities that constitute take of listed species unless a Federal permit is issued that allows such activity. The ESA's definition of ''take'' includes hunting, shooting, harming, wounding, or killing, and also such activities as pursuing, harassing, trapping, capturing, or collecting.

The ESA and our implementing regulations in the Code of Federal Regulations (CFR) at title 50, part 17, provide for issuing such permits and require that we invite public comment before issuing permits for activities involving listed species.

A recovery permit we issue under the ESA, section 10(a)(1)(A), authorizes the permittee to conduct activities with endangered or threatened species for scientific purposes that promote recovery or enhance the species' propagation or survival. These activities often include such prohibited actions as capture and collection. Our regulations implementing section 10(a)(1)(A) for these permits are found at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

Permit Applications Available for Review and Comment

Documents and other information submitted with these applications are available for review by any party who submits a request as specified in **ADDRESSES**. Our release of documents is subject to Privacy Act (5 U.S.C. 552a) and Freedom of Information Act (5 U.S.C. 552) requirements.

Proposed activities in the following permit requests are for the recovery and enhancement of propagation or survival of the species in the wild. We invite local, State, Tribal, and Federal agencies and the public to submit written data, views, or arguments with respect to these applications. The comments and recommendations that will be most useful and likely to influence agency decisions are those supported by quantitative information or studies. Please refer to the permit record number when submitting comments.

Permit record No.	Applicant	Species	Location	Activity	Type of take	Permit action
PER0044245	USGS Oklahoma Cooperative Fish & Wildlife Research Unit; Stillwater, Oklahoma.	Neosho mucket (*Lampsilis rafinesqueana*).	Oklahoma	Presence/absence surveys, capture.	Harass, harm, capture.	New.
PER0044974	Boatright, Patrick; Dripping Springs, Texas.	Houston toad (*Bufo houstonensis*).	Texas	Presence/absence surveys, capture, collect tissue.	Harass, harm, capture.	New.

Permit record No.	Applicant	Species	Location	Activity	Type of take	Permit action
PER0034896	Buschow, Marissa; Sugar Land, Texas.	Southwestern willow flycatcher (*Empidonax traillii extimus*), golden-cheeked warbler (*Setophaga chrysoparia*), Houston toad (*Bufo houstonensis*).	Arizona, California, Nevada, New Mexico, Texas.	Presence/absence surveys, nest monitoring.	Harass, harm	Renew/ Amend.
PER0046174	Hausmann, Derek; San Antonio, Texas.	Golden-cheeked warbler (*Setophaga chrysoparia*).	Texas	Presence/absence surveys, habitat assessment.	Harass, harm	New.
PER0046301	Landhawk Consulting, LLC; Pharr, Texas.	Jaguarundi (*Puma yagouaroundi cacomitli*), ocelot (*Leopardus (=Felis) pardalis*), northern aplomado falcon (*Falco femoralis septentrionalis*), piping plover (*Charadrius melodus*), red-cockaded woodpecker (*Picoides borealis*), Houston toad (*Bufo houstonensis*).	Alabama, Arizona, Colorado, Florida, Georgia, Louisiana, Maine, New Mexico, New York, North Dakota, Ohio, Oklahoma, Texas.	Presence/absence surveys	Harass, harm	Renew.
PER0046269	Chambers, Carole; Flagstaff, Arizona.	New Mexico meadow jumping mouse (*Zapus hudsonius luteus*).	Arizona, Colorado, New Mexico.	Translocation, monitoring	Harass, harm, capture.	Amend.
PER0046306	Jenkerson, Jeffrey; San Marcos, Texas.	Barton Springs salamander (*Eurycea sosorum*), Austin blind salamander (*Eurycea waterlooensis*).	Texas	Presence/absence surveys, monitoring, capture, collect voucher specimens, collect tissue.	Harass, harm, capture, kill.	Amend.
PER0046268	Kitchen, Matthew; San Antonio, Texas.	Golden-cheeked warbler (*Setophaga chrysoparia*).	Texas	Presence/absence surveys, habitat assessment.	Harass, harm	Renew.
PER0046267	Lillie, Scott; Avondale, Arizona.	Southwestern willow flycatcher (*Empidonax traillii extimus*).	Arizona, California, Nevada, New Mexico.	Presence/absence surveys	Harass, harm	Renew,

Public Availability of Comments

All comments we receive become part of the public record associated with this action. Requests for copies of comments will be handled in accordance with the Freedom of Information Act, National Environmental Policy Act, and Service and Department of the Interior policies and procedures. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Authority

We provide this notice under section 10 of the ESA (16 U.S.C. 1531 *et seq.*).

Amy L. Lueders,

Regional Director, Southwest Region, U.S. Fish and Wildlife Service.

[FR Doc. 2022–15420 Filed 7–19–22; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R1–ES–2022–0084; FXES11140100000–223–FF01E00000]

Proposed Habitat Conservation Plan for the Mazama Pocket Gopher; Receipt of Incidental Take Permit Application; Infrastructure Improvements in Thurston County, Washington

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), received an application from Thurston County Public Works (applicant) for an incidental take permit (ITP) pursuant to the Endangered Species Act. The ITP would authorize take of the Yelm subspecies of the Mazama pocket gopher (*Thomomys mazama yelmensis*), incidental to otherwise lawful safety and infrastructure improvements at Steilacoom Road and at the Marvin and Mullen Road intersection in Thurston County, Washington. The application includes a habitat conservation plan (HCP) with measures to minimize and mitigate the impacts of the taking on the covered species. We have also prepared a draft environmental action statement for our preliminary determination that the HCP and our permit decision may be eligible for categorical exclusion under the National Environmental Policy Act. We provide this notice to open a public comment period and invite comments from all interested parties regarding the documents.

DATES: We must receive your written comments on or before August 19, 2022. Any comments received after the closing date may not be considered in the final decision on these actions.

ADDRESSES:

Obtaining documents: You may obtain copies of the documents online at *https://www.regulations.gov* in Docket No. FWS–R1–ES–2022–0084, or at *https://www.fws.gov/wafwo/.*

Submitting comments: To submit written comments, please use one of the following methods:

- *Internet: https://www.regulations.gov.* Follow the instructions for submitting comments on Docket No. FWS–R1–ES–2022–0084.
- *Email: wfwocomments@fws.gov.* Include ''Steilacoom Road and Marvin-McMullin Intersection Improvements HCP'' in the subject line of the message.
- *U.S. Mail:* Public Comments Processing, Attn: Docket No. FWS–R1–ES–2022–0084; U.S. Fish and Wildlife Service Headquarters, MS: PRB/3W; 5275 Leesburg Pike, Falls Church, VA 22041–3803.

FOR FURTHER INFORMATION CONTACT: Madison McGroarty, by email at *madison_mcgroarty@fws.gov* or by telephone at 360–338–2473. 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: We, the U.S. Fish and Wildlife Service (Service), received an application, including a habitat conservation plan (HCP), from Thurston County Public Works (applicant) for an incidental take permit (ITP) pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The permit, if issued, would authorize incidental take of the Yelm subspecies of the Mazama pocket gopher (*Thomomys mazama yelmensis*) (pocket gopher) incidental to construction associated with upgrades and improvements to Steilacoom Road and at the Marvin and Mullen Road intersection in Thurston County, Washington, for a period of 10 years. The HCP describes actions the applicant would take to minimize and mitigate the impacts of the taking on the covered species.

Background

Section 9 of the ESA prohibits ''take'' of fish and wildlife species listed as endangered or threatened. Under the ESA, the term ''take'' means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct (16 U.S.C. 1532(19)). The term ''harm,'' as defined in our regulations, includes significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering (50 CFR 17.3).

Section 10(a)(1)(B) of the ESA contains provisions that authorize the Service to issue permits to non-Federal entities for the take of endangered and threatened species caused by otherwise lawful activities, provided the following criteria are met: (1) the taking will be incidental; (2) the applicant will, to the maximum extent practicable, minimize and mitigate the impact of such taking; (3) the applicant will ensure that adequate funding for the plan will be provided; (4) the taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild; and (5) the applicant will carry out any other measures that the Service may require as being necessary or appropriate for the purposes of the plan. Regulations governing permits for endangered and threatened species are found in 50 CFR 17.22 and 17.32, respectively.

Proposed Action

The applicant proposes to construct safety and infrastructure improvements at Steilacoom Road and the intersection of Marvin and Mullen Roads in Thurston County, Washington. The permit area consists of 3.26 acres for the Steilacoom Road project and 2.05 acres for the Marvin and Mullen Intersection project. Areas within the project rights-of-way would be excavated, graded and paved to construct new sidewalks and lanes. Other activities covered under the HCP would include utility relocation, and the installation of permanent stormwater facilities.

Approximately 2.92 acres within the 5.31-acre permit area consist of suitable and occupied habitat for the pocket gopher; however, the total number of individuals likely present in the permit area is unknown. The impacts to suitable and occupied habitat will therefore serve as a surrogate for the amount and extent of take anticipated over the term of the requested permit.

To offset the impact of the taking, the applicant proposes to fund permanent management and maintenance of 4 acres of occupied habitat for the gopher. Thurston County proposes to secure mitigation at an existing conservation site provided it meets criteria outlined in the HCP and the sites can be secured prior to project implementation.

The Service's proposed action is to issue the requested 10-year ITP based on the applicant's commitment to implement the HCP provided that all requirements for ITP issuance under applicable law are met including, without limitation, ESA section 10(a)(2)(B) permit issuance criteria (36 U.S.C. 1539(a)(2)(B).

Public Comments

You may submit your comments and materials by one of the methods listed in **ADDRESSES**. We specifically request information, views, and suggestions from interested parties regarding our proposed Federal action, including, without limitation, adequacy of the HCP, whether the HCP meets requirements for permits at 50 CFR parts 13 and 17, and adequacy of the EAS pursuant to the requirements of NEPA. We will post all comments on *https://www.regulations.gov.* This generally means that we will post online any personal information that you provide (see Public Availability of Comments under **SUPPLEMENTARY INFORMATION**). We request that you submit comments by only the methods described in **ADDRESSES**.

Public Availability of Comments

All comments and materials we receive become part of the public record associated with this action. Before including your address, phone number, email address, or other personally identifiable information in your comments, you should be aware that your entire comment—including your personally identifiable information—may be made publicly available at any time. While you can ask us in your comment to withhold your personally identifiable information from public review, we cannot guarantee that we will be able to do so. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Authority

We provide this notice in accordance with the requirements of section 10(c) of the ESA (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.32), and NEPA (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR 1506.6 and 43 CFR 46.205).

Nanette Seto,

Acting Regional Director, U.S. Fish and Wildlife Service.

[FR Doc. 2022–15423 Filed 7–19–22; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–R1–ES–2020–0101; FXES11140100000–223–FF01E0000]

Record of Decision for the Final Environmental Impact Statement and Habitat Conservation Plan for Thurston County, Washington

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; record of decision and habitat conservation plan.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the availability of a record of decision (ROD) for the issuance of a permit under section 10(a)(1)(B) of the Endangered Species Act (ESA) for the Thurston County habitat conservation plan (HCP). The ROD documents the Service's decision to issue an incidental take permit (ITP) to the Thurston County Community Planning and Economic Development Department (Thurston County, County, or applicant) in response to their permit application. As summarized in the ROD, the Service has selected the proposed action alternative, which includes implementation of the HCP and issuance of a 30-year ITP authorizing incidental take from covered activities of four threatened species and one endangered species listed under the ESA, and one non-listed species.

ADDRESSES: You may obtain copies of the ROD and other documents associated with the decision by any of the following methods:

- *Internet: https://www.regulations.gov* in Docket No. FWS–R1–ES–2020–0101, or at *https://www.fws.gov/office/washington-fish-and-wildlife.*
- *Upon Request:* You may request alternative formats of the documents directly from the Service (see **FOR FURTHER INFORMATION CONTACT**).

FOR FURTHER INFORMATION CONTACT: Kevin Connally, U.S. Fish and Wildlife Service, Washington Fish and Wildlife Office, by telephone at 360–753–9440 or by email at *Kevin_Connally@fws.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: We, the U.S. Fish and Wildlife Service (Service), announce the availability of a record of decision (ROD) for the issuance of an Endangered Species Act (ESA) section 10(a)(1)(B) incidental take permit (ITP) to the Thurston County Community Planning and Economic Development Department (Thurston County, County, or applicant) in Thurston County, Washington. The ROD documents the Service's decision to issue an ITP to the applicant. As summarized in the ROD, the Service has selected the agency-preferred alternative (also described as the proposed action below), which includes implementation of a habitat conservation plan (HCP) and issuance of a 30-year ITP authorizing incidental take of the threatened Yelm pocket gopher (*Thomomys mazama yelmensis*), Olympia pocket gopher (*T. mazama pugetensis*), Tenino pocket gopher (*T. mazama tumuli*), and Oregon spotted frog (*Rana pretiosa*); the endangered Taylor's checkerspot butterfly (*Euphydryas editha taylori*); and the Oregon vesper sparrow (*Pooecetes gramineus affinis*), which is under review to determine if Federal listing under the ESA is warranted.

We are advising the public of the availability of the ROD, developed in compliance with agency decision-making requirements of the National Environmental Policy Act of 1969, as amended (NEPA). The Service published a notice of availability (NOA) for the draft environmental impact statement (EIS) in the **Federal Register** on September 24, 2021 (86 FR 53111), and we published an NOA for the final EIS on May 13, 2022 (87 FR 29361). All alternatives were described in detail, evaluated, and analyzed in the draft and final EIS.

In 2020, the Council on Environmental Quality (CEQ) issued a final rule updating the NEPA implementing regulations (the ''2020 rule''; 85 FR 43304, July 16, 2020). The 2020 rule went into effect on September 14, 2020, and it applied to any NEPA process begun after that date. Because the Service published a notice of intent (NOI) to develop an EIS for this project on October 16, 2020 (85 FR 65861), the DEIS and FEIS were prepared according to the 2020 rule. On April 20, 2022, CEQ published a final rule that modified the 2020 rule, including reinstating the definition of cumulative effects (the ''2022 rule''; 87 FR 23453). The 2022 rule went into effect on May 20, 2022. While terminology used in the EIS is based on the 2020 rule, the analysis in the EIS is consistent with both the 2020 and 2022 rules; the purpose and goals of NEPA; longstanding Federal judicial and regulatory interpretations; the Department of the Interior's NEPA regulations (43 CFR part 46); and Administration priorities and policies, including Secretary's Order No. 3399, requiring use of ''the same application or level of NEPA that would have been applied to a proposed action before the 2020 rule went into effect.''

Background

Thurston County applied for an ITP to cover a variety of activities for which the County issues permits or approvals, or activities the County otherwise carries out under its jurisdiction, as detailed in the HCP. The covered activities are described further in the final EIS and in the HCP. The covered activities include:

- Residential development;
- Development of accessory structures;
- Installation, repair, or alteration of septic systems;
- Commercial and industrial development;
- Public service facility construction;
- Transportation projects;
- Transportation maintenance and other work within County-owned road rights-of-way;
- Landfill and solid waste management;
- Water resources management;
- Management of conservation lands; and
- County parks, trails, and land management.

Through implementation of the HCP, the County will permit or conduct covered activities that incidentally take covered species. The HCP includes an analysis of projected impacts to covered species and measures to avoid, minimize, and mitigate the impacts. Where take is unavoidable, the County will permanently conserve lands in accordance with HCP requirements (''conservation lands'') to fully offset impacts of the taking on covered species before permits are issued or covered activities are conducted. Conservation lands will be monitored and adaptively managed to ensure they meet HCP-specified performance standards. Avoidance, minimization, and mitigation measures are discussed in greater detail below.

It is not practical to analyze anticipated take of individuals of each species; therefore, the HCP uses habitat, measured as habitat area or as ''functional-acre'' values, as a surrogate for quantifying impacts and mitigation for each covered species. The functional-acre approach weights habitat acreage with values for the covered species' distribution, habitat condition, and landscape context. This approach provides greater weight to

both impacts and mitigation occurring in or near areas that are a priority for conservation of the covered species.

Development and maintenance activities covered by the HCP will impact Mazama pocket gopher subspecies when the activities occur within habitat in the ranges of the covered species. Fewer HCP-covered development and maintenance activities will impact the Oregon spotted frog, the Taylor's checkerspot butterfly, and the Oregon vesper sparrow, because they have relatively localized ranges in Thurston County and thus are less likely to be impacted by covered activities.

Measures to avoid and minimize impacts of the taking on covered species include avoiding habitat where feasible, reducing the extent of habitat impacts through within-site project design, and additional species-specific measures for each group of covered activities, as described in the HCP. These measures are detailed in Appendix C of the HCP, including standard practices to avoid and minimize impacts on prairie species and prairie habitats, as well as on the Oregon spotted frog and its habitat, when siting and locating activities as well as during construction. Appendix C of the HCP also details enhanced measures recommended as best practices for land managers who voluntarily maintain habitat functions for the covered species.

To mitigate for unavoidable impacts to covered species, Thurston County proposes to permanently protect, restore or enhance where appropriate, and manage habitat occupied by covered species on conservation lands. Conservation lands include newly acquired permanent habitat reserves; working agricultural lands; and existing reserves where the County will enhance and permanently maintain habitat quality. The addition of conservation lands to the HCP conservation lands network will occur incrementally during HCP implementation at a pace that meets or exceeds the pace of impacts to each covered species.

The HCP includes funding assurances, monitoring, an adaptive management process, and changed circumstance provisions to help ensure that the conservation program achieves the biological goals for the covered species. Annual reports will confirm the amount, type, and location of impacts and mitigation, as well as the status of monitoring, adaptive management, changed circumstances, and funding. The conservation program and expected effects of HCP implementation on the covered species and their habitats are described in greater detail in the HCP and in the FEIS. The HCP is expected to be implemented for 30 years, and the resulting conservation lands will be permanently maintained.

Anticipated Permits and Authorizations

In addition to the ITP, Thurston County will manage covered activities to comply with all other applicable laws, including, without limitation, Washington State endangered and protected species regulations; the Washington State Growth Management Act, which includes State and local protection of historic and cultural resources implemented through the County's comprehensive plan; the Washington State Shoreline Management Act; the Washington State Hydraulic Code; Thurston County Critical Area Ordinances; State and local requirements for administrative procedures; and other regulations. Individual projects conducted under the HCP will undergo individual review by the County for compliance with local codes and further public review, as appropriate, through the Washington State Environmental Policy Act.

Purpose and Need

As described in the final EIS, the Service's purpose and need for the Federal action is to process the County's request for an ITP, the issuance of which is necessary to meet the County's development and biological goals, and to inform the Service's decision to grant, grant with conditions, or deny the ITP request in compliance with the Service's authority under applicable law, including, without limitation, section 10(a)(1)(B) of the ESA and applicable ESA implementing regulations. Section 10(a)(1)(B) of the ESA includes conservation authorities and obligations that require us to respond to the ITP application submitted by the applicant.

Alternatives

In compliance with NEPA (42 U.S.C 4321 *et seq.*), the Service prepared a final EIS analyzing the proposed action (identified as the preferred alternative), a no-action alternative, and one alternative to the proposed action. Summaries of each alternative are presented below. The environmental consequences of each alternative were analyzed to determine if significant impacts to the human environment would occur. Public comments received in response to the draft EIS were considered, and the final EIS responds to comments and includes some clarifications that address public comments. The final EIS did not identify an environmentally preferable alternative. Pursuant to NEPA implementing regulations found at 40 CFR 1505.2, the Service identified the proposed action as the environmentally preferable alternative in the ROD, because the network of conservation lands would be slightly larger and more diverse than in the modified HCP alternative action, resulting in greater conservation benefit to the covered species.

No-Action Alternative: The Service would not issue incidental take authorization to the County, and the County would not implement the HCP. The County would continue to conduct, permit, and approve activities on a case-by-case basis in compliance with Federal, State, and local requirements, including the Thurston County Critical Areas code. The County and individual project proponents would continue to evaluate each project to ensure unauthorized take of listed species is avoided. The County would not implement a coordinated, County-wide conservation program for ESA-listed species. This alternative is the current situation in Thurston County.

Proposed Action Alternative: The Service would, in accordance with applicable law, issue the requested ITP to Thurston County for the incidental take of covered species by the covered activities. The County would implement the Thurston County HCP and its conservation program, including, without limitation, implementation of measures to minimize effects of covered activities, mitigation measures to fully offset the impacts of the taking on covered species, and monitoring and reporting. The County would also ensure funding for HCP implementation. Under the proposed action, the County would mitigate for the impacts of the taking on covered species, in part through the execution of conservation easements on working agricultural lands, the enhancement of existing conservation reserves, and the establishment and management of new conservation reserves. The proposed action is the Service's agency-preferred alternative because it provides a practical approach for durable conservation outcomes in the permit area while supporting the County's goals and community interests, such as preservation of agricultural lands.

Modified HCP Alternative Action: The Service would, in accordance with applicable law, issue an ITP to Thurston County with the same permit area, permit term, covered species, covered activities, and many of the HCP elements described for the proposed action. Under this alternative, the County would mitigate for the impacts of the taking on covered species solely through the establishment and

management of new conservation reserves. The County would not execute conservation easements on working agricultural lands, or include the enhancement of existing conservation reserves in the mitigation strategy. Under this alternative, the network of conservation lands would be slightly smaller.

Decision and Rationale for Decision

We have made the determination that the applicant's proposed HCP, as modified by the terms and conditions of the ITP, would meet the statutory ITP issuance criteria set forth in section 10(1)(2)(B) (16 U.S.C. 1539(a)(2)(B)). Our assessment of the application was conducted in accordance with the requirements of section 10(a)(1)(B) of the ESA and its implementing regulations. Based on our review of the alternatives and their environmental consequences as described in the final EIS, we selected the proposed action because implementation of the final HCP and issuance of the ITP best fulfills the Service's statutory mission and responsibilities while meeting our purpose and need. This decision is described further in the ROD.

Authority

We provide this notice in accordance with the requirements of NEPA (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR 1506.6).

Nanette Seto,

Acting Deputy Regional Director, Pacific Region 1, U.S. Fish and Wildlife Service.

[FR Doc. 2022–15417 Filed 7–19–22; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–HQ–IA–2022–0085; FXIA16710900000–223–FF09A30000]

Foreign Endangered Species; Receipt of Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on applications to conduct certain activities with foreign species that are listed as endangered under the Endangered Species Act (ESA). With some exceptions, the ESA prohibits activities with listed species unless Federal authorization is issued that allows such activities. The ESA also requires that we invite public comment before issuing permits for any activity otherwise prohibited by the ESA with respect to any endangered species.

DATES: We must receive comments by August 19, 2022.

ADDRESSES:

Obtaining Documents: The applications, application supporting materials, and any comments and other materials that we receive will be available for public inspection at *https://www.regulations.gov* in Docket No. FWS–HQ–IA–2022–0085.

Submitting Comments: When submitting comments, please specify the name of the applicant and the permit number at the beginning of your comment. You may submit comments by one of the following methods:

- *Internet: https://www.regulations.gov.* Search for and submit comments on Docket No. FWS–HQ–IA–2022–0085.
- *U.S. mail:* Public Comments Processing, Attn: Docket No. FWS–HQ–IA–2022–0085; U.S. Fish and Wildlife Service Headquarters, MS: PRB/3W; 5275 Leesburg Pike; Falls Church, VA 22041–3803.

For more information, see Public Comment Procedures under **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Timothy MacDonald, by phone at 703–358–2185 or via email at *DMAFR@fws.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:

I. Public Comment Procedures

A. How do I comment on submitted applications?

We invite the public and local, State, Tribal, and Federal agencies to comment on these applications. Before issuing any of the requested permits, we will take into consideration any information that we receive during the public comment period.

You may submit your comments and materials by one of the methods in **ADDRESSES**. We will not consider comments sent by email or fax, or to an address not in **ADDRESSES**. We will not consider or include in our administrative record comments we receive after the close of the comment period (see **DATES**).

When submitting comments, please specify the name of the applicant and the permit number at the beginning of your comment. Provide sufficient information to allow us to authenticate any scientific or commercial data you include. The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) those that include citations to, and analyses of, the applicable laws and regulations.

B. May I review comments submitted by others?

You may view and comment on others' public comments at *https://www.regulations.gov,* unless our allowing so would violate the Privacy Act (5 U.S.C. 552a) or Freedom of Information Act (5 U.S.C. 552).

C. Who will see my comments?

If you submit a comment at *https://www.regulations.gov,* your entire comment, including any personal identifying information, will be posted on the website. If you submit a hardcopy comment that includes personal identifying information, such as your address, phone number, or email address, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. Moreover, all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

II. Background

To help us carry out our conservation responsibilities for affected species, and in consideration of section 10(c) of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), we invite public comments on permit applications before final action is taken. With some exceptions, the ESA prohibits certain activities with listed species unless Federal authorization is issued that allows such activities. Permits issued under section 10(a)(1)(A) of the ESA allow otherwise prohibited activities for scientific purposes or to enhance the propagation or survival of the affected species. Service regulations regarding prohibited activities with endangered species, captive-bred wildlife registrations, and permits for any activity otherwise prohibited by the ESA with respect to any endangered

species are available in title 50 of the Code of Federal Regulations in part 17.

III. Permit Applications

We invite comments on the following applications.

Endangered Species

Applicant: Dovetail Genomics, LLC., Scotts Valley, CA; Permit No. PER0043895

The applicant requests authorization to import biological samples collected from wild hawksbill sea turtles (*Eretmochelys imbricata*) from Singapore for the purpose of scientific research. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: University of California Davis Wildlife Health Center, Davis, CA; Permit No. PER0044495

The applicant requests authorization to import biological samples collected from wild hoolock gibbons (*Hoolock* sp.) from Myanmar for the purpose of scientific research. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Loma Linda University, Loma Linda, CA; Permit No. PER0044704

The applicant requests authorization to import biological samples collected from wild hawksbill sea turtle (*Eretmochelys imbricata*), green sea turtle (*Chelonia mydas*), loggerhead sea turtle (*Caretta caretta*), olive ridley sea turtle (*Lepidochelys olivacea*), and leatherback sea turtle (*Dermochelys coriacea*) from Honduras for the purpose of scientific research. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Dallas Zoo Management, Inc., Dallas, TX; Permit No. PER0044031

The applicant requests a permit to export one female harpy eagle (*Harpia harpyja*) to Weltvogelpark Walsrode, Walsrode, Germany, for the purpose of enhancing the propagation or survival of the species. This notification is for a single export.

Applicant: Rare Species Conservatory Foundation, Loxahatchee, FL; Permit No. PER0044700

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for the red-browed parrot (*Amazona rhodocorytha*), to enhance the propagation or survival of the species. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: California Academy of Sciences, San Francisco, CA; Permit No. PER0043133

The applicant requests authorization to export and reimport nonliving museum specimens of endangered species previously accessioned into the applicant's collection for scientific research. This notification covers activities to be conducted by the applicant over a 5-year period.

Multiple Trophy Applicants

The following applicants request permits to import sport-hunted trophies of male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancing the propagation or survival of the species.

Applicant: David Seeno, Concord, CA; Permit No. 33365D

Applicant: Kevin Emrath, Helenville, WI; Permit No. PER0043459

Applicant: Clinton Bissett, Celina, TX; Permit No. PER0043674

Applicant: Jeff Demaske, Greeley, CO; Permit No. 24612D

Applicant: Tanner Glidden, Klamath, OR; Permit No. 51278D

Applicant: Philip Geisse, West Linn, OR; Permit No. 28644D

Applicant: Mark Simpson, Eufaula, AL; Permit No. PER0044674

Applicant: Donald Youngblood, Kelzer, OR; Permit No. 17070D

Applicant: Rich Cabela, Sidney, NE; Permit No. 97878C

IV. Next Steps

After the comment period closes, we will make decisions regarding permit issuance. If we issue permits to any of the applicants listed in this notice, we will publish a notice in the **Federal Register**. You may locate the notice announcing the permit issuance by searching *https://www.regulations.gov* for the permit number listed above in this document. For example, to find information about the potential issuance of Permit No. 12345A, you would go to regulations.gov and search for ''12345A''.

V. Authority

We issue this notice under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and its implementing regulations.

Timothy MacDonald,

Government Information Specialist, Branch of Permits, Division of Management Authority.

[FR Doc. 2022–15418 Filed 7–19–22; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[2231A2100DD/AAKC001030/A0A501010.999900; OMB Control Number 1076–0185]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Tribal Education Department Grant Program

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Bureau of Indian Education (BIE), are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before August 19, 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 Review—Open for Public Comments'' or by using the search function. Please provide a copy of your comments to Steven Mullen, Information Collection Clearance Officer, Office of Regulatory Affairs and Collaborative Action—Indian Affairs, U.S. Department of the Interior, 1001 Indian School Road NW, Suite 229, Albuquerque, New Mexico 87104; or by email to *comments@bia.gov.* Please reference OMB Control Number 1076–0185 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, please contact Steven Mullen, Information Collection Clearance Officer, *comments@bia.gov,* (202) 924–2650. 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. You

may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on January 26, 2022 (87 FR 4041). We received one comment in response to that notice.

Comment 1: The respondent supported the information collection, stating in their opinion that the information collection is helpful for American Indian students served by Bureau-funded schools and necessary to determine the allocation of grant funding to meet the educational needs of American Indian students in Wisconsin.

Agency Response to Comment 1: BIE greatly appreciates the support of our partners in serving and improving educational outcomes for American Indian students.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again soliciting comments from the public and other Federal agencies on the proposed ICR that is described below. We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: Under 25 U.S.C. 2020, Congress appropriated funding through the BIE for the development and operation of Tribal departments or divisions of education for the purpose of planning and coordinating all educational programs of the Tribe. All Tribal education departments (TEDs) awarded will provide coordinating services and technical assistance to the school(s) they serve. As required under 25 U.S.C. 2020, for a federally recognized Tribe to be eligible to receive a grant, the Tribe must submit a grant application proposal. Once the grant has been awarded, each awardee will be responsible for quarterly and annual reports. All awardees must comply with regulations relating to grants made under 25 U.S.C. 5322(a).

Title of Collection: Tribal Education Department Grant Program.

OMB Control Number: 1076–0185.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Federally recognized Tribes and their Tribal Education Departments (TEDs).

Total Estimated Number of Annual Respondents: 33.

Total Estimated Number of Annual Responses: 63.

Estimated Completion Time per Response: Varies from 1 to 81 hours.

Total Estimated Number of Annual Burden Hours: 1,113 hours.

Respondent's Obligation: Required to Obtain or Retain a Benefit.

Frequency of Collection: Yearly for the proposal and annual report, quarterly for the quarterly reports.

Total Estimated Annual Nonhour Burden Cost: None.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq*).

Steven Mullen,

Information Collection Clearance Officer, Office of Regulatory Affairs and Collaborative Action—Indian Affairs.

[FR Doc. 2022–15459 Filed 7–19–22; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

[FWS–R4–ES–2022–N032; FVHC98220410150–XXX–FF04H00000]

Deepwater Horizon Oil Spill Natural Resource Damage Assessment, Florida Trustee Implementation Group: Final Phase V.4 Florida Coastal Access Project: Restoration Plan and Supplemental Environmental Assessment; and Finding of No Significant Impact

AGENCY: Department of the Interior.

ACTION: Notice of availability.

SUMMARY: In accordance with the Oil Pollution Act of 1990 (OPA), the National Environmental Policy Act of 1969 (NEPA), the *Deepwater Horizon* Oil Spill *Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Impact Statement* (Final PDARP/PEIS), and Consent Decree, the Federal and State natural resource trustee agencies for the Florida Trustee Implementation Group (Florida TIG) have approved the *Final Phase V.4 Restoration Plan and Supplemental Environmental Assessment* (Final Phase V.4 RP/SEA) and Finding of No Significant Impact (FONSI). In the Final Phase V.4 RP/SEA, the FL TIG selects to fund the fourth phase of the Florida Coastal Access Project through acquisition of the Dickerson Bay parcel: a 114-acre undeveloped coastal inholding in Wakulla County, Florida, within the approved boundary of St. Marks National Wildlife Refuge (NWR). This acquisition will continue the process of restoring natural resources and services injured or lost resulting from the *Deepwater Horizon* oil spill of 2010. The purpose of this notice is to inform the public of the availability of the Final Phase V.4 RP/SEA and FONSI.

ADDRESSES: *Obtaining Documents:* You may download the Final Phase V.4 RP/SEA at any of the following sites:

- *http://www.doi.gov/deepwaterhorizon*
- *http://www.gulfspillrestoration.noaa.gov*
- *http://dep.state.fl.us/deepwaterhorizon/default.htm*

Alternatively, you may request a CD of the Final Phase V.4 RP/SEA (see **FOR FURTHER INFORMATION CONTACT**).

FOR FURTHER INFORMATION CONTACT: Nanciann Regalado, 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

The Florida Coastal Access Project was selected for funding and implementation in Phase V of *Deepwater Horizon* early restoration. In the 2011 Framework Agreement for Early Restoration Addressing Injuries Resulting from the *Deepwater Horizon* Oil Spill (Framework Agreement), BP agreed to provide to the Trustees up to $1 billion toward early restoration projects in the Gulf of Mexico to address injuries to natural resources caused by the *Deepwater Horizon* oil spill. The Framework Agreement represented a preliminary step toward the restoration of injured natural resources and was intended to expedite the start of restoration in the Gulf in advance of the completion of the injury assessment process. In the five phases of the early restoration process, the Trustees selected, and BP Exploration and Production, Inc. (BP) agreed to fund, a total of 65 early restoration projects expected to cost a total of approximately $877 million, including the Florida Coastal Access Project for approximately $45.4 million. The Trustees selected these projects after public notice, public meetings, and consideration of public comments.

The Consent Decree terminated and replaced the Framework Agreement and provided that the Trustees shall use remaining early restoration funds as specified in the early restoration plans and in accordance with the Consent Decree. The Trustees have determined that decisions concerning any unexpended early restoration funds are to be made by the appropriate TIG, in this case the Florida TIG.

A notice of availability of the Draft Phase V.4 Restoration Plan and Supplemental Environmental Assessment was published in the **Federal Register** on April 18, 2022 (87 FR 22937). The public was provided with a period to review and comment on the Draft Restoration Plan, from April 18, 2022, through May 20, 2022. A webinar was held for the public on May 10, 2022, and an in-person public meeting was held on May 12, 2022, in Panacea, Florida. The Florida TIG considered the public comments received, which informed the TIG's analyses and selection of the preferred restoration alternative, the Dickerson Bay Addition, in the Final Phase V.4 RP/SEA. A summary of the public comments received, and the Florida TIG's responses to those comments, are addressed in Chapter 5 of the Final Phase V.4 RP/SEA. The FONSI is included as Appendix C of the Final Phase V.4 RP/SEA.

Background

On April 20, 2010, the mobile offshore drilling unit *Deepwater Horizon,* which was being used to drill a well for 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 *Deepwater Horizon* oil spill is the largest offshore 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.

The Trustees conducted the natural resource damage assessment (NRDA) for the *Deepwater Horizon* oil spill under OPA. Pursuant to OPA (OPA; 33 U.S.C. 2701 *et seq.*), 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. 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 time of restoration to baseline (the resource quality and conditions that would exist if the spill had not occurred) is complete.

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, 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.

On April 4, 2016, the Trustees reached and finalized a settlement of their natural resource damage claims with BP in a Consent Decree approved by the United States District Court for the Eastern District of Louisiana. Pursuant to that Consent Decree, restoration projects in the Florida Restoration Area are now chosen and managed by the Florida TIG. The Florida TIG is composed of the following six Trustees: State of Florida Department of Environmental Protection and Fish and Wildlife Conservation Commission; DOI; NOAA; EPA; and USDA.

Overview of the FL TIG's Final Phase V.4 RP/SEA

The Final Phase V.4 RP/SEA/FONSI is being released in accordance with OPA, NRDA regulations found in the Code of Federal Regulations (CFR) at 15 CFR part 990, NEPA, the Consent Decree, the Final PDARP/PEIS, and the Final Phase V ERP/EA. The Phase V.4 RP/SEA provides an OPA analysis for the proposed fourth phase of the Florida Coastal Access Project and supplements the NEPA analysis completed in the first, second, and third phases of the project (2016 Final Phase V Early Restoration Plan and Environmental Assessment, 2017 Final Phase V.2 Restoration Plan and Supplemental Environmental Assessment, and 2019 Final Phase V.3 Restoration Plan and Supplemental Environmental Assessment, respectively). In the Final Phase V.4 RP/SEA, the Florida TIG selects to fund the fourth phase of the Florida Coastal Access Project to

address lost recreational opportunities caused by the *Deepwater Horizon* oil spill in the Florida Restoration Area, through the acquisition of the Dickerson Bay Addition: a 114-acre coastal inholding parcel in Wakulla County within the approved boundary of St. Marks National Wildlife Refuge. The cost to carry out the Dickerson Bay Addition is approximately $685,000. Details on the fourth phase of the project are provided in the Final Phase V.4 RP/SEA. Additional restoration planning for the Florida Restoration Area will continue.

Administrative Record

The documents comprising the administrative record for the Final Phase V.4 RP/SEA can be viewed electronically at *http://www.doi.gov/deepwaterhorizon/administrativerecord.*

Authority

The authority of this action is the Oil Pollution Act of 1990 (33 U.S.C. 2701 *et seq.*), and its implementing Natural Resource Damage Assessment regulations found at 15 CFR part 990, and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*).

Mary Josie Blanchard,

Department of the Interior, Director of Gulf of Mexico Restoration.

[FR Doc. 2022–15029 Filed 7–19–22; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[L14400000/LLAZ920000/ET0000/AZA–38386]

Notice of Withdrawal Application and Opportunity for a Public Meeting for the Tonto National Forest/Town of Superior, Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The United States Forest Service (USFS) has filed an application with the Bureau of Land Management (BLM) requesting that the Secretary of the Interior withdraw 276 acres of National Forest System (NFS) lands located within the Tonto National Forest from location and entry under the U. S. mining laws for a 20-year term, subject to valid existing rights. The purpose of the withdrawal requested is to protect the lands for a U.S. Congressionally-directed conveyance to the Town of Superior (Town), Pinal County, Arizona. Publication of this notice temporarily segregates the lands for up to 2 years, initiates a 90-day public comment period, and announces to the public an opportunity to request a public meeting on the withdrawal.

DATES: Comments and requests for a public meeting must be received by October 18, 2022.

ADDRESSES: All comments or requests for a public meeting should be sent to the BLM Arizona State Office, 1 North Central Avenue, Suite 800, Phoenix, AZ 85004; faxed to (602) 417–9452; or sent by email to *BLM_AZ_Withdrawal_Comments@blm.gov.* The BLM will not consider comments via telephone calls.

FOR FURTHER INFORMATION CONTACT: Michael Ouellett, Realty Specialist, BLM Arizona State Office, telephone (602) 417–9561, email at *mouellett@blm.gov;* or you may contact the BLM office at the address noted above. 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 USFS requests the 20-year term withdrawal to protect the NFS lands from potential encumbrances that could affect the Town's ability to use the lands when purchased from the Federal Government. Section 3003 of the National Defense Authorization Act for Fiscal Year 2015 (NDAA) [Pub. L. 113–291 § 3003] requires the Secretary of Agriculture to convey the subject lands to the Town, upon request from the Town. The subject lands are located within the Tonto National Forest and within the Town's corporate limits, and include the 30-acre Fairview Cemetery, as well as parcels near the Superior Municipal Airport.

The following described NFS lands are the subject of the USFS's withdrawal application and are temporarily segregated for a period of up to 2 years from location and entry under the U. S. mining laws, subject to valid existing rights. The lands remain open to such uses as may be made on NFS lands and to leasing under the mineral and geothermal leasing laws:

Gila and Salt River Meridian, Arizona

T. 2 S., R. 12 E.,
Sec. 3, N½SW¼SW¼, N½SW¼SW¼SW¼, and N½SE¼SW¼SW¼;
Sec. 4, lots 3 and 4 excepting Lee Mill Site and Penny Mill Site of M.S. No. 4803, S½NW¼ excepting Harborlite Mill Sites 1A and 2A of M.S. No. 4860 and Lee Mill Site and Penny Mill Site of M.S. No. 4803;
Sec. 5, N½NE¼SE¼, NE¼NW¼SE¼, E½NW¼NW¼SE¼, E½SW¼NW¼NW¼SE¼, and E½NW¼NW¼NW¼SE¼;
Sec. 9, E½NW¼NE¼, E½NW¼NW¼NE¼, SW¼NW¼NE¼, NW¼NE¼NE¼NW¼, NW¼NE¼NW¼, W½SW¼NE¼NW¼ that portion lying N. of the N. boundary of H.E.S. No. 167, E½NW¼NW¼ that portion lying N. of the N. boundary of H.E.S. No. 167, E½NW¼NW¼NW¼, E½NW¼NW¼NW¼NW¼, E½SW¼NW¼NW¼NW¼, E½SW¼NW¼NW¼ that portion lying N. of the N. boundary of H.E.S. No. 167, E½NW¼SW¼NW¼NW¼ that portion lying N. of the N. boundary of H.E.S. No. 167.

The areas described aggregate 276 acres.

The use of a right-of-way, interagency agreement, or cooperative agreement would not provide adequate protection of the specified lands.

No additional water rights are needed to fulfill the purpose of this requested withdrawal.

There are no suitable alternative sites since the requested withdrawal area is the potential conveyance area specified by Public Law 113–291 § 3003.

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.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the requested withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the requested withdrawal must submit a written request to the BLM Arizona State Director no later than October 18, 2022. If the authorized officer determines that a public meeting will be held, a notice of the time and place will be published in the **Federal Register** and a local newspaper at least 30 days before the scheduled date of the meeting.

For a period until July 22, 2024 the lands will be segregated as specified above unless the application is denied or canceled.

This application will be processed in accordance with the regulations at 43 CFR 2310.3.

(Authority: 43 U.S.C. 1714(b)(1) and 43 CFR 2300)

Raymond Suazo,

State Director.

[FR Doc. 2022–15405 Filed 7–19–22; 8:45 am]

BILLING CODE 3411–15–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332–352]

Andean Trade Preference Act: Impact on U.S. Industries and Consumers and on Drug Crop Eradication and Crop Substitution

AGENCY: United States International Trade Commission.

ACTION: Notice of opportunity to submit information relating to matters to be addressed in the Commission's 20th report on the impact of the Andean Trade Preference Act (ATPA).

SUMMARY: Section 206 of the ATPA (19 U.S.C. 3204) requires the Commission to report biennially to the Congress and the President by September 30 of each reporting year on the economic impact of the Act on U.S. industries and U.S. consumers, and on the effectiveness of the Act in promoting drug-related crop eradication and crop substitution efforts by beneficiary countries. The Commission prepares these reports under Investigation No. 332–352, *Andean Trade Preference Act: Impact on U.S. Industries and Consumers and on Drug Crop Eradication and Crop Substitution.*

DATES:

August 8, 2022: Deadline for filing written submissions.

August 31, 2022: Transmittal of Commission report to Congress and the President.

ADDRESSES: All Commission offices, including the Commission's hearing rooms, are located in the United States International Trade Commission Building, 500 E Street SW, Washington, DC. All written submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street SW, Washington, DC 20436. The public record for this investigation may be viewed on the Commissions electronic docket (EDIS) at *https://edis.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Wen Jin ''Jean'' Yuan, Project Leader, Office of Economics (*Wen.Yuan@usitc.gov* or 202–205–2383) 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 202–205–3404). Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal at 202–205–1810. General information concerning the Commission may also be obtained by accessing its website (*https://www.usitc.gov/*). 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.

Background: Section 206 of the Andean Trade Preference Act (ATPA) (19 U.S.C. 3204) requires that the Commission submit biennial reports to the Congress and the President regarding the economic impact of the Act on U.S. industries and consumers and, in conjunction with other agencies, the effectiveness of the Act in promoting drug-related crop eradication and crop substitution efforts of the beneficiary countries. Section 206(b) of the Act requires that each report include:

(1) The actual effect of ATPA on the U.S. economy generally as well as on specific domestic industries which produce articles that are like, or directly competitive with, articles being imported under the Act from beneficiary countries;

(2) The probable future effect that ATPA will have on the U.S. economy generally and on such domestic industries; and

(3) The estimated effect that ATPA has had on drug-related crop eradication and crop substitution efforts of beneficiary countries.

Under the statute, the Commission is required to prepare this report regardless of whether duty-free treatment or other preferential treatment was provided during the period covered by the report. During the period to be covered by this report, calendar years 2020 and 2021, no imports entering the United States received preferential treatment under the ATPA program.

The Commission does not plan to hold a public hearing in this proceeding. The Commission will submit its report by August 31, 2022. The initial notice announcing institution of this investigation for the purpose of preparing these reports was published in the **Federal Register** of March 10, 1994 (59 FR 11308). Notice providing opportunity to file written submissions in connection with the nineteenth report was published in the **Federal Register** of May 22, 2020 (85 FR 31209).

Written Submissions: Interested parties are invited to file written submissions concerning this investigation. All written submissions should be addressed to the Secretary, and should be received not later than 5:15 p.m., August 8, 2022. All written submissions must conform to the provisions of section 201.8 of the Commission's Rules of Practice and Procedure (19 CFR 201.8), as temporarily amended by 85 FR 15798 (March 19, 2020). Under that rule waiver, the Office of the Secretary will accept only electronic filings at 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. Persons with questions regarding electronic filing should contact the Office of the Secretary, Docket Services Division (202–205–1802) or consult the Commission's Handbook on Filing Procedures.

Confidential Business Information. Any submissions that contain confidential business information must also conform to the requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). Section 201.6 of the rules requires that the cover of the document and the individual pages be clearly marked as to whether they are the ''confidential'' or ''nonconfidential'' version, and that the confidential business information is clearly identified by means of brackets. All written submissions, except for confidential business information, will be made available for inspection by interested parties.

The Commission will not include any confidential business information in the report that it sends to the President and the Congress. However, all information, including confidential business information, submitted in this investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel (a) for cybersecurity purposes or (b) in monitoring user activity on U.S. government classified networks. The Commission will not otherwise disclose any confidential business information in

a way that would reveal the operations of the firm supplying the information.

Summaries of Written Submissions: Persons wishing to have a summary of their position included in the report should include a summary with their written submission and should mark the summary as having been provided for that purpose. The summary should be clearly marked as ''summary for inclusion in the report'' at the top of the page. The summary may not exceed 500 words and should not include any confidential business information. The summary will be published as provided if it meets these requirements and is germane to the subject matter of the investigation. The Commission will list the name of the organization furnishing the summary and will include a link to the Commission's Electronic Document Information System (EDIS) where the full written submission can be found.

By order of the Commission.

Issued: July 15, 2022.

William Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2022–15469 Filed 7–19–22; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1195]

Certain Electronic Candle Products and Components Thereof; Notice of a Commission Determination To Affirm the Remand Initial Determination With Certain Modifications and To Find No Violation; 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, on review, determined to affirm the remand initial determination (''RID'') issued on December 29, 2021, finding that Complainants failed to establish the economic prong of the domestic industry requirement in the above-referenced section 337 investigation. The Commission has determined to modify the RID as explained in the Commission opinion issued herewith.

FOR FURTHER INFORMATION CONTACT: Panyin A. Hughes, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–3042. 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 April 6, 2020, the Commission instituted this investigation based on a complaint filed by complainants L&L Candle Company LLC of Brea, California and Sotera Tschetter, Inc. of St. Paul, Minnesota (together, ''Complainants''). 85 FR 19158–59 (Apr. 6, 2020). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain electronic candle products and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 8,550,660; 9,366,402; 9,512,971; 9,523,471; and 10,533,718. *Id.* The notice of investigation named as respondents: The Gerson Company of Olathe, Kansas; Gerson International (H.K.) Ltd. of Hong Kong; Sterno Home Inc. of Coquitlam, Canada; Ningbo Huamao International Trading Co., Ltd. of Ningbo City, China; Ningbo Yinzhou Langsheng Artware Co., Ltd of Ningbo City, China; Lifetime Brands, Inc. of Garden City, New York; Scott Brothers Entertainment, Inc. of Las Vegas, Nevada; Nantong Ya Tai Candle Arts & Crafts Co., Ltd. of San Gabriel, California; NapaStyle, Inc. of Napa, California; Veraflame International, Inc. of Vancouver, Canada (''Veraflame''); MerchSource, LLC of Irvine, California; Ningbo Mascube Import Export Company of Ningbo City, China (''Ningbo Mascube''); Decorware International Inc. dba Decorware Inc. of Rancho Cucamonga, California; Shenzhen Goldenwell Smart Technology Co., Ltd. of Shenzhen City, China; Shenzhen Ksperway Technology Co., Ltd. of Shenzhen City, China; Ningbo Shanhuang Electric Appliance Co. of Ningbo City, China (''Ningbo Shanhuang''); Yiwu Shengda Art Co., Ltd. of Yiwu City, China (''Yiwu Shengda''); Shenzhen Tongfang Optoelectronic Technology Co., Ltd. of Shenzhen City, China; TFL Candles of Shenzhen City, China; Guangdong Tongfang Lighting Co., Ltd. of Hong Kong; Tongfang Optoelectronic Company of Hong Kong; and Virtual Candles Limited of Kent, United Kingdom (''Virtual Candles''). *Id.* at 19159. The Office of Unfair Import Investigations (''OUII'') was also named as a party to the investigation. *Id.*

Of the twenty-two respondents, five were terminated based on consent orders, eight were terminated based on settlement agreements, three were terminated based on a voluntary withdrawal of the complaint due to an inability to serve, and one was terminated based on a summary determination of no importation. *See* Order No. 7 (May 4, 2020), *unreviewed by* Comm'n Notice (Jun. 3, 2020); Order No. 37 (Dec. 17, 2020), *unreviewed by* Comm'n Notice (Jan. 5, 2021); Order No. 12 (Jun. 15, 2020), *unreviewed by* Comm'n Notice (Jun. 20, 2020); Order No. 15 (Jul. 15, 2020), *unreviewed by* Comm'n Notice (Aug. 5, 2020); Order No. 29 (Oct. 19, 2020), *unreviewed by* Comm'n Notice (Nov. 2, 2020; Order No. 38 (Dec. 18, 2020), *unreviewed by* Comm'n Notice (Jan. 5, 2021); Order No. 39 (Dec. 18, 2020), *unreviewed by* Comm'n Notice (Jan. 5, 2021). The Commission found the following five remaining respondents in default for failing to respond to the complaint and notice of investigation and for failing to show cause why they had not done so, or for failing to participate in discovery: Veraflame, Ningbo Mascube, Ningbo Shanhuang, Yiwu Shengda, and Virtual Candles (''the Defaulting Respondents''). *See* Order No. 14 (Jul. 8, 2020), *unreviewed by* Comm'n Notice (Aug. 3, 2020) (finding Veraflame, Ningbo Mascube, and Virtual Candles in default); Order No. 33 (Nov. 12, 2020), *unreviewed by* Comm'n Notice (Nov. 30, 2020) (finding Yiwu Shengda and Ningbo Shanhuang in default).

On November 13, 2020, Complainants moved for a summary determination of violation as to the Defaulting Respondents and for a recommendation for the issuance of a general exclusion order. On December 4, 2020, OUII filed a response that questioned whether Complainants had satisfied the economic prong of the domestic industry requirement, but otherwise supported a finding of violation of section 337 and issuing a general exclusion order. On April 2, 2021, the ALJ issued an initial determination (''ID''), Order No. 41, granting Complainants' motion for summary determination of violation by each of the five Defaulting Respondents. Order No. 41 (Apr. 2, 2021).

On May 19, 2021, the Commission determined on its own motion to review the ID's finding that Complainants satisfied the economic prong of the

domestic industry requirement. 86 FR 28143–46 (May 25, 2021). On August 13, 2021, the Commission vacated the findings in the ID on the economic prong of the domestic industry requirement and remanded the investigation to the then Chief Administrative Law Judge (''ALJ'') for the issuance of a remand initial determination.

On December 29, 2021, the then Chief ALJ issued the subject RID, finding that Complainants failed to establish the economic prong of the domestic industry requirement. On January 20, 2022, Complainants filed a petition for review of the RID. On January 28, 2022, OUII filed a response to Complainants' petition.

On April 1, 2022, the Commission determined to review the RID, but did not request further briefing from the parties. 87 FR 20459–60 (Apr. 7, 2022).

Having examined the record of this investigation, including the RID, the petition for review, and the response thereto, the Commission has determined to affirm the RID's finding that Complainants have failed to establish the economic prong of the domestic industry requirement in this investigation. The Commission has determined to modify the RID as explained in the Commission opinion issued herewith. Accordingly, the Commission finds that there has been no violation of section 337 as to the Defaulting Respondents.

Commissioner Schmidtlein dissents from the Commission's decision and has filed a separate opinion explaining her views.

The Commission 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. 2022–15454 Filed 7–19–22; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–0066]

Agency Information Collection Activities; Proposed eCollection of eComments Requested; Manufacturers of Ammunition, Records and Supporting Data of Ammunition Manufactured and Disposed of

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Department of Justice (DOJ), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for an additional 30 days until August 19, 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.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and, if so, how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension without Change of a Currently Approved Collection.

(2) *The Title of the Form/Collection:* Manufacturers of Ammunition, Records and Supporting Data of Ammunition, Manufactured and Disposed of

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number: None.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other for-profit.

Other: None.

Abstract: This collection is a recordkeeping requirement for manufacturers of ammunition. Bureau of Alcohol, Tobacco, Firearms, and Explosives personnel may also use these records during criminal investigations and compliance inspections to enforce the Gun Control Act.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 188 respondents will respond to this collection once annually, and it will take each respondent approximately 2 minutes to complete their responses.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 6.2 or 6 hours, which is equal to 188 (total respondents) * 1 (# of response per respondent) * .033 (2 minutes or the time taken to prepare each response).

If additional information is required contact: Robert Houser, Assistant Director, Policy and Planning Staff, Office of the Chief Information Officer, United States Department of Justice, Justice Management Division, Two Constitution Square, 145 N Street NE, Mail Stop 3.E–206, Washington, DC 20530.

Dated: July 14, 2022.

Robert Houser,

Assistant Director, Policy and Planning Staff, U.S. Department of Justice.

[FR Doc. 2022–15435 Filed 7–19–22; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Antitrust Division

Corrected Notice Pursuant to the National Cooperative Research and Production Act of 1993—Pistoia Alliance, Inc.

Notice is hereby given that, on February 28, 2022, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Pistoia Alliance, Inc. filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. This notice corrects the notice published on May 13, 2022, which erroneously stated that Pistoia Alliance, Inc. filed its written notices under the Act on March 31, 2022. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Vertex Inc., Boston, MA; Nagarro, Cluj-Napoca, ROMANIA; Exscientia, Oxford, UNITED KINGDOM; Atom Computing, Berkeley, CA; The Lens, Karabar, AUSTRALIA; IonQ Inc., College Park, MD; Prism Analytic, Cambridge, MA; and Accurids GmbH, Aachen, GERMANY have been added as parties to this venture.

Also, World Quant Predictive, New York, NY; Scinapsis, Toronto, CANADA; Synthace, London, UNITED KINGDOM; Qiagen, Redwood City, CA; Illumina, San Diego, CA; Mcule, Budapest, HUNGARY; Sapio, Baltimore, MD; PercayAI, St Louis, MO; Titian, London, UNITED KINGDOM; Tellic, New York, NY; and GenAlz, Montreal, CANADA have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Pistoia Alliance, Inc. intends to file additional written notifications disclosing all changes in membership.

On May 28, 2009, Pistoia Alliance, Inc. filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on July 15, 2009 (74 FR 34364).

The last notification was filed with the Department on December 8, 2021. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on March 11, 2022 (87 FR 14043).

Suzanne Morris,

Chief, Premerger and Division Statistics, Antitrust Division.

[FR Doc. 2022–15413 Filed 7–19–22; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

[OMB Number 1121–NEW]

Agency Information Collection Activities; Proposed eCollection of eComments Requested; Reinstatement, With Change, of a Previously Approved Collection for Which Approval Has Expired: National Inmate Survey in Jails (NIS–4J)

AGENCY: Bureau of Justice Statistics, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Office of Justice Programs, Bureau of Justice Statistics, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register** Volume 87, Number 74, page 22942–22943, on April 18, 2022, allowing a 60-day comment period. Following publication of the 60-day notice, the Bureau of Justice Statistics received three requests for survey instruments and comments from four separate people or organizations. These comments will be addressed in the supporting statement.

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. Comments are encouraged and will be accepted for 30 days until August 19, 2022.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Amy Lauger, Supervisory Statistician, Institutional Research and Special Projects Unit, Bureau of Justice Statistics, 810 Seventh Street NW, Washington, DC 20531 (email: *Amy.Lauger@ojp.usdoj.gov;* telephone: 202–307–0711).

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Reinstatement, with change, of a previously approved collection. A new OMB number is needed, as this collection was previously under 1121–0311 with the collection of prison data. They are now two separate collections.

2. *The Title of the Form/Collection:* National Inmate Survey in Jails (NIS–4J).

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* There is no agency form number at this time. The applicable component within the Department of Justice is the Bureau of Justice Statistics, in the Office of Justice Programs.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Respondents will primarily be State or Local Government entities. The work under this clearance will be used to produce estimates for the incidence and prevalence of sexual victimization within correctional facilities as required under the Prison Rape Elimination Act of 2003 (Public Law 108–79). The Bureau of Justice Statistics uses this information in published reports and for the U.S. Congress, Executive Office of

the President, practitioners, researchers, students, the media, and others interested in criminal justice statistics.

In 2003, the Prison Rape Elimination Act (PREA or the Act) was signed into law. The Act requires BJS to ''carry out, for each calendar year, a comprehensive statistical review and analysis of the incidence and effects of prison rape.'' The Act further instructs BJS to collect survey data: ''. . . the Bureau shall . . . use surveys and other statistical studies of current and former inmates. . .''

To implement the Act, BJS developed the National Prison Rape Statistics Program (NPRS), which includes four separate data collection efforts: the Survey on Sexual Violence (SSV), the National Inmate Survey (NIS), the National Survey of Youth in Custody (NSYC), and the National Former Prisoner Survey (NFPS). The NIS collects information on sexual victimization self-reported by inmates held in adult correctional facilities, both prisons and jails. The NIS has been conducted three times, in 2007 (NIS–1), in 2008–09 (NIS–2), and in 2011–12 (NIS–3). Each iteration of NIS was conducted in at least one facility in all 50 states and the District of Columbia. In each iteration of the survey, inmates completed the survey using an audio computer-assisted self-interview (ACASI), whereby they heard questions and instructions via headphones and responded to the survey items via a touchscreen interface.

The collection requested in this notice is the fourth iteration of the National Inmate Survey in Jails. For NIS–4, administration of the survey in prisons will take place separately from survey administration in jails. This collection request is specific to conducting the survey in adult jail facilities.

The survey instrument for the NIS–4 in Jails is slightly modified from the previous iterations. The main difference is the addition of a new set of incident-specific questions administered to respondents who affirmatively indicate they were sexually victimized at some point in the previous 12 months while housed in their current jail facility. These incident-specific questions will provide information to the public on the nature of sexual victimization in jails, such as where incidents occurred within the facility, the relationship between the victim and the alleged perpetrator(s), and whether the victim suffered any injuries as a result of the incident, among other incident characteristics.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* Prior to data collection commencing in 2021, BJS will coordinate the logistics of NIS–4 survey administration with staff at jail facilities. Because the administration of this survey in prisons is not included in this request, the overall number of burden hours is lower than in the last request approved in 2010. However, the reported burden also different due to changes in reporting. It is estimated that 290 facility respondents will devote 150 minutes of time to this coordination effort, not including staff escort time. During data collection in 2023, jail staff will escort an estimated 65,360 jail inmates to/from the interviews, which consists of a short consent administration and an approximately 35-minute survey.

6. *An estimate of the total public burden (in hours) associated with the collection:* This collection was previously approved for implementation in both adult prisons and jails. The current request will only be implemented in adult jails, thereby reducing the total number of facility staff and respondents required to participate. The total estimated NIS–4 Jails public burden, inclusive of facility staff and respondent burden estimates, is 64,010 hours. This comprises 17,065 hours of facility staff burden and 46,945 hours of respondent interviewing burden. This burden estimate assumes 100% participation from both facilities and inmates, but historically both facility and inmate participation have not reached 100%. For purposes of comparison, during Year 3 of the NIS, the total maximum burden was estimated at 68,078 hours for the jail sample. The total burden used was 33,022 hours.

If additional information is required contact: Robert Houser, Assistant Director, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: July 14, 2022.

Robert Houser,

Assistant Director, Policy and Planning Staff, U.S. Department of Justice.

[FR Doc. 2022–15440 Filed 7–19–22; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Coke Oven Emissions Standard

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Occupational Safety & Health Administration (OSHA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before August 19, 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.

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Nicole Bouchet by telephone at 202–693–0213, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The purpose of this standard and its information collection requirements is to provide protection for workers from the adverse effects associated with occupational exposure to coke oven emissions. Employers must monitor worker exposure, reduce worker exposure to permissible exposure limits, and provide medical examinations and other information to workers pertaining to coke oven emissions. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on May 2, 2022 (87 FR 25674).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition,

notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–OSHA.

Title of Collection: Coke Oven Emissions Standard.

OMB Control Number: 1218–0128.

Affected Public: Private Sector—Businesses or other for-profits.

Total Estimated Number of Respondents: 1,378.

Total Estimated Number of Responses: 18,470.

Total Estimated Annual Time Burden: 34,787 hours.

Total Estimated Annual Other Costs Burden: $369,173.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Nicole Bouchet,

Senior PRA Analyst.

[FR Doc. 2022–15502 Filed 7–19–22; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petition for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: This notice is a summary of a petition for modification submitted to the Mine Safety and Health Administration (MSHA) by the party listed below.

DATES: All comments on the petition must be received by MSHA's Office of Standards, Regulations, and Variances on or before August 19, 2022.

ADDRESSES: You may submit comments identified by Docket No. MSHA–2022–0036 by any of the following methods:

1. *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments for MSHA–2022–0036.

2. *Fax:* 202–693–9441.

3. *Email: petitioncomments@dol.gov*

4. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, Virginia 22202–5452,

Attention: S. Aromie Noe, Director, Office of Standards, Regulations, and Variances. Persons delivering documents are required to check in at the receptionist's desk in Suite 4E401. Individuals may inspect copies of the petition and comments during normal business hours at the address listed above. Before visiting MSHA in person, call 202–693–9455 to make an appointment, in keeping with the Department of Labor's COVID–19 policy. Special health precautions may be required.

FOR FURTHER INFORMATION CONTACT: S. Aromie Noe, Office of Standards, Regulations, and Variances at 202–693–9440 (voice), *Petitionsformodification@dol.gov* (email), or 202–693–9441 (fax). [These are not toll-free numbers.]

SUPPLEMENTARY INFORMATION: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and Title 30 of the Code of Federal Regulations (CFR) part 44 govern the application, processing, and disposition of petitions for modification.

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or

2. The application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, sections 44.10 and 44.11 of 30 CFR establish the requirements for filing petitions for modification.

II. Petition for Modification

Docket Number: M–2022–011–C.

Petitioner: Canyon Fuels Company, LLC, HC35, Box 380, Helper, Utah 84526.

Mine: Skyline Mine No. 3, MSHA ID No. 42–01566, located in Carbon County, Utah.

Regulation Affected: 30 CFR 75.312(c), Main mine fan examinations and records.

Modification Request: The petitioner requests a modification of 30 CFR 75.312 (c) to permit an alternate method of performing the automatic fan signaling device testing without stopping the fan and without removing the miners from the mine.

The petitioner states that:

(a) Fan stoppage for testing introduces contaminants into the mine atmosphere from the worked-out area behind the longwall tailgate.

(b) Any delay of a fan restart beyond 15 minutes after shutdown for testing could result in a lengthy restart of the mine operating systems.

The petitioner proposes the following alternative method:

(a) Installing a valve in the system monitoring the water gauge of the fan pressure monitoring system. The water gauge installed at each main mine fan is a magnehelic gauge with electronic pickups, which are integrated into the atmospheric monitoring system (AMS). When the valve is closed, the AMS will detect zero fan pressure and activate the alarm.

(b) The electrical current of each main mine fan motor is monitored with amp gauges integrated into the AMS system. An interruption in the electrical current to a main mine fan motor will activate the audible fan alarm signal.

(c) When the fan stoppage signal system is tested, an audible fan signal alarm sounds at the surface location where a responsible person is on duty, verifying the performance of the fan alarm signal system. The responsible person is provided with two-way communication to working sections and workstations.

(d) Every 5 to 7 months, each automatic fan signal device and signal alarm shall be tested by stopping the fan to ensure that the automatic signal device activates the alarm when the fan stops.

(e) By the end of the shift on which the test of the automatic fan signal devices is completed, the person(s) performing the test(s) shall record the result of the test(s) in a secure book. The record book shall be retained at a surface location at the mine for at least 1 year and shall be made available for inspection by an authorized representative of the Secretary and the representative of the miners. Such recording shall also indicate the general repair of the system.

(f) Within 60 days of the PDO being granted, the Petitioner shall submit proposed revisions for its approved Part 48 training plan to the MSHA District Manager. These proposed revisions shall include initial and refresher training regarding compliance with the PDO.

(g) Persons performing tests under the provisions of the PDO must be specifically trained on the proper

method of testing upon initial assignment to these responsibilities and at least annually thereafter

The petitioner asserts that the alternative method proposed will at all times guarantee no less than the same measure of protection afforded the miners under the mandatory standard.

Song-ae Aromie Noe,

Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2022–15498 Filed 7–19–22; 8:45 am]

BILLING CODE 4520–43–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

Arts Advisory Panel Meetings

AGENCY: National Endowment for the Arts; National Foundation on the Arts and the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the Federal Advisory Committee Act, as amended, notice is hereby given that 8 meetings of the Arts Advisory Panel to the National Council on the Arts will be held by teleconference or videoconference.

DATES: See the **SUPPLEMENTARY INFORMATION** section for individual meeting times and dates. All meetings are Eastern time and ending times are approximate:

ADDRESSES: National Endowment for the Arts, Constitution Center, 400 7th St. SW, Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Further information with reference to these meetings can be obtained from Daniel Beattie, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC 20506; *beattied@arts.gov,* or call 202/682–5688.

SUPPLEMENTARY INFORMATION: The closed portions of meetings are for the purpose of Panel review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the NEA Chair of March 11, 2022, these sessions will be closed to the public pursuant to subsection (c)(6) of section 552b of title 5, United States Code.

The upcoming meetings are:

Folk & Traditional Arts Panel (review of applications): This meeting will be closed.

Date and time: August 2, 2022; 1:00 p.m. to 3:00 p.m.

Literary Arts Panel (review of applications): This meeting will be closed.

Date and time: August 3, 2022; 1:00 p.m. to 3:00 p.m.

Literary Arts Panel (review of applications): This meeting will be closed.

Date and time: August 4, 2022; 1:00 p.m. to 3:00 p.m.

Folk & Traditional Arts Panel (review of applications): This meeting will be closed.

Date and time: August 4, 2022; 1:00 p.m. to 3:00 p.m.

Folk & Traditional Arts Panel (review of applications): This meeting will be closed.

Date and time: August 5, 2022; 1:00 p.m. to 3:00 p.m.

National Heritage Fellowships Panel (review of nominations): This meeting will be closed.

Date and time: August 9, 2022; 1:00 p.m. to 3:00 p.m.

Musical Theater Songwriting Challenge Panel (review of applications): This meeting will be closed.

Date and time: August 17, 2022; 2:00 p.m. to 4:00 p.m.

Independent Film and Media Arts Field-Building Initiative Panel (review of applications): This meeting will be closed.

Date and time: August 31, 2022; 2:00 p.m. to 4:00 p.m.

Dated: July 15, 2022.

Daniel Beattie,

Director, National Endowment for the Arts.

[FR Doc. 2022–15511 Filed 7–19–22; 8:45 am]

BILLING CODE 7537–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–456 and 50–457; NRC–2022–0141]

Constellation Energy Generation, LLC; Braidwood Station, Units 1 and 2

AGENCY: Nuclear Regulatory Commission.

ACTION: Environmental assessment and finding of no significant impact; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of amendments to Renewed Facility Operating License Nos. NPF–72 and NPF–77, which authorize Constellation Energy Generation, LLC, (licensee) to operate Braidwood Station (Braidwood), Units 1 and 2. The proposed amendments would change Technical Specification (TS) Surveillance Requirement (SR) 3.7.9.2 to allow an ultimate heat sink (UHS) temperature of less than or equal to 102.8 degrees Fahrenheit (°F) through September 30, 2022.

DATES: The environmental assessment and finding of no significant impact referenced in this document is available on July 20, 2022.

ADDRESSES: Please refer to Docket ID NRC–2022–0141 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2022–0141. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individual listed in the ''For Further Information Contact'' section of this document.
- *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, by appointment, at the NRC's PDR, Room P1 B35, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8:00 a.m. and 4:00 p.m. Eastern Time (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Joel S. Wiebe, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–6606, email: *Joel.Wiebe@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is considering issuance of amendments to Renewed Facility Operating License Nos. NPF–72 and NPF–77, which authorize Constellation

Energy Generation, LLC, (Constellation) to operate Braidwood Station, Unit Nos. 1 and 2, located in Will County, Illinois. Constellation submitted its license amendment request in accordance with section 50.90 of title 10 of the *Code of Federal Regulation* (10 CFR), by letter dated June 3, 2022. If approved, the license amendments would revise TS SR in TS 3.7.9.2 to allow a temporary increase in the allowable UHS average temperature of less than or equal to (≤) 102.8 °F (39.3 degrees Celsius (°C)) through September 30, 2022. Therefore, as required by 10 CFR 50.21, the NRC performed an environmental assessment (EA). Based on the results of the EA that follows, the NRC has determined not to prepare an environmental impact statement for the proposed amendments and is issuing a finding of no significant impact (FONSI).

II. Environmental Assessment

Description of the Proposed Action

The proposed action would revise the Braidwood TS to allow a temporary increase in the allowable average temperature of water withdrawn from the UHS and supplied to the plant for cooling from ≤102 °F (38.9 °C) to ≤102.8 °F (39.3 °C) through September 30, 2022. Specifically, the proposed action would revise TS SR 3.7.9.2, which currently states, ''Verify average water temperature of UHS is ≤102.8 °F until September 30, 2021. After September 30, 2021, verify average water temperature of UHS is ≤102 °F'' to state ''Verify average water temperature of UHS is ≤102.8 °F until September 30, 2022. After September 30, 2022, verify average water temperature of UHS is ≤102 °F.''

Under the current TS, if the average UHS temperature as measured at the discharge of the operating essential service water system pumps is greater than 102 °F (38.9 °C), TS 3.7.9 Required Actions A.1 and A.2 would be entered concurrently and would require the licensee to place Braidwood in hot standby (Mode 3) within 12 hours and cold shutdown (Mode 5) within 36 hours. The proposed action would allow Braidwood to continue to operate during times when the UHS indicated average water temperature exceeds 102 °F (38.9 °C) but is less than or equal to 102.8 °F (39.3 °C) through September 30, 2022. The current TS's UHS average water temperature limit of 102 °F (38.9 °C) would remain applicable to all other time periods beyond September 30, 2022.

The proposed action is nearly identical to previously approved license amendments that allowed for the average water temperature of the UHS to be ≤102.8 °F until September 30, 2020, and September 30, 2021. The NRC issued EAs for the 2020 and 2021 UHS amendments in the **Federal Register** on September 10, 2020, (85 FR 55863) and July 7, 2021, (86 FR 35831) respectively. The NRC issued the amendments on September 24, 2020, and July 13, 2021, respectively. The only difference between the previously approved amendments to SR 3.7.9.2 and the proposed action is that the proposed action would replace ''2020'' or ''2021'' with ''2022.'' The proposed action is in accordance with the licensee's application dated June 3, 2022.

Need for the Proposed Action

The licensee has requested the proposed amendments in connection with historical meteorological and atmospheric conditions that have resulted in the TS UHS temperature being challenged. These conditions included elevated air temperatures, high humidity, and low wind speed. Specifically, from July 4, 2020, through July 9, 2020, northern Illinois experienced high air temperatures and drought conditions, which caused sustained elevated UHS temperatures. In response to these conditions in 2020, the licensee submitted license amendment requests contained in the licensee's letter dated July 15, 2020, as supplemented by letter dated August 14, 2020. The NRC subsequently granted the licensee's request in September 2020. A similar request was granted by NRC letter dated July 13, 2021. In February of 2022, the license for Braidwood Units 1 and 2 was transferred to Constellation by Exelon Generation Company, LLC (Exelon). Constellation projects that similar conditions are likely this year.

The proposed action would provide the licensee with operational flexibility until September 30, 2022, during which continued high UHS temperatures are likely so that the plant shutdown criteria specified in the TS are not triggered.

Plant Site and Environs

Braidwood is in Will County, Illinois approximately 50 miles (mi); 80 kilometers (km) southwest of the Chicago Metropolitan Area and 20 mi (32 km) south-southwest of Joliet. The Kankakee River is approximately 5 mi (8 km) east of the eastern site boundary. An onsite 2,540-acre (ac); 1,030-hectare (ha) cooling pond provides condenser cooling. Cooling water is withdrawn from the pond through the lake screen house, which is located at the north end of the pond. Heated water returns to the cooling pond through a discharge canal west of the lake screen house intake that is separated from the intake by a dike. The pond typically holds 22,300 acre-feet (27.5 million cubic meters) of water at any given time. The cooling pond includes both ''essential'' and ''non-essential'' areas. The essential cooling pond is the portion of the cooling pond that serves as the UHS for emergency core cooling, and it consists of a 99 ac (40-ha) excavated area of the pond directly in front of the lake screen house. The essential cooling pond's principal functions are to dissipate residual heat after reactor shutdown and to dissipate heat after an accident. It is capable of supplying Braidwood's cooling system with water for 30 days of station operation without additional makeup water. For clarity, use of the term ''UHS'' in this EA refers to the 99-ac (40-ha) essential cooling pond, and use of the term ''cooling pond'' or ''pond'' describes the entire 2,540-ac (1,030-ha) area, which includes both the essential and non-essential areas.

The cooling pond is part of the Mazonia-Braidwood State Fish and Wildlife Area, which encompasses the majority of the non-UHS area of the cooling pond as well as Illinois Department of Natural Resources (IDNR) owned lands adjacent to the Braidwood site to the south and southwest of the cooling pond. The licensee and the IDNR have jointly managed the cooling pond as part of the Mazonia-Braidwood State Fish and Wildlife Area since 1991 pursuant to a long-term lease agreement. Under the terms of the agreement, the public has access to the pond for fishing, waterfowl hunting, fossil collecting, and other recreational activities.

The cooling pond is a wastewater treatment works as defined by section 301.415 of Title 35 of the Illinois Administrative Code (35 IAC 301.415). Under this definition, the cooling pond is not considered waters of the State under Illinois Administrative Code (35 IAC 301.440) or waters of the United States under the Federal Clean Water Act (40 CFR 230.3(s)), and so the cooling pond is not subject to State water quality standards. The cooling pond can be characterized as a managed ecosystem where IDNR fish stocking and other human activities primarily influence the species composition and population dynamics.

Since the beginning of the lease agreement between the licensee and IDNR, the IDNR has stocked the cooling pond with a variety of game fish, including largemouth bass (Micropterus salmoides), smallmouth bass (M. dolomieu), blue catfish (Ictalurus

furcatus), striped bass (Morone saxatilis), crappie (Pomoxis spp.), walleye (Sander vitreum), and tiger muskellunge (Esox masquinongy x lucius). IDNR performs annual surveys to determine which fish to stock based on fishermen preferences, fish abundance, different species' tolerance to warm waters, predator and prey dynamics, and other factors. Because of the warm water temperatures experienced in the summer months, introductions of warm-water species, such as largemouth bass and blue catfish, have been more successful than introductions of cool-water species, such as walleye and tiger muskellunge. Since annual surveys began in 1980, IDNR has collected 47 species in the cooling pond. In recent years, bluegill (Lepomis macrochirus), channel catfish (Ictalurus punctatus), threadfin shad (Dorosoma petenense), and common carp (Cyprinus carpio) have been among the most abundant species in the cooling pond. Gizzard shad (Dorosoma cepedianum), one of the most frequently affected species during periods of elevated pond temperatures, have decreased in abundance dramatically in recent years, while bluegills, which can tolerate high temperatures with relatively high survival rates, have noticeably increased in relative abundance. IDNR stocked warm water game species, such as largemouth bass and blue catfish, continue to persist in small numbers, while cooler water stocked species, such as walleye and tiger muskellunge, no longer appear in IDNR survey collections. No federally listed species or designated critical habitats protected under the Endangered Species Act (ESA) occur within or near the cooling pond.

The Kankakee River serves as the source of makeup water for the cooling pond. The river also receives continuous blowdown from the cooling pond. Water is withdrawn from a small river screen house located on the Kankakee River, and liquid effluents from Braidwood are discharged into the cooling pond blowdown line, which subsequently discharges into the Kankakee River.

The plant site and environs are described in greater detail in Chapter 3 of the NRC's November 2015 Generic Environmental Impact Statement for License Renewal of Nuclear Plants: Regarding Braidwood Station, Units 1 and 2, Final Report (NUREG 1437, Supplement 55) (herein referred to as the ''Braidwood FSEIS'' (Final Supplemental Environment Impact Statement)). Figure 3–5 on pages 3–7 of the Braidwood FSEIS depicts the Braidwood plant layout, and Figure 3–4 on pages 3–6 depicts the cooling pond, including the portion of the pond that constitutes the essential cooling pond (or UHS) and the blowdown line to the Kankakee River.

Environmental Impacts of the Proposed Action

Regarding radiological impacts, the proposed action would not result in any changes in the types of radioactive effluents that may be released from the plant offsite. No significant increase in the amount of any radioactive effluent released offsite or significant increase in occupational or public radiation exposure is expected from the proposed action. Separate from this EA, the NRC staff is evaluating the licensee's safety analyses of the potential radiological consequences of an accident that may result from the proposed action. The results of the NRC staff's safety analysis will be documented in a safety evaluation (SE). If the NRC staff concludes in the SE that all pertinent regulatory requirements related to radiological effluents are met by the proposed UHS temperature limit increase, then the proposed action would result in no significant radiological impact to the environment. The NRC staff's SE will be issued with the license amendments, if approved by the NRC. If the NRC staff concludes that all pertinent regulatory requirements are not met by the proposed UHS temperature limit increase, the requested amendment would not be issued.

Regarding potential nonradiological impacts, temporarily raising the maximum allowable UHS temperature from ≤102 °F (38.9 °C) to ≤102.8 °F (39.3 °C) could cause increased cooling pond water temperatures until September 30, 2022. Because the proposed action would not affect Braidwood's licensed thermal power level, the temperature rise across the condensers as cooling water travels through the cooling system would remain constant. Thus, if water in the UHS were to rise to 102.8 °F (39.3 °C), heated water returning to the cooling pond through the discharge canal, which lies west of the river screen house, would also experience a corresponding 0.8 °F (0.4 °C) increase. That additional heat load would dissipate across some thermal gradient as discharged water travels down the discharge canal and through the 99-ac (40-ha) UHS. Fish kills are likely to occur when cooling pond temperatures rise above 95 °F (35 °C), the temperature at which most fish in the cooling pond are thermally stressed. For example, section 3.7.4 of the Braidwood FSEIS describes six fish kill events for the period of 2001 through 2015. The fish kill events, which occurred in July 2001, August 2001, June 2005, August 2007, June 2009, and July 2012, primarily affected threadfin shad and gizzard shad, although bass, catfish, carp, and other game fish were also affected. Reported peak temperatures in the cooling pond during these events ranged from 98.4 °F (36.9 °C) to over 100 °F (37.8 °C), and each event resulted in the death of between 700 to as many as 10,000 fish. During the July 2012 event, cooling pond temperatures exceeded 100 °F (37.8 °C), which resulted in the death of approximately 3,000 gizzard shad and 100 bass, catfish, and carp. This event coincided with the NRC's granting of Enforcement Discretion to allow Braidwood to continue to operate above the TS limit of ≤100 °F (37.8 °C). The IDNR attributed this event, as well as four of the other fish kill events, to high cooling pond temperatures resulting from Braidwood operation. Appendix B, section 4.1, of the Braidwood renewed facility operating licenses, requires Constellation to report to the NRC the occurrence of unusual or important environmental events, including fish kills, causally related to plant operation. Since the issuance of the Braidwood FSEIS in November 2015, the licensee has not reported any additional fish kill events to the NRC. Although not causally related to plant operation, fish kills have occurred since this time, the most recent of which occurred in August 2018 and July 2020.

In section 4.7.1.3 of the Braidwood FSEIS, the NRC staff concluded that thermal impacts associated with continued operation of Braidwood during the license renewal term would result in SMALL to MODERATE impacts to aquatic resources in the cooling pond. MODERATE impacts would primarily be experienced by gizzard shad and other non-stocked and low-heat tolerant species. As part of its conclusion, the NRC staff also noted that because the cooling pond is a highly managed system, any cascading effects that result from the loss of gizzard shad (such as reduction in prey for stocked species, which in turn could affect those stocked species' populations) could be mitigated through IDNR's annual stocking and continual management of the pond. At that time, the UHS TS limit was ≤100 °F (37.8 °C).

In 2016, the NRC granted license amendments that increased the allowable UHS average water temperature TS limit from ≤100 °F (37.8 °C) to ≤102.0 °F (38.9 °C). In the EA associated with these amendments, the NRC staff concluded that increasing the TS limit to ≤102.0 °F (38.9 °C) would

have no significant environmental impacts, and the NRC issued a FONSI with the EA.

In 2020 and 2021, the NRC granted license amendments that temporarily increased the allowable UHS average water temperature TS limit from ≤102.0 °F (38.9 °C) to ≤102.8 °F (39.3 °C) until September 30, 2020, and September 30, 2021, respectively. In the EA associated with these amendments, the NRC staff concluded that temporarily increasing the TS limit to ≤102.8 °F (39.3 °C) would have no significant environmental impacts, and the NRC issued a FONSI with the EA.

The NRC staff finds that the proposed action would not result in significant impacts to aquatic resources in the cooling pond for the same reasons that the NRC staff made this conclusion regarding the 2020 and 2021 amendments. The staff's justification for this conclusion follows.

The proposed increase in the allowable UHS average water temperature limit by 0.8 °F (0.4 °C) would not increase the likelihood of a fish kill event attributable to high cooling pond temperatures because the current TS limit for the UHS of 102.0 °F (38.9 °C) already allows cooling pond temperatures above those at which most fish species are thermally stressed (95 °F (35 °C)). In effect, if the UHS temperature rises to the current TS limit, fish within or near the discharge canal, within the flow path between the discharge canal and UHS, or within the UHS itself would have already experienced thermal stress and possibly died. Thus, an incremental increase in the allowable UHS water temperature by 0.8 °F (0.4 °C) and the corresponding temperature increases within and near the discharge canal and within the flow path between the discharge canal and UHS would not significantly affect the number of fish kill events experienced in the cooling pond. Additionally, the proposed action would only increase the allowable UHS average water temperature until September 30, 2022. Thus, any impacts to the aquatic community of the cooling pond, if experienced, would be temporary in nature, and fish populations would likely recover relatively quickly.

While the proposed action would not affect the likelihood of a fish kill event occurring during periods when the average UHS water temperature approaches the TS limit, the proposed action could increase the number of fish killed per high temperature event. For fish with thermal tolerances at or near 95 °F (35 °C), there would likely be no significant difference in the number of affected fish per high temperature event because, as already stated, these fish would have already experienced thermal stress and possibly died, and the additional temperature increase would not measurably affect the mortality rate of these individuals. For fish with thermal tolerances above 95 °F (35 °C), such as bluegill, increased mortality is possible, as described in this EA.

The available scientific literature provides conflicting information as to whether incremental temperature increases would cause a subsequent increase in mortality rates of bluegill or other high-temperature-tolerant fish when temperatures exceed 100 °F (37.8 °C). For instance, in laboratory studies, Banner and Van Arman (1973) demonstrated 85 percent survival of juvenile bluegill after 24 hours of exposure to 98.6 °F (37.0 °C) water for stock acclimated to 91.2 °F (32.9 °C). At 100.0 °F (37.8 °C), survival decreased to 25 percent, and at 100.4 °F (38.0 °C) and 102.0 °F (38.9 °C), no individuals survived. Even at one hour of exposure to 102.0 °F (38.9 °C) water, average survival was relatively low at between 40 to 67.5 percent per replicate. However, in another laboratory study, Cairns (1956 in Banner and Van Arman 1973) demonstrated that if juvenile bluegill were acclimated to higher temperatures at a 3.6 °F (2.0 °C) increase per day, individuals could tolerate water temperatures up to 102.6 °F (39.2 °C) with 80 percent survival after 24 hours of exposure.

Although these studies provide inconsistent thermal tolerance limits, information from past fish kill events indicates that Cairns' results better describe the cooling pond's bluegill population because the licensee has not reported bluegill as one of the species that has been affected by past high temperature events. Thus, bluegills are likely acclimating to temperature rises at a rate that allows those individuals to remain in high temperature areas until temperatures decrease or that allows individuals time to seek refuge in cooler areas of the pond. Alternately, if Banner and Van Arman's results were more predictive, 75 percent or more of bluegill individuals in high temperature areas of the cooling pond could be expected to die at temperatures approaching or exceeding 100 °F (37.8 °C) for 24 hours, and shorter exposure time would likely result in the death of some reduced percentage of bluegill individuals.

Under the proposed action, fish exposure to temperatures approaching the proposed UHS TS average water temperature limit of 102.8 °F (39.3 °C) and those exposed to the associated discharge, which would be 0.8 °F (0.4 °C) higher than under the current TS limit, for at least one hour would result in observable deaths. However, as stated previously, the licensee has not reported bluegill as one of the species that has been affected during past fish kills. Consequently, the NRC staff assumes that bluegill and other high-temperature-tolerant species in the cooling pond would experience effects similar to those observed in Cairn's study. Based on Cairn's results, the proposed action's incremental and short-term increase of 0.8 °F (0.4 °C) could result in the death of some additional high-temperature-tolerant individuals, especially in cases where cooling pond temperatures rise dramatically over a short period of time (more than 3.6 °F (2.0 °C) in a 24-hour period).

Nonetheless, the discharge canal, flow path between the discharge canal and the UHS, and the UHS itself is a small portion of the cooling pond. Thus, while the incremental increase would likely increase the area over which cooling pond temperatures would rise, most of the cooling pond would remain at tolerable temperatures, and fish would be able to seek refuge in those cooler areas. Therefore, only fish within or near the discharge canal, within the flow path between the discharge canal and UHS, or within the UHS itself at the time of elevated temperatures would likely be affected, and fish would experience such effects to lessening degrees over the thermal gradient that extends from the discharge canal. This would not result in a significant difference in the number of fish killed per high temperature event resulting from the proposed action when compared to current operations for those species with thermal tolerances at or near 95 °F (35 °C) and an insignificant increase in the number of individuals affected for species with thermal tolerances above 95 °F (35 °C), such as bluegill. Additionally, the cooling pond is a managed ecosystem in which fish stocking, fishing pressure, and predator-prey relationships constitute the primary population pressures.

Fish populations affected by fish kills generally recover quickly, and thus, fish kills do not appear to significantly influence the fish community structure. This is demonstrated by the fact that the species that are most often affected by high temperature events (threadfin shad and gizzard shad) are also among the most abundant species in the cooling pond. Managed species would continue to be assessed and stocked by the IDNR on an annual basis in accordance with the lease agreement between

Constellation and IDNR. Continued stocking would mitigate any minor effects resulting from the proposed action.

Based on the foregoing analysis, the NRC staff concludes that the proposed action would not result in significant impacts to aquatic resources in the cooling pond. Some terrestrial species, such as birds or other wildlife, rely on fish or other aquatic resources from the cooling pond as a source of food. The NRC staff does not expect any significant impacts to birds or other wildlife because, if a fish kill occurs, the number of dead fish would be a small proportion of the total population of fish in the cooling pond. Furthermore, during fish kills, birds and other wildlife could consume many of the floating, dead fish. Additionally, and as described previously, the NRC staff does not expect that the proposed action would result in a significant difference in the number or intensity of fish kill events or otherwise result in significant impacts on aquatic resources in the cooling pond.

With respect to water resources and ecological resources along and within the Kankakee River, the Illinois Environmental Protection Agency imposes regulatory controls on Braidwood's thermal effluent through Title 35, Environmental Protection, section 302, ''Water Quality Standards,'' of the Illinois Administrative Code (35 IAC 302) and through the National Pollutant Discharge Elimination System (NPDES) permitting process pursuant to the Clean Water Act. Section 302 of the Illinois Administrative Code stipulates that ''[t]he maximum temperature rise shall not exceed 2.8 °C (5 °F) above natural receiving water body temperatures,'' (35 IAC 302.211(d)) and that ''[w]ater temperature at representative locations in the main river shall at no time exceed 33.7 °C (93 °F) from April through November and 17.7 °C (63 °F) in other months'' (35 IAC 302.211(e)). Additional stipulations pertaining to the mixing zone further protect water resources and biota from thermal effluents. The Braidwood NPDES permit contains special conditions that mirror these temperature requirements and that stipulate more detailed temperature requirements at the edge of the mixing zone. Under the proposed action, Braidwood thermal effluent would continue to be limited by the Illinois Administrative Code and the Braidwood NPDES permit to ensure that Braidwood operations do not create adverse effects on water resources or ecological resources along or within the Kankakee River. Occasionally, the licensee has applied for a provisional variance to allow higher-than-permitted temperatures at the edge of the discharge mixing zone. For instance, Exelon, the license holder at the time, applied for and the IEPA granted one provisional variance in 2012 during a period of extremely warm weather and little to no precipitation. Exelon reported no fish kills or other events to the IEPA or the NRC that would indicate adverse environmental effects resulting from the provisional variance. The details of this provisional variance are described in section 4.7.1.3 of the Braidwood FSEIS.

Under the proposed action, Constellation would remain subject to the regulatory controls described in this notice. The NRC staff finds it reasonable to assume that Constellation's continued compliance with, and the State's continued enforcement of, the Illinois Administrative Code and the Braidwood NPDES permit would ensure that Kankakee River water and ecological resources are protected. Further, the proposed action would not alter the types or amounts of effluents being discharged to the river as blowdown. Therefore, the NRC staff does not expect any significant impacts to water resources or ecological resources within and along the Kankakee River from temporarily increasing the allowable UHS average water temperature TS limit.

With respect to federally listed species, the NRC staff consulted with the U.S. Fish and Wildlife Service (FWS) pursuant to section 7 of the ESA during its license renewal environmental review for Braidwood. During that consultation, the NRC staff found that the sheepnose (Plethobasus cyphyus) and snuffbox (Epioblasma triquetra) mussels had the potential to occur in the areas that would be directly or indirectly affected by license renewal (*i.e.,* the action area). In September 2015, Exelon transmitted the results of a mussel survey to the NRC and FWS. The survey documented the absence of federally listed mussels near the Braidwood discharge site in the Kankakee River. Based on this survey and other information described in the Braidwood FSEIS, the NRC concluded that the license renewal may affect, but is not likely to adversely affect the sheepnose mussel, and the NRC determined that license renewal would have no effect on the snuffbox mussel. The FWS concurred with the NRC's ''not likely to adversely affect'' determination in a letter dated October 20, 2015. The results of the consultation are further summarized in the Record of Decision for Braidwood license renewal.

As previously described, impacts of the proposed action would be confined to the cooling pond and would not affect water resources or ecological resources along and within the Kankakee River. The NRC's previous ESA, section 7, consultation confirmed that no federally listed aquatic species occur within or near the cooling pond. The NRC has not identified any information indicating the presence of federally listed species in the area since that consultation concluded, and the FWS has not listed any new aquatic species that may occur in the area since that time. The proposed action would not result in any disturbance or other impacts to terrestrial habitats, and thus, no federally listed terrestrial species would be affected. Accordingly, the NRC staff concludes that the proposed action would have no effect on federally listed species or designated critical habitat. Consultation with the FWS regarding the proposed action is not necessary because Federal agencies are not required to consult with the FWS if the agency determines that an action will have no effect on listed species or critical habitat.

The NRC staff has identified no foreseeable land use, visual resource, noise, or waste management impacts given that the proposed action would not result in any physical changes to Braidwood facilities or equipment or changes any land uses on or off site. The NRC staff has identified no air quality impacts given that the proposed action would not result in air emissions beyond what would be experienced during current operations. Additionally, there would be no socioeconomic, environmental justice, or historic and cultural resource impacts associated with the proposed action since no physical changes would occur beyond the site boundaries and any impacts would be limited to the cooling pond.

Based on the foregoing analysis, the NRC staff concludes that the proposed action would have no significant environmental impacts.

Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the propossed action, the staff considered denial of the proposed action (*i.e.,* the ''no-action'' alternative). Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed action, the NRC staff considered the denial of the proposed action (*i.e.,* the ''no action'' alternative). Denial of the proposed action would result in no changes to the current TS. Thus, under the proposed action, the licensee would continue to be required to place

Braidwood in hot standby (Mode 3) if average UHS water temperatures exceed 102 °F (38.9°C) for the temporary period of July 2022 through September 2022. The no-action alternative would result in no change in current environmental conditions or impacts at Braidwood.

Alternative Use of Resources

There are no unresolved conflicts concerning alternative uses of available resources under the proposed action.

Agencies and Persons Consulted

No additional agencies or persons were consulted regarding the environmental impact of the proposed action.

III. Finding of No Significant Impact

The NRC is considering issuing amendments for Renewed Facility Operating License Nos. NPF–72 and NPF–77, issued to Constellation for operation of Braidwood that would revise the TS for the plant to temporarily increase the allowable average temperature of the UHS.

On the basis of the EA included in Section II and incorporated by reference in this finding, the NRC concludes that the proposed action would not have significant effects on the quality of the human environment. The NRC's evaluation considered information provided in the licensee's application as well as the NRC's independent review of other relevant environmental documents. Section IV lists the environmental documents related to the proposed action and includes information on the availability of these documents. Based on its finding, the NRC has decided not to prepare an environmental impact statement for the proposed action.

This FONSI and other related environmental documents are available for public inspection and are accessible online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC's PDR reference staff by telephone at 1–800–397–4209 or 301–415–4737, or by email to *PDR.Resource@nrc.gov.*

IV. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

Document	ADAMS accession No.
License Amendment Request	
Constellation Energy Generation, LLC ..... License Amendment to Braidwood Station, Units 1 and 2, Technical Specification 3.7.9, ''Ultimate Heat Sink,'' dated June 3, 2022	ML22154A203
Other Referenced Documents	
Cairns J. 1956. Effects of heat on fish. *Industrial Wastes,* 1 :180–183	n/a [1]
Banner A, Van Arman JA. 1973. Thermal effects on eggs, larvae and juveniles of bluegill sunfish. Washington, DC: U.S. Environmental Protection Agency. EPA–R3–73–041	n/a [1]
Ecological Specialists, Inc ..... Final Report: Five Year Post-Construction Monitoring of the Unionid Community Near the Braidwood Station Kankakee River Discharge, dated September 29, 2015	ML15274A093 (Package)
Exelon Generation Company, LLC ..... Byron and Braidwood Stations, Units 1 and 2, License Renewal Application, Braidwood Station Applicant's Environmental Report, Responses to Requests for Additional Information, Environmental RAIs AQ–11 to AQ–15, dated April 30, 2014	ML14339A044
U.S. Fish and Wildlife Service ..... Concurrence Letter Concluding Informal Consultation with the NRC for Braidwood License Renewal, dated October 20, 2015	ML15299A013
Exelon Generation Company, LLC ..... License Amendment to Braidwood Station, Units 1 and 2, Technical Specification 3.7.9, ''Ultimate Heat Sink,'' dated May 27, 2021	ML21147A543
Exelon Generation Company, LLC ..... License Amendment to Braidwood Station, Units 1 and 2, Technical Specification 3.7.9, ''Ultimate Heat Sink,'' dated July 15, 2020	ML20197A434
Exelon Generation Company, LLC ..... Supplement to License Amendment to Braidwood Station, Unit 1 and 2, Technical Specification 3.7.9, ''Ultimate Heat Sink,'' dated August 14, 2020	ML20227A375
U.S. Nuclear Regulatory Commission ..... Generic Environmental Impact Statement for License Renewal of Nuclear Plants: Regarding Braidwood Station, Units 1 and Final Report (NUREG–1437, Supplement 55), dated November 30, 2015	ML15314A814
U.S. Nuclear Regulatory Commission ..... Exelon Generation Company, LLC; Docket No. STN 50–456; Braidwood Station, Unit 1 Renewed Facility Operating License, issued on January 27, 2016	ML053040362
U.S. Nuclear Regulatory Commission ..... Exelon Generation Company, LLC; Docket No. STN 50–457; Braidwood Station, Unit 2 Renewed Facility Operating License, issued on January 27, 2016	ML053040366
U.S. Nuclear Regulatory Commission ..... Record of Decision; U.S. Nuclear Regulatory Commission; Docket Nos. 50–456 and 560–457; License Renewal Application for Braidwood Station, Units 1 and 2, dated January 27, 2016	ML15322A317
U.S. Nuclear Regulatory Commission ..... Environmental Assessment and Finding of No Significant Impact Related to Ultimate Heat Sink Modification, dated July 18, 2016	ML16181A007
U.S. Nuclear Regulatory Commission ..... Braidwood Station, Units 1 and 2—Issuance of Amendments Re: Ultimate Heat Sink Temperature Increase, dated July 26, 2016	ML16133A438

Document	ADAMS accession No.
U.S. Nuclear Regulatory Commission ..... Environmental Assessment and Finding of No Significant Impact Related to Temporary Revision of Technical Specifications for the Ultimate Heat Sink, dated September 3, 2020	ML20231A469
U.S. Nuclear Regulatory Commission ..... Braidwood Station, Units 1 and 2—Issuance of Amendments Re: Temporary Revision of Technical Specifications for the Ultimate Heat Sink, dated September 24, 2020	ML20245E419
U.S. Nuclear Regulatory Commission ..... Environmental Assessment and Finding of No Significant Impact Related to Temporary Revision of Technical Specifications for the Ultimate Heat Sink, dated June 30, 2021	ML21165A041
U.S. Nuclear Regulatory Commission ..... Braidwood Station, Units 1 and 2—Issuance of Amendments Re: Temporary Revision of Technical Specifications for the Ultimate Heat Sink, dated July 13, 2021	ML21154A046

[1] These references are subject to copyright laws and are, therefore, not reproduced in ADAMS.

Dated: July 15, 2022.

For the Nuclear Regulatory Commission.

Surinder S. Arora,

Project Manager, Plant Licensing Branch III, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2022–15501 Filed 7–19–22; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2022–83 and CP2022–87; MC2022–84 and CP2022–88]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* July 21, 2022.

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

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

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

II. Docketed Proceeding(s)

1. *Docket No(s).:* MC2022–83 and CP2022–87; *Filing Title:* USPS Request to Add Priority Mail & First-Class Package Service Contract 218 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* July 13, 2022; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Kenneth R. Moeller; *Comments Due:* July 21, 2022.

2. *Docket No(s).:* MC2022–84 and CP2022–88; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail, First-Class Package Service & Parcel Select Contract 16 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* July 13, 2022; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Christopher C. Mohr; *Comments Due:* July 21, 2022.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2022–15436 Filed 7–19–22; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

Elimination of USPS Retail Ground Product

AGENCY: Postal Service™.

ACTION: Notice of elimination of product.

SUMMARY: The Postal Service hereby provides notice that it has filed a request with the Postal Regulatory Commission to remove the USPS Retail Ground product from the competitive product list.

DATES: The request was submitted to the Postal Regulatory Commission on July 13, 2022.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed at (202) 268–3179.

SUPPLEMENTARY INFORMATION: On July 13, 2022, the United States Postal Service filed with the Postal Regulatory Commission a *USPS Request to Remove USPS Retail Ground from the Competitive Product List* pursuant to 39 U.S.C. 3642. Documents pertinent to this request are available at *https://www.prc.gov,* Docket No. MC2022–81.

Sarah Sullivan,

Attorney, Ethics & Legal Compliance.

[FR Doc. 2022–15489 Filed 7–19–22; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Change in Classes of General Applicability for Competitive Products

AGENCY: Postal Service™.

ACTION: Notice of a change in classifications of general applicability for competitive products.

SUMMARY: This notice sets forth changes in classifications of general applicability for competitive products.

DATES: January 8, 2023.

FOR FURTHER INFORMATION CONTACT: Elizabeth Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: On June 22, 2022, pursuant to their authority under 39 U.S.C. 3632, the Governors of the Postal Service established classification changes for competitive products. The Governors' Decision and the record of proceedings in connection with such decision are reprinted below in accordance with section 3632(b)(2).

Sarah Sullivan,

Attorney, Ethics & Legal Compliance.

Decision of the Governors of the United States Postal Service on Changes in Classifications of General Applicability for Competitive Products (Governors' Decision No. 22–2)

June 22, 2022

Statement of Explanation and Justification

Pursuant to authority under section 3632 of title 39, as amended by the Postal Accountability and Enhancement Act of 2006 (''PAEA''), we establish changes in classifications of general applicability for certain of the Postal Service's competitive products. The changes are described generally below, with a detailed description of the changes in the attachment. The attachment includes the draft Mail Classification Schedule sections with classification changes in legislative format.

The classification changes established herein are designed to simplify and streamline the Postal Service's ground competitive package offerings under one product. Beginning in January 2023, the existing First-Class Package Service product will be expanded to packages up to 70 pounds to establish an enhanced ground package product. The Retail and Commercial price categories within First-Class Package Service will still be maintained, and the Retail price category will retain its seal against inspection. The enhanced First-Class Package Service product will also include up to $100 of insurance as well as cubic pricing tiers up to one cubic foot (1 cu. ft.).

In accordance with these enhancements and to avoid redundant offerings, the USPS Retail Ground product will be removed from the competitive product list and the Parcel Select Ground price category will no longer be available within the Parcel Select product. Both offerings would be subsumed under the newly-enhanced First-Class Package Service product. The Postal Service expects that its retail and commercial customers will all benefit from this simplified and streamlined ground package offering, and from the overall enhanced First-Class Package Service product.

Order

The changes in classes set forth herein shall be effective at 12:01 a.m. on January 8, 2023. We direct the Secretary to have this decision published in the **Federal Register** in accordance with 39 U.S.C. 3632(b)(2) and direct management to file with the Postal Regulatory Commission appropriate notice of these changes.

By The Governors:
/s/

Roman Martinez IV,
Chairman, Board of Governors

United States Postal Service Office of the Board of Governors

Certification of Governors' Vote on Governors' Decision No. 22–2

Consistent with 39 U.S.C. 3632(a), I hereby certify that, on June 22, 2022 the Governors voted on adopting Governors' Decision No. 22–2, and that a majority of the Governors then holding office voted in favor of that Decision.

Date: *June 22, 2022*

/s/

Michael J. Elston,
Secretary of the Board of Governors

Part B—Competitive Products

BILLING CODE 7710–12–P

2000 COMPETITIVE PRODUCT LIST

DOMESTIC PRODUCTS

Priority Mail Express
Priority Mail
Parcel Select
Parcel Return Service
First-Class Package Service
~~USPS Retail Ground~~

2125 First-Class Package Service

2125.1 Description

a. Any mailable matter may be mailed as First-Class Package Service Commercial mail, except matter that meets the definition of "letter" in 39 C.F.R. § 310.1 and does not fit within any of the exceptions or suspensions to the Private Express Statutes in 39 C.F.R. Parts 310 and 320.

b. First-Class Package Service Commercial mail is not sealed against postal inspection. Mailing of matter as such constitutes consent by the mailer to postal inspection of the contents, regardless of the physical closure.

c. Any mailable matter may be mailed as First-Class Package Service Retail mail.

d. First-Class Package Service Retail mail is sealed against postal inspection and shall not be opened except as authorized by law.

e. First-Class Package Service pieces that are undeliverable-as-addressed are entitled to be forwarded or returned to the sender without additional charge.

f. Postage for First-Class Package Service Commercial mail must be paid for by one of the following methods:
   - Registered end-users of USPS-approved PC Postage products when using a qualifying shipping label managed by PC Postage system.
   - USPS-approved IBI postage meters that electronically transmit transactional data to the USPS.
   - Permit imprint.

g. Return parcels may be sent without prepayment of postage if authorized by the returns customer, who agrees to pay the postage.

h. Up to $100.00 of General Insurance coverage is included at no additional cost in the price of First-Class Package Service pieces that bear an Intelligent Mail package barcode or retail tracking barcode, or for First-Class Package Service pieces that bear an Intelligent Mail package barcode and for which the mailer pays Commercial Plus prices or uses ePostage, Electronic Verification System, Hardcopy Manifest, or an approved Manifest Mailing System.

Attachments and Enclosures

a. First-Class Mail or USPS Marketing Mail pieces may be attached to or enclosed in First-Class Package Service mail. Additional postage may be required.

2125.2 Size and Weight Limitations[1]

~~*Commercial*~~

	~~Length~~	~~Height~~	~~Thickness~~	~~Weight~~
~~Minimum~~	~~3.5 inches~~	~~3.0 inches~~	~~0.05 inch~~	~~none~~
~~Maximum~~	~~18 inches~~	~~15 inches~~	~~22 inch~~	~~16 ounces~~

~~*Retail*~~

	~~Length~~	~~Height~~	~~Thickness~~	~~Weight~~
~~Minimum~~	~~large enough to accommodate postage, address, and other required elements on the address side~~			~~none~~
~~Maximum~~	~~108 inches in combined length and girth~~			~~13 ounces~~

	Length	Height	Thickness	Weight
Minimum	large enough to accommodate postage, address, and other required elements on the address side			none
Maximum				
Cubic	Various, not to exceed 0.1, 0.2, 0.3, 0.4, 0.5, 0.6, 0.7, 0.8, 0.9, or 1.0 cubic feet			20 pounds
All Others	130 inches in combined length and girth			70 pounds

Notes

1. A charge of $100.00 applies to pieces found in the postal network that exceed the 70-pound maximum weight limitation or the 130-inch length plus girth maximum dimensional limit for Postal Service products. Such items are nonmailable and will not be delivered. As described in the Domestic Mail Manual, this charge is payable before release of the item, unless the item is picked up at the same facility where it was entered.

2125.3 Minimum Volume Requirements

	Minimum Volume Requirements
Commercial	none
Retail	none
Cubic	none
Limited Overland Routes	none

2125.4 Price Categories

The following price categories are available for the product specified in this section:

- Commercial
  - Zone/Weight – Prices are based on weight and zone
  - Oversized
  - Dimensional Weight

- Retail
  - Zone/Weight – Prices are based on weight and zone
  - Oversized
  - Dimensional Weight

- Cubic
  - Zone/Cube – Prices are based on cubic size and zone

- Limited Overland Routes
  - Zone/Weight – Prices are based on weight and zone

* * *

2125.6 Prices

Commercial

Maximum Weight ~~(ounces)~~ (oz/lb)	Local, Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)
1oz	3.37	3.39	3.42	3.48	3.58	3.72	3.86
2oz	3.37	3.39	3.42	3.48	3.58	3.72	3.86
3oz	3.37	3.39	3.42	3.48	3.58	3.72	3.86
4oz	3.37	3.39	3.42	3.48	3.58	3.72	3.86
5oz	3.76	3.79	3.81	3.87	3.88	3.99	4.15
6oz	3.76	3.79	3.81	3.87	3.88	3.99	4.15
7oz	3.76	3.79	3.81	3.87	3.88	3.99	4.15
8oz	3.76	3.79	3.81	3.87	3.88	3.99	4.15
9oz	4.34	4.39	4.42	4.50	4.68	4.83	4.98
10oz	4.34	4.39	4.42	4.50	4.68	4.83	4.98
11oz	4.34	4.39	4.42	4.50	4.68	4.83	4.98
12oz	4.34	4.39	4.42	4.50	4.68	4.83	4.98
13oz	5.49	5.53	5.57	5.72	5.96	6.11	6.28
14oz	5.49	5.53	5.57	5.72	5.96	6.11	6.28
15oz	5.49	5.53	5.57	5.72	5.96	6.11	6.28
~~15.999~~	~~5.49~~	~~5.53~~	~~5.57~~	~~5.72~~	~~5.96~~	~~6.11~~	~~6.28~~
1lb – 70lbs *							

* New prices for these weight steps will be established at a later date

Retail[1]

Maximum Weight ~~(ounces)~~ (oz/lb)	Local, Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)
1oz	4.50	4.60	4.65	4.70	4.75	4.80	5.00
2oz	4.50	4.60	4.65	4.70	4.75	4.80	5.00
3oz	4.50	4.60	4.65	4.70	4.75	4.80	5.00
4oz	4.50	4.60	4.65	4.70	4.75	4.80	5.00
5oz	5.10	5.15	5.20	5.25	5.30	5.40	5.50
6oz	5.10	5.15	5.20	5.25	5.30	5.40	5.50
7oz	5.10	5.15	5.20	5.25	5.30	5.40	5.50
8oz	5.10	5.15	5.20	5.25	5.30	5.40	5.50
9oz	5.80	5.85	5.90	5.95	6.00	6.15	6.25
10oz	5.80	5.85	5.90	5.95	6.00	6.15	6.25
11oz	5.80	5.85	5.90	5.95	6.00	6.15	6.25
12oz	5.80	5.85	5.90	5.95	6.00	6.15	6.25
13oz	7.05	7.10	7.25	7.30	7.40	7.55	7.65
14oz *							
15oz *							
1lb – 70lbs *							

* New prices for these weight steps will be established at a later date

Notes

1. A handling charge of $0.01 per piece applies to foreign-origin, inbound direct entry mail tendered by foreign postal operators, subject to the terms of an authorization arrangement.

Cubic

Maximum Cubic Feet	Local, Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)	Zone 9 ($)
0.10	6.86	7.11	7.29	7.42	7.64	8.09	8.45	8.45
0.20	7.26	7.60	7.87	8.08	8.98	9.57	10.12	10.12
0.30	7.31	7.70	8.06	8.55	10.48	11.01	11.64	11.64
0.40	7.40	7.87	8.42	9.53	11.47	12.14	12.76	12.76
0.50	7.51	8.08	8.81	10.23	12.16	12.93	13.66	13.66
0.60	7.63	8.40	9.26	11.72	12.68	13.45	14.15	14.15
0.70	7.99	9.09	9.73	12.56	13.01	13.91	14.84	14.84
0.80	8.21	9.73	10.93	12.91	13.48	14.40	15.50	15.50
0.90	8.87	10.21	11.68	13.14	13.90	15.09	16.42	16.42
1.00	9.39	10.74	11.92	13.54	14.33	16.10	17.68	17.68

Limited Overland Routes

Pieces delivered to or from designated intra-Alaska ZIP Codes not connected by overland routes are eligible for the following prices.

Maximum Weight (pounds)	Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)
1	7.80	8.10	8.70	9.40
2	8.00	9.00	9.10	9.50
3	8.30	9.70	10.25	10.75
4	8.75	10.20	11.30	11.95
5	9.40	10.25	11.55	12.30
6	9.50	10.45	11.85	12.45
7	9.55	10.55	11.90	12.50
8	9.60	10.65	11.95	12.55
9	9.70	10.70	12.05	12.60
10	10.30	10.80	12.15	13.50
11	10.35	10.85	12.25	13.75
12	10.40	10.90	12.50	13.90
13	10.45	10.95	12.75	14.10
14	10.50	11.00	12.80	14.70
15	10.80	11.15	12.90	15.45
16	10.90	11.35	13.00	16.00
17	11.15	11.90	13.10	16.70
18	12.10	12.50	13.50	16.90
19	12.60	13.20	14.30	17.50
20	13.00	14.10	15.20	18.20
21	13.30	15.00	16.60	20.10
22	13.80	15.80	18.00	21.90
23	14.30	16.80	19.60	23.50
24	14.80	17.15	21.20	26.50
25	15.50	18.70	22.60	28.80

Limited Overland Routes (Continued)

Maximum Weight (pounds)	Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)
26	15.70	19.80	24.20	31.60
27	16.50	20.80	24.60	31.90
28	16.90	21.30	25.30	32.25
29	17.40	21.80	26.10	33.70
30	17.80	22.30	26.80	34.10
31	18.40	22.70	28.40	35.10
32	18.70	23.10	29.20	37.80
33	19.10	23.60	29.90	38.80
34	19.60	24.10	30.50	39.60
35	20.10	24.60	31.20	40.30
36	20.40	25.10	31.70	40.65
37	20.80	25.60	32.30	41.60
38	21.30	26.00	32.90	42.30
39	21.80	26.50	33.50	43.10
40	22.20	27.00	34.00	43.80
41	22.70	27.50	34.80	44.30
42	23.00	28.00	35.50	45.10
43	23.40	28.50	36.00	46.00
44	23.80	29.00	36.60	46.25
45	24.10	29.40	37.20	46.60
46	24.50	29.80	37.80	46.90
47	24.80	30.30	38.40	47.00
48	25.10	30.80	39.00	47.10
49	25.60	31.20	39.60	47.20
50	25.90	31.60	40.10	47.60

Limited Overland Routes (Continued)

Maximum Weight (pounds)	Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)
51	26.30	32.10	40.70	48.00
52	26.60	32.60	41.30	48.80
53	27.00	33.00	41.90	49.30
54	27.30	33.50	42.50	49.90
55	27.70	33.90	43.00	50.30
56	28.10	34.40	43.70	50.80
57	28.50	34.80	44.20	51.30
58	28.80	35.20	44.80	51.60
59	29.20	35.70	45.30	52.10
60	29.50	36.20	46.00	52.60
61	29.90	36.60	46.60	52.90
62	30.20	37.00	47.20	53.30
63	30.60	37.50	47.80	53.70
64	31.00	37.90	48.50	54.20
65	31.30	38.40	49.10	54.60
66	31.70	38.80	49.80	55.00
67	32.10	39.20	50.40	55.40
68	32.50	39.70	51.00	56.00
69	32.80	40.10	51.40	57.30
70	33.20	41.20	52.70	61.00
Oversized	49.10	67.30	74.20	90.10

Oversized Pieces

Regardless of weight, any piece that measures more than 108 inches (but not more than 130 inches) in length plus girth must pay the oversized price. As stated in the Domestic Mail Manual, any piece that is found to be over the 70 pound maximum weight limitation is nonmailable, will not be delivered, and may be subject to the $100.00 overweight item charge.

Dimensional Weight

In Zones 1-8, parcels exceeding one cubic foot are priced at the actual weight or the dimensional weight, whichever is greater.

For box-shaped parcels, the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) of the parcel, and dividing by 166.

For irregular-shaped parcels (parcels not appearing box-shaped), the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) at the associated maximum cross-sections of the parcel, dividing by 166, and multiplying by an adjustment factor of 0.785.

These dimensional weight rules do not apply to the Limited Overland Routes price category.

Nonstandard Fees

Add the following fees to parcels that exceed certain dimensions, as specified below:

Entry:	Full Network	DSCF/DNDC	DDU
Length > 22"	$4.00	N/A	N/A
Length > 30"	$15.00	N/A	N/A
Cube > 2 cu. ft.	$15.00	N/A	N/A

~~*Irregular Parcel Surcharge*~~

~~Add $0.25 for each irregularly shaped parcel (such as rolls, tubes, and triangles).~~

IMpb Noncompliance Fee

Add $0.25 for each IMpb-noncompliant parcel paying commercial prices, unless the eVS Unmanifested Fee was already assessed on that parcel.

eVS Unmanifested Fee

Add $0.25 for each unmanifested parcel paying commercial prices, unless the IMpb Noncompliance Fee was already assessed on that parcel.

Pickup On Demand Service

Add $25.00 for each Pickup On Demand stop.

2135 USPS Retail Ground

2135.1 Description

a. USPS Retail Ground provides reliable and economical ground package delivery service for less-than-urgent deliveries and oversized packages up to 130 inches in combined length and girth.

b. Any mailable matter may be mailed as USPS Retail Ground, except matter required to be mailed: (1) by First-Class Mail service; (2) as Customized MarketMail pieces; or (3) copies of a publication that are required to be entered as Periodicals mail.

c. USPS Retail Ground pieces are not sealed against postal inspection. Mailing of matter as USPS Retail Ground mail constitutes consent by the mailer to postal inspection of the contents, regardless of the physical closure.

d. USPS Retail Ground mail may receive deferred service.

e. USPS Retail Ground pieces that are undeliverable-as-addressed will be forwarded on request of the addressee, or forwarded and returned on request of the mailer, subject to the applicable single-piece Retail Ground when forwarded or returned from one post office to another. Pieces which combine domestic USPS Retail Ground mail with First-Class Mail or USPS Marketing Mail pieces will be forwarded if undeliverable-as-addressed, and returned if undeliverable.

f. Return parcels may be sent without prepayment of postage if authorized by the returns customer, who agrees to pay the postage.

Attachments and enclosures

a. First-Class Mail or USPS Marketing Mail pieces may be attached to or enclosed in USPS Retail Ground mail. Additional postage may be required.

b. USPS Retail Ground mail may have limited written additions placed on the wrapper, on a tag or label attached to the outside of the package, or inside the package, either loose or attached to the article.

2135.2 Size and Weight Limitations[1]

	Length	Height	Thickness	Weight
Minimum	large enough to accommodate postage, address, and other required elements on the address side			none
Maximum	130 inches in combined length and girth			70 pounds[1]

Notes

1. A charge of $100.00 applies to pieces found in the postal network that exceed the 70-pound maximum weight limitation or the 130-inch length plus girth maximum dimensional limit for Postal Service products. Such items are nonmailable and will not be delivered. As described in the Domestic Mail Manual, this charge is payable before release of the item, unless the item is picked up at the same facility where it was entered.

2135.3 Minimum Volume Requirements

	Minimum Volume Requirements
Single-Piece	none

2135.4 Price Categories

- USPS Retail Ground
  - Zones 1-8
  - Limited Overland Routes
  - Oversized
  - Dimensional Weight – Applies to parcels in zones 1-4 that exceed one cubic foot

2135.5 Optional Features

The following additional postal services may be available in conjunction with the product specified in this section:

- Pickup On Demand Service

- Ancillary Services (1505)
  - Address Correction Service (1505.1)
  - Certificate of Mailing (1505.6)
  - Collect on Delivery (1505.7)
  - USPS Tracking (1505.8)
  - Insurance (1505.9)
  - Return Receipt (1505.13)
  - Signature Confirmation (1505.17)
  - Special Handling (1505.18)

- Competitive Ancillary Services (2645)
  - Package Intercept Service (2645.2)

2135.6 Prices

USPS Retail Ground

Maximum Weight (pounds)	Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)
1	8.50	8.90	9.25	9.80	10.00	10.15	10.25
2	9.05	9.70	10.50	10.85	10.95	12.00	13.95
3	9.70	10.45	11.55	11.90	12.00	13.85	17.90
4	10.35	11.20	12.25	12.55	14.95	16.40	19.75
5	11.05	12.00	12.95	13.25	16.65	18.75	22.80
6	11.45	12.40	13.70	13.80	18.55	20.90	25.70
7	11.95	12.85	14.55	14.90	19.60	23.10	28.65
8	12.45	13.50	14.90	15.70	21.00	26.25	32.65
9	12.70	13.90	15.30	16.80	22.55	28.00	34.95
10	13.90	14.85	16.55	19.00	24.35	30.40	38.95
11	14.90	15.65	17.60	19.50	26.30	33.10	41.30
12	15.55	16.35	18.20	20.50	27.85	36.05	44.95
13	16.15	17.05	18.85	21.00	29.25	39.37	48.97
14	16.85	17.80	19.55	22.15	31.25	43.05	53.35
15	17.55	18.55	20.20	24.25	32.00	43.65	54.40
16	18.30	19.55	21.25	25.25	33.55	46.05	57.45
17	19.10	20.60	22.35	26.25	35.45	48.55	60.50
18	19.95	21.65	23.50	26.60	36.95	50.95	63.65
19	20.85	22.80	24.65	27.65	37.85	51.75	64.60
20	21.75	24.00	25.95	28.55	39.50	53.40	65.00
21	22.55	25.25	28.00	31.00	41.95	54.45	65.50
22	23.35	26.55	30.20	33.65	44.60	55.60	70.75
23	24.15	27.90	32.60	36.65	47.35	56.80	71.50
24	25.00	29.30	35.15	39.95	50.35	58.00	72.75
25	25.90	30.80	37.95	43.50	53.50	59.30	77.00

USPS Retail Ground (Continued)

Maximum Weight (pounds)	Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)
26	26.80	32.40	40.95	50.15	60.00	69.95	79.90
27	28.45	33.90	42.35	52.70	62.70	72.75	82.80
28	29.35	34.35	43.50	54.10	64.70	75.35	86.00
29	30.25	34.70	44.55	54.90	66.00	77.25	88.36
30	31.15	35.25	45.80	55.65	67.15	78.70	90.20
31	32.10	35.60	48.20	56.50	68.40	80.35	92.25
32	32.45	36.35	49.35	57.00	69.30	81.60	93.85
33	33.00	37.30	50.60	57.80	70.45	83.05	95.75
34	33.30	38.30	51.85	58.95	71.85	84.75	97.60
35	33.65	39.25	52.50	60.20	73.20	86.15	99.05
36	34.00	40.40	53.25	61.65	74.75	87.80	100.80
37	34.30	41.05	54.05	62.70	76.00	89.25	102.50
38	34.70	42.15	54.70	63.90	77.35	90.70	104.15
39	35.10	43.10	55.40	65.25	78.75	92.25	105.75
40	35.50	44.00	56.15	66.65	80.10	93.65	107.20
41	35.80	44.85	56.80	67.30	81.15	95.05	108.90
42	36.05	45.65	57.40	68.65	82.50	96.35	110.25
43	36.55	46.40	57.90	70.15	83.90	97.65	111.40
44	36.80	47.20	58.65	71.60	85.35	99.10	113.00
45	37.05	47.70	59.05	73.30	86.95	100.65	114.35
46	37.30	48.00	59.70	74.60	88.25	102.00	115.65
47	37.65	48.45	60.25	76.40	89.90	103.50	117.00
48	38.00	48.90	60.85	77.80	91.25	104.70	118.20
49	38.20	49.20	61.30	79.20	92.60	105.95	119.35
50	38.35	49.50	61.75	80.80	94.05	107.30	120.60

USPS Retail Ground (Continued)

Maximum Weight (pounds)	Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)
51	38.55	50.00	62.30	82.10	95.40	108.50	121.75
52	39.05	50.30	62.75	82.75	96.25	109.65	123.10
53	39.70	50.65	63.10	83.40	97.15	110.90	124.70
54	40.20	50.85	63.55	84.05	98.25	112.30	126.45
55	40.90	51.20	63.90	84.70	99.15	113.60	128.10
56	41.45	51.55	64.30	85.25	100.00	114.65	129.40
57	42.10	51.70	64.65	85.70	100.60	115.40	130.30
58	42.75	51.95	65.10	86.35	101.45	116.45	131.40
59	43.40	52.20	65.40	86.85	102.00	117.20	132.35
60	44.00	52.40	66.05	87.25	102.60	117.90	133.20
61	44.65	52.70	67.20	87.75	103.55	119.30	135.05
62	45.10	52.80	68.05	88.25	104.60	120.90	137.25
63	46.00	53.05	69.20	88.65	105.60	122.50	139.45
64	46.45	54.70	70.20	89.10	106.65	124.05	141.60
65	47.10	54.85	71.15	89.30	107.45	125.60	143.70
66	47.70	55.05	72.30	89.80	108.60	127.20	145.95
67	48.45	55.15	73.55	90.15	109.40	128.65	147.80
68	49.05	55.25	74.40	90.30	110.05	129.70	149.35
69	49.65	55.30	75.35	90.55	110.65	130.85	150.95
70	50.25	55.50	76.60	90.85	111.40	132.05	152.60
Oversized	84.00	106.80	129.60	152.15	174.95	197.65	220.50

Limited Overland Routes

Pieces delivered to or from designated intra-Alaska ZIP Codes not connected by overland routes are eligible for the following prices.

Maximum Weight (pounds)	Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)
1	7.80	8.10	8.70	9.40
2	8.00	9.00	9.10	9.50
3	8.30	9.70	10.25	10.75
4	8.75	10.20	11.30	11.95
5	9.40	10.25	11.55	12.30
6	9.50	10.45	11.85	12.45
7	9.55	10.55	11.90	12.50
8	9.60	10.65	11.95	12.55
9	9.70	10.70	12.05	12.60
10	10.30	10.80	12.15	13.50
11	10.35	10.85	12.25	13.75
12	10.40	10.90	12.50	13.90
13	10.45	10.95	12.75	14.10
14	10.50	11.00	12.80	14.70
15	10.80	11.15	12.90	15.45
16	10.90	11.35	13.00	16.00
17	11.15	11.90	13.10	16.70
18	12.10	12.50	13.50	16.90
19	12.60	13.20	14.30	17.50
20	13.00	14.10	15.20	18.20
21	13.30	15.00	16.60	20.10
22	13.80	15.80	18.00	21.90
23	14.30	16.80	19.60	23.50
24	14.80	17.15	21.20	26.50
25	15.50	18.70	22.60	28.80

Limited Overland Routes (Continued)

Maximum Weight (pounds)	Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)
26	15.70	19.80	24.20	31.60
27	16.50	20.80	24.60	31.90
28	16.90	21.30	25.30	32.25
29	17.40	21.80	26.10	33.70
30	17.80	22.30	26.80	34.10
31	18.40	22.70	28.40	35.10
32	18.70	23.10	29.20	37.80
33	19.10	23.60	29.90	38.80
34	19.60	24.10	30.50	39.60
35	20.10	24.60	31.20	40.30
36	20.40	25.10	31.70	40.65
37	20.80	25.60	32.30	41.60
38	21.30	26.00	32.90	42.30
39	21.80	26.50	33.50	43.10
40	22.20	27.00	34.00	43.80
41	22.70	27.50	34.80	44.30
42	23.00	28.00	35.50	45.10
43	23.40	28.50	36.00	46.00
44	23.80	29.00	36.60	46.25
45	24.10	29.40	37.20	46.60
46	24.50	29.80	37.80	46.90
47	24.80	30.30	38.40	47.00
48	25.10	30.80	39.00	47.10
49	25.60	31.20	39.60	47.20
50	25.90	31.60	40.10	47.60

Limited Overland Routes (Continued)

Maximum Weight (pounds)	Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)
51	26.30	32.10	40.70	48.00
52	26.60	32.60	41.30	48.80
53	27.00	33.00	41.90	49.30
54	27.30	33.50	42.50	49.90
55	27.70	33.90	43.00	50.30
56	28.10	34.40	43.70	50.80
57	28.50	34.80	44.20	51.30
58	28.80	35.20	44.80	51.60
59	29.20	35.70	45.30	52.10
60	29.50	36.20	46.00	52.60
61	29.90	36.60	46.60	52.90
62	30.20	37.00	47.20	53.30
63	30.60	37.50	47.80	53.70
64	31.00	37.90	48.50	54.20
65	31.30	38.40	49.10	54.60
66	31.70	38.80	49.80	55.00
67	32.10	39.20	50.40	55.40
68	32.50	39.70	51.00	56.00
69	32.80	40.10	51.40	57.30
70	33.20	41.20	52.70	61.00
Oversized	49.10	67.30	74.20	90.10

Balloon Price

Limited Overland Routes pieces exceeding 84 inches in length and girth combined (but not more than 108 inches) and weighing less than 20 pounds are subject to a price equal to that for a 20-pound parcel for the zone to which the parcel is addressed.

Oversized Pieces

Regardless of weight, any piece that measures more than 108 inches (but not more than 130 inches) in length plus girth must pay the oversized price. As stated in the Domestic Mail Manual, any piece that is found to be over the 70 pound maximum weight limitation is nonmailable, will not be delivered, and may be subject to the $100.00 overweight item charge.

Pickup On Demand Service

Add $25.00 for each Pickup On Demand stop.

Dimensional Weight

In Zones 1-8, parcels exceeding one cubic foot are priced at the actual weight or the dimensional weight, whichever is greater.

For box-shaped parcels, the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) of the parcel, and dividing by 166.

For irregular-shaped parcels (parcels not appearing box-shaped), the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) at the associated maximum cross-sections of the parcel, dividing by 166, and multiplying by an adjustment factor of 0.785.

These dimensional weight rules do not apply to the Limited Overland Routes price category.

IMpb Noncompliance Fee

Add $0.25 for each IMpb-noncompliant parcel paying commercial prices.

2115 Parcel Select

2115.1 Description

a. Any mailable matter may be mailed as Parcel Select mail, except matter required to be mailed by First-Class Mail or Priority Mail services; and publications required to be entered as Periodicals mail.

b. Parcel Select mail is not sealed against postal inspection. Mailing of matter as such constitutes consent by the mailer to postal inspection of the contents, regardless of the physical closure.

c. Undeliverable-as-addressed Parcel Select pieces will be forwarded on request of the addressee or forwarded or returned on request of the mailer, subject to the applicable ~~Parcel Select Ground~~First-Class Package Service-Commercial price, plus an applicable fee, when forwarded or returned. Pieces which combine Parcel Select matter with First-Class Mail or USPS Marketing Mail matter will be forwarded or returned if undeliverable-as-addressed, as specified in the Domestic Mail Manual.

Attachments and enclosures

a. First-Class Mail or USPS Marketing Mail pieces may be attached to or enclosed in Parcel Select mail. Postage at the applicable First-Class Mail or USPS Marketing Mail price may be required.

2115.2 Size and Weight Limitations[1]

Parcel Select

	Length	Height	Thickness	Weight
Minimum	large enough to accommodate postage, address, and other required elements on the address side			none
Maximum	130 inches in combined length and girth			70 pounds[1]

~~*Parcel Select Ground*~~

	~~Length~~	~~Height~~	~~Thickness~~	~~Weight~~
~~Minimum~~	~~large enough to accommodate postage, address, and other required elements on the address side~~			~~none~~
~~Maximum~~ ~~Cubic~~	~~Various, not to exceed 0.1, 0.2, 0.3, 0.4, 0.5, 0.6, 0.7, 0.8, 0.9, or 1.0 cubic feet~~			~~20 pounds~~
~~All Others~~	~~130 inches in combined length and girth~~			~~70 pounds[1]~~

Lightweight

	Length	Height	Thickness	Weight
Minimum	large enough to accommodate postage, address, and other required elements on the address side			none
Maximum	108 inches in combined length and girth			< 16 ounces

Notes

1. A charge of $100.00 applies to pieces found in the postal network that exceed the 70-pound maximum weight limitation or the 130-inch length plus girth maximum dimensional limit for Postal Service products. Such items are nonmailable and will not be delivered. As described in the Domestic Mail Manual, this charge is payable before release of the item, unless the item is picked up at the same facility where it was entered.

2115.3 Minimum Volume Requirements

	Minimum Volume Requirements
~~Parcel Select Ground~~	~~50 pieces or 50 pounds per mailing~~
Lightweight	200 pieces or 50 pounds per mailing
USPS Connect Local	No volume minimum
All Other Parcel Select	50 pieces per mailing

2115.4 Price Categories

* * *

Non-Destination Entered

- ~~Parcel Select Ground~~
  - ~~Parcel Select Ground~~
  - ~~Cubic~~
  - ~~Dimensional Weight~~
  - ~~Oversized~~
  - ~~Forwarding and Returns~~

* * *

2115.6 Prices

* * *

Non-Destination Entered ~~— Parcel Select Ground~~

~~a. Parcel Select Ground~~

~~Maximum Weight (pounds)~~	~~Zones 1 & 2 ($)~~	~~Zone 3 ($)~~	~~Zone 4 ($)~~	~~Zone 5 ($)~~	~~Zone 6 ($)~~	~~Zone 7 ($)~~	~~Zone 8 ($)~~
~~1~~	~~7.22~~	~~7.53~~	~~7.75~~	~~7.87~~	~~8.09~~	~~8.61~~	~~9.03~~
~~2~~	~~7.28~~	~~7.64~~	~~7.95~~	~~8.22~~	~~9.58~~	~~10.21~~	~~10.85~~
~~3~~	~~7.34~~	~~7.74~~	~~8.14~~	~~8.80~~	~~11.19~~	~~11.63~~	~~12.25~~
~~4~~	~~7.44~~	~~7.98~~	~~8.65~~	~~10.11~~	~~11.70~~	~~12.54~~	~~13.17~~
~~5~~	~~7.55~~	~~8.14~~	~~8.91~~	~~10.31~~	~~12.46~~	~~13.19~~	~~13.98~~
~~6~~	~~7.66~~	~~8.50~~	~~9.40~~	~~12.27~~	~~12.77~~	~~13.55~~	~~14.22~~
~~7~~	~~8.10~~	~~9.27~~	~~9.84~~	~~12.65~~	~~13.09~~	~~14.02~~	~~15.03~~
~~8~~	~~8.24~~	~~9.84~~	~~11.20~~	~~12.97~~	~~13.58~~	~~14.50~~	~~15.62~~
~~9~~	~~8.99~~	~~10.28~~	~~11.77~~	~~13.17~~	~~13.96~~	~~15.20~~	~~16.57~~
~~10~~	~~9.44~~	~~10.80~~	~~11.94~~	~~13.59~~	~~14.38~~	~~16.22~~	~~17.83~~
~~11~~	~~11.08~~	~~11.79~~	~~12.97~~	~~14.05~~	~~15.06~~	~~17.86~~	~~19.27~~
~~12~~	~~11.61~~	~~12.39~~	~~13.21~~	~~14.33~~	~~15.70~~	~~18.66~~	~~20.26~~
~~13~~	~~11.92~~	~~12.81~~	~~13.55~~	~~14.82~~	~~16.26~~	~~20.05~~	~~21.69~~
~~14~~	~~12.30~~	~~13.10~~	~~13.62~~	~~15.08~~	~~17.29~~	~~21.41~~	~~23.21~~
~~15~~	~~12.49~~	~~13.58~~	~~14.06~~	~~15.85~~	~~18.33~~	~~22.19~~	~~24.75~~
~~16~~	~~12.80~~	~~13.91~~	~~14.20~~	~~16.03~~	~~19.01~~	~~23.19~~	~~25.50~~
~~17~~	~~13.11~~	~~14.41~~	~~14.64~~	~~16.74~~	~~19.91~~	~~24.68~~	~~26.34~~
~~18~~	~~13.18~~	~~14.52~~	~~14.80~~	~~17.46~~	~~20.84~~	~~25.25~~	~~27.97~~
~~19~~	~~13.53~~	~~15.22~~	~~15.45~~	~~18.65~~	~~21.52~~	~~26.19~~	~~29.17~~
~~20~~	~~13.76~~	~~15.54~~	~~15.85~~	~~19.16~~	~~22.33~~	~~27.23~~	~~30.58~~
~~21~~	~~14.80~~	~~16.86~~	~~17.67~~	~~21.56~~	~~25.79~~	~~31.31~~	~~35.17~~
~~22~~	~~15.90~~	~~18.29~~	~~19.70~~	~~24.26~~	~~29.79~~	~~36.01~~	~~40.44~~
~~23~~	~~17.10~~	~~19.85~~	~~21.97~~	~~27.29~~	~~34.41~~	~~41.41~~	~~46.51~~
~~24~~	~~18.38~~	~~21.53~~	~~24.49~~	~~30.70~~	~~39.74~~	~~47.62~~	~~53.48~~
~~25~~	~~19.76~~	~~23.36~~	~~27.31~~	~~34.54~~	~~45.90~~	~~54.76~~	~~61.51~~

a. Parcel Select Ground (Continued)

Maximum Weight (pounds)	Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)
26	22.59	27.79	35.48	45.76	57.74	67.83	77.39
27	23.96	29.07	37.67	49.93	58.54	69.55	80.27
28	24.71	29.46	38.76	51.25	59.36	71.22	83.48
29	25.48	29.77	39.82	51.94	60.38	72.90	85.84
30	26.25	30.21	40.76	52.66	62.11	74.55	87.68
31	27.01	30.51	41.41	53.34	63.03	76.24	89.72
32	27.32	31.17	42.11	53.97	63.87	77.93	91.35
33	27.75	32.05	43.17	54.69	65.14	79.58	93.24
34	28.01	32.90	44.28	55.89	66.73	81.26	95.08
35	28.33	33.68	44.92	57.09	68.55	82.93	96.55
36	28.69	34.68	45.52	58.34	70.32	84.08	98.28
37	28.99	35.33	46.18	59.39	72.20	85.19	99.96
38	29.28	36.20	46.77	60.59	74.25	86.18	101.64
39	29.57	37.07	47.31	61.86	76.04	88.52	103.22
40	29.88	37.85	47.93	63.16	77.28	90.54	104.69
41	30.21	38.49	48.45	63.72	78.61	92.52	106.37
42	30.44	38.79	48.88	64.81	80.02	93.81	107.73
43	30.80	39.08	49.32	65.89	81.97	95.00	108.89
44	31.02	39.36	49.75	66.96	83.30	96.16	110.46
45	31.22	39.65	50.20	68.05	84.24	97.22	111.83
46	31.50	39.94	50.64	69.13	85.20	98.29	113.14
47	31.73	40.23	51.07	70.21	86.10	99.44	114.50
48	32.00	40.52	51.51	71.28	87.22	100.41	115.66
49	32.26	40.79	51.95	72.37	88.44	101.48	116.81
50	32.39	41.08	52.40	73.46	89.70	102.80	118.07

a. Parcel Select Ground (Continued)

Maximum Weight (pounds)	Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)
51	32.88	41.37	52.80	74.72	90.95	104.30	119.23
52	33.37	41.66	53.25	75.25	91.84	105.90	120.59
53	34.00	41.94	53.69	75.87	92.63	107.67	122.17
54	34.50	42.24	54.12	76.53	93.30	109.24	123.95
55	35.05	42.51	54.56	77.02	94.09	111.01	125.58
56	35.54	42.81	55.00	77.61	94.72	112.56	126.89
57	36.11	43.09	55.44	78.07	95.46	113.30	127.79
58	36.67	43.38	55.87	78.57	96.03	114.35	128.89
59	37.20	43.67	56.30	79.05	96.58	115.08	129.83
60	37.67	43.95	56.73	79.50	97.07	115.82	130.67
61	38.29	44.23	57.17	79.89	97.62	117.18	132.51
62	38.77	44.52	57.60	80.25	98.08	118.61	134.72
63	39.48	44.81	58.05	80.68	98.65	119.19	136.92
64	39.83	45.09	58.49	81.04	99.10	119.74	139.07
65	40.41	45.38	58.94	81.29	99.39	120.35	141.17
66	40.95	45.68	59.36	81.66	99.90	120.72	143.43
67	41.57	45.96	60.38	81.95	100.22	121.21	145.27
68	42.06	46.24	61.14	82.18	101.50	121.85	146.84
69	42.64	46.54	61.93	82.43	102.74	122.43	148.42
70	43.09	46.82	62.92	82.69	104.00	122.88	150.10
Oversized	84.00	106.79	129.62	152.15	174.93	197.66	220.50

b. Cubic

Maximum Cubic Feet	Local, Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)	Zone 9 ($)
0.10	6.86	7.11	7.29	7.42	7.64	8.09	8.45	8.45
0.20	7.26	7.60	7.87	8.08	8.98	9.57	10.12	10.12
0.30	7.31	7.70	8.06	8.55	10.48	11.01	11.64	11.64
0.40	7.40	7.87	8.42	9.53	11.47	12.14	12.76	12.76
0.50	7.51	8.08	8.81	10.23	12.16	12.93	13.66	13.66
0.60	7.63	8.40	9.26	11.72	12.68	13.45	14.15	14.15
0.70	7.99	9.09	9.73	12.56	13.01	13.91	14.84	14.84
0.80	8.21	9.73	10.93	12.91	13.48	14.40	15.50	15.50
0.90	8.87	10.21	11.68	13.14	13.90	15.09	16.42	16.42
1.00	9.39	10.74	11.92	13.54	14.33	16.10	17.68	17.68

c. Dimensional Weight

Parcels exceeding one cubic foot are priced at the actual weight or the dimensional weight, whichever is greater.

For box-shaped parcels, the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) of the parcel, and dividing by 166.

For irregular-shaped parcels (parcels not appearing box-shaped), the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) at the associated maximum cross-sections of the parcel, dividing by 166, and multiplying by an adjustment factor of 0.785.

d. Oversized Pieces

Regardless of weight, any piece that measures more than 108 inches (but not more than 130 inches) in length plus girth must pay the oversized price. As stated in the Domestic Mail Manual, any piece that is found to be over the 70 pound maximum weight limitation is nonmailable, will not be delivered, and may be subject to the $100.00 overweight item charge.

~~e. Forwarding and Returns~~

~~Parcel Select pieces that are forwarded on request of the addressee or forwarded or returned on request of the mailer will be subject to the applicable Parcel Select Ground price, plus $3.00, when forwarded or returned. For customers using Address Correction Service with Shipper Paid Forwarding/Return, and also using an IMpb, the additional fee will be $2.50.~~

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95281; File No. SR–FINRA–2022–018]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Expiration Date of the Temporary Amendments Set Forth in SR–FINRA–2020–015 and SR–FINRA–2020–027

July 14, 2022.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 8, 2022, the Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by FINRA. FINRA has designated the proposed rule change as constituting a ''non-controversial'' rule change under paragraph (f)(6) of Rule 19b–4 under the Act,[3] which renders the proposal effective upon receipt of this filing by the Commission. 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

FINRA is proposing to extend the expiration date of the temporary amendments set forth in SR–FINRA–2020–015 and SR–FINRA–2020–027 from July 31, 2022 to October 31, 2022.[4] The proposed rule change would not make any changes to the text of FINRA rules.

The text of the proposed rule change is available on FINRA's website at *http://www.finra.org,* at the principal office of FINRA 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, FINRA 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. FINRA 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

In response to the COVID–19 global health crisis and the corresponding need to restrict in-person activities, FINRA filed proposed rule changes, SR–FINRA–2020–015 and SR–FINRA–2020–027, which respectively provide temporary relief from some timing, method of service and other procedural requirements in FINRA rules and allow FINRA's Office of Hearing Officers (''OHO'') and the National Adjudicatory Council (''NAC'') to conduct hearings, on a temporary basis, by video conference, if warranted by the current COVID–19-related public health risks posed by an in-person hearing. In March 2022, FINRA filed a proposed rule change, SR–FINRA–2022–004, to extend the expiration date of the temporary amendments in both SR–FINRA–2020–015 and SR–FINRA–2020–027 from March 31, 2022, to July 31, 2022.[5]

Even though it has been more than two years since the World Health Organization declared COVID–19 a pandemic, uncertainty still remains around this disease. The continued presence of COVID–19 variants including the quickly emerging Omicron BA.4 and BA.5 subvariants, dissimilar vaccination rates throughout the United States, and the current medium to high COVID–19 community levels in many states indicate that COVID–19 remains an active and real public health concern.[6] Due to the uncertainty and the lack of a clear timeframe for a sustained and widespread abatement of COVID–19-related health concerns and corresponding restrictions,[7] FINRA believes there is a continued need for temporary relief beyond July 31, 2022. Accordingly, FINRA proposes to extend the expiration date of the temporary amendments in SR–FINRA–2020–015

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6).

[4] If FINRA seeks to provide additional temporary relief from the rule requirements identified in this proposed rule change beyond October 31, 2022, FINRA will submit a separate rule filing to further extend the temporary extension of time. The amended FINRA rules will revert to their original form at the conclusion of the temporary relief period and any extension thereof.

[5] *See* Securities Exchange Act Release No. 94430 (March 16, 2022), 87 FR 16262 (March 22, 2022) (Notice of Filing and Immediate Effectiveness of File No. SR–FINRA–2022–004).

[6] For example, there has been a notable upward trend in the number of daily COVID–19 cases in the United States since April 1, 2022. *See https://covid.cdc.gov/covid-data-tracker/#trends_dailycases.* In addition, on June 9, 2022, the Biden Administration announced its operational plan for COVID–19 vaccinations for children under the age of five. *See https://www.whitehouse.gov/briefing-room/statements-releases/2022/06/09/fact-sheetbiden-administration-announces-operational-plan-for-covid-19-vaccinations-for-children-under-5/.*

[7] For instance, the Centers for Disease Control and Prevention (''CDC'') recommends that people wear a mask in public indoor settings in areas with a high COVID–19 community level regardless of vaccination status or individual risk. *See https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/about-face-coverings.html.* The CDC also recommends that people wear a mask in indoor areas of public transportation and transportation hubs to protect themselves and those around them and help keep travel and public transportation safer for everyone. *See https://www.cdc.gov/coronavirus/2019-ncov/travelers/masks-public-transportation.html.* Furthermore, numerous states currently have mask mandates in certain settings, such as healthcare and correctional facilities.

and SR–FINRA–2020–027 from July 31, 2022, to October 31, 2022.[8]

i. SR–FINRA–2020–015

As stated in its previous filings, FINRA proposed, and subsequently extended, the changes set forth in SR–FINRA–2020–015 to temporarily amend some timing, method of service and other procedural requirements in FINRA rules during the period in which FINRA's operations are impacted by the outbreak of COVID–19.[9] Among other things, the need for FINRA staff, with limited exceptions, to work remotely and restrict in-person activities–consistent with the recommendations of public health officials–have made it challenging to meet some procedural requirements and perform some functions required under FINRA rules. FINRA is proposing to extend the expiration date of the temporary amendments originally set forth in SR–FINRA–2020–015 from July 31, 2022, to October 31, 2022,[10] because, in addition to providing continuity to the electronic service and filing rules,[11] extension of the rule amendments regarding certain timing requirements and the format for oral argument for FINRA proceedings [12] is needed as FINRA does not anticipate that the COVID–19-related health concerns necessitating this relief will meaningfully subside by July 31, 2022.

ii. SR–FINRA–2020–027

The same public health concerns and restrictions, along with a corresponding backlog of disciplinary cases,[13] led FINRA to file, and subsequently extend to July 31, 2022, SR–FINRA–2020–027 to temporarily amend FINRA Rules 1015, 9261, 9524, and 9830 to grant OHO and the NAC authority [14] to conduct hearings in connection with appeals of Membership Application Program decisions, disciplinary actions, eligibility proceedings and temporary and permanent cease and desist orders by video conference, if warranted by the COVID–19-related public health risks posed by an in-person hearing.[15]

As set forth in the previous filings, FINRA also relies on the guidance of its health and safety consultant, in conjunction with COVID–19 data and guidance issued by public health authorities, to determine whether the current public health risks presented by an in-person hearing may warrant a hearing by video conference.[16] Based on that guidance and data, FINRA does not believe the COVID–19-related health concerns necessitating this relief will meaningfully subside by July 31, 2022, and believes there will be a continued need for this temporary relief beyond that date.[17] Accordingly, FINRA proposes to extend the expiration date of the temporary amendments originally set forth in SR–FINRA–2020–027 from July 31, 2022, to October 31, 2022.[18] The extension of these temporary amendments allowing for specified OHO and NAC hearings to proceed by video conference will allow FINRA's critical adjudicatory functions to continue to operate effectively in these extraordinary circumstances—enabling FINRA to fulfill its statutory obligations to protect investors and maintain fair and orderly markets—while also protecting the health and safety of hearing participants.[19]

[8] As a further basis for extending the expiration date to October 31, 2022, FINRA notes that the Commission recently approved FINRA's rule proposal to make permanent the temporary amendments to the electronic service and filing rules originally set forth in SR–FINRA–2020–015, with some modifications, as described in the order approving the rule proposal. *See* Securities Exchange Act Release No. 95147 (June 23, 2022), 87 FR 38803 (June 29, 2022) (Order Approving File No. SR–FINRA–2022–009). Because the effective date of the permanent rule amendments, which will be announced in a *Regulatory Notice,* will be after July 31, 2022, FINRA is seeking an extension of the temporary amendments to provide continuity and avoid any lapse in the temporary amendments to the electronic service and filing rules during the period before the effective date of the permanent rule amendments. The temporary amendments to the electronic service and filing rules—FINRA Rules 1012, 1015(f)(1), 6490, 9132, 9133, 9146, 9321, 9341(c), 9349, 9351, 9522, 9524(a)(3), 9525, 9559, and 9630—will expire on the effective date of the permanent rule amendments. FINRA notes that the temporary amendments pertaining to video conference hearings originally set forth in SR–FINRA–2020–027 were not included in the rule proposal that was approved by the Commission.

[9] *See* Securities Exchange Act Release No. 88917 (May 20, 2020), 85 FR 31832 (May 27, 2020) (Notice of Filing and Immediate Effectiveness of File No. SR–FINRA–2020–015); Securities Exchange Act Release No. 89055 (June 12, 2020), 85 FR 36928 (June 18, 2020) (Notice of Filing and Immediate Effectiveness of File No. SR–FINRA–2020–017); Securities Exchange Act Release No. 89423 (July 29, 2020), 85 FR 47278 (August 4, 2020) (Notice of Filing and Immediate Effectiveness of File No. SR–FINRA–2020–022); Securities Exchange Act Release No. 90619 (December 9, 2020), 85 FR 81250 (December 15, 2020) (Notice of Filing and Immediate Effectiveness of File No. SR–FINRA–2020–042); Securities Exchange Act Release No. 91495 (April 7, 2021), 86 FR 19306 (April 13, 2021) (Notice of Filing and Immediate Effectiveness of File No. SR–FINRA–2021–006); Securities Exchange Act Release No. 92685 (August 17, 2021), 86 FR 47169 (August 23, 2021) (Notice of Filing and Immediate Effectiveness of File No. SR–FINRA–2021–019); Securities Exchange Act Release No. 93758 (December 13, 2021), 86 FR 71695 (December 17, 2021) (Notice of Filing and Immediate Effectiveness of File No. SR–FINRA–2021–031); *supra* note 5.

[10] *See id.* (outlining the filing history of SR–FINRA–2020–015 and its prior extensions).

[11] *See supra* note 8.

[12] These temporary amendments pertain to FINRA Rules 1015(f)(1), 1015(i), 6490, 9341(d), and 9559(q)(2).

[13] For example, FINRA began temporarily postponing in-person hearings as a result of the COVID–19 impacts on March 16, 2020.

[14] For OHO hearings under FINRA Rules 9261 and 9830, the proposed rule change temporarily grants authority to the Chief or Deputy Chief Hearing Officer to order that a hearing be conducted by video conference. For NAC hearings under FINRA Rules 1015 and 9524, this temporary authority is granted to the NAC or the relevant Subcommittee.

[15] *See* Securities Exchange Act Release No. 89739 (September 2, 2020), 85 FR 55712 (September 9, 2020) (Notice of Filing and Immediate Effectiveness of File No. SR–FINRA–2020–027); Securities Exchange Act Release No. 90619 (December 9, 2020), 85 FR 81250 (December 15, 2020) (Notice of Filing and Immediate Effectiveness of File No. SR–FINRA–2020–042); Securities Exchange Act Release No. 91495 (April 7, 2021), 86 FR 19306 (April 13, 2021) (Notice of Filing and Immediate Effectiveness of File No. SR–FINRA–2021–006); Securities Exchange Act Release No. 92685 (August 17, 2021), 86 FR 47169 (August 23, 2021) (Notice of Filing and Immediate Effectiveness of File No. SR–FINRA–2021–019); Securities Exchange Act Release No. 93758 (December 13, 2021), 86 FR 71695 (December 17, 2021) (Notice of Filing and Immediate Effectiveness of File No. SR–FINRA–2021–031); *supra* note 5.

[16] As noted in SR–FINRA–2020–027, the temporary proposed rule change grants discretion to OHO and the NAC to order a video conference hearing. In deciding whether to schedule a hearing by video conference, OHO and the NAC may consider a variety of other factors in addition to COVID–19 trends. In SR–FINRA–2020–027, FINRA provided a non-exhaustive list of other factors OHO and the NAC may take into consideration, including a hearing participant's individual health concerns and access to the connectivity and technology necessary to participate in a video conference hearing.

[17] FINRA notes that the proposed extension of the temporary amendments does not mean a video conference hearing will be ordered in every case. FINRA strives to hold in-person hearings when it is safe to do so and began to hold such hearings at a single location last year. Specifically, FINRA held its first in-person hearing since the temporary amendments were implemented in July 2021. A subsequent surge in case numbers for the Delta variant of the COVID–19 virus caused FINRA's outside health and safety consultant to recommend in early August against in-person hearings. Accordingly, the Chief Hearing Officer converted hearings scheduled after mid-September from in-person to video conference on a case-by-case basis. In addition to creating a safe environment in which an in-person hearing may be held, as mentioned above, a number of other considerations inform whether any given case will be held in-person or by video conference.

[18] *See supra* note 5.

[19] Since the temporary amendments were implemented, OHO and the NAC have conducted several hearings by video conference. As of June 28, 2022, OHO has conducted 17 disciplinary hearings by video conference (decisions have been issued in 15 of these cases). In six of these disciplinary hearings, all of the parties agreed to proceed by video conference; the other 11 were ordered to proceed by video conference by the Chief Hearing Officer. OHO currently has hearings scheduled in six additional disciplinary matters. OHO intended to proceed with an in-person hearing for one of these matters in July 2022, but in late June the parties requested that the hearing occur by video conference because of health concerns. No determination has yet been made regarding whether the other five hearings will be in-person or by video conference. Also, as of June 28, 2022, the NAC, through the relevant Subcommittee, has conducted 16 oral arguments by video conference in

FINRA has filed the proposed rule change for immediate effectiveness and has requested that the SEC waive the requirement that the proposed rule change not become operative for 30 days after the date of the filing, so FINRA can implement the proposed rule change immediately.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[20] which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. FINRA believes that the proposed rule change is also consistent with Section 15A(b)(8) of the Act,[21] which requires, among other things, that FINRA rules provide a fair procedure for the disciplining of members and persons associated with members.

The proposed rule change, which extends the expiration date of the temporary amendments to FINRA rules set forth in SR–FINRA–2020–015, will continue to provide FINRA, and in some cases another party to a proceeding, temporary modifications to its procedural requirements in order to allow FINRA to maintain fair processes and protect investors while operating in a remote work environment and with corresponding restrictions on its activities. It is in the public interest, and consistent with the Act's purpose, for FINRA to operate pursuant to this temporary relief. The temporary amendments allow FINRA to specify service and filing methods, extend certain time periods, and modify the format of oral argument for FINRA disciplinary and eligibility proceedings and other review processes to cope with the current pandemic conditions. In addition to ensuring continuity to the electronic service and filing rules, extending this temporary relief will further support FINRA's disciplinary and eligibility proceedings and other review processes that serve a critical role in providing investor protection and maintaining fair and orderly markets.

The proposed rule change, which also extends the expiration date of the temporary amendments to FINRA rules set forth in SR–FINRA–2020–027, will continue to aid FINRA's efforts to timely conduct hearings in connection with its core adjudicatory functions. Given the current and frequently changing COVID–19 conditions and the uncertainty around when those conditions will see meaningful, widespread and sustained improvement, without this relief allowing OHO and NAC hearings to proceed by video conference, FINRA might be required to postpone some or almost all hearings indefinitely. FINRA must be able to perform its critical adjudicatory functions to fulfill its statutory obligations to protect investors and maintain fair and orderly markets. As such, this relief is essential to FINRA's ability to fulfill its statutory obligations and allows hearing participants to avoid the serious COVID–19-related health and safety risks associated with in-person hearings.

Among other things, this relief will allow OHO to conduct temporary cease and desist proceedings by video conference so that FINRA can take immediate action to stop ongoing customer harm and will allow the NAC to timely provide members, disqualified individuals and other applicants an approval or denial of their applications. As set forth in detail in the original filing, this temporary relief allowing OHO and NAC hearings to proceed by video conference accounts for fair process considerations and will continue to provide fair process while avoiding the COVID–19-related public health risks for hearing participants. Accordingly, the proposed rule change extending this temporary relief is in the public interest and consistent with the Act's purpose.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the temporary proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. As set forth in SR–FINRA–2020–015 and SR–FINRA–2020–027, the proposed rule change is intended solely to extend temporary relief necessitated by the continued impacts of the COVID–19 outbreak and the related health and safety risks of conducting in-person activities. FINRA believes that the proposed rule change will prevent unnecessary impediments to FINRA's operations, including its critical adjudicatory processes, and its ability to fulfill its statutory obligations to protect investors and maintain fair and orderly markets that would otherwise result if the temporary amendments were to expire on July 31, 2022.

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) of the Act[22] and Rule 19b–4(f)(6) thereunder.[23]

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative for 30 days after the date of filing. However, pursuant to Rule 19b–4(f)(6)(iii), the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. As FINRA requested in connection with SR–FINRA–2020–015 and related extensions,[24] FINRA has also asked the Commission to waive the 30-day operative delay so that this proposed rule change may become operative immediately upon filing.

FINRA has stated that there is a continued need for extending the relief originally provided in SR–FINRA–2020–015 and SR–FINRA–2020–027 because FINRA does not believe the COVID–19 related health concerns necessitating this relief will meaningfully subside by July 31, 2022. Importantly, extending the relief provided in these prior rule changes immediately upon filing and without a 30-day operative delay will allow FINRA to continue critical adjudicatory and review processes so that FINRA may continue to operate effectively and meet its critical investor protection goals, while also protecting the health

connection with appeals of FINRA disciplinary proceedings pursuant to FINRA Rule 9341(d), as temporarily amended. Furthermore, the NAC has conducted via video conference a one-day evidentiary hearing in a membership application proceeding pursuant to FINRA Rule 1015, as temporarily amended.

[20] 15 U.S.C. 78*o*–3(b)(6).

[21] 15 U.S.C. 78*o*–3(b)(8).

[22] 15 U.S.C. 78s(b)(3)(A).

[23] 17 CFR 240.19b–4(f)(6).

[24] *See* SR–FINRA–2020–015, 85 FR at 31836. Although FINRA did not request that the Commission waive the 30-day operative delay for SR–FINRA–2020–027, FINRA did request that the Commission waive the 30-day operative delay for SR–FINRA–2020–042, FINRA–2021–006, FINRA–2021–019, FINRA–2021–031, and FINRA–2022–004, which extended the expiration date of the temporary amendments originally set forth in SR–FINRA–2020–027.

and safety of hearing participants.[25] In addition, FINRA stated that extending the temporary relief provided originally in SR–FINRA–2020–015, the temporary amendments to the electronic service and filing rules, will provide continuity and help to prevent any lapse in the temporary amendments during the period before the effective date of the permanent rule amendments.[26] The Commission also notes that this proposal, like SR–FINRA–2020–015 and SR–FINRA–2020–027, provides only temporary relief during the period in which FINRA's operations are impacted by COVID–19. As proposed, the temporary amendments pertaining to video conference hearings, originally set forth in SR–FINRA–2020–027, would be in place through October 31, 2022; [27] while the temporary amendments to the electronic service and filing rules, originally set forth in SR–FINRA–2020–015, would expire on the effective date of the permanent rule amendments.[28]

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–FINRA–2022–018 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–FINRA–2022–018. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of FINRA. 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–FINRA–2022–018 and should be submitted on or before August 10, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[29]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–15446 Filed 7–19–22; 8:45 am]

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[25] *See supra* Item II.A.1; *see also* SR–FINRA–2020–027, 85 FR at 55712.

[26] As noted above, the Commission recently approved FINRA's proposed rule change to make permanent the temporary amendments to the electronic service and filing rules originally set forth in SR–FINRA–2020–015, with some modifications. *See supra* note 8; *see also* Order Approving File No. SR–FINRA–2022–009, 87 FR 38803. FINRA stated that the effective date of the permanent rule amendments will be announced in a *Regulatory Notice* after July 31, 2022. *See supra* note 8.

[27] As noted above, *see supra* note 4, FINRA stated that if it requires temporary relief from the rule requirements identified in this proposal beyond October 31, 2022, it may submit a separate rule filing to extend the effectiveness of the temporary relief under these rules.

[28] *See supra* note 8; *see also* Order Approving File No. SR–FINRA–2022–009 at 87 FR 38806.

[29] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95285; File No. SR–CboeBYX–2022–017]

Self-Regulatory Organizations; Cboe BYX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Current Pilot Program Related to BYX Rule 11.17, Clearly Erroneous Executions, to the Close of Business on October 20, 2022

July 14, 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 14, 2022, Cboe BYX Exchange, Inc. (the ''Exchange'' or ''BYX'') 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 Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [3] and Rule 19b–4(f)(6) thereunder.[4] 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 BYX Exchange, Inc. (''BYX'' or the ''Exchange'') is filing with the Securities and Exchange Commission (the ''Commission'') a proposed rule change to extend the current pilot program related to BYX Rule 11.17, Clearly Erroneous Executions, to the close of business on October 20, 2022. 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://markets.cboe.com/us/equities/regulation/rule_filings/byx/*), 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

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to extend the effectiveness of the Exchange's current rule applicable to Clearly Erroneous Executions to the close of business on October 20, 2022. Portions of Rule 11.17, explained in further detail below, are currently operating as a pilot program set to expire on July 20, 2022.[5]

On September 10, 2010, the Commission approved, on a pilot basis, changes to BYX Rule 11.17 that, among other things: (i) provided for uniform treatment of clearly erroneous execution reviews in multi-stock events involving twenty or more securities; and (ii) reduced the ability of the Exchange to deviate from the objective standards set forth in the rule.[6] In 2013, the Exchange adopted a provision designed to address the operation of the Plan.[7] Finally, in 2014, the Exchange adopted two additional provisions providing that: (i) a series of transactions in a particular security on one or more trading days may be viewed as one event if all such transactions were effected based on the same fundamentally incorrect or grossly misinterpreted issuance information resulting in a severe valuation error for all such transactions; and (ii) in the event of any disruption or malfunction in the operation of the electronic communications and trading facilities of an Exchange, another SRO, or responsible single plan processor in connection with the transmittal or receipt of a trading halt, an Officer, acting on his or her own motion, shall nullify any transaction that occurs after a trading halt has been declared by the primary listing market for a security and before such trading halt has officially ended according to the primary listing market.[8]

On December 26, 2018, the Commission published the proposed Eighteenth Amendment[9] to the Plan to Address Extraordinary Market Volatility Pursuant to Rule 608 of Regulation NMS under the Act (the ''Limit Up-Limit Down Plan'' or the ''Plan'')[10] to allow the Plan to operate on a permanent, rather than pilot, basis. On April 8, 2019, the Exchange amended BYX Rule 11.17 to untie the pilot program's effectiveness from that of the Plan and to extend the pilot's effectiveness to the close of business on October 18, 2019 in order allow the Exchange and other national securities exchanges additional time to consider further amendments, if any, to the clearly erroneous execution rules in light of the proposed Eighteenth Amendment to the Plan.[11] On April 17, 2019, the Commission published an approval of the Eighteenth Amendment to allow the Plan to operate on a permanent, rather than pilot, basis.[12] On October 21, 2019, the Exchange amended BYX Rule 11.17 to extend the pilot's effectiveness to the close of business on April 20, 2020.[13] On March 18, 2020, the Exchange amended BYX Rule 11.17 to extend the pilot's effectiveness to the close of business on October 20, 2020.[14] On October 20, 2020, the Exchange amended BYX Rule 11.17 to extend the pilot's effectiveness to the close of business on April 20, 2021.[15] On April 14, 2021 the Exchange amended BYX Rule 11.17 to extend the pilot's effectiveness to the close of business on October 20, 2021.[16] On October 15, 2021 the Exchange amended BYX Rule 11.17 to extend the pilot's effectiveness to the close of business on April 20, 2022.[17] Finally, on April 19, 2022, the Exchanged amended BYX Rule 11.17 to extend the pilot's effectiveness to the close of business on July 20, 2022.[18]

Other self-regulatory organizations (''SROs''), including the Exchange, have worked on a proposed rule change to make the pilot rules permanent. The Exchange filed such a proposed rule change on March 7, 2022.[19] On June 8, 2022, the Exchange withdrew the proposed rule change.[20] The Exchange now proposes to amend BYX Rule 11.17 to extend the pilot's effectiveness an additional three months to the close of business on July 20, 2022, while the Commission considers the BZX proposal. The Exchange understands that the other national securities exchanges and Financial Industry Regulatory Authority (''FINRA'') have filed or plan to file similar proposals to extend their respective clearly erroneous execution pilot programs, the substance of which are identical to BYX Rule 11.17. The Exchange does not propose any additional changes to BYX Rule 11.17. The Exchange believes the benefits to market participants from the more objective clearly erroneous executions rule should continue on a limited three month pilot basis.

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.[21] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[22] 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

[5] *See* Securities Exchange Act Release No. 94751 (April 19, 2022), 87 FR 24366 (April 19, 2022) (SR–CboeBYX–2022–013).

[6] *See* Securities Exchange Act Release No. 63097 (Oct. 13, 2010), 75 FR 64767 (Oct. 20, 2010) (SR–BYX–2010–002).

[7] *See* Securities Exchange Act Release No. 68798 (Jan. 31, 2013), 78 FR 8628 (Feb. 6, 2013) (SR–BYX–2013–005).

[8] *See* Securities Exchange Act Release No. 71796 (March 25, 2014), 79 FR 18099 (March 31, 2014) (SR–BYX–2014–003).

[9] *See* Securities Exchange Act Release No. 84843 (December 18, 2018), 83 FR 66464 (December 26, 2018) (File No. 4–631) (''Eighteenth Amendment'').

[10] *See* Securities Exchange Act Release No. 67091 (May 31, 2012), 77 FR 33498 (June 6, 2012) (the ''Limit Up-Limit Down Release'').

[11] *See* Securities Exchange Act Release No. 85542 (Apr. 8, 2019), 84 FR 15009 (Apr. 12, 2019) (SR–CboeBYX–2019–003).

[12] *See* Securities Exchange Act Release No. 85623 (Apr. 11, 2019), 84 FR 16086 (Apr. 17, 2019) (File No. 4–631).

[13] *See* Securities Exchange Act Release No. 87364 (Oct. 21, 2019), 84 FR 57528 (Oct. 25, 2019) (SR–CboeBYX–2019–018).

[14] *See* Securities Exchange Act Release No. 88496 (March 27, 2020), 85 FR 18600 (April 2, 2020) (SR–CboeBYX–2020–010).

[15] *See* Securities Exchange Act Release No. 90230 (October 20, 2020), 85 FR 67802 (Oct. 26, 2020) (SR–CboeBYX–2020–030).

[16] *See* Securities Exchange Act Release No. 20578 (April 14, 2021), 86 FR 20578 (April 20, 2021) (SR–CboeBYX–2021–008).

[17] *See* Securities Exchange Act Release No. 93343 (October 15, 2021), 86 FR 58347 (October 21, 2021) (SR–CboeBYX–2021–025).

[18] *Supra* note 5.

[19] *See* Securities Exchange Act Release No. 94374 (March 7, 2022), 87 FR 14062 (March 11, 2022) (SR–CboeBZX–2022–017).

[20] On June 8, 2022, the BZX withdrew SR–CboeBZX–2022–017. *See* Securities Exchange Act Release No. 95074 (June 9, 2022), 87 FR 36197 (June 15, 2022) (SR–CboeBZX–2022–017). Subsequently, on July 8, 2022, BZX submitted a new rule proposal. *See* SR–CboeBZX–2022–037, available at: *https://cdn.cboe.com/resources//rule_filings///SR-CboeBZX-2022-037.pdf.* Once approved, the Exchange will submit a copycat filing for BYX.

[21] 15 U.S.C. 78f(b).

[22] 15 U.S.C. 78f(b)(5).

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)[23] 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 that extending the clearly erroneous execution pilot under BYX Rule 11.17 for an additional three months would help assure that the determination of whether a clearly erroneous trade has occurred will be based on clear and objective criteria, and that the resolution of the incident will occur promptly through a transparent process. The proposed rule change would also help assure consistent results in handling erroneous trades across the U.S. equities markets, thus furthering fair and orderly markets, the protection of investors and the public interest. Based on the foregoing, the Exchange believes the amended clearly erroneous executions rule should continue to be in effect on a pilot basis while the Exchange and the other national securities exchanges consider and develop a permanent proposal for clearly erroneous execution reviews.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the Exchange understands that FINRA and other national securities exchanges have or will also file similar proposals to extend their respective clearly erroneous execution pilot programs. Thus, the proposed rule change will help to ensure consistency across market centers without implicating any competitive issues.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No comments were solicited or received 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:

A. significantly affect the protection of investors or the public interest;

B. impose any significant burden on competition; and

C. 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[24] and Rule 19b–4(f)(6)[25] thereunder.

A proposed rule change filed under Rule 19b–4(f)(6)[26] normally does not become operative prior to 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii)[27] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, as it will allow the current clearly erroneous execution pilot program to continue uninterrupted, without any changes, while a permanent proposal for clearly erroneous execution reviews is being considered.[28] For this reason, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.[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 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–CboeBYX–2022–017 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–CboeBYX–2022–017. 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–CboeBYX–2022–017 and should be submitted on or before August 10, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[30]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–15450 Filed 7–19–22; 8:45 am]

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[23] *Id.*

[24] 15 U.S.C. 78s(b)(3)(A).

[25] 17 CFR 240.19b–4(f)(6).

[26] 17 CFR 240.19b–4(f)(6).

[27] 17 CFR 240.19b–4(f)(6)(iii).

[28] *See* SR–CboeBZX–2022–37 (July 8, 2022).

[29] 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).

[30] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95287; File No. SR–CboeEDGA–2022–010]

Self-Regulatory Organizations; Cboe EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Current Pilot Program Related to EDGA Rule 11.15, Clearly Erroneous Executions, to the Close of Business on October 20, 2022

July 14, 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 13, 2022, Cboe EDGA Exchange, Inc. (the ''Exchange'' or ''EDGA'') 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 Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] 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 EDGA Exchange, Inc. (''EDGA'' or the ''Exchange'') is filing with the Securities and Exchange Commission (the ''Commission'') a proposed rule change to extend the current pilot program related to EDGA Rule 11.15, Clearly Erroneous Executions, to the close of business on October 20, 2022. 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://markets.cboe.com/us/equities/regulation/rule_filings/edga/*), 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.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to extend the effectiveness of the Exchange's current rule applicable to Clearly Erroneous Executions to the close of business on October 20, 2022. Portions of Rule 11.15, explained in further detail below, are currently operating as a pilot program set to expire on July 20, 2022.[5]

On September 10, 2010, the Commission approved, on a pilot basis, changes to EDGA Rule 11.15 that, among other things: (i) provided for uniform treatment of clearly erroneous execution reviews in multi-stock events involving twenty or more securities; and (ii) reduced the ability of the Exchange to deviate from the objective standards set forth in the rule.[6] In 2013, the Exchange adopted a provision designed to address the operation of the Plan.[7] Finally, in 2014, the Exchange adopted two additional provisions providing that: (i) a series of transactions in a particular security on one or more trading days may be viewed as one event if all such transactions were effected based on the same fundamentally incorrect or grossly misinterpreted issuance information resulting in a severe valuation error for all such transactions; and (ii) in the event of any disruption or malfunction in the operation of the electronic communications and trading facilities of an Exchange, another SRO, or responsible single plan processor in connection with the transmittal or receipt of a trading halt, an Officer, acting on his or her own motion, shall nullify any transaction that occurs after a trading halt has been declared by the primary listing market for a security and before such trading halt has officially ended according to the primary listing market.[8]

On December 26, 2018, the Commission published the proposed Eighteenth Amendment[9] to the Plan to Address Extraordinary Market Volatility Pursuant to Rule 608 of Regulation NMS under the Act (the ''Limit Up-Limit Down Plan'' or the ''Plan'')[10] to allow the Plan to operate on a permanent, rather than pilot, basis. On April 8, 2019, the Exchange amended EDGA Rule 11.15 to untie the pilot program's effectiveness from that of the Plan and to extend the pilot's effectiveness to the close of business on October 18, 2019 in order allow the Exchange and other national securities exchanges additional time to consider further amendments, if any, to the clearly erroneous execution rules in light of the proposed Eighteenth Amendment to the Plan.[11] On April 17, 2019, the Commission published an approval of the Eighteenth Amendment to allow the Plan to operate on a permanent, rather than pilot, basis.[12] On October 21, 2019, the Exchange amended EDGA Rule 11.15 to extend the pilot's effectiveness to the close of business on April 20, 2020.[13] On March 18, 2020, the Exchange amended EDGA Rule 11.15 to extend the pilot's effectiveness to the close of business on October 20, 2020.[14] On October 20, 2020, the Exchange amended EDGA Rule 11.15 to extend the pilot's effectiveness to the close of business on April 20, 2021.[15] On April 14, 2021 the Exchange amended EDGA Rule 11.15 to extend the pilot's effectiveness to the close of business on October 20, 2021.[16] On October 15, 2021 the Exchange amended EDGA Rule 11.15 to extend the pilot's effectiveness to the close of

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] *See* Securities Exchange Act Release No. 94748 (April 19, 2022), 87 FR 24354 (April 25, 2022) (SR–CboeEDGA–2022–09).

[6] *See* Securities Exchange Act Release No. 62886 (September 10, 2010), 75 FR 56613 (September 16, 2010) (SR–EDGA–2010–03).

[7] *See* Securities Exchange Act Release No. 68806 (February 1, 2013), 78 FR 8670 (February 6, 2013) (SR–EDGA–2013–05).

[8] *See* Securities Exchange Act Release No. 72434 (June 19, 2014), 79 FR 36110 (June 25, 2014) (SR–EDGA–2014–11).

[9] *See* Securities Exchange Act Release No. 84843 (December 18, 2018), 83 FR 66464 (December 26, 2018) (File No. 4–631) (''Eighteenth Amendment'').

[10] *See* Securities Exchange Act Release No. 67091 (May 31, 2012), 77 FR 33498 (June 6, 2012) (the ''Limit Up-Limit Down Release'').

[11] *See* Securities Exchange Act Release No. 85544 (April 8, 2019), 84 FR 15011 (April 12, 2019) (SR–CboeEDGA–2019–005).

[12] *See* Securities Exchange Act Release No. 85623 (Apr. 11, 2019), 84 FR 16086 (Apr. 17, 2019) (File No. 4–631).

[13] *See* Securities Exchange Act Release No. 87366 (October 21, 2019), 84 FR 57538 (October 25, 2019) (SR–CboeEDGA–2019–017).

[14] *See* Securities Exchange Act Release No. 88499 (March 27, 2020), 85 FR 18604 (April 2, 2020) (SR–CboeEDGA–2020–009).

[15] *See* Securities Exchange Act Release No. 90235 (October 21, 2021), 85 FR 68097 (October 27, 2020) (SR–CboeEDGA–2020–027).

[16] *See* Securities Exchange Act Release No. 91556 (April 14, 2021), 86 FR 20550 (April 20, 2021) (SR–CboeEDGA–2021–008).

business on April 20, 2022.[17] Finally, on April 19, 2022, the Exchanged amended EDGA Rule 11.15 to extend the pilot's effectiveness to the close of business on July 20, 2022.[18]

Other self-regulatory organizations (''SROs''), including the Exchange, have worked on a proposed rule change to make the pilot rules permanent. Cboe BZX Exchange, Inc., (''BZX'') filed such a proposed rule change on March 7, 2022.[19] On June 8, 2022, BZX withdrew the proposed rule change.[20] The Exchange now proposes to amend EDGA Rule 11.15 to extend the pilot's effectiveness an additional three months to the close of business on October 20, 2022 while the Commission considers the BZX proposal. The Exchange understands that the other national securities exchanges and Financial Industry Regulatory Authority (''FINRA'') have filed or plan to file similar proposals to extend their respective clearly erroneous execution pilot programs, the substance of which are identical to EDGA Rule 11.15. The Exchange does not propose any additional changes to EDGA Rule 11.15. The Exchange believes the benefits to market participants from the more objective clearly erroneous executions rule should continue on a limited three month pilot basis.

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.[21] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[22] 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)[23] 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 that extending the clearly erroneous execution pilot under EDGA Rule 11.15 for an additional three months would help assure that the determination of whether a clearly erroneous trade has occurred will be based on clear and objective criteria, and that the resolution of the incident will occur promptly through a transparent process. The proposed rule change would also help assure consistent results in handling erroneous trades across the U.S. equities markets, thus furthering fair and orderly markets, the protection of investors and the public interest. Based on the foregoing, the Exchange believes the amended clearly erroneous executions rule should continue to be in effect on a pilot basis while the Exchange and the other national securities exchanges consider and develop a permanent proposal for clearly erroneous execution reviews.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the Exchange understands that FINRA and other national securities exchanges have or will also file similar proposals to extend their respective clearly erroneous execution pilot programs. Thus, the proposed rule change will help to ensure consistency across market centers without implicating any competitive issues.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No comments were solicited or received 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:

A. significantly affect the protection of investors or the public interest;

B. impose any significant burden on competition; and

C. 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[24] and Rule 19b–4(f)(6)[25] thereunder.

A proposed rule change filed under Rule 19b–4(f)(6)[26] normally does not become operative prior to 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii)[27] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, as it will allow the current clearly erroneous execution pilot program to continue uninterrupted, without any changes, while a permanent proposal for clearly erroneous execution reviews is being considered.[28] For this reason, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.[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 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.

[17] *See* Securities Exchange Act Release No. 93344 (October 15, 2021), 86 FR 58352 (October 21, 2021) (SR–CboeEDGA–2021–022).

[18] Supra note 5.

[19] *See* Securities Exchange Act Release No. 94374 (March 7, 2022), 87 FR 14062 (March 11, 2022) (SR–CboeBZX–2022–017).

[20] On June 8, 2022 BZX withdrew SR–CboeBZX–2022–017. *See* Securities Exchange Act Release No. 95074 (June 9, 2022), 87 FR 36197 (June 15, 2022) (SR–CboeBZX–2022–017). Subsequently, on July 8, 2022, BZX submitted a new rule proposal. *See* SR–CboeBZX–2022–037, available at: *https://cdn.cboe.com/resources//rule_filings/pending//SR-CboeBZX-2022-037.pdf*. Once approved, the Exchange will submit a copycat filing for EDGA.

[21] 15 U.S.C. 78f(b).

[22] 15 U.S.C. 78f(b)(5).

[23] *Id.*

[24] 15 U.S.C. 78s(b)(3)(A).

[25] 17 CFR 240.19b–4(f)(6).

[26] 17 CFR 240.19b–4(f)(6).

[27] 17 CFR 240.19b–4(f)(6)(iii).

[28] *See* SR–CboeBZX–2022–37 (July 8, 2022).

[29] 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).

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–CboeEDGA–2022–010 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–CboeEDGA–2022–010. 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–CboeEDGA–2022–010 and should be submitted on or before August 10, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[30]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–15452 Filed 7–19–22; 8:45 am]

BILLING CODE 8011–01–P

[30] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95280; File No. SR–Phlx–2022–29]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Phlx Options 7, Section 4

July 14, 2022.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 30, 2022, Nasdaq PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Phlx's Pricing Schedule at Options 7, Section 4, Multiply Listed Options Fees (Includes options overlying equities, ETFs, ETNs and indexes which are Multiply Listed) (Excludes SPY and broad-based index options symbols listed within Options 7, Section 5.A).

While the changes proposed herein are effective upon filing, the Exchange has designated that the amendments be operative on July 1, 2022.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/phlx/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[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

Phlx proposes to amend its Pricing Schedule at Options 7, Section 4, Multiply Listed Options Fees (Includes options overlying equities, ETFs, ETNs and indexes which are Multiply Listed) (Excludes SPY and broad-based index options symbols listed within Options 7, Section 5.A). Specifically, Phlx proposes to remove the rule text within note 1 of Options 7, Section 4 which provides a discount.

Today, Phlx assesses the following electronic Penny Symbol Options Transaction Charges: $0.00 per contract to Customer; [3] $0.48 per contract [4] to Professionals; [5] $0.22 per contract to Lead Market Makers [6] and Maker Makers; [7] $0.48 per contract [8] for Broker-

[3] The term ''Customer'' applies to any transaction that is identified by a member or member organization for clearing in the Customer range at The Options Clearing Corporation (''OCC'') which is not for the account of a broker or dealer or for the account of a ''Professional'' (as that term is defined in Options 1, Section 1(b)(45)). *See* Options 7, Section 1(c).

[4] Electronic Complex Orders will be assessed $0.40 per contract. *See* note 2 within Options 7, Section 4 of the Pricing Schedule.

[5] The term ''Professional'' applies to transactions for the accounts of Professionals, as defined in Options 1, Section 1(b)(45) means any person or entity that (i) is not a broker or dealer in securities, and (ii) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). *See* Options 7, Section 1(c).

[6] The term ''Lead Market Maker'' applies to transactions for the account of a Lead Market Maker (as defined in Options 2, Section 12(a)). A Lead Market Maker is an Exchange member who is registered as an options Lead Market Maker pursuant to Options 2, Section 12(a). An options Lead Market Maker includes a Remote Lead Market Maker which is defined as an options Lead Market Maker in one or more classes that does not have a physical presence on an Exchange floor and is approved by the Exchange pursuant to Options 2, Section 11. *See* Options 7, Section 1(c). The term ''Floor Lead Market Maker'' is a member who is registered as an options Lead Market Maker pursuant to Options 2, Section 12(a) and has a physical presence on the Exchange's trading floor. *See* Options 8, Section 2(a)(3).

[7] The term ''Market Maker'' is defined in Options 1, Section 1(b)(28) as a member of the Exchange who is registered as an options Market Maker pursuant to Options 2, Section 12(a). A Market Maker includes SQTs and RSQTs as well as Floor Market Makers. *See* Options 7, Section 1(c). The term ''Floor Market Maker'' is a Market Maker who is neither an SQT or an RSQT. A Floor Market Maker may provide a quote in open outcry. *See* Options 8, Section 2(a)(4).

[8] Electronic Complex Orders will be assessed $0.40 per contract. *See* note 2 within Options 7, Section 4 of the Pricing Schedule.

Dealers;[9] and $0.48 per contract[10] for Firms.[11] Today, Phlx assesses the following electronic non-Penny Symbol Options Transaction Charges: $0.00 per contract to Customer; $0.75 per contract[12] to Professionals; $0.25 per contract[13] to Lead Market Makers and Maker Makers; $0.75 per contract[14] for Broker-Dealers; and $0.75 per contract[15] for Firms.

Today, Phlx assesses an electronic Firm Penny and non-Penny Options Transactions Charges of $0.45 per contract for simple orders in symbols AAPL, BAC, EEM, FB, FXI, IWM, QQQ, TWTR, VXX and XLF. Phlx proposes to remove the $0.45 per contract Options Transaction Charge for simple orders applicable to AAPL, BAC, EEM, FB, FXI, IWM, QQQ, TWTR, VXX and XLF and reserve note 1 of Options 7, Section 4 of the Pricing Schedule. The Exchange notes that the symbols listed within note 1 of Options 7, Section 4 of the Pricing Schedule are all Penny Symbols and would, therefore, with this proposal be assessed an Options Transaction Charge of $0.48 per contract for simple orders in symbols AAPL, BAC, EEM, FB, FXI, IWM, QQQ, TWTR, VXX and XLF.

[9] The term ''Broker-Dealer'' applies to any transaction which is not subject to any of the other transaction fees applicable within a particular category. *See* Options 7, Section 1(c).

[10] Electronic Complex Orders will be assessed $0.40 per contract. *See* note 2 within Options 7, Section 4 of the Pricing Schedule.

[11] The term ''Firm'' applies to any transaction that is identified by a member or member organization for clearing in the Firm range at The Options Clearing Corporation. *See* Options 7, Section 1(c).

[12] Any member or member organization under Common Ownership with another member or member organization or an Appointed OFP of an Affiliated Entity that qualifies for Customer Rebate Tiers 4 or 5 in Options 7, Section 2 of the Pricing Schedule will be assessed $0.65 per contract. *See* note 3 within Options 7, Section 4 of the Pricing Schedule.

[13] Any member or member organization under Common Ownership with another member or member organization or an Appointed MM of an Affiliate Entity that qualifies for Customer Rebate Tiers 4 or 5 in Options 7, Section 2 of the Pricing Schedule will be assessed $0.23 per contract. *See* note 4 within Options 7, Section 4 of the Pricing Schedule.

[14] Any member or member organization under Common Ownership with another member or member organization or an Appointed OFP of an Affiliated Entity that qualifies for Customer Rebate Tiers 4 or 5 in Options 7, Section 2 of the Pricing Schedule will be assessed $0.65 per contract. *See* note 3 within Options 7, Section 4 of the Pricing Schedule.

[15] Any member or member organization under Common Ownership with another member or member organization or an Appointed OFP of an Affiliated Entity that qualifies for Customer Rebate Tiers 4 or 5 in Options 7, Section 2 of the Pricing Schedule will be assessed $0.65 per contract. *See* note 3 within Options 7, Section 4 of the Pricing Schedule.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[16] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[17] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.''[18]

Likewise, in *NetCoalition* v. *Securities and Exchange Commission*[19] (''NetCoalition'') the D.C. Circuit upheld the Commission's use of a market-based approach in evaluating the fairness of market data fees against a challenge claiming that Congress mandated a cost-based approach.[20] As the court emphasized, the Commission ''intended in Regulation NMS that 'market forces, rather than regulatory requirements' play a role in determining the market data . . . to be made available to investors and at what cost.''[21]

Further, ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers' . . . .''[22] Although the court and the SEC were discussing the cash equities markets, the Exchange believes that these views apply with equal force to the options markets.

The Exchange believes that it is reasonable to eliminate the electronic Firm Penny and non-Penny Options Transactions Charges of $0.45 per contract for simple orders in symbols AAPL, BAC, EEM, FB, FXI, IWM, QQQ, TWTR, VXX and XLF. By eliminating note 1 within Options 7, Section 4 of the Pricing Schedule, the Exchange would assess a Firm Options Transaction Charge of $0.48 per contract in simple orders for all Penny Symbols, which includes symbols AAPL, BAC, EEM, FB, FXI, IWM, QQQ, TWTR, VXX and XLF. Since the aforementioned symbols are all Penny Symbols, eliminating note 1 within Options 7, Section 4 would not cause any Firm to be assessed the electronic non-Penny Options Transaction Charge of $0.75 per contract for simple orders in symbols AAPL, BAC, EEM, FB, FXI, IWM, QQQ, TWTR, VXX and XLF. While the Exchange is removing this discount for these symbols, the Exchange believes that its Options Transaction Charges remain competitive.

The Exchange believes that it is equitable and not unfairly discriminatory to eliminate the electronic Firm Penny and non-Penny Options Transactions Charges of $0.45 per contract for simple orders in symbols AAPL, BAC, EEM, FB, FXI, IWM, QQQ, TWTR, VXX and XLF and, instead, assess these symbols an electronic Firm Options Transaction Charge of $0.48 per contract for simple orders similar to other Penny Symbols. Customers would continue to pay no electronic Penny Symbol Options Transaction Charge. Customer liquidity benefits all market participants by providing more trading opportunities which attracts market makers. An increase in the activity of these market participants (particularly in response to pricing) in turn facilitates tighter spreads which may cause an additional corresponding increase in order flow from other market participants. Lead Market Makers and Market Makers would continue to pay a $0.22 per contract electronic Penny Symbol Options Transaction Charge, which is lower than the $0.48 per contract electronic Penny Symbol Options Transaction Charge paid by Professionals, Broker-Dealers and Firms. Lead Market Makers and Market Makers add value through continuous quoting and are subject to additional

[16] 15 U.S.C. 78f(b).

[17] 15 U.S.C. 78f(b)(4) and (5).

[18] Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

[19] *NetCoalition* v. *SEC,* 615 F.3d 525 (D.C. Cir. 2010).

[20] *See NetCoalition,* at 534–535.

[21] *Id.* at 537.

[22] *Id.* at 539 (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

requirements and obligations unlike other market participants.[23] Incentivizing Lead Market Makers Market Makers to provide greater liquidity benefits all market participants through the quality of order interaction. The Exchange believes that it is equitable and not unfairly discriminatory to assess AAPL, BAC, EEM, FB, FXI, IWM, QQQ, TWTR, VXX and XLF an electronic Firm Penny Options Transactions Charge of $0.48 per contract in simple orders similar to all other Penny Symbols. With this proposal, the electronic Firm, Professional and Broker-Dealer Options Transaction Charge for simple orders would be the same for all Penny Symbols.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Inter-Market Competition

The proposal does not impose an undue burden on inter-market competition. The Exchange believes its proposal remains competitive with other options markets and will offer market participants with another choice of where to transact options. The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited.

Intra-Market Competition

The proposed amendment does not impose an undue burden on intra-market competition. The Exchange believes that eliminating the electronic Firm Penny and non-Penny Options Transactions Charges of $0.45 per contract for simple orders in symbols AAPL, BAC, EEM, FB, FXI, IWM, QQQ, TWTR, VXX and XLF and, instead, assessing these symbols an electronic Firm Options Transaction Charge of $0.48 per contract for simple orders, similar to other Penny Symbols, does not create an undue burden on competition. Customers would continue to pay no electronic Penny Symbol Options Transaction Charge. Customer liquidity benefits all market participants by providing more trading opportunities which attracts market makers. An increase in the activity of these market participants (particularly in response to pricing) in turn facilitates tighter spreads which may cause an additional corresponding increase in order flow from other market participants. Lead Market Makers and Market Makers would continue to pay a $0.22 per contract electronic Penny Symbol Options Transaction Charge, which is lower than the $0.48 per contract electronic Penny Symbol Options Transaction Charge paid by Professionals, Broker-Dealers and Firms. Lead Market Makers and Market Makers add value through continuous quoting and are subject to additional requirements and obligations unlike other market participants.[24] Incentivizing Lead Market Makers Market Makers to provide greater liquidity benefits all market participants through the quality of order interaction. Assessing AAPL, BAC, EEM, FB, FXI, IWM, QQQ, TWTR, VXX and XLF an electronic Firm Penny Options Transactions Charge of $0.48 per contract in simple orders, similar to all other Penny Symbols, does not impose an undue burden on competition. With this proposal, the electronic Firm, Professional and Broker-Dealer Options Transaction Charge for simple orders would be the same for all Penny Symbols.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[25]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–Phlx–2022–29 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2022–29. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*).

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR–Phlx–2022–29 and should be submitted on or before August 10, 2022.

[23] *See* Phlx Options 2, Section 5.

[24] *See* Phlx Options 2, Section 5.

[25] 15 U.S.C. 78s(b)(3)(A)(ii).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[26]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–15445 Filed 7–19–22; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95288; File No. SR–CboeBZX–2022–039]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Current Pilot Program Related to BZX Rule 11.17, Clearly Erroneous Executions, to the Close of Business on October 20, 2022

July 14, 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 14, 2022, Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') 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 Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] 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 BZX Exchange, Inc. (''BZX'' or the ''Exchange'') is filing with the Securities and Exchange Commission (the ''Commission'') a proposed rule change to extend the current pilot program related to BZX Rule 11.17, Clearly Erroneous Executions, to the close of business on October 20, 2022. 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://markets.cboe.com/us/equities/regulation/rule_filings/bzx/*), 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.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to extend the effectiveness of the Exchange's current rule applicable to Clearly Erroneous Executions to the close of business on October 20, 2022. Portions of Rule 11.17, explained in further detail below, are currently operating as a pilot program set to expire on July 20, 2022.[5]

On September 10, 2010, the Commission approved, on a pilot basis, changes to BZX Rule 11.17 that, among other things: (i) provided for uniform treatment of clearly erroneous execution reviews in multi-stock events involving twenty or more securities; and (ii) reduced the ability of the Exchange to deviate from the objective standards set forth in the rule.[6] In 2013, the Exchange adopted a provision designed to address the operation of the Plan.[7] Finally, in 2014, the Exchange adopted two additional provisions providing that: (i) a series of transactions in a particular security on one or more trading days may be viewed as one event if all such transactions were effected based on the same fundamentally incorrect or grossly misinterpreted issuance information resulting in a severe valuation error for all such transactions; and (ii) in the event of any disruption or malfunction in the operation of the electronic communications and trading facilities of an Exchange, another SRO, or responsible single plan processor in connection with the transmittal or receipt of a trading halt, an Officer, acting on his or her own motion, shall nullify any transaction that occurs after a trading halt has been declared by the primary listing market for a security and before such trading halt has officially ended according to the primary listing market.[8]

On December 26, 2018, the Commission published the proposed Eighteenth Amendment[9] to the Plan to Address Extraordinary Market Volatility Pursuant to Rule 608 of Regulation NMS under the Act (the ''Limit Up-Limit Down Plan'' or the ''Plan'')[10] to allow the Plan to operate on a permanent, rather than pilot, basis. On April 8, 2019, the Exchange amended BZX Rule 11.17 to untie the pilot program's effectiveness from that of the Plan and to extend the pilot's effectiveness to the close of business on October 18, 2019 in order allow the Exchange and other national securities exchanges additional time to consider further amendments, if any, to the clearly erroneous execution rules in light of the proposed Eighteenth Amendment to the Plan.[11] On April 17, 2019, the Commission published an approval of the Eighteenth Amendment to allow the Plan to operate on a permanent, rather than pilot, basis.[12] On October 21, 2019, the Exchange amended BZX Rule 11.17 to extend the pilot's effectiveness to the close of business on April 20, 2020.[13] On March 18, 2020, the Exchange amended BZX Rule 11.17 to extend the pilot's effectiveness to the close of business on October 20, 2020.[14] On October 20, 2020, the Exchange amended BZX Rule 11.17 to extend the pilot's effectiveness to the close of business on April 20, 2021.[15] On April 14, 2021 the Exchange amended BZX Rule 11.17 to extend the pilot's effectiveness to the close of

[26] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] *See* Securities Exchange Act Release No. 94749 (April 19, 2022), 86 FR 24352 (April 25, 2022) (SR–CboeBZX–2022–028).

[6] *See* Securities Exchange Act Release No. 62886 (September 10, 2010), 75 FR 56613 (September 16, 2010) (SR–BATS–2010–016).

[7] *See* Securities Exchange Act Release No. 68797 (January 31, 2013), 78 FR 8635 (February 6, 2013) (SR–BATS–2013–008).

[8] *See* Securities Exchange Act Release No. 72434 (June 19, 2014), 79 FR 36110 (June 25, 2014) (SR–BATS–2014–014).

[9] *See* Securities Exchange Act Release No. 84843 (December 18, 2018), 83 FR 66464 (December 26, 2018) (File No. 4–631) (''Eighteenth Amendment'').

[10] *See* Securities Exchange Act Release No. 67091 (May 31, 2012), 77 FR 33498 (June 6, 2012) (the ''Limit Up-Limit Down Release'').

[11] *See* Securities Exchange Act Release No. 85543 (April 8, 2019), 84 FR 15018 (April 12, 2019) (SR–CboeBZX–2019–022).

[12] *See* Securities Exchange Act Release No. 85623 (Apr. 11, 2019), 84 FR 16086 (Apr. 17, 2019) (File No. 4–631).

[13] *See* Securities Exchange Act Release No. 87365 (October 21, 2019), 84 FR 57540 (October 25, 2019) (SR–CboeBZX–2019–089).

[14] *See* Securities Exchange Act Release No. 88497 (March 27, 2020), 85 FR 18602 (April 2, 2020) (SR–CboeBZX–2020–026).

[15] *See* Securities Exchange Act Release No. 90230 (October 20, 2020), 85 FR 67802 (Oct. 26, 2020) (SR–CboeBZX–2020–077).

business on October 20, 2021.[16] On October 15, 2021 the Exchange amended BZX Rule 11.17 to extend the pilot's effectiveness to the close of business on April 20, 2022.[17] Finally, on April 19, 2022, the Exchanged amended BZX Rule 11.17 to extend the pilot's effectiveness to the close of business on July 20, 2022.[18]

Other self-regulatory organizations (''SROs''), including the Exchange, have worked on a proposed rule change to make the pilot rules permanent. The Exchange filed such a proposed rule change on March 7, 2022.[19] On June 8, 2022, the Exchange withdrew the proposed rule change.[20] The Exchange now proposes to amend BZX Rule 11.17 to extend the pilot's effectiveness an additional three months to the close of business on October 20, 2022, while the Commission considers the Exchange's proposal to make the pilot rules permanent. The Exchange understands that the other national securities exchanges and Financial Industry Regulatory Authority (''FINRA'') have filed or plan to file similar proposals to extend their respective clearly erroneous execution pilot programs, the substance of which are identical to BZX Rule 11.17. The Exchange does not propose any additional changes to BZX Rule 11.17. The Exchange believes the benefits to market participants from the more objective clearly erroneous executions rule should continue on a limited three month pilot basis.

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.[21] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[22] 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)[23] 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 that extending the clearly erroneous execution pilot under BZX Rule 11.17 for an additional three months would help assure that the determination of whether a clearly erroneous trade has occurred will be based on clear and objective criteria, and that the resolution of the incident will occur promptly through a transparent process. The proposed rule change would also help assure consistent results in handling erroneous trades across the U.S. equities markets, thus furthering fair and orderly markets, the protection of investors and the public interest. Based on the foregoing, the Exchange believes the amended clearly erroneous executions rule should continue to be in effect on a pilot basis while the Exchange and the other national securities exchanges consider and develop a permanent proposal for clearly erroneous execution reviews.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the Exchange understands that FINRA and other national securities exchanges have or will also file similar proposals to extend their respective clearly erroneous execution pilot programs. Thus, the proposed rule change will help to ensure consistency across market centers without implicating any competitive issues.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No comments were solicited or received 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:

A. significantly affect the protection of investors or the public interest;

B. impose any significant burden on competition; and

C. 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[24] and Rule 19b–4(f)(6)[25] thereunder.

A proposed rule change filed under Rule 19b–4(f)(6)[26] normally does not become operative prior to 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii)[27] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, as it will allow the current clearly erroneous execution pilot program to continue uninterrupted, without any changes, while a permanent proposal for clearly erroneous execution reviews is being considered.[28] For this reason, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.[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 should be approved or disapproved.

[16] *See* Securities Exchange Act Release No. 20583 (April 14, 2021), 86 FR 20580 (April 20, 2021) (SR–CboeBZX–2021–027).

[17] *See* Securities Exchange Act Release No. 93342 (October 15, 2021), 86 FR 58332 (October 21, 2021) (SR–Cboe–BZX–2021–2291).

[18] *Supra* note 5

[19] *See* Securities Exchange Act Release No. 94374 (March 7, 2022), 87 FR 14062 (March 11, 2022) (SR–CboeBZX–2022–017).

[20] On June 8, 2022, the Exchange withdrew SR–CboeBZX–2022–017. *See* Securities Exchange Act Release No. 95074 (June 9, 2022), 87 FR 36197 (June 15, 2022) (SR–CboeBZX–2022–017). Subsequently, on July 8, 2022, the Exchange submitted a new rule proposal. *See* SR–CboeBZX–2022–037, available at: *https://cdn.cboe.com/resources/regulation/rule_filings/pending/2022/SR-CboeBZX-2022-037.pdf.*

[21] 15 U.S.C. 78f(b).

[22] 15 U.S.C. 78f(b)(5).

[23] *Id.*

[24] 15 U.S.C. 78s(b)(3)(A).

[25] 17 CFR 240.19b–4(f)(6).

[26] 17 CFR 240.19b–4(f)(6).

[27] 17 CFR 240.19b–4(f)(6)(iii).

[28] See SR–CboeBZX–2022–37 (July 8, 2022).

[29] 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).

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–CboeBZX–2022–039 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–CboeBZX–2022–039. 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–CboeBZX–2022–039 and should be submitted on or before August 10, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[30]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–15453 Filed 7–19–22; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–0088, OMB Control No. 3235–0083]

Submission for OMB Review; Comment Request: Extension: Rule 15Ba2–1 and Form MSD

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 extension of the previously approved collection of information provided for in Rule 15Ba2–1 (17 CFR 240.15Ba2–1) and Form MSD (17 CFR 249.1100) under the Securities Exchange Act of 1934 (''Exchange Act'') (15 U.S.C. 78a *et seq.*).

Rule 15Ba2–1 provides that an application for registration with the Commission by a bank municipal securities dealer must be filed on Form MSD. The Commission uses the information obtained from Form MSD filings to The Commission uses the information obtained from Form MSD filings to determine whether bank municipal securities dealers meet the standards for registration set forth in the Exchange Act, to make information about particular bank municipal securities dealers available to customers and members of the public, and to develop risk assessment information about bank municipal securities dealers.

Form MSD is a one-time registration form that must be amended only if it becomes inaccurate. Based upon past submissions of zero initial filings and 14 amendments in 2019, zero initial filings and three amendments in 2020, zero initial filings and one amendment in 2021, and zero initial filings and zero amendments so far in 2022, the Commission estimates that on an annual basis approximately one respondent will use Form MSD for an initial registration application, and that approximately six respondents will utilize Form MSD for an amendment, for a total of seven respondents per year. The time required to complete Form MSD varies with the size and complexity of the bank municipal securities dealer's proposed operations. Bank personnel that prepare Form MSD filings previously indicated that it can take up to 15 hours for a bank with a large operation and many employees to complete the form, but that smaller banks with fewer personnel can complete the form in one to two hours. We believe that most recent applications have come from smaller banks. Also, amendments to form MSD are likely to require significantly less time. We estimate that the total annual burden is currently approximately 11 hours at an average of 1.5 hours per respondent. (7 respondents/year × 1.5 hours/respondent = 10.5 hours/year rounded up to 11). The staff estimates that the average internal compliance cost per hour is approximately $406.[1] Therefore, the estimated total annual internal cost of compliance is approximately $4,263 per year (10.5 hours/year × $406/hour = $4,263/year).

Rule 15Ba2–1 does not contain an explicit recordkeeping requirement, but the rule does require the prompt correction of any information on Form MSD that becomes inaccurate, meaning that bank municipal securities dealers need to maintain a current copy of Form MSD indefinitely. In addition, the instructions for filing Form MSD state that an exact copy should be retained by the registrant. Providing the information on the application is mandatory in order to register with the Commission as a bank municipal securities dealer. The information contained in the application will not be kept confidential.

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

[30] 17 CFR 200.30–3(a)(12).

[1] The estimate of $406 per hour is for a compliance attorney, based on the Securities Industry and Financial Markets Association's Management & Professional Earnings in the Securities Industry 2013, modified by Commission staff to account for an 1800-hour work-year and inflation, and multiplied by 5.35 to account for bonuses, firm size, employee benefits and

August 19, 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 14, 2022.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–15439 Filed 7–19–22; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95278; File No. SR–NSCC–2022–010]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Adopt Fees for the Securities Financing Transaction Clearing Service

July 14, 2022.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 8, 2022, National Securities Clearing Corporation (''NSCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the clearing agency. NSCC filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act [3] and Rule 19b–4(f)(2) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of amendments to Addendum A (Fee Structure) (''Addendum A'') of NSCC's Rules & Procedures (''Rules'') to adopt fees for NSCC's securities financing transaction (''SFT'') clearing service (''SFT Clearing Service''), as described below.[5]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(2).

[5] Capitalized terms used herein and not otherwise defined shall have the meaning assigned to such terms in the Rules, *available at http://dtcc.com/~/media/Files/Downloads/legal/rules/nscc_rules.pdf.*

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the clearing agency 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 clearing agency has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Overview of the Proposed Rule Change

The purpose of this proposed rule change is to adopt fees for NSCC's new SFT Clearing Service.[6] The SFT Clearing Service provides central clearing for SFTs, which are, broadly speaking, transactions where the parties exchange equity securities against cash and simultaneously agree to exchange the same securities and cash, plus or minus a rate payment, on a future date. The SFT Clearing Service established new membership categories and requirements for Sponsoring Members and Sponsored Members whereby existing Members would be permitted to sponsor certain institutional firms into membership.[7] The SFT Clearing Service also established a new membership category and requirements for Agent Clearing Members whereby existing Members would be permitted to submit, on behalf of their customers, transactions to NSCC for novation.[8] The SFT Clearing Service is available for SFTs entered into between (i) a Member and another Member, (ii) a Sponsoring Member and its Sponsored Member (''Sponsored Member Transaction''), and (iii) an Agent Clearing Member acting on behalf of a Customer and either (x) a Member or (y) the same or another Agent Clearing Member acting on behalf of a Customer.[9]

[6] *See* Securities Exchange Act Release No. 95011 (May 31, 2022), 87 FR 34339 (June 6, 2022) (SR–NSCC–2022–003) (Order Approving Proposed Rule Change to Introduce Central Clearing for Securities Financing Transaction Clearing Service). NSCC also filed the proposal as advance notice SR–NSCC–2022–801. *See* Securities Exchange Act Release No. 94998 (May 27, 2022), 87 FR 33528 (June 2, 2022) (SR–NSCC–2022–801) (Notice of No Objection to Advance Notice to Introduce Central Clearing for Securities Financing Transaction Clearing Service).

[7] *See id.* and Rule 2C, *supra* note 5.

[8] *See supra* note 6 and Rule 2D, *supra* note 5.

[9] *See supra* note 6 and Section 1 of Rule 56, *supra* note 5.

In connection with the SFT Clearing Service, NSCC would establish two new fees for the clearance of SFT transactions: (i) a fee of $1.00 per side of each new SFT submitted (excluding any Linked SFT [10] and Sponsored Member Transactions) and (ii) a fee of $0.14 per million of outstanding SFT notional balance.[11] Under the proposed fee structure, Sponsoring Members would be liable for any fees and charges arising from Sponsored Member Transactions.

In general, fee levels for NSCC are set by NSCC after periodic reviews of a number of factors, including revenues, operating costs, and potential service enhancements. In the case of fees associated with new services such as SFT, however, there are no current or historical data points to use in the analysis. Fees for such services are determined based on an evaluation of the costs associated with developing the service, the projected costs of operating the service on an ongoing basis, and the projected revenues for the service over time under various assumptions.[12] In determining the proposed SFT Clearing Service fees, NSCC attempted to balance a combination of factors, which included maintaining a competitive market level price while also factoring in the enhanced value that the SFT Clearing Service offered to Members (*e.g.,* multiple models for clearing SFTs for Members and their clients, and the associated balance sheet and capital efficiency opportunities) and the ability to achieve the payback of NSCC's investment costs within an appropriate timeframe. The proposed SFT Clearing Service fees are designed to be risk-based in that open interest would be charged to the lender and borrower at a

[10] A ''Linked SFT'' is an SFT entered into by the pre-novation SFT Member parties to an SFT that has been previously novated by NSCC, the Final Settlement of which is scheduled to occur on that Business Day (''Settling SFT''), and has the same Transferor, Transferee and subject SFT Securities (including CUSIP) as the Settling SFT. *See* Rule 1, *supra* note 5.

[11] For purposes of determining the proposed outstanding SFT notional balance fee, the outstanding SFT notional balance would be calculated using the settlement value of the SFT.

[12] NSCC has in place procedures to control costs and to regularly review pricing levels against costs of operation. NSCC's fees are generally cost-based plus a markup as approved by its Board of Directors. This markup is applied to recover development costs and operating expenses and to accumulate capital sufficient to meet regulatory and economic requirements. The SFT Clearing Service and proposed associated fees, once implemented, would be reviewed and re-evaluated regularly under this framework. *See* NSCC Disclosure Framework for Covered Clearing Agencies and Financial Market Infrastructures, *available at https://www.dtcc.com/-/media/Files/Downloads/legal/policy-and-compliance/NSCC_Disclosure_Framework.pdf,* at 120.

rate that is designed to be competitive in the cleared equity SFT marketplace. The proposed fee schedule would also include a per side fee for each new SFT submitted where the SFT has a full-service Member (*i.e.,* a Member acting in a proprietary capacity, a Sponsoring Member, or an Agent Clearing Member) on each side of the trade (excluding any Linked SFTs) to account for the creation of new loans. To evaluate the proposed SFT Clearing Service fees, NSCC considered the expected investment costs to develop the SFT Clearing Service and projected annual costs to run the service (including both technology and non-technology run costs) and analyzed projected revenues based on assumptions of growth rates for the service and the associated timeframes for recovering investment and operating costs.[13]

Proposed Change to Addendum A

To effectuate the proposed SFT Clearing Service fees, Section II of Addendum A concerning Trade Clearance Fees would be updated to include a new subsection for SFT fees, which would include: (i) a fee of $1.00 per side of each new SFT submitted (excluding any Linked SFT and Sponsored Member Transactions) and (ii) a fee of $0.14 per million of outstanding SFT notional balance. NSCC would also add a new Section IX to Addendum A stating that a Sponsoring Member shall be liable for fees and charges arising from Sponsored Member Transactions, the data on which it, or its Sponsored Member(s), has submitted to NSCC.

2. Statutory Basis

NSCC believes the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a registered clearing agency. Specifically, NSCC believes the proposed rule change is consistent with Section 17A(b)(3)(D) of the Act[14] and Rule 17Ad–22(e)(23)(ii),[15] as promulgated under the Act, for the reasons set forth below.

Section 17A(b)(3)(D) of the Act[16] requires that the rules of a clearing agency provide for the equitable allocation of reasonable dues, fees, and other charges among its participants. NSCC believes the proposed fees would be allocated equitably among its full-service Members that transact in SFTs. NSCC would apply a fee of $1.00 per side for each new SFT submitted where the SFT has a full-service Member (*i.e.,* a Member acting in a proprietary capacity, a Sponsoring Member, or an Agent Clearing Member) on each side of the trade (excluding any Linked SFTs) to account for the creation of new loans. In addition, NSCC would impose a fee of $0.14 per million of outstanding SFT notional balance in each account maintained by a Member holding SFTs (*i.e.,* a Member's account holding proprietary SFTs, a Sponsoring Member's Sponsored Member Sub-Account(s), and/or an Agent Clearing Member's Agent Clearing Member Customer Omnibus Account(s)) to account for the ongoing operational and risk management activities associated with the maintenance of outstanding SFT positions. NSCC believes that the proposed fee changes are reasonable because they carefully consider the expected investment costs to develop the SFT Clearing Service, the projected annual costs to run the service (including both technology and non-technology run costs), and projected revenues for the service and are intended to achieve an appropriate timeframe for recovering such investment and operating costs.[17] NSCC notes that once the proposed SFT Clearing Services fees are implemented, the SFT Clearing Services fees would be periodically reviewed under NSCC's procedures to control costs and to regularly review pricing levels against costs of operation.[18]

Rule 17Ad–22(e)(23)(ii) under the Act[19] requires NSCC to establish, implement, maintain and enforce written policies and procedures reasonably designed to provide sufficient information to enable participants to identify and evaluate the risks, fees, and other material costs they incur by participating in the covered clearing agency. The proposed SFT Clearing Service Fees would be clearly and transparently published in Addendum A of the Rules, which are available on a public website,[20] thereby enabling Members to identify the fees associated with participating in the SFT Clearing Service. As such, NSCC believes the proposed rule change is consistent with Rule 17Ad–22(e)(23)(ii) under the Act.[21]

(B) Clearing Agency's Statement on Burden on Competition

NSCC does not believe the proposed rule change would impose any burden, or have any impact, on competition. The proposed fees would apply equally to all Members, Sponsoring Members, and Agent Clearing Members clearing SFTs at NSCC. NSCC believes that the proposed SFT Clearing Service fees would not advantage or disadvantage any particular member or user of the SFT Clearing Service or unfairly inhibit access to the SFT Clearing Service. NSCC notes that members may continue to engage in securities lending on a bilateral basis if they choose.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

NSCC has conducted outreach to Members to provide them with notice of the proposed fees.

NSCC has not received or solicited any written comments relating to this proposal. If any written comments are received by NSCC, they will be publicly filed as an Exhibit 2 to this filing, as required by Form 19b–4 and the General Instructions thereto.

Persons submitting comments are cautioned that, according to Section IV (Solicitation of Comments) of the Exhibit 1A in the General Instructions to Form 19b–4, the Commission does not edit personal identifying information from comment submissions. Commenters should submit only information that they wish to make available publicly, including their name, email address, and any other identifying information.

All prospective commenters should follow the Commission's instructions on how to submit comments, *available at https://www.sec.gov/regulatory-actions/how-to-submit-comments.* General questions regarding the rule filing process or logistical questions regarding this filing should be directed to the Main Office of the Commission's Division of Trading and Markets at *tradingandmarkets@sec.gov* or 202–551–5777.

NSCC reserves the right not to respond to any comments received.

III. Date of Effectiveness of the Proposed Rule Change, and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[22] and paragraph (f) of Rule 19b–4 thereunder.[23] At any time within

[13] NSCC has included details of its analysis in confidential Exhibit 3 of filing SR–NSCC–2022–010.

[14] 15 U.S.C. 78q–1(b)(3)(D).

[15] 17 CFR 240.17Ad–22(e)(23)(ii).

[16] 15 U.S.C. 78q–1(b)(3)(D).

[17] *See supra* note 13 and associated text.

[18] *See supra* note 12.

[19] 17 CFR 240.17Ad–22(e)(23)(ii).

[20] *See supra* note 5.

[21] 17 CFR 240.17Ad–22(e)(23)(ii).

[22] 15 U.S.C. 78s(b)(3)(A).

[23] 17 CFR 240.19b–4(f).

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–NSCC–2022–010 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to File Number SR–NSCC–2022–010. 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 NSCC and on DTCC's website (*http://dtcc.com/legal/sec-rule-filings.aspx*). 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–NSCC–2022–010 and should be submitted on or before August 10, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[24]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–15443 Filed 7–19–22; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95279; File No. SR–ICC–2022–010]

Self-Regulatory Organizations; ICE Clear Credit LLC; Notice of Filing of Proposed Rule Change Relating to the Clearing Rules and the End-of-Day Price Discovery Policies and Procedures

July 14, 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 7, 2022, ICE Clear Credit LLC (''ICE Clear Credit'' or ''ICC'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared primarily by ICC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The principal purpose of the proposed rule change is to implement certain amendments to ICC's Clearing Rules (the ''Rules'') and End-of-Day Price Discovery Policies and Procedures (the ''EOD Policy'') to establish an additional class of clearing participant. The text of the proposed amendments is attached in Exhibit 5 [sic].

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ICC included statements concerning the purpose of and basis for the proposed rule change, security-based swap submission, or advance notice and discussed any comments it received on the proposed rule change, security-based swap submission, or advance notice. The text of these statements may be examined at the places specified in Item IV below. ICC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) Purpose

The purpose of the proposed changes is to modify certain provisions of the Rules and the EOD Policy to permit the establishment of an additional class of clearing participant at ICC, the ''Associate Clearing Participant'', or ''ACP''. ICC proposes to move forward with implementation of these changes following Commission approval of the proposed rule change.[3] In general, an ACP would have the same rights, obligations and responsibilities as other Participants (referred to as ''Full Participants''), with defined exceptions. Specifically, an ACP will be permitted to provide pricing submissions with respect to certain North American CDS products as of the end of the London trading day, rather than the end of the New York trading day. This change is intended to facilitate United Kingdom and European institutions becoming clearing participants in ICC where they may not have the global operational or other resources to support price submissions for North American instruments outside of London trading hours. The amendments would make a number of corresponding changes and impose certain limitations on ACPs intended to assist ICC in mitigating any additional risks resulting from these changes in the price submission process for ACPs. For example, the amendments allow ICC to impose a different clearing cut-off time for ACPs (intended to coincide with the end of the London trading day, such that ACPs may not submit new trades for clearing at a time when they are not able to provide price submissions). ACPs also will not be permitted to submit trades on behalf of customers.[4] In addition, ICC may, but is not obligated to, impose additional or alternative margin requirements for ACPs if it determines that is appropriate from a risk management perspective. It is expected that ACPs will be required to satisfy the same initial and ongoing

[24] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] ICC does not intend to implement this additional class of clearing participant until ICC is permitted to implement the changes described herein and ICC completes any other required governance or internal processes. ICC will issue a circular notification in advance of the operative date.

[4] It is accordingly not expected that ACPs would be registered futures commission merchants.

membership standards and requirements as Full Participants, although ICC will have the authority to modify membership standards for ACPs if it determines it is appropriate to do so. ACPs will be required to make contributions to the General Guaranty Fund and participate in default management (including through mandatory auctions, if applicable) to the same extent as Full Participants.

A number of provisions of the Rules would be amended to implement the ACP category. In Rule 102, definitions for ''Associate Clearing Participant'', ''Full Participant'', ''NA Instruments'' and ''NA Instrument EU EOD Submission'' (defined in Rule 212 as discussed below) would be added.

ICC would adopt a new Rule 212 authorizing it to establish ACPs as a new category of clearing participant, on the terms set out in the Rule. Subsection (a) would provide that ACPs constitute Participants for all purposes under the Rules, except as provided in Rule 212 or the ICE Clear Credit Procedures. Subsection (b) would authorize ICC to establish separate price submission requirements for ACPs, including for Contracts with North American reference entities or indices (or such other Contracts as ICC determines), referred to as ''NA Instruments''. For such contracts, ICC would establish a new price submission window at the end of the London trading day during which ACPs would be required to make price submissions for NA Instruments (referred to as ''NA Instrument EU EOD Submissions''). ACPs would not be required to make the standard end-of-day price submissions at the end of the New York trading day for NA Instruments, however. ICC would also be permitted to establish firm trade requirements between ACPs with respect to NA Instrument EU EOD Submissions (as discussed further below in connection with the EOD Policy). Full Participants would be permitted, but not required to make NA Instrument EU EOD Submissions (and would not be subject to firm trade requirements with respect to such submissions). For all other Contracts, ACPs would be subject to the same end-of-day price submission requirements as Full Participants.

Subsection (c) would permit ICC to establish different daily deadlines for submission of trades by ACPs as compared to Full Participants. ICC expects to impose such a deadline for ACPs at the close of the London trading day. Subsection (d) would permit ICC to establish different or supplemental margin requirements (or margin parameters) applicable to ACPs. ICC does not at this time plan to implement such margin requirements but believes it is appropriate to have the authority to do so to manage any incremental risk that may arise from the activity of ACPs.

Pursuant to subsection (e), ACPs would be permitted to submit trades for clearing only for their own accounts or the account of affiliates, as House Positions. ICC believes that clearing participants that engage in clearing on behalf of customers should be Full Participants, with the operational and other resources to submit pricing at all relevant times for the full spectrum of products that they or their customers may submit.

ICC would have the authority to establish additional or alternative membership standards, specifically as to business integrity, financial capacity, creditworthiness, operational capability, experience and competence for ACPs, pursuant to subsection (f). Except to the extent of any such alternative or additional standards, the existing membership standards in Rule 201 would apply to ACPs. Under subsection (g), ICC may adopt a separate form of participant agreement for ACPs reflecting their status as such.

Under Rule 212(h), an affiliate of an existing Participant would not be eligible to be an ACP. Rule 212(i) would add, for clarification, that Rule 212 does not affect the rights or obligations of Full Participants.

ICC would also make related changes to the EOD Policy addressing the price submission requirements applicable to ACPs, and differentiating the requirements for ACPs and Full Participants relating to NA Instruments. Specifically, the amendments would add an additional submission window for the ICC end-of-day price submission process, covering NA Instruments but determined at the end of the London trading day (referred to as the ''NA Instrument EU Submission Window''). The amendments would provide that the NA Instrument EU Submission Window is intended primarily to support ACPs, and further that all elements of the price discovery process for that window would follow those for the EU submission window. Certain other clarifying and conforming drafting changes would be made to distinguish the NA Instrument EU Submission Window from other submission windows.

The provisions of the EOD Policy relating to the use of intraday quotes received by ICC would be amended to provide that if a Participant fails to make a required end-of-day submission during the applicable window, ICC may use the last intraday quote received prior to the close of that window (if one has been received on that day) to serve as that Participant's end-of-day submission.

The submission requirement section would be revised to provide that (i) ACPs must provide submissions for NA Instruments during the NA Instrument EU Submission Window, but would not be required to provide submissions for the end-of-NY trading day NA submission window, and (ii) Full Participants may, but will not be obligated to, provide submissions for the NA Instrument EU Submission Window. The amendments would also state, consistent with the Rule amendments, that ACPs have the same obligations with respect to daily end-of-day submissions as Full Participants, except as set out in the amended EOD Policy. Conforming changes would be made throughout this section.

The provisions of the EOD Policy relating to firm trades would be revised to provide that for the NA Instrument EU Submission Window, ICC will only designate firm trades between ACPs (and, for the avoidance of doubt, voluntary submissions by Full Participants in that window will not be subject to firm trades). Further, firm trades between ACPs originating from the NA Instrument EU Submission Window would not be eligible for reversing transactions.

The revised EOD Policy would also provide that prices established in the NA Instrument EU Submission Window will not be published externally by ICC. Such prices would be used only for ICC risk management purposes.

The timetables for the end-of-day submission process in the appendix to the EOD Policy would also be updated to include the NA Instrument EU Submission Window (with timing and deadlines consistent with the EU submission window, as noted above).

(b) Statutory Basis

ICE Clear Credit believes that the proposed amendments are consistent with the requirements of Section 17A of the Act[5] and the regulations thereunder applicable to it, including the standards under Rule 17Ad–22.[6] Section 17A(b)(3)(F) of the Act[7] requires, among other things, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions, the safeguarding of securities and funds in the custody or control of the clearing

[5] 15 U.S.C. 78q–1.

[6] 17 CFR 240.17Ad–22.

[7] 15 U.S.C. 78q–1(b)(3)(F).

agency or for which it is responsible, and the protection of investors and the public interest.

The amendments provide for the establishment of a new category of clearing participant, ACPs. The ACP category is intended to facilitate entities becoming clearing participants, particularly European institutions, that may have limited global operational or other resources outside of London business hours that may otherwise make it difficult to satisfy the price submission requirements of being a clearing participant for NA Instruments. ACPs would be required to submit prices in NA Instruments at the end of the London trading day (instead of the New York trading day), to facilitate the risk management by ICC of ACP positions. Further, the proposed rules will impose certain limitations on ACPs, as compared to Full Participants, including allowing ICC to limit the ability of ACPs to submit new trades for clearing after the close of the London trading day and to limit the ability of ACPs to submit trades for customers. ICC also retains the ability to impose additional or alternative margin requirements on ACPs to the extent appropriate from a risk management perspective. In ICC's view, the ACP category thus provides an ability for ICC to potentially expand the pool of clearing participants, while maintaining the clearing house's ability to conduct risk management. In this regard, ICC notes that ACPs will, with the limited exceptions identified herein, be required to perform all obligations of Participants, including contributions to the General Guaranty Fund and default management. ICC will further maintain ACP margin and guaranty fund contributions in the same manner it holds margin and guaranty fund contributions of Full Participants. As a result, in ICC's view, the amendments are consistent with the prompt and accurate clearance and settlement of securities transactions and derivative agreements, contracts and transactions, the safeguarding of securities and funds in the custody or control of the clearing agency or for which it is responsible, and the protection of the investors and the public interest, within the meaning of Section 17A(b)(3)(F).[8]

Moreover, the amendments are consistent with relevant provisions of Rule 17Ad–22.[9] In particular, Rule 17Ad–22(e)(18) requires that each covered clearing agency ''establish, implement, maintain and enforce written policies and procedures reasonably designed to . . . establish objective, risk-based and publicly disclosed criteria for participation, which permit fair and open access by direct and, where relevant indirect participants . . . require participants to have sufficient financial resources and robust operational capacity to meet obligations arising from participation in the clearing agency, and monitor compliance with such participation requirements on an ongoing basis.'' [10] The amendments would create a new category of participant, ACPs, and set out rights, obligations and responsibilities of such participants. As noted above, ACPs would largely have the same rights and obligations as Full Participants, with certain exceptions designed to facilitate participation by persons that may not have the full global operational capability to provide prices for NA Instruments at the close of the New York trading day. The amendments appropriately limit clearing by ACPs in light of the limited submission requirements by allowing for an earlier deadline for clearing submission, limiting customer clearing and providing ICC the flexibility to impose additional or alternative margin requirements if appropriate. In ICC's view, the proposed rules thus provide a way of expanding the potential pool of clearing participants while maintaining robust risk management. As noted above, ACPs will be subject to the same guaranty fund, and the same or additional margin requirements as Full Participants. All other requirements of Participant status, and ICC's existing Participant monitoring program, will apply to ACPs (although ICC can impose additional or modified requirements appropriate to ACPs). As a result, in ICC's view, the amendments are consistent with the requirements of Rule 17Ad–22(e)(18).[11]

Rule 17Ad–22(e)(6)(iv) [12] requires that a covered clearing agency ''establish, implement, maintain and enforce written policies and procedures reasonably designed to . . . cover . . . its credit exposures to its participants by establishing a risk-based margin system that, at a minimum: . . . (iv) uses reliable sources of timely price data and uses procedures and sound valuation models for addressing circumstances in which pricing data are not readily available or reliable.'' The amendments, including the changes to the EOD Policy, are designed, consistent with the goal of admitting ACPs that may not have global operational capability to submit prices outside of London trading hours, to continue to provide ICC with robust pricing to support its margin model. ACPs would be required, for NA Instruments, to submit prices in a new submission window at the end of the London trading day. ICC would use such prices for risk management purposes, including for purposes of the margin model. ICC would use the same procedures for other price submissions, including requiring firm trades among ACPs, to ensure the robustness of submitted prices. In ICC's view, the amendments are therefore consistent with the requirements of Rule 17Ad–22(e)(6)(iv).[13]

(B) Clearing Agency's Statement on Burden on Competition

ICE Clear Credit does not believe the proposed amendments would have any impact, or impose any burden, on competition not necessary or appropriate in furtherance of the purposes of the Act. The amendments are not intended to affect the rights or obligations of existing Participants. The changes would adopt an additional category of clearing participant, the ACP, which would be available to eligible institutions that meet the clearing house's requirements. ACPs will be subject to the same rights, obligations and responsibilities as Full Participants, but will submit prices for NA Instruments during a submission window at the end of the London trading day rather than the New York trading day. This is intended to facilitate participation by institutions that may not have the global operational capability to submit prices outside of the London trading day, but maintain the clearing house's ability to manage the risk of clearing in such instruments. As a result, ICE Clear Credit does not believe the amendments will impact competition among clearing members or other market participants, adversely affect the ability of market participants to access clearing generally, or adversely affect the cost of clearing. ICE Clear Credit thus does not believe the proposed amendments would have any impact, or impose any burden, on competition not necessary or appropriate in furtherance of the purposes of the Act.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the proposed amendments have not been solicited or received by ICE Clear Credit.

[8] 15 U.S.C. 78q–1(b)(3)(F).

[9] 17 CFR 240.17Ad–22.

[10] 17 CFR 240.17Ad–22(e)(18).

[11] 17 CFR 240.17Ad–22(e)(18).

[12] 17 CFR 270.17Ad–22(e)(6).

[13] 17 CFR 240.17Ad–22(e)(6)(iv).

ICE Clear Credit will notify the Commission of any comments received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule 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–ICC–2022–010 on the subject line.

Paper Comments

Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to File Number SR–ICC–2022–010. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filings will also be available for inspection and copying at the principal office of ICE Clear Credit and on ICE Clear Credit's website at *https://www.theice.com/clear-credit/regulation.* 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–ICC–2022–010 and should be submitted on or before August 10, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–15444 Filed 7–19–22; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95282; File No. SR–DTC–2022–006]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Designation of Longer Period for Commission Action on a Proposed Rule Change To Amend the Stress Testing Framework and Liquidity Risk Management Framework

July 14, 2022.

On May 26, 2022, The Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission'') proposed rule change SR–DTC–2022–006 (the ''Proposed Rule Change'') pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder.[2] The Proposed Rule Change was published for comment in the **Federal Register** on June 15, 2022,[3] and the Commission has received comments regarding the changes proposed in the Proposed Rule Change.[4]

Section 19(b)(2) of the Act[5] 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 the Proposed Rule Change is July 30, 2022.

The Commission is extending the 45-day period for Commission action on the Proposed Rule Change. The Commission finds that it is appropriate to designate a longer period within which to take action on the Proposed Rule Change so that it has sufficient time to consider and take action on the Proposed Rule Change.

Accordingly, pursuant to Section 19(b)(2) of the Act[6] and for the reasons stated above, the Commission designates September 13, 2022, as the date by which the Commission shall either approve, disapprove, or institute proceedings to determine whether to disapprove proposed rule change SR–DTC–2022–006.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–15447 Filed 7–19–22; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95283; File No. SR–NSCC–2022–006]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Designation of Longer Period for Commission Action on a Proposed Rule Change To Amend the Stress Testing Framework and Liquidity Risk Management Framework

July 14, 2022.

On May 26, 2022, National Securities Clearing Corporation (''NSCC'') filed with the Securities and Exchange Commission (''Commission'') proposed rule change SR–NSCC–2022–006 (the ''Proposed Rule Change'') pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder.[2] The Proposed Rule Change was published for comment in

[14] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 95080 (June 9, 2022), 87 FR 36191 (June 15, 2022) (File No. SR–DTC–2022–006).

[4] Comments are available at *https://www.sec.gov/comments/sr-dtc-2022-006/srdtc2022006.htm.*

[5] 15 U.S.C. 78s(b)(2).

[6] *Id.*

[7] 17 CFR 200.30–3(a)(31).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

the **Federal Register** on June 15, 2022,[3] and the Commission has received no comments regarding the changes proposed in the Proposed Rule Change.

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 the Proposed Rule Change is July 30, 2022.

The Commission is extending the 45-day period for Commission action on the Proposed Rule Change. The Commission finds that it is appropriate to designate a longer period within which to take action on the Proposed Rule Change so that it has sufficient time to consider and take action on the Proposed Rule Change.

Accordingly, pursuant to Section 19(b)(2) of the Act[5] and for the reasons stated above, the Commission designates September 13, 2022, as the date by which the Commission shall either approve, disapprove, or institute proceedings to determine whether to disapprove proposed rule change SR–NSCC–2022–006.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–15448 Filed 7–19–22; 8:45 am]

BILLING CODE 8011–01–P

[3] *See* Securities Exchange Act Release No. 95078 (June 10, 2022), 87 FR 36158 (June 15, 2022) (File No. SR–NSCC–2022–006).

[4] 15 U.S.C. 78s(b)(2).

[5] *Id.*

[6] 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95286; File No. SR–NSCC–2022–009]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing of Proposed Rule Change To Adopt Intraday Volatility Charge and Eliminate Intraday Backtesting Charge

July 14, 2022.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 7, 2022, National Securities Clearing Corporation (''NSCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the clearing agency. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change of NSCC consists of modifications to Procedure XV (Clearing Fund Formula and Other Matters) of the NSCC's Rules & Procedures (''Rules'') to (1) adopt an intraday volatility charge that may be collected by NSCC on an intraday basis as part of Members' Required Fund Deposits to the Clearing Fund; and (2) eliminate the Intraday Backtesting Charge, as described in greater detail below.[3]

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the clearing agency 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 clearing agency 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.

[3] Terms not defined herein are defined in the Rules, *available at* [*http://dtcc.com/~/media/Files/Downloads/legal/rules/nscc_rules.pdf*].

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

NSCC is proposing to enhance its Clearing Fund methodology by implementing an intraday volatility charge that may be collected by NSCC to mitigate the risks presented by Members' adjusted intraday Net Unsettled Positions and Net Balance Order Unsettled Positions (hereinafter collectively referred to as ''Net Unsettled Positions'')[4] due to volatility in a Member's own trading activity (referred to in this filing as ''volatility risk'') that may occur between the collection of Members' Required Fund Deposits at the start of the day and the collection of Members' Required Fund Deposits at the start of the following Business Day.

In connection with the adoption of an intraday volatility charge and following an evaluation of the effectiveness of its margin methodology generally, NSCC is also proposing to eliminate the Intraday Backtesting Charge.[5] NSCC would continue to maintain the Regular Backtesting Charge that is assessed on Members' start of day portfolio, as permitted by, and as described in, the Rules.[6]

These proposed rule changes are described in greater detail below.

(i) Overview of the Required Fund Deposit and NSCC's Clearing Fund

As part of its market risk management strategy, NSCC manages its credit exposure to Members by determining the appropriate Required Fund Deposits to the Clearing Fund and monitoring its sufficiency, as provided for in the Rules.[7] The Required Fund Deposit serves as each Member's margin.

The objective of a Member's Required Fund Deposit is to mitigate potential losses to NSCC associated with liquidating a Member's portfolio in the event NSCC ceases to act for that Member (hereinafter referred to as a ''default'').[8] The aggregate of all

[4] Net Unsettled Positions refer to net positions that have not yet passed their settlement date or did not settle on their settlement date. *See* Procedure XV (Clearing Fund Formula and Other Matters) of the Rules, *id.*

[5] *See* Procedure XV, Section I.(B)(3) of the Rules, *supra* note 3.

[6] *Id.*

[7] *See* Rule 4 (Clearing Fund) and Procedure XV (Clearing Fund Formula and Other Matters), *supra* note 3. NSCC's market risk management strategy is designed to comply with Rule 17Ad–22(e)(4) under the Act, where these risks are referred to as ''credit risks.'' 17 CFR 240.17Ad–22(e)(4).

[8] The Rules identify when NSCC may cease to act for a Member and the types of actions NSCC may

Continued

Members' Required Fund Deposits constitutes the Clearing Fund of NSCC. NSCC would access its Clearing Fund should a defaulting Member's own Required Fund Deposit be insufficient to satisfy losses to NSCC caused by the liquidation of that Member's portfolio.

NSCC employs daily backtesting to determine the adequacy of each Member's Required Fund Deposit. NSCC compares the Required Fund Deposit [9] for each Member with the simulated liquidation gains/losses using the actual positions in the Member's portfolio, and the actual historical security returns. NSCC investigates the cause(s) of any backtesting deficiencies. As a part of this investigation, NSCC pays particular attention to Members with backtesting deficiencies that bring the results for that Member below the 99 percent confidence target (*i.e.,* greater than two backtesting deficiency days in a rolling twelve-month period) to determine if there is an identifiable cause of repeat backtesting deficiencies. NSCC also evaluates whether multiple Members may experience backtesting deficiencies for the same underlying reason.

Pursuant to the Rules, each Member's Required Fund Deposit consists of a number of applicable components, each of which is calculated to address specific risks faced by NSCC, as identified within Procedure XV of the Rules.[10] Each Member's start of day Required Fund Deposit is calculated overnight, based on the Member's prior end-of-day Net Unsettled Positions, and notified to Members early the following morning to be deposited by approximately 10:00 a.m. EST.[11]

The volatility component of each Member's Required Fund Deposit is designed to measure market price volatility of the start of day portfolio and is calculated for Members' Net Unsettled Positions. The volatility component is designed to capture the market price risk [12] associated with each Member's portfolio at a 99th percentile level of confidence. NSCC has two methodologies for calculating the volatility component—a ''VaR Charge'' and a haircut-based calculation. The VaR Charge applies to the majority of Net Unsettled Positions and is calculated as the greater of (1) the larger of two separate calculations that utilize a parametric Value at Risk (''VaR'') model, (2) a gap risk measure calculation based on the concentration threshold of the largest non-index position in a portfolio, and (3) a portfolio margin floor calculation based on the market values of the long and short positions in the portfolio.[13] The VaR Charge usually comprises the largest portion of a Member's Required Fund Deposit.

Certain Net Unsettled Positions are excluded from the calculation of the VaR Charge pursuant to Sections I.(A)(1)(a)(ii) and I.(A)(2)(a)(ii) of Procedure XV, and are instead subject to a haircut-based calculation that is calculated by multiplying the absolute value of the position by a percent that is determined by NSCC that is (i) not less than 10% for securities whose volatility is less amenable to statistical analysis and (ii) not less than 2% for securities whose volatility is amenable to generally accepted statistical analysis only in a complex manner.[14] Securities that are subject to the haircut-based calculation include unit investment trusts, corporate and municipal bonds and Illiquid Securities (as such term is defined in the Rules).[15] Long Net Unsettled Positions in Family-Issued Securities are also excluded from the VaR Charge and are subject to a separate, haircut-based charge designed to mitigate wrong-way risk.[16] The charge that is applied to a Member's Required Fund Deposit with respect to the volatility component is referred to as the volatility charge and is the sum of the applicable VaR Charge and the haircut-based calculation.

The margin requirement differential (''MRD'') component charge is calculated as the sum of an exponentially weighted moving average (''EWMA'') of positive day over day changes over a 100-day look back period in Member's (1) mark-to-market charge and (2) volatility charge, times a multiplier calibrated based on backtesting results.[17] The portion of the MRD charge that is calculated as the EWMA of positive day over day changes to the Member's volatility component over the look back period is referred to as the volatility portion of the MRD charge. This volatility portion of the MRD charge is designed to capture variability in the volatility charge collected from the Member over the look back period. However, the MRD charge would not capture significant intraday volatility swings in a Member's positions, which may be inconsistent with a Member's historical trading activity.

In addition to collecting Required Fund Deposits from Members at the start of day, NSCC may collect additional amounts intraday. Currently, NSCC may collect an additional intraday mark-to-market charge.[18] Intraday market moves and positions are tracked and this additional mark-to-market charge may be collected if the difference between the most recent mark-to-market price of a Member's net positions and the most recent observed market price exceeds a percentage of the Member's volatility charge. All intraday charges are due within one hour of demand (unless otherwise determined by NSCC).[19]

The Backtesting Charge, as described in Section I(B)(3) of Procedure XV, may be an additional component of a Member's Required Fund Deposit that NSCC may assess at either the start of the day as the Regular Backtesting Charge, or on an intraday basis as the Intraday Backtesting Charge.[20] More specifically, NSCC may assess a Backtesting Charge against any Member that has a 12-month trailing backtesting coverage below the 99 percent backtesting coverage target. When calculating a Member's backtesting coverage, NSCC excludes amounts already collected as a Backtesting Charge from a Member in calculating any applicable Backtesting Charge. Additionally, in response to regulatory feedback, NSCC is enhancing the calculation of its intraday backtesting coverage to exclude Intraday Collections. As described in this filing, this enhancement will impact the

take. For example, NSCC may suspend a firm's membership with NSCC or prohibit or limit a Member's access to NSCC's services in the event that Member defaults on a financial or other obligation to NSCC. *See* Rule 46 (Restrictions on Access to Services) of the Rules, *supra* note 3.

[9] For backtesting comparisons, NSCC does not include actual collateral posted by the Member or Backtesting Charges that have already been collected from that Member. As described in this filing, NSCC will also exclude Intraday Collections from its intraday backtesting.

[10] *Supra* note 3.

[11] Procedure XV, Sections II(B) of the Rules, *supra* note 3. The Rules provide that required deposits to the Clearing Fund are due within one hour of demand, unless otherwise determined by NSCC.

[12] Market price risk refers to the risk that volatility in the market causes the price of a security to change between the execution of a trade and settlement of that trade. This risk is also referred to herein as market risk and volatility risk.

[13] Procedure XV, Sections I(A)(1)(a)(i) and (2)(a)(i) of the Rules, *supra* note 3.

[14] Procedure XV, Sections I(A)(1)(a)(ii) and (2)(a)(ii) of the Rules, *supra* note 3.

[15] *See* Rule 1 (Definitions and Descriptions) and Procedure XV, Sections I(A)(1)(a)(iii) and (2)(a)(iii) of the Rules, *supra* note 3.

[16] Procedure XV, Sections I(A)(1)(a)(iv) and (2)(a)(iv) of the Rules, *supra* note 3.

[17] *See* Sections I(A)(1)(e) and (2)(d) of Procedure XV of the Rules, *supra* note 3.

[18] *See* Sections I(B)(5) of Procedure XV of the Rules, *supra* note 3.

[19] *See supra* note 8.

[20] Section I(B)(3) of Procedure XV (Clearing Fund Formula and Other Matters) of the Rules, *supra* note 3. *See also* Release No. 79167 (October 26, 2016), 81 FR 75883 (November 1, 2016) (File Nos. SR–FICC–2016–006; SR–NSCC–2016–004).

calculation of the Intraday Backtesting Charge.

If assessed, a Member's Backtesting Charge is generally equal to the Member's third largest deficiency, when calculating the Regular Backtesting Charge, and fifth largest deficiency, when calculating the Intraday Backtesting Charge, that occurred during the previous 12 months.[21] As described in Procedure XV, NSCC may adjust the Backtesting Charge if it determines that circumstances particular to a Member's settlement activity and/or market price volatility warrant a different approach to determining or applying such charge in a manner consistent with achieving NSCC's backtesting coverage target.[22]

NSCC calculates the Backtesting Charge monthly and, based on those calculations, may either continue to impose an existing Backtesting Charge, impose a new Backtesting Charge or remove an existing Backtesting Charge, or it may either increase or decrease a Member's existing Backtesting Charge as necessary to maintain its target backtesting coverage.

NSCC regularly assesses market risks as such risks relate to its margining methodologies to evaluate whether margin levels are commensurate with the particular risk attributes of each relevant product, portfolio, and market. The proposed changes to include an intraday volatility charge to its Clearing Fund methodology and to eliminate the Intraday Backtesting Charge, as described below, is the result of NSCC's regular review of the effectiveness of its margining methodology. While the start of day volatility charge and other components of the Clearing Fund are designed to predict market price volatility that could occur after the collection of Required Fund Deposits at the start of the day, large and unexpected volatility could create exposures that are not captured by those amounts. Therefore, as described in greater detail below, the proposed intraday volatility charge would allow NSCC to address the risks that are presented by significant changes to the size and composition of Members' portfolios of Net Unsettled Positions after the collection of Members' Required Fund Deposits at the start of the day that may be caused by, for example, intraday market volatility or volatility in a Member's own trading activity.

The proposal to eliminate the Intraday Backtesting Charge is driven by a few considerations. Primarily, NSCC has determined, in connection with recent regulatory feedback, that the current methodology for calculating the Intraday Backtesting Charge may make an unreasonable assumption that, as described in greater detail below, may lead to undercounting of potential backtesting deficiencies. While NSCC considered adopting alternative calculation methodologies, it has instead determined that it will continue to be able to adequately address both its intraday market risk exposures and its backtesting coverage metrics if it eliminates the Intraday Backtesting Charge, as described in greater detail below.

(ii) Proposed Intraday Volatility Charge

In order to better address the volatility risks presented by Members' adjusted intraday Net Unsettled Positions between start of day collections of Required Fund Deposits, NSCC is proposing to implement an intraday volatility charge, which it may collect on an intraday basis as described below.

In 2017, NSCC accelerated the time its trade guarantee attaches to eligible transactions from midnight of one day after trade date (''T+1'') to the point of trade comparison and validation for bilateral submissions or to the point of trade validation for locked-in submissions.[23] In order to address the additional risks NSCC would face in connection with guaranteeing trades at an earlier point in time, NSCC enhanced its Clearing Fund formula. Among those enhancements, NSCC adopted the MRD charge, an intraday backtesting charge and revised its mark-to-market charge to be collected when Members have intraday mark-to-market changes that are significant enough that NSCC is exposed to an increased risk of loss as a result of such Members' intraday trading activity.[24] At that time, NSCC also established intraday monitoring of volatility in its Members' Net Unsettled Positions and currently monitors such volatility in 15-minute increments between the collection of start of day Required Fund Deposits and end of day settlement. NSCC did not, however, believe an intraday volatility charge was necessary to address the risks presented by the accelerated trade guarantee, and did not adopt this charge at that time.

Intraday Volatility Charge Calculation. Since that time, through its regular monitoring, NSCC has occasionally observed significant intraday changes to market price volatility and significant changes to the size and composition of Members' portfolios of Net Unsettled Positions that could cause the amount collected as the volatility charge at the start of that Business Day (''start of day volatility charge'') to no longer be sufficient to mitigate the volatility risks that such positions present to NSCC. Therefore, NSCC believes it is appropriate to implement an intraday volatility charge that, similar to the current intraday mark-to-market charge, may be collected by NSCC when certain thresholds are met. More specifically, NSCC is proposing to utilize its existing intraday monitoring to determine when the difference between a Member's (1) start of day volatility charge, collected on that Business Day as part of the Member's start of day Required Fund Deposit based on that Member's prior end-of-day Net Unsettled Positions, and (2) a calculation of the volatility charge based on that Member's adjusted intraday Net Unsettled Positions as of a point intraday between the collection of the start of day Required Fund Deposit and end of day settlement, exceeds 100 percent and the amount that would be collected as an intraday volatility charge, calculated as described below, would be greater than $250,000.

In addition to applying these quantitative thresholds, NSCC also would not collect an intraday volatility charge in circumstances that would be specified in the Rules, as discussed in greater detail below, when the risk the proposed charge is designed to mitigate is expected to be mitigated by either later submitted or corrected trading activity. NSCC would continue to monitor intraday volatility in 15-minute increments throughout the day, and the calculation of the intraday volatility charge would be done at those intervals. While collections may occur multiple times throughout the day, intraday volatility charges are more likely to be collected later in the day, after additional, and potentially offsetting, activity has been submitted, as described in greater detail below.

The amount of intraday volatility charge that NSCC would collect from a Member when the charge is applicable would be equal to the difference between the start of day volatility charge and the intraday calculation of that volatility charge, described above, reduced by the amount collected from that Member at the start of that Business Day as the volatility portion of the MRD

[21] *Id.*

[22] *Id.*

[23] *See* Securities Exchange Act Release Nos. 79598 (December 19, 2016), 81 FR 94462 (December 23, 2016) (File No. SR–NSCC–2016–005); 79592 (December 19, 2016), 81 FR 94448 (December 23, 2016) (File No. SR–NSCC–2016–803) (''ATG Rule Change''). *See also* Addendum K of the Rules, *supra* note 3.

[24] *See id.*

charge.[25] As described above, the volatility portion of the MRD charge is designed to measure changes in the volatility charge over the historic lookback period. However, risks presented by changes in intraday volatility that exceed a 100 percent threshold are not captured by the volatility portion of the MRD charge and NSCC believes the proposed intraday volatility charge would provide it with a better measure of these risks. Therefore, it would not be necessary for NSCC to collect as part of the intraday volatility charge any amounts that it has already collected as the volatility portion of the MRD charge for that Business Day.

NSCC currently excludes long Net Unsettled Positions in Family-Issued Securities from the calculation of the VaR Charge and instead uses a haircut-based calculation for these positions (''FIS charge'').[26] The FIS charge is designed to measure the wrong-way risk that could be presented by long Net Unsettled Positions in Family-Issued Securities and is not a measurement of volatility risk or considered a part of the volatility charge. Therefore, because Members are charged the FIS charge separately from the volatility charge, NSCC would exclude this FIS charge from both components of the intraday volatility charge calculation.

Adjusted Intraday Net Unsettled Positions. In calculating the volatility charge based on Members' intraday Net Unsettled Positions, NSCC would adjust the Net Unsettled Positions by excluding any position for which shares had either been delivered to the CNS System or received by the Member from the CNS System to satisfy all or any portion of that position. NSCC believes it would be appropriate to assume, for purposes of this calculation, that positions for which the shares have been delivered and received would settle at the end of the day. By adjusting the intraday Net Unsettled Positions to exclude these positions, the calculation of the intraday volatility charge would be more effectively driven by any significant intraday changes to the volatility risks presented by Members' adjusted intraday Net Unsettled Positions.

Additionally, in calculating the intraday volatility charge, NSCC would use the same inputs and parameters that were used in the calculation of the start of day volatility charge, including, initially, end of day price returns, such that, the calculation of the volatility charge that would occur intraday for purposes of the intraday volatility charge would use the same methodology as the calculation of the start of day volatility charge but would occur later in the day. While risk related to volatility in intraday prices is addressed by the intraday mark-to-market charge, and NSCC believes it is appropriate to use some of the same parameters and methodology in the intraday volatility charge calculation as it would allow the calculation to more accurately reflect the market price volatility based on changes in Members' Net Unsettled Positions rather than be driven by changes in those parameters, NSCC would explore ways to enhance its capabilities, it may, in the future, use intraday price returns for the calculation of the intraday volatility charge.

The proposed methodology would allow NSCC to measure the change in the volatility charge to determine if such change presents NSCC with exposures that are not adequately addressed by the start of day volatility charge on deposit in the Clearing Fund. If the threshold is met and NSCC determines it is appropriate to collect an intraday volatility charge, that charge would equal the difference between the two volatility charge calculations. By collecting an amount that is measured as the difference between the two volatility charge calculations, NSCC would be able to supplement the volatility charge already on deposit in its Clearing Fund with an amount that measures the change in volatility that has occurred since the Required Fund Deposit was collected at the start of the day.

Thresholds in Applying the Charge. NSCC would only determine if an intraday volatility charge is appropriate if two thresholds are met and the exceptions to the intraday volatility charge, as described in more detail below, are not applicable. The thresholds to the application of the intraday volatility charge are (1) when the difference between the two calculations of the volatility charge exceeds 100 percent, and (2) the amount that would be calculated as an intraday volatility charge would be greater than $250,000.

First, NSCC believes the 100 percent threshold is appropriate because, in normal market conditions, intraday changes in volatility that are lower than this threshold are more likely due to normal market fluctuations, and NSCC believes that only an increase that is larger than 100 percent would require mitigation through the intraday volatility charge. However, risks presented by changes in intraday volatility that exceed a 100 percent threshold could expose NSCC to additional market price risk for which NSCC currently does not have risk mitigation measures. Based on past observations, changes in the calculated volatility charge that exceed this threshold have generally occurred when a Member's portfolio composition changed significantly due to increased volumes in either all or specific securities. The proposed intraday volatility charge would provide NSCC with the ability to mitigate this material change in risk.

Similar to the intraday mark-to-market charge, NSCC would retain the discretion to lower this threshold if it determines that a reduction in this threshold is appropriate to mitigate risks to NSCC, for example during volatile market conditions or market events that cause increases in trading volume, or when NSCC believes a lower threshold is appropriate to mitigate risks presented by Members whose portfolios may present relatively greater risks to NSCC on an overnight basis. In circumstances when NSCC determines it is appropriate to reduce the threshold, the reduced threshold would apply to all Members. This discretion would allow NSCC to collect an intraday volatility charge earlier in light of increased levels of volatility risks. In these circumstances, a lower threshold would allow NSCC to more proactively preserve the coverage of its Required Fund Deposit.

Second, NSCC also believes it is appropriate to apply an additional threshold that would limit the collection of intraday volatility charges to when the amount that would be collected would be greater than $250,000. NSCC believes amounts below this threshold, which is the minimum required deposit to the Clearing Fund, would be immaterial to address any increased risk.

Exceptions to Collecting an Intraday Volatility Charge. As stated above, in certain specified circumstances, NSCC would not collect an intraday volatility charge from a particular Member or Members, despite a calculation that exceeds the quantitative thresholds. NSCC is proposing to amend the Rules to state that an intraday volatility charge would not be collected if (a) trades submitted later in the day would offset trades submitted earlier in the day, such that the thresholds would not have been met if such activity had been submitted earlier in the day, or (b) the threshold was met due to the submission of an erroneous trade that can be corrected.

As stated above, NSCC would monitor volatility in 15-minute increments

[25] *See supra* note 13.

[26] *See* Sections I(A)(1)(a)(iv) and (2)(a)(iv) of Procedure XV of the Rules, *supra* note 3.

between the collection of start of day Required Fund Deposits and end of day settlement. When the threshold is exceeded during normal market conditions earlier in the trading day, NSCC would typically not collect an intraday volatility charge until later in the day when Members have had an opportunity to submit trading activity that would be expected to offset trades submitted earlier in the day that caused the thresholds to be met. Off-setting trading activity may be submitted to NSCC later in the day in connection with Members' business model or trading practices. Additionally, a system issue or other error could cause a delay in the submission of activity.

NSCC believes that, in circumstances when later submitted activity offsets earlier submitted activity, whether that is due to Member's normal business practices or operational delays, an intraday volatility charge would not be necessary because the risk presented by the temporary increase in volatility would be expected to be mitigated by other clearing activity or corrected submissions that is submitted later in the day. As noted above, NSCC would monitor intraday volatility in 15-minute increments throughout the day and would continuously re-calculate the intraday volatility charge at those intervals. Therefore, NSCC would be able to determine in the subsequent calculations if later submitted or corrected trading activity was adequate to mitigate the observed increase in volatility risk or if an intraday volatility charge should be collected.

In determining not to collect an intraday volatility charge, despite a threshold trigger, NSCC would utilize the same escalation procedures that are currently in place when making similar determinations with respect to its current authority to waive intraday mark-to-market charges. Specifically, NSCC would utilize a predetermined escalation matrix that identifies the level of the required approver within the NSCC Market Risk group based on the amount of the calculated intraday volatility charge would not be collected. A decision not to collect the charge would be made based on documentation provided to the required approver regarding the circumstances of the calculated charge.

Application to Positions in Securities Financing Transactions. NSCC has established a clearing service for securities financing transactions (''SFT Clearing Service'') to make central clearing available at NSCC for equity securities financing transactions (''SFTs'').[27] NSCC would include the intraday volatility charge among the margin charges that are applicable to SFT positions cleared through the SFT Clearing Service. NSCC would implement this change by amending Section 12(c) of the proposed Rule 56 to include the intraday volatility charge as one of the components of Required SFT Deposit of an SFT Member, as such term is defined in Rules.[28]

Transparency, Notification and Collection of Intraday Volatility Charge

The proposed intraday volatility charge would provide NSCC with an important tool to address significant changes in the volatility risks presented to NSCC, such that these risks presented by Members' adjusted intraday Net Unsettled Positions are no longer adequately covered by the Required Fund Deposit collected at the start of day.

The proposed change would provide Members with transparency in the Rules regarding when and how NSCC may collect additional amounts to address this increased risk. Members would also be able to continue to use existing tools, including the ability to view the calculated volatility charge in 15-minute increments throughout the Business Day and the VaR (Value at Risk) Margin Calculator available in the NSCC Risk Client Portal, to monitor their positions and anticipate any potential intraday charges.

Additionally, and similarly to the process used today for the intraday mark-to-market charge, NSCC would provide its Members notice on days when there is increased volatility in the market, that an intraday charge may be collected. If NSCC determines to collect an intraday volatility charge pursuant to the Rules, it would issue a notice by electronic mail to those Members who are subject to that charge. Members would then be able to view the amount to be collected in NSCC's Clearing Fund Management system. Members who receive that notice would be required to fund the amount of the intraday volatility charge within one hour of that notice, pursuant to Section II(B) of Procedure XV.[29] This notification and collection process would be identical to the current process that is followed for the notification and collection of the intraday mark-to-market process.

Proposed Intraday Volatility Charge and Other Margin Charges

As discussed above, the proposed intraday volatility charge would be implemented with a calculation methodology that is similar to the calculation of the current intraday mark-to-market charge. As noted above, the intraday mark-to-market charge addresses the risk presented by changes in market prices over the course of the day, where the proposed intraday volatility charge would address the risk presented by changes in a Member's own clearing activity that may occur over the course of the day. Despite the difference in risks that these charges are designed to address, both intraday charges would be applied with a similar methodology. For example, both intraday charges would be generally measured as the difference between the charge collected at the start of the day and a calculation of that charge intraday. Both intraday charges would also be triggered when a threshold is met, and in both cases, NSCC would retain discretion in the ability to lower that threshold. NSCC would also utilize the same notification process for the proposed intraday volatility charge that currently used to notify Members when an intraday mark-to-market charge is assessed. By structuring the proposed intraday volatility charge similarly to the current intraday mark-to-market charge, NSCC believes the proposal would provide Members with predictability and clarity into how the proposal charge would be calculated and assessed.

Currently, pursuant to Sections I(A)(1)(c) and I(A)(2)(c) of Procedure XV, NSCC may collect an additional payment, referred to as the ''special charge,'' from Members in view of price fluctuations in or volatility or lack of liquidity of any security, based on factors that NSCC determines to be appropriate.[30] NSCC has rarely assessed a special charge, but believes this ''special charge'' continues to be a valuable risk management tool that would allow it to collect additional amounts in the event of unpredictable, unusual or sudden market events that present additional risks to NSCC that its margining methodology is not able to predict. While the proposed intraday volatility charge would provide NSCC with an additional tool to address events that cause Members' positions to increase the levels of volatility risks, it will be used only when it is triggered by the applicable calculation. When the intraday volatility charge is triggered, a

[27] *See* Rule 56 (Securities Financing Transactions Clearing Service) of the Rules, *supra* note 3.

[28] *Id.*

[29] *Supra* note 8.

[30] *See supra* note 3.

special charge would not also be required from a Member to address the same volatility risks. Likewise, if NSCC is exposed to volatility risks that are not captured by the intraday volatility charge calculation or by other available margin charges, NSCC would have the ability to mitigate those risks through the collection of a special charge.

Finally, as noted above, the MRD charge is an additional component of Members' Required Fund Deposit that is designed to capture some of the risk presented by increased volatility between collection of Required Fund Deposits.[31] Larger increases in volatility that the MRD charge is not able to predict and capture in the start of day collection of Required Fund Deposits, however, will be captured by the proposed intraday volatility charge. Because of the ability of volatility portion of the MRD charge to manage the risk of some increase to volatility between collection of Required Fund Deposits, NSCC would adjust the amount of intraday volatility charge it would collect from Members when the threshold is met by the amount of the volatility portion of the MRD charge collected from a Member at the start of that Business Day.

(iii) Proposal To Eliminate the Intraday Backtesting Charge

NSCC is also proposing to eliminate the Intraday Backtesting Charge. The Backtesting Charge, which may be collected as an Intraday Backtesting Charge or a Regular Backtesting Charge collected at the start of the day, was adopted in 2016 shortly after NSCC implemented the intraday mark-to-market charge as part of its proposal to accelerate its trade guaranty (''ATG'').[32] Intraday margin surveillance, collection and backtesting performance were key issues during the development and proposal of ATG. While NSCC had also considered adopting an intraday volatility charge as part of the ATG proposal, at that time it was decided that NSCC would continue to monitor intraday volatility exposures, with the expectation of later developing an intraday volatility charge. As noted above, the proposal to now eliminate the Intraday Backtesting Charge is driven by a few considerations.

First, in connection with recent regulatory feedback, NSCC has determined that the current methodology for calculating the Intraday Backtesting Charge makes an unreasonable assumption that NSCC would cease to act for a Member that has paid all of its intraday margin requirements. As a result, this calculation methodology may underestimate a Member's backtesting losses and undercounting potential backtesting deficiencies. In light of this, NSCC considered revising the methodology for calculating the Intraday Backtesting Charge to exclude amounts it has already collected from the Member.[33] However, a calculation that disregards intraday margin collections would penalize Members for making intraday margin deposits and be considered double margining.

More specifically, as stated above, NSCC's daily backtesting is designed to measure the adequacy of each Member's Required Fund Deposit by comparing the Required Fund Deposit for a Member with the simulated liquidation gains/losses using the actual positions in that Member's portfolio, and the actual historical security returns. Margin amounts collected intraday from a Member are a part of their Required Fund Deposit. If NSCC collects margin from a Member intraday, but does not include that amount in its Required Fund Deposit in connection with its backtesting, resulting in a backtesting deficiency and a subsequent Intraday Backtesting Charge, that Member would have covered its risk to NSCC twice—first as intraday margin collected from that Member and second as an Intraday Backtesting Charge. Therefore, NSCC has determined to eliminate the Intraday Backtesting Charge rather than exclude amounts collected intraday from Members in its calculation.

Second, NSCC believes it will continue to be able to adequately address both its intraday market risk exposures and its backtesting coverage metrics if it eliminates the Intraday Backtesting Charge. On an intraday basis, NSCC would continue to rely on both the intraday mark-to-market charge and the proposed intraday volatility charge to address intraday exposures presented by price volatility and changes to its Members' positions intraday. Further, in connection with its daily backtesting, NSCC will monitor the intraday backtesting metric inclusive of all intraday collections to assess the continued effectiveness of its intraday margining process.

Additionally, NSCC would maintain the Regular Backtesting Charge, which is collected at the start of the day, to support its backtesting coverage. Studies reviewing the impact of removing the Intraday Backtesting Charge on NSCC's backtesting coverage metrics, described in greater detail below, indicate that this proposal would not have a significant impact on NSCC's ability to maintain its backtesting coverage target.

Therefore, given the deficiencies in the current calculation of the Intraday Backtesting Charge and the risks related to adjustments to this calculation that would address those deficiencies, and in light of both the enhancements NSCC has made to its intraday margining since the adoption of the Intraday Backtesting Charge as well as its proposal to now adopt an intraday volatility charge, NSCC has determined it is appropriate to eliminate the Intraday Backtesting Charge.

(iv) Proposed Changes to Procedure XV of the Rules

In order to implement the proposed intraday volatility charge, NSCC would amend Procedure XV to add a new subsection 6 to Section I.(B) of Procedure XV of the Rules. This new subsection would describe the thresholds for collecting an intraday volatility charge, the exceptions to the collection of the charge when those thresholds are met, and the calculation of that charge. The proposed change would also describe NSCC's discretion to reduce the 100 percent threshold and the circumstances in which it may exercise that discretion.

The proposed rule change would, to a certain extent, mirror the description of the current intraday mark-to-market charge, which has a similar percent threshold and calculation and for which NSCC retains similar discretion regarding the ability to reduce the percent threshold. By using a similar calculation and applying similar discretion to that already used for the intraday mark-to-market, NSCC would adopt a rule change that is clear and understandable by its Members.

In order to eliminate the Intraday Backtesting Charge, NSCC would amend Section I.(B)(3) of Procedure XV, where the Backtesting Charge is described, to eliminate references to the Intraday Backtesting Charge.

(v) Impact Study Results

With respect to the proposed intraday volatility charge, NSCC has provided the Commission with the results of an impact study that reviewed Member positions at 4:00 p.m. EST between January 3, 2020 and May 28, 2021. This

[31] *See supra* note 17.

[32] Release No. 79167 (October 26, 2016), 81 FR 75883 (November 1, 2016) (File Nos. SR–FICC–2016–006; SR–NSCC–2016–004).

[33] NSCC recently filed a proposed rule change to amend Section I.(B)(3) of Procedure XV of the Rules to clarify that the calculation methodology for the Backtesting Charge does not include amounts already collected as a Backtesting Charge from that Member. Release No. 93678 (November 30, 2021), 86 FR 69109 (December 6, 2021) (File No. SR–NSCC–2021–014).

study showed the proposal would have resulted in approximately eight intraday volatility charges collected on an average day during that time period, and such charges would have been an average of $31.6 million, ranging in size from $251 thousand to $1.35 billion.

With respect to the proposal to eliminate the Intraday Backtesting Charge, NSCC has provided the Commission with the results of an impact study that reviewed the impact the proposal would have had on both end of day backtesting and intraday backtesting between February 2021 and February 2022. During this time period, NSCC collected a daily average of $30.0 million in total Intraday Backtesting Charge collected from 15 Members. The Intraday Backtesting Charges that made up this total amount averaged approximately $2.0 million, ranging in size from $10 thousand to $21.1 million. While NSCC would not have collected these amounts if the proposal was in place during this time period, the results of the study showed that the end of day backtesting would have remained above the 99% coverage target during that time period and would have had an immaterial impact on intraday backtesting results, causing backtesting to drop below the 99% coverage target slightly in only two instances. The backtesting results would not be materially impacted by the proposal because the Intraday Backtesting Charges generally do not represent a large portion of the total Clearing Fund collected from Members and the proposal to introduce an intraday volatility charge would, when applicable, allow NSCC to collect additional amounts.

(vi) Implementation Timeframe

NSCC would implement the proposed changes no later than 10 Business Days after the approval of the proposed rule change by the Commission. NSCC would announce the effective date of the proposed changes by Important Notice posted to its website.

2. Statutory Basis

NSCC believes the proposed changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to a registered clearing agency. In particular, NSCC believes the proposed change is consistent with Section 17A(b)(3)(F) of the Act,[34] and Rules 17Ad–22(e)(4)(i), (e)(6)(i) and (e)(23)(ii), each promulgated under the Act,[35] for the reasons described below.

Section 17A(b)(3)(F) of the Act requires that the rules of NSCC be designed to, among other things, assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible and be designed to promote the prompt and accurate clearance and settlement of securities transactions.[36] NSCC believes the proposed change to implement an intraday volatility charge is designed to assure the safeguarding of securities and funds which are in its custody or control or for which it is responsible because it is designed to mitigate changes in volatility that could occur intraday and increase the risks to NSCC related to liquidating a Member's portfolio following that Member's default. Specifically, the proposed intraday volatility charge would allow NSCC to collect financial resources to cover its exposures that it may face due to increases in volatility that occur between collections of start-of-day Required Fund Deposits.

The Clearing Fund is a key tool that NSCC uses to mitigate potential losses to NSCC associated with liquidating a Member's portfolio in the event of Member default. Therefore, the proposed change to include an intraday volatility charge among the Clearing Fund components, when applicable, would enable NSCC to better address any changes to market price volatility or the size of a Member's portfolio of Net Unsettled Positions that occur intraday, such that, in the event of Member default, NSCC's operations would not be disrupted and non-defaulting Members would not be exposed to losses they cannot anticipate or control. In this way, the proposed change to implement the intraday volatility charge is designed to assure the safeguarding of securities and funds which are in the custody or control of NSCC or for which it is responsible, consistent with Section 17A(b)(3)(F) of the Act.[37]

Furthermore, NSCC believes the proposal to eliminate the Intraday Backtesting Charge is consistent with the requirements of Section 17A(b)(3)(F) of the Act because it would eliminate a charge that is currently calculated based on an unreasonable assumption and is no longer needed for NSCC to address its intraday market risk exposures and backtesting coverage metrics. By eliminating this charge, the proposal would allow NSCC to more accurately and, therefore, effectively measure its intraday risk exposures, which NSCC believes would promote the prompt and accurate clearance and settlement of securities transactions. As such, NSCC believes that the proposed change would be consistent with Section 17A(b)(3)(F) of the Act.[38]

Rule 17Ad–22(e)(4)(i) under the Act requires, in part, that NSCC establish, implement, maintain and enforce written policies and procedures reasonably designed to effectively identify, measure, monitor, and manage its credit exposures to participants and those arising from its payment, clearing, and settlement processes, including by maintaining sufficient financial resources to cover its credit exposure to each participant fully with a high degree of confidence.[39]

As described above, NSCC believes the proposed change to adopt an intraday volatility charge would enable it to better identify, measure, monitor, and, through the collection of Members' Required Fund Deposits, manage its credit exposures to Members by maintaining sufficient resources to cover those credit exposures fully with a high degree of confidence. Specifically, NSCC believes that the proposed intraday volatility charge would effectively mitigate the risks related to intraday increases in volatility and would address the increased risks NSCC may face related to liquidating a Member's portfolio following that Member's default. Therefore, NSCC believes the proposal would enhance NSCC's ability to effectively identify, measure and monitor its credit exposures and would enhance its ability to maintain sufficient financial resources to cover its credit exposure to each participant fully with a high degree of confidence. As such, NSCC believes the proposed change to adopt an intraday volatility charge is consistent with Rule 17Ad–22(e)(4)(i) under the Act.[40]

NSCC also believes the proposal to eliminate the Intraday Backtesting Charge is consistent with Rule 17Ad–22(e)(4)(i) under the Act[41] because it would eliminate a charge that is currently calculated based on an unreasonable assumption and is no longer needed for NSCC to address its intraday market risk exposures and backtesting coverage metrics. By eliminating this charge, the proposal would allow NSCC to more accurately and, therefore, effectively identify,

[34] 15 U.S.C. 78q–1(b)(3)(F).

[35] 17 CFR 240.17Ad–22(e)(4)(i), (e)(6)(i), (e)(23)(ii).

[36] 15 U.S.C. 78q–1(b)(3)(F).

[37] *Id.*

[38] *Id.*

[39] 17 CFR 240.17Ad–22(e)(4)(i).

[40] *Id.*

[41] *Id.*

measure, monitor, and manage its credit exposures to participants. As such, NSCC believes this proposed change is consistent with Rule 17Ad–22(e)(4)(i) under the Act.[42]

Rule 17Ad–22(e)(6)(i) under the Act requires, in part, that NSCC establish, implement, maintain and enforce written policies and procedures reasonably designed to cover its credit exposures to its participants by establishing a risk-based margin system that, at a minimum, considers, and produces margin levels commensurate with, the risks and particular attributes of each relevant product, portfolio, and market.[43]

The Required Fund Deposits are made up of risk-based components (as margin) that are calculated and assessed daily to limit NSCC's credit exposures to Members. NSCC's proposed change to introduce an intraday volatility charge is designed to more effectively address the risks presented by significant intraday changes to market price volatility or a Member's portfolio of Net Unsettled Positions. NSCC believes the addition of the intraday volatility charge would enable NSCC to assess a more appropriate level of margin that accounts for increases in these volatility risks that may occur intraday. This proposed change is designed to assist NSCC in maintaining a risk-based margin system that considers, and produces margin levels commensurate with, the risks of portfolios that experience significant volatility on an intraday basis. Therefore, NSCC believes the proposed change to adopt an intraday volatility charge is consistent with Rule 17Ad–22(e)(6)(i) under the Act.[44]

NSCC also believes the proposal to eliminate the Intraday Backtesting Charge is consistent with Rule 17Ad–22(e)(6)(i) under the Act.[45] Given the deficiencies in the current calculation of the Intraday Backtesting Charge and the risks related to adjustments to this calculation that would address those deficiencies, NSCC believes that the proposal to eliminate the Intraday Backtesting Charge would support its continued maintenance of a risk-based margin system that considers, and produces margin levels commensurate with, the risks of its Members' portfolios. As such, NSCC believes the proposal is consistent with Rule 17Ad–22(e)(6)(i) under the Act.[46]

Rule 17Ad–22(e)(23)(ii) under the Act requires that NSCC establish, implement, maintain and enforce written policies and procedures reasonably designed to provide for providing sufficient information to enable participants to identify and evaluate the risks, fees, and other material costs they incur by participating in NSCC.[47] NSCC is proposing to amend the Rules to include a description of the intraday volatility charge, including the thresholds that would trigger the collection of the charge, the exceptions to the collection of the charge when the thresholds are met, the method by which NSCC would calculate that charge, and NSCC's discretion to reduce the percent threshold that triggers the collection of the charge, including the circumstances when NSCC may exercise this discretion.

Through these proposed amendments to the Rules, the proposal would assist NSCC in providing its Members with sufficient information to identify and evaluate the risks and costs, in the form of Required Fund Deposits to the Clearing Fund, that they incur by participating in NSCC. Additionally, the proposed intraday volatility charge would be calculated in a way that is similar to the calculation of the current intraday mark-to-market charge, as described in greater detail above, providing Members with consistency and, therefore, a clearer understanding of the methodology used to calculate this proposed charge. The proposed changes would also disclose NSCC's discretion in lowering the percent threshold that triggers the collection of the charge and would provide examples of when such discretion may be exercised.

In this way, NSCC believes the proposed changes are consistent with Rule 17Ad–22(e)(23)(ii) under the Act.[48]

(B) Clearing Agency's Statement on Burden on Competition

NSCC believes that the proposed change to adopt an intraday volatility charge could have an impact on competition. Specifically, NSCC believes the proposed charge could burden competition because it would result in larger Required Fund Deposit amounts for Members when the intraday volatility charge is applicable and result in a Required Fund Deposit that is greater than the amount calculated pursuant to the current formula.

The impacts of this proposal on a particular Member would depend on the size and composition of the Member's portfolio and the potential market volatility of positions in that portfolio. The proposed change is not designed in a way that is intended to or expected to impact Members of a certain legal entity type or size or who employ a particular business model. NSCC is proposing to specify in the Rules the circumstances in which NSCC would not collect an intraday volatility charge that is otherwise triggered by the thresholds. Such circumstances would account for Members' business practices that may result in the later submission of trading activity that would offset trades submitted earlier in the day. As described above, NSCC would also determine not to collect an intraday volatility charge if the amount would be $250,000 or less. NSCC believes these exceptions to the collection of the intraday volatility charge would mitigate any unintended disparate impacts on Members of a certain size or who have a certain business model. In this way, NSCC expects that Members that present similar adjusted intraday Net Unsettled Positions, regardless of the type or size of Member or a Member's particular business practices, would have similar impacts on their Required Fund Deposit amounts as a result of the proposal.

When the proposal results in a larger Required Fund Deposit, the proposed change could burden competition for Members that have lower operating margins or higher costs of capital compared to other Members. However, the increase in Required Fund Deposit would be in direct relation to the specific risks presented by each Member's adjusted intraday Net Unsettled Positions, and each Member's Required Fund Deposit would continue to be calculated with the same parameters and at the same confidence level for each Member. Therefore, because the impact of the proposal on a Member is related to the specific risks presented by that Member's clearing activity and not on the type or size of a Member, NSCC believes that any burden on competition imposed by the proposed change would be both necessary and appropriate in furtherance of NSCC's efforts to mitigate risks and meet the requirements of the Act, as described in this filing and further below.

Additionally, NSCC would use apply specified, risk-based exceptions to collecting the intraday volatility charge when the thresholds are triggered. As described above, NSCC would not collect an intraday volatility charge if the thresholds are triggered due to these specified circumstances, rather than due

[42] *Id.*

[43] 17 CFR 240.17Ad–22(e)(6)(i).

[44] *Id.*

[45] *Id.*

[46] *Id.*

[47] 17 CFR 240.17Ad–22(e)(23)(ii).

[48] *Id.*

to an increase in risk exposures presented by a Member's adjusted intraday Net Unsettled Positions that would not be mitigated by later trading activity. In such cases, any burden on competition imposed on Members who are assessed the charge as compared to Members who are not assessed the charge due to these specified circumstances would be due to the application of risk-based criteria that is specified in the Rules and would be necessary and appropriate in furtherance of NSCC's efforts to mitigate risks and meet the requirements of the Act, as described in this filing and further below.

NSCC believes the above described burden on competition that may be created by the proposed intraday volatility charge would be necessary in furtherance of the Act, specifically Section 17A(b)(3)(F) of the Act.[49] As stated above, the proposed intraday volatility charge is designed to address the risks of increases in market price volatility or other changes to a Member's portfolio on an intraday basis that could increase the costs to NSCC of liquidating a Member portfolio in the event of the Member's default. Specifically, the proposed intraday volatility charge would allow NSCC to collect sufficient financial resources to cover its exposure that it may face increased costs in liquidating positions that experience intraday volatility that is not captured by the start of day volatility charge or the volatility portion of the MRD charge. Therefore, NSCC believes this proposed change is necessary and appropriate in furtherance of the requirements of Section 17A(b)(3)(F) of the Act, which requires that the Rules be designed to assure the safeguarding of securities and funds that are in NSCC's custody or control or which it is responsible.[50]

NSCC believes these proposed change would also support NSCC's compliance with Rule 17Ad–22(e)(4)(i) and Rule 17Ad–22(e)(6)(i) under the Act, which require NSCC to establish, implement, maintain and enforce written policies and procedures reasonably designed to (x) effectively identify, measure, monitor, and manage its credit exposures to participants and those arising from its payment, clearing, and settlement processes, including by maintaining sufficient financial resources to cover its credit exposure to each participant fully with a high degree of confidence; and (y) cover its credit exposures to its participants by establishing a risk-based margin system that, at a minimum, considers, and produces margin levels commensurate with, the risks and particular attributes of each relevant product, portfolio, and market.[51]

As described above, NSCC believes the introduction of the intraday volatility charge would allow NSCC to employ a risk-based methodology that would address the increased risks NSCC may face when intraday volatility changes a Member's portfolio such that the volatility charge and MRD charge collected at the start of the day no longer addresses the risks these positions present to NSCC. Therefore, the proposed change would better limit NSCC's credit exposures to Members, necessary and appropriate in furtherance of the requirements of Rule 17Ad–22(e)(4)(i) and Rule 17Ad–22(e)(6)(i) under the Act.[52]

NSCC believes that the above-described burden on competition that could be created by the proposed change would be appropriate in furtherance of the Act because such change has been appropriately designed to assure the safeguarding of securities and funds which are in the custody or control of NSCC or for which it is responsible, as described in detail above. The proposed intraday volatility charge would also enable NSCC to produce margin levels more commensurate with the risks and particular attributes of each Member's portfolio.

The proposed intraday volatility charge would do this by measuring the change in volatility that impacts Members' adjusted Net Unsettled Positions and could occur intraday. Therefore, because the proposed changes are designed to provide NSCC with an appropriate measure of the volatility risks presented by Members' portfolios, NSCC believes the proposal is appropriately designed to meet its risk management goals and its regulatory obligations.

NSCC believes it has designed the proposed changes in an appropriate way in order to meet compliance with its obligations under the Act. Specifically, the proposals would improve the risk-based margining methodology that NSCC employs to set margin requirements and better limit NSCC's credit exposures to its Members. Therefore, as described above, NSCC believes the proposed change is necessary and appropriate in furtherance of NSCC's obligations under the Act, specifically Section 17A(b)(3)(F) of the Act[53] and Rule 17Ad–22(e)(4)(i) and Rule 17Ad–22(e)(6)(i) under the Act.[54]

NSCC does not believe the proposal to eliminate the Intraday Backtesting Charge would impact competition. The proposed rule changes would eliminate this charge from the Rules, such that it would not be applicable to any Members or included in the calculation of any Members' Required Fund Deposits. The proposed changes would not affect NSCC's operations or the rights and obligations of membership. As such, NSCC believes the proposed rule changes would not have any impact on competition.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

NSCC has not received or solicited any written comments relating to this proposal. If any written comments are received, they will be publicly filed as an Exhibit 2 to this filing, as required by Form 19b–4 and the General Instructions thereto.

Persons submitting comments are cautioned that, according to Section IV (Solicitation of Comments) of the Exhibit 1A in the General Instructions to Form 19b–4, the Commission does not edit personal identifying information from comment submissions. Commenters should submit only information that they wish to make available publicly, including their name, email address, and any other identifying information.

All prospective commenters should follow the Commission's instructions on how to submit comments, *available at https://www.sec.gov/regulatory-actions/how-to-submit-comments.* General questions regarding the rule filing process or logistical questions regarding this filing should be directed to the Main Office of the Commission's Division of Trading and Markets at *tradingandmarkets@sec.gov* or 202–551–5777.

NSCC reserves the right not to respond to any comments received.

III. Date of Effectiveness of the Proposed Rule Change, and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which

[49] 15 U.S.C. 78q–1(b)(3)(F).

[50] *Id.*

[51] 17 CFR 240.17Ad–22(e)(4)(i), (e)(6)(i).

[52] *Id.*

[53] 15 U.S.C. 78q–1(b)(3)(F).

[54] 17 CFR 240.17Ad–22(e)(4)(i), (e)(6)(i).

the self-regulatory organization consents, the Commission will:

(A) by order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be 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–NSCC–2022–009 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to File Number SR–NSCC–2022–009. 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 NSCC and on DTCC's website (*http://dtcc.com/legal/sec-rule-filings.aspx*). 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–NSCC–2022–009 and should be submitted on or before August 10,2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[55]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–15451 Filed 7–19–22; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95284; File No. SR–FICC–2022–004]

Self-Regulatory Organizations; Fixed Income Clearing Corporation; Notice of Designation of Longer Period for Commission Action on a Proposed Rule Change To Amend the Stress Testing Framework and Liquidity Risk Management Framework

July 14, 2022.

On May 26, 2022, Fixed Income Clearing Corporation (''FICC'') filed with the Securities and Exchange Commission (''Commission'') proposed rule change SR–FICC–2022–004 (the ''Proposed Rule Change'') pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder.[2] The Proposed Rule Change was published for comment in the **Federal Register** on June 15, 2022,[3] and the Commission has received no comments regarding the changes proposed in the Proposed Rule Change.

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 the Proposed Rule Change is July 30, 2022.

The Commission is extending the 45-day period for Commission action on the Proposed Rule Change. The Commission finds that it is appropriate to designate a longer period within which to take action on the Proposed Rule Change so that it has sufficient time to consider and take action on the Proposed Rule Change.

Accordingly, pursuant to Section 19(b)(2) of the Act[5] and for the reasons stated above, the Commission designates September 13, 2022, as the date by which the Commission shall either approve, disapprove, or institute proceedings to determine whether to disapprove proposed rule change SR–FICC–2022–004.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–15449 Filed 7–19–22; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #17489 and #17490; Montana Disaster Number MT–00158]

Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the State of Montana

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Montana (FEMA–4655–DR), dated 06/16/2022.

Incident: Severe Storm and Flooding.

Incident Period: 06/10/2022 and continuing.

DATES: Issued on 07/07/2022.

Physical Loan Application Deadline Date: 08/15/2022.

Economic Injury (EIDL) Loan Application Deadline Date: 03/16/2023.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of Montana, dated 06/16/2022, is hereby amended to include the following areas as adversely affected by the disaster.

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[55] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 95079 (June 9, 2022), 87 FR 36182 (June 15, 2022) (File No. SR–FICC–2022–004).

[4] 15 U.S.C. 78s(b)(2).

[5] *Id.*

[6] 17 CFR 200.30–3(a)(31).

Primary Counties: Sweet Grass, Treasure, Yellowstone.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Joshua Barnes,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2022–15468 Filed 7–19–22; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments

ACTION: 60-Day notice and request for comments.

SUMMARY: The Small Business Administration (SBA) intends to request approval, from the Office of Management and Budget (OMB) for the collection of information described below. The Paperwork Reduction Act (PRA) requires federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information before submission to OMB, and to allow 60 days for public comment in response to the notice. This notice complies with that requirement.

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

ADDRESSES: Send all comments to, Kanika Perkins, Supervisory Business Management Specialist • Management and Technical Assistance, Office of Business Development, Small Business Administration.

FOR FURTHER INFORMATION CONTACT: Kanika Perkins, Supervisory Business Management Specialist • Management and Technical Assistance, *kanika.perkinks@sba.gov*, 202–205–6294; Curtis B. Rich, Agency Clearance Officer, *curtis.rich@sba.gov*, 202–205–7030.

SUPPLEMENTARY INFORMATION: In 2016, based on authorities provided in the Small Business Jobs Act of 2010, and the National Defense Authorization Act for Fiscal Year 2013, the Small Business Administration established a Government-wide mentor-protégé program for all small business concerns, (the All Small Mentor Protégé Program) consistent with SBA's mentor-protégé program for Participants in SBA's 8(a) Business Development (BD) program. This information collection facilitates ongoing implementation and administration of that program. The collection of information consists of: SBA Form 2459, Mentor Protégé Agreement, which collects information to assist with evaluating the protégé's needs and goals as well as the mentor's ability to meet those needs; SBA Form 2460, Mentor Protégé Benefits Report, which collects information to determine the participants continuing eligibility to participate in the All Small Business Mentor Protégé Program and evaluate program performance, including the level of technical, management, and financial assistance the mentor provided to the protégé. Each mentor is also required to submit information to show that it is financially capable of carrying out its responsibilities to assist the protégé firm meet its goals. Finally, for those mentors and proteges that are involved in joint ventures, this information collection requires them to submit a copy of quarterly financial statements and performance of work reports to help SBA monitor compliance with performance of work requirements.

Both Forms 2459 and 2460 have been changed to collect additional information. Changes to Form 2459 include questions about other mentor protégé agreements and information that might lead to a finding of affiliation between the mentor and protege, and changes to Form 2460 include additional clarifying questions about joint ventures, contract offers, awards and performance, as well as information about subcontract awards and the protégé's revenue and/or staff growth.

Solicitation of Public Comments

SBA is requesting comments on (a) Whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Summary of Information Collection

OMB Control Number: 3245–0393.

Title: ''Mentor Protégé Program''.

Description of Respondents: Small or large business concerns participating in the All Small Mentor Protégé program as a protégé or mentor, consistent with SBA's mentor-protégé program.

Form Number: SBA Forms 2459 and 2460.

Estimated Annual Responses: 3,750.

Estimated Annual Hour Burden: 5,850.

Curtis B. Rich,

Agency Forms Manager.

[FR Doc. 2022–15466 Filed 7–19–22; 8:45 am]

BILLING CODE 8026–09–P

DEPARTMENT OF STATE

[Public Notice: 11791]

30-Day Notice of Proposed Information Collection: Electronic Medical Examination for Visa or Refugee Applicant

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

DATES: Submit comments up to August 19, 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: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Tonya Whigham, who may be reached at *PRA_BurdenComments@state.gov* or at 202–485–7586.

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Electronic Medical Examination for Visa Applicant or Refugee Applicant.
- *OMB Control Number:* 1405–0230.
- *Type of Request:* Extension of a Currently Approved Collection.
- *Originating Office:* Bureau of Consular Affairs, Visa Office (CA/VO).
- *Form Number:* DS–7794.
- *Respondents:* Visa Applicants; Follow-to-Join Refugee/Asylum Applicants; Parole Applicants with Boarding Foils.
- *Estimated Number of Respondents:* 1,100,000.
- *Estimated Number of Responses:* 1,100,000.
- *Average Time per Response:* 1 hour.
- *Total Estimated Burden Time:* 1,100,000 annual hours.
- *Frequency:* Once per respondent.[1]
- *Obligation to Respond:* Required to Obtain or Retain a Benefit.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- 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.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

This electronic collection records medical information necessary to determine whether visa applicants have medical conditions affecting the applicants' eligibility for a visa.

This collection is also used to collect medical examination information from follow-to-join refugees and certain individuals who have been paroled into or are seeking parole into the United States.

Methodology

The Department grants approved panel physicians access to an eMedical system to conduct medical examinations for determinations of eligibility for visas and other immigration benefits. The panel physician inputs the exam information into the eMedical portal, and it is transmitted to the Department for visa adjudication, follow-to-join refugee adjudication, and for the purpose of issuing boarding foils for certain individuals seeking parole from the Department of Homeland Security; it is thereafter retained in the Department's systems. The information is also transmitted to the Centers for Disease Control and Prevention's (''CDC'') systems. In some instances, if the individual has been admitted to the United States as a parolee or is seeking parole into the United States, the information is transmitted directly to the CDC, bypassing the Department. In relation to parolees, the data that is transmitted to the U.S. Government depends on the nature of parole as determined by the Department of Homeland Security.

Julie M. Stufft,

Deputy Assistant Secretary, Bureau of Consular Affairs, Department of State.

[FR Doc. 2022–15471 Filed 7–19–22; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF STATE

[Public Notice: 11792]

International Traffic in Arms Regulations: Issuance of Open General Licenses 1 and 2

ACTION: Publication of general licenses available on the Directorate of Defense Trade Controls website.

SUMMARY: The Department of State, Directorate of Defense Trade Controls is publishing two open general licenses, permitting certain reexports and retransfers as provided therein, in the **Federal Register**: Open General License No. 1 and Open General License No. 2, each of which was previously issued on DDTC's website.

FOR FURTHER INFORMATION CONTACT: Robert Hart, Office of Defense Trade Controls Policy, U.S. Department of State, telephone (202) 663–1282, or email *DDTCCustomerService@state.gov.* ATTN: Open General Licenses 1 and 2.

SUPPLEMENTARY INFORMATION: On July 13, 2022, pursuant to the authority of section 38(a) of the Arms Export Control Act (22 U.S.C. 2778(a)), as delegated to the Secretary of State by E.O. 13637, 78 FR 16129, and as further delegated by the Secretary of State, the Deputy Assistant Secretary of State for Defense Trade Controls issued two open general licenses as part of a pilot program described in the International Traffic in Arms Regulations (ITAR), 22 CFR parts 120 through 130, § 126.9(b). This pilot program involves open general licenses that may be used by certain persons in Australia, Canada, and the United Kingdom to retransfer certain defense articles within each of the three countries and to reexport certain defense articles between and among the three countries. These open general licenses are valid for one year, effective August 1, 2022, through July 31, 2023.

The Office of Management and Budget has approved the information collection revision (OMB Control 1405–0173) described in each open general license via emergency processing under 5 CFR 1320.13 for six months. In the coming weeks, the Directorate of Defense Trade Controls will begin the process for a standard associated clearance.

Open General License No. 1 permits the retransfer (as defined in ITAR § 120.51) of unclassified defense articles to the Governments of Australia, Canada, or the United Kingdom, and to members of the Australian and United Kingdom communities (as defined in ITAR §§ 126.16(d) and 126.17(d)) and Canadian-registered persons (as defined in ITAR § 126.5(b)). Open General License No. 2 permits the reexport (as defined in ITAR § 120.19) of unclassified defense articles between or among the Governments of Australia, Canada, or the United Kingdom, and to members of the Australian and United Kingdom communities (as defined in ITAR §§ 126.16(d) and 126.17(d)) and Canadian-registered persons (as defined in ITAR § 126.5(b)). Both licenses are subject to requirements, limitations, and provisos as described in each open general license.

The text of Open General License No. 1 and Open General License No. 2 are provided below.

Open General License No. 1

Qualifying Retransfers Within Australia, Canada, and the United Kingdom

(a) The Directorate of Defense Trade Controls (DDTC), pursuant to the International Traffic in Arms Regulations (ITAR) § 126.9(b), hereby provides the following Open General License No. 1. Open General License No. 1 licenses the retransfer (as defined in ITAR § 120.51) of unclassified defense articles to:

(1) the Government of Australia, the Government of Canada, or the Government of the United Kingdom;

(2) members of the Australian Community as defined in ITAR § 126.16(d), at all locations in Australia;

(3) members of the United Kingdom Community as defined in ITAR § 126.17(d), at all locations in the United Kingdom; or

(4) Canadian-registered persons as defined in ITAR § 126.5(b).

(b) The retransfer of any unclassified defense article to any of the parties listed in section (a) is subject to all the following requirements, limitations, and provisos:

(1) Requirements. The transferor shall:

(i) comply with the requirements of ITAR § 123.9(b);

(ii) maintain the following records of each retransfer: a description of the defense article, including technical data; the name and address of the recipient and the end-user, and other available contact information (*e.g.,* telephone number and electronic mail address); the name of the natural person responsible for the transaction; the stated end use of the defense article; the date of the transaction; and the method of transfer;

(iii) ensure that such records are made available to DDTC upon request; and

(iv) utilize Open General License No. 1 as the license or other approval number or exemption citation.

(2) Limitations and provisos:

(i) the defense articles to be retransferred were originally exported pursuant to a license or other approval issued by DDTC pursuant to section 38 of the Arms Export Control Act (AECA), the Defense Trade Cooperation Treaty between the United States and Australia (ITAR § 126.16), or the Defense Trade Cooperation Treaty between the United States and the United Kingdom, (ITAR § 126.17);

(ii) a defense article originally exported pursuant to ITAR § 126.6(c) may not be retransferred under this license;

(iii) defense articles described in ITAR § 126.16(a)(5) or § 126.17(a)(5) may not be retransferred under this license;

(iv) defense articles may not be retransferred under this license if they are listed on the Missile Technology Control Regime (MTCR) Annex or identified as Missile Technology (MT) on the United States Munitions List (USML) in ITAR part 121;

(v) defense articles may not be retransferred under this license if they will be used to support the design, development, engineering, manufacture, production, assembly, testing, repair, maintenance, modification, operation, demilitarization, destruction, or processing of a missile, UAV, space-launch vehicle, item listed on the MTCR Annex, or item listed as MT on the USML in ITAR part 121;

(vi) technical data may only be retransferred under this license for the purpose of organizational-level, intermediate-level, or depot-level maintenance, repair, or storage of a defense article;

(vii) any major defense equipment (as defined in ITAR § 120.8) valued (in terms of its original acquisition cost) at $25,000,000 or more and any defense article or related training or other defense service valued (in terms of its original acquisition cost) at $100,000,000 or more, may only be retransferred under this license for the purpose of:

i. maintenance, repair, or overhaul defense services, including the repair of defense articles used in furnishing such services, if the retransfer will not result in any increase in the military capability of the defense articles and services to be maintained, repaired, or overhauled; or

ii. a temporary retransfer of defense articles for the sole purpose of receiving maintenance, repair, or overhaul;

(viii) the retransfer must take place wholly within the physical territory of Australia, Canada, or the United Kingdom;

(ix) any retransfer of a defense article other than technical data is for end use by, or operation on behalf of, the Government of Australia, the Government of Canada, or the Government of the United Kingdom; and

(x) Open General License No. 1 may not be utilized by persons to whom a presumption of denial is applied by DDTC pursuant to ITAR §§ 120.1(c) or 127.11(a), including, among other reasons, for past convictions of certain U.S. criminal statutes or because they are otherwise ineligible to contract with or receive an export or import license from an agency of the U.S. Government.

(c) Open General License No. 1 is a license or other approval as defined in ITAR § 120.20, including for purposes of ITAR part 127. Any retransfer that satisfies the requirements specified herein may be undertaken pursuant to Open General License No. 1.

(d) No liability will be incurred by or attributed to the U.S. Government in connection with any possible infringement of privately owned patent or proprietary rights, either domestic or foreign, by reason of any retransfer conducted pursuant to Open General License No. 1.

Entry Into Force

Open General License No. 1 is valid for one year, effective August 1, 2022 through July 31, 2023. The Department may later consider reissuing Open General License No. 1 prior to July 31, 2023 and extend the period of validity, or otherwise amend the license.

Open General License No. 1 is limited to transactions described herein, all other transactions subject to the ITAR require a separate license or approval as described in the ITAR.

The Department of State approves Open General License No. 1 pursuant to ITAR § 126.9(b) and subject to the enumerated limitations, provisos, and requirements as well as the requirements contained elsewhere in the ITAR. Open General License No. 1 may not be utilized unless and until these limitations, provisos, and requirements have been satisfied.

Please direct any questions regarding Open General License No. 1 to the Office of Defense Trade Controls Policy at telephone (202) 663–1282, or email *DDTCCustomerService@state.gov.*

Michael F. Miller,

Deputy Assistant Secretary for Defense Trade Controls.

Dated: July 13, 2022.

Open General License No. 2

Qualifying Reexports Between or Among Australia, Canada, and the United Kingdom

(a) The Directorate of Defense Trade Controls (DDTC), pursuant to the International Traffic in Arms Regulations (ITAR) § 126.9(b), hereby provides the following Open General License No. 2. Open General License No. 2 licenses the reexport (as defined in ITAR § 120.19) of unclassified defense articles between or among:

(1) the Government of Australia;

(2) the Government of Canada;

(3) the Government of the United Kingdom;

(4) members of the Australian Community as defined in ITAR § 126.16(d), at all locations in Australia;

(5) members of the United Kingdom Community as defined in ITAR § 126.17(d), at all locations in the United Kingdom; and

(6) Canadian-registered persons as defined in ITAR § 126.5(b).

(b) The reexport of any unclassified defense article to any of the parties listed in section (a) is subject to all the following requirements, limitations, and provisos:

(1) Requirements. The transferor shall:

(i) comply with the requirements of ITAR § 123.9(b);

(ii) maintain the following records of each reexport: a description of the defense article, including technical data; the name and address of the recipient and the end-user, and other available contract information (*e.g.,* telephone number and electronic mail address); the name of the natural person responsible for the transaction; the stated end use of the defense article; the date of the transaction; and the method of transfer;

(iii) ensure that such records are made available to DDTC upon request; and

(iv) utilize Open General License No. 2 as the license or other approval number or exemption citation.

(2) Limitations and provisos:

(i) the defense articles were originally exported pursuant to a license or other approval issued by DDTC pursuant to section 38 of the Arms Export Control Act (AECA), the Defense Trade Cooperation Treaty between the United States and Australia (ITAR § 126.16), or the Defense Trade Cooperation Treaty between the United States and the United Kingdom, (ITAR § 126.17);

(ii) a defense article originally exported pursuant to ITAR § 126.6(c) may not be reexported under this license;

(iii) defense articles described in ITAR § 126.16(a)(5) or § 126.17(a)(5) may not be reexported under this license;

(iv) defense articles may not be reexported under this license if they are listed on the Missile Technology Control Regime (MTCR) Annex or identified as Missile Technology (MT) on the United States Munitions List (USML) in ITAR part 121;

(v) defense articles may not be reexported under this license if they will be used to support the design, development, engineering, manufacture, production, assembly, testing, repair, maintenance, modification, operation, demilitarization, destruction, or processing of a missile, UAV, space-launch vehicle, item listed on the MTCR Annex, or item listed as MT on the USML in ITAR part 121;

(vi) technical data may only be reexported under this license for the purpose of organizational-level, intermediate-level, or depot-level maintenance, repair, or storage of a defense article;

(vii) any major defense equipment (as defined in ITAR § 120.8) valued (in terms of its original acquisition cost) at $25,000,000 or more and any defense article or related training or other defense service valued (in terms of its original acquisition cost) at $100,000,000 or more, may only be reexported under this license for the purpose of:

i. maintenance, repair, or overhaul defense services, including the repair of defense articles used in furnishing such services, if the reexport will not result in any increase in the military capability of the defense articles and services to be maintained, repaired, or overhauled; or

ii. a temporary reexport of defense articles for the sole purpose of receiving maintenance, repair, or overhaul;

(viii) the reexport must take place wholly within or between the physical territory of Australia, Canada, or the United Kingdom;

(ix) any reexport of a defense article other than technical data is for end use by, or operation on behalf of, the Government of

Australia, the Government of Canada, the Government of the United Kingdom, or the Government of the United States; and

(x) Open General License No. 2 may not be utilized by persons to whom a presumption of denial is applied by DDTC pursuant to ITAR §§ 120.1(c) or 127.11(a), including, among other reasons, for past convictions of certain U.S. criminal statutes or because they are otherwise ineligible to contract with or receive an export or import license from an agency of the U.S. Government.

(c) Open General License No. 2 is a license or other approval as defined in ITAR § 120.20, including for purposes of ITAR part 127. Any reexport that satisfies the requirements specified herein may be undertaken pursuant to Open General License No. 2.

(d) No liability will be incurred by or attributed to the U.S. Government in connection with any possible infringement of privately owned patent or proprietary rights, either domestic or foreign, by reason of any reexport conducted pursuant to Open General License No. 2.

Entry Into Force

Open General License No. 2 is valid for one year, effective August 1, 2022 through July 31, 2023. The Department may later consider reissuing Open General License No. 2 prior to July 31, 2023 and extend the period of validity, or otherwise amend the license.

Open General License No. 2 is limited to transactions described herein, all other transactions subject to the ITAR require a separate license or approval as described in the ITAR.

The Department of State approves Open General License No. 2 pursuant to ITAR § 126.9(b) and subject to the enumerated limitations, provisos, and requirements as well as the requirements contained elsewhere in the ITAR. Open General License No. 2 may not be utilized unless and until these limitations, provisos, and requirements have been satisfied.

Please direct any questions regarding Open General License No. 2 to the Office of Defense Trade Controls Policy at telephone (202) 663–1282, or email *DDTCCustomerService@state.gov.*

Dated: July 13, 2022.

Michael F. Miller,

Deputy Assistant Secretary for Defense Trade Controls, Department of State.

[FR Doc. 2022–15433 Filed 7–19–22; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF STATE

[Public Notice 11781]

30-Day Notice of Proposed Information Collection: Medical Examination for Visa or Refugee Applicant: DS–2054, DS–3025, DS–3026, DS–3030

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

DATES: Submit comments up to August 19, 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: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Tonya Whigham, who may be reached at *PRA_BurdenComments@state.gov* or at 202–485–7586.

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Medical Examination for Visa or Refugee Applicant.
- *OMB Control Number:* 1405–0113.
- *Type of Request:* Extension of a Currently Approved Collection.
- *Originating Office:* Bureau of Consular Affairs, Visa Office (CA/VO).
- *Form Number:* Forms DS–2054, DS–3030, DS–3025, DS–3026.
- *Respondents:* Visa Applicants; Follow-to-Join Refugee/Asylum Applicants; Parole Applicants with Boarding Foils.
- *Estimated Number of Respondents:* 110,412.
- *Estimated Number of Responses:* 110,412.
- *Average Time per Response:* 1 hour.
- *Total Estimated Burden Time:* 110,412 annual hours.
- *Frequency:* Once per respondent.
- *Obligation to respond:* Required to Obtain or Retain a Benefit.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- 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.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

Forms for this collection are completed by panel physicians for refugees, noncitizens seeking a visa, and some individuals who need a boarding foil in order to be paroled into the United States. The collection records medical information necessary to determine whether noncitizens have medical conditions affecting the individual's eligibility for an immigration benefit or affecting the public health and requiring treatment.

Methodology

A panel physician, contracted by the consular post in accordance with instructions issued by the Centers for Disease Control (CDC), performs the medical examination of the applicant and completes the forms. Panel physicians complete Forms DS–3025, DS–3026, and DS–3030. Upon completing the medical examination, the examining panel physician submits a report to the consular section on Form DS–2054 and includes the DS–3024, DS–3026, and the DS–3030. The information provided in these forms assists the Department for visa adjudication, follow-to-join refugee adjudication, and for the purpose of issuing boarding foils for certain individuals seeking parole from the Department of Homeland Security. and is thereafter retained in the Department's systems. The information is also provided to the CDC.

Julie M. Stufft,

Deputy Assistant Secretary, Bureau of Consular Affairs, Department of State.

[FR Doc. 2022–15472 Filed 7–19–22; 8:45 am]

BILLING CODE 4710–06–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36622 (Sub-No. 1)]

Evansville Western Railway, Inc.—Temporary Trackage Rights Exemption—Illinois Central Railroad Company

On July 14, 2022, the Evansville Western Railway, Inc. (EVWR), filed a request under 49 CFR 1180.2(d)(8) for an extension of the temporary overhead trackage rights previously granted in this docket over an approximately 11.7-mile line of railroad owned by Illinois Central Railroad Company, between Sugar Camp, Ill., at milepost 61.9, and Dial, Ill., at milepost 73.6 (the Line).

EVWR was authorized to acquire these trackage rights over the Line by notice of exemption served on June 8, 2022, and published in the **Federal Register** on June 13, 2022 (87 FR 35846). The purpose of the trackage rights is to allow EVWR to load unit coal trains at Pond Creek Mine near Dial until EVWR's service at the Sugar Camp Mine can be restored following the mine's closure due to a mine fire and the unrelated, but necessary, relocation of long wall mining equipment. Currently, the rights are scheduled to expire on the earlier of: (i) July 15, 2022, or (ii) the re-opening of the Sugar Camp Mine ''with sufficient production to fulfill the required requested loadings of unit trains of coal.'' EVWR seeks to extend the temporary trackage rights until the earlier of: (i) August 15, 2022 or (ii) the re-opening of the Sugar Camp Mine ''with sufficient production to fulfill the required requested loadings of unit trains of coal.''

Under 49 CFR 1180.2(d)(8), the parties may, prior to the expiration of the temporary trackage rights, file a request for a renewal of the temporary rights for an additional period of up to one year, including the reasons for the extension. EVWR states that the Sugar Camp Mine is expected to remain inoperable for several more weeks and that an extension of the temporary trackage rights will allow it to continue service to its shippers by loading unit coal trains at Pond Creek Mine until EVWR's service at the Sugar Camp Mine can be restored. EVWR filed a copy of an executed amendment to the temporary trackage rights agreement with its request for an extension.

In accordance with 49 CFR 1180.2(d)(8), EVWR's temporary trackage rights over the Line will be extended and will expire on or before August 15, 2022, as explained above. The employee protective conditions imposed in the June 8, 2022 notice remain in effect. Notice of the extension will be published in the **Federal Register**.

It is ordered:

1. EVWR's temporary trackage rights are extended and will expire on the earlier of: (i) August 15, 2022 or (ii) the re-opening of the Sugar Camp Mine with sufficient production to fulfill the required requested loadings of unit trains of coal.

2. Notice will be published in the **Federal Register**.

3. This decision is effective on its service date.

Decided: July 15, 2022.

By the Board, Mai T. Dinh, Director, Office of Proceedings.

Kenyatta Clay,

Clearance Clerk.

[FR Doc. 2022–15514 Filed 7–19–22; 8:45 am]

BILLING CODE 4915–01–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Suspension of the Safeguard Action on Imports of Certain Crystalline Silicon Photovoltaic Cells (Whether or Not Partially or Fully Assembled Into Other Products) Originating in Canada and Modification of the Harmonized Tariff Schedule of the United States

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: Pursuant to authority delegated by the President on July 8, 2022, the U.S. Trade Representative reached an agreement with Canada limiting the export from Canada and the import into the United States of certain crystalline silicon photovoltaic cells (whether or not partially or fully assembled into other products) (CSPV products). The U.S. Trade Representative, in consultation with the Secretaries of Commerce and Energy, has determined that the agreement will ensure that imports of CSPV products originating in Canada do not undermine the effectiveness of the President's safeguard action proclaimed on imports of CSPV products. The U.S. Trade Representative is modifying the Harmonized Tariff Schedule of the United States (HTSUS) to suspend application of the safeguard measure to imports of CSPV products originating in Canada.

DATES: The suspension of the application of the safeguard measure to imports of CSPV products originating in Canada and technical changes is applicable as of February 1, 2022.

FOR FURTHER INFORMATION CONTACT: For questions concerning the agreement, contact Michael T. Gagain, Office of General Counsel, at *Michael.T.Gagain@ustr.eop.gov* or 202–395–9529, or Victor Mroczka, Office of WTO and Multilateral Affairs, at *vmroczka@ustr.eop.gov* or (202) 395–9450.

SUPPLEMENTARY INFORMATION:

I. The Safeguard Measure on CSPV Products

On January 23, 2018, the President, pursuant to section 203 of the Trade Act of 1974 (Trade Act) (19 U.S.C. 2253), issued Proclamation 9693, which imposed a safeguard measure on imports of CSPV products in the form of a tariff-rate quota on imports of solar cells not partially or fully assembled into other products, and an increase in duties on imports of modules. *See* 83 FR 3541 (Jan. 25, 2018). The measure took effect on February 7, 2018, for an initial period of four years. On February 4, 2022, the President, pursuant to section 203(e) of the Trade Act (19 U.S.C. 2253(e)), issued Proclamation 10339, which extended the safeguard measure on imports of CSPV products for an additional four years, a period which ends on February 6, 2026. *See* 87 FR 7357 (Feb. 9, 2022).

In Proclamation 10339, the President instructed the U.S. Trade Representative to enter into negotiations with Canada pursuant to section 203(f) of the Trade Act (19 U.S.C. 2253(f)). The proclamation provides that if the U.S. Trade Representative concludes an agreement with Canada, and the U.S. Trade Representative, in consultation with the Secretaries of Commerce and Energy, determines that imports from Canada do not undermine the effectiveness of the action extended through Proclamation 10339, then the U.S. Trade Representative is authorized to publish a **Federal Register** notice to revise the HTSUS as appropriate, with respect to imports from Canada. *See* 87 FR at 7360.

II. The Agreement With Canada and Suspension of the Safeguard Action on Imports of CSPV Products Originating in Canada

On July 8, 2022, pursuant to the authority delegated by the President under section 203(f) of the Trade Act through Proclamation 10339, the U.S. Trade Representative reached an agreement with Canada limiting the export from Canada and the import into the United States of CSPV products. The text of the agreement is available at *https://ustr.gov/sites/default/files/US-CA%20Solar%20Agreement_Signed_English_070822.pdf*. The U.S. Trade Representative, in consultation with the Secretaries of Commerce and Energy,

has determined that this agreement will ensure that imports of CSPV products originating in Canada do not undermine the effectiveness of the safeguard action extended by the President through Proclamation 10339. Accordingly, and pursuant to Proclamation 10339 and section 203(f) of the Trade Act, the U.S. Trade Representative is hereby modifying Note 18 of subchapter III of chapter 99 of the HTSUS (Note 18) to suspend application of the safeguard action on imports of CSPV products to imports of such products originating in Canada. The Annex to this notice modifies the HTSUS to reflect the suspension in application of the safeguard action to imports of CSPV products originating in Canada.

Greta Peisch,

General Counsel, Office of the United States Trade Representative.

ANNEX

Modification of the Harmonized Tariff Schedule of the United States

Effective with respect to unliquidated entries of goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on February 1, 2022, and with respect to unliquidated entries of goods that were admitted into a U.S. foreign trade zone under "privileged foreign status" as defined in 19 CFR 146.41, prior to 12:01 a.m. eastern daylight time on February 1, 2022, upon the entry for consumption of such FTZ goods on or after 12:01 a.m. eastern daylight time on February 1, 2022, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States is hereby modified as follows:

1. The superior text to subheadings 9903.45.21 and 9903.45.22 is modified by adding at the end thereof ", except as provided in heading 9903.45.27".

2. The article description of heading 9903.45.25 is modified by adding at the end thereof the phrase ", except as provided in heading 9903.45.27".

3. The following new heading is inserted in numerical sequence in such subchapter, with the material inserted in the columns titled "Heading/Subheading", "Article Description", "Rates of Duty 1-General", and "Rates of Duty 1-Special", respectively:

"9903.45.27	: Crystalline silicon photovoltaic cells, as	:	:	:
	: defined in note 18(c) to this subchapter,	:	:	:
	: and modules as defined in note 18(g) to this	:	:	:
	: subchapter, all the foregoing when the	:	:	:
	: product and originating good of Canada……..	: No change	: No change"	:

4. U.S. note 18 is modified by deleting from subdivisions (a) and (b) thereof the number "9903.45.25" and by inserting in lieu thereof "9903.45.27".

5. U.S. note 18 is further modified by adding at the end thereof the following subdivision:

"(i) Heading 9903.45.27 applies to the specified goods when they meet the requirements of general note 11 to the tariff schedule as goods of Canada under the United States-Mexico Canada Agreement and are products of Canada for purposes of 19 CFR Part 102."

6. U.S. note 18(c)(i) is modified by inserting after "9903.45.22" the phrase "and heading 9903.45.27"; subdivision (c)(ii) of such note is modified by inserting after "and 9903.45.22" the phrase "and heading 9903.45.27"; and subdivision (c)(iii) of such note is modified by deleting "Subheading 9903.45.25" and by inserting in lieu thereof "Headings 9903.45.25 and 9903.45.27".

7. U.S. note 18 is further modified by deleting from subdivision (g) the phrase "heading 9903.45.25" and by inserting in lieu thereof "headings 9903.45.25 and 9903.45.27".

[FR Doc. 2022–15519 Filed 7–19–22; 8:45 am]

BILLING CODE 3290–F2–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2022–33]

Petition for Exemption; Summary of Petition Received; Pemco World Air Services, Inc.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before August 9, 2022.

ADDRESSES: Send comments identified by docket number FAA–2022–0786 using any of the following methods:

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

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

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

FOR FURTHER INFORMATION CONTACT: Deana Stedman, AIR–612, Federal Aviation Administration, 2200 South 216th Street, Des Moines, WA 98198, phone and fax 206–231–3187, email *deana.stedman@faa.gov.*

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on July 15, 2022.

Daniel J. Commins,

Manager, Technical Writing Section.

Petition for Exemption

Docket No.: FAA–2022–0786.

Petitioner: Pemco World Air Services, Inc.

Section(s) of 14 CFR Affected: § 25.807(g)(4).

Description of Relief Sought: Petitioner is seeking relief from 14 CFR 25.807(g)(4), which requires that there be at least 2 exits, 1 of which must be a Type II or larger exit, in each side of the fuselage when the airplane has a passenger seating configuration of 20 to 40 seats. Specifically, the petitioner is proposing to modify Boeing Model 737–700 airplanes into a flexible cargo-passenger configuration, known as a ''combi,'' of which the 24-passenger configuration would have 1 oversized Type I exit on each side of the fuselage instead of 2 exits on each side of the fuselage (1 of which must be Type II or larger) as required by § 25.807(g)(4).

[FR Doc. 2022–15515 Filed 7–19–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2021–0037]

Surface Transportation Project Delivery Program; California High-Speed Rail Authority Audit Report

AGENCY: Federal Railroad Administration (FRA), U.S. Department of Transportation (DOT).

ACTION: Notice; request for comment.

SUMMARY: The Surface Transportation Project Delivery Program (STPD Program), often referred to as the ''NEPA Assignment Program,'' allows a State to assume FRA's environmental responsibilities for Federal environmental review, consultation, and compliance under the National Environmental Policy Act (NEPA) for railroad projects. When a State assumes these responsibilities, it carries out the assigned environmental review process, in lieu of FRA. The STPD Program requires annual audits for the first four years of the State's lead role in the program to ensure compliance with program requirements. FRA is issuing this notice to advise the public that it has conducted the second annual audit of the State of California, acting by and through, the California High-Speed Rail Authority (CHSRA), and seek comment from the public on the draft audit report. Following the comment period, FRA will publish a final audit report.

DATES: Comments must be received on or before August 19, 2022.

ADDRESSES: Comments related to Docket No. FRA–2021–0037 may be submitted by going to *https://www.regulations.gov* and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name and docket number (docket #). All comments received will be posted without change to *https://www.regulations.gov;* this includes any personal information. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted comments or materials.

Docket: For access to the docket to read background documents or comments received, go to *https://www.regulations.gov* and follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT: Marlys Osterhues, Chief Environment and Project Engineering, RPD, telephone: (202) 493–0413, email: *Marlys.Osterhues@dot.gov.*

SUPPLEMENTARY INFORMATION: *Privacy Act Statement:* FRA will post comments it receives without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether commenters identify themselves or not, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

Draft Surface Transportation Project Delivery Program Audit of the California High-Speed Rail Authority Conducted Between: December 13–16, 2021

Executive Summary

This report summarizes the results of FRA's second audit of CHSRA's conduct in carrying out its assigned environmental review responsibilities between July 1, 2020, and July 30, 2021 (Audit Period), to assess CHSRA's compliance with applicable Federal law, and the memorandum of understanding (section 327 MOU) executed July 23, 2019, between CHSRA and FRA. The Secretary, acting by and through FRA, is required to conduct annual audits of the State during each of the first 4 years of State participation in the STPD Program. 23 U.S.C. 327(g).

To conduct the audit, FRA formed a team (Audit Team) in April 2021. The Audit Team consisted of NEPA subject matter experts (SMEs) from FRA's environmental and project management divisions and the John A. Volpe National Transportation Systems Center. In addition, FRA designated a Senior Environmental Protection Specialist to serve as a NEPA Assignment Program liaison to CHSRA. The Audit Team reviewed samples of project documentation related to CHSRA's environmental decisions completed during the Audit Period, and CHSRA's self-assessment of its program. In addition, the Audit Team reviewed CHSRA's internal procedures related to Quality Assurance/Quality Control (QA/QC), project files, updated guidance documentation, and conducted interviews with relevant CHSRA staff between December 13 and 16, 2021. The Audit Team also conducted an interview with the U.S. Army Corps of Engineers on January 19, 2022. FRA provided CHSRA an opportunity to review the findings described below and has considered CHSRA's comments in developing this draft audit report.

Overall, the Audit Team found that CHSRA continues to carry out its assigned environmental responsibilities and complies with the provisions of the section 327 MOU.

Background

The STPD Program, codified at 23 U.S.C. 327, allows a State to assume FRA's environmental responsibilities for review, consultation, and compliance for railroad projects. When a State assumes these Federal responsibilities, the State becomes solely liable for carrying out the responsibilities it has assumed, in lieu of the FRA. CHSRA published its application under the STPD Program on November 9, 2017 and made it available for public comment for 30 days. After considering public comments, CHSRA submitted its application to FRA on January 31, 2018. The application served as the basis for developing the section 327 MOU, which identifies the responsibilities and obligations that CHSRA would assume.

FRA published a notice of the draft section 327 MOU in the **Federal Register** on May 2, 2018, for a 30-day comment period to solicit the views of the public and Federal agencies. After the close of the comment period, FRA and CHSRA considered comments and proceeded to execute the section 327 MOU. On July 23, 2019, CHSRA assumed FRA's responsibilities under NEPA, and the responsibilities for NEPA-related Federal environmental laws, as described in the section 327 MOU.

To oversee CHSRA's compliance, FRA conducts annual audits during each of the first four years of State participation. After the fourth year, FRA will not conduct annual audits but will monitor CHSRA's compliance with the section 327 MOU and applicable Federal laws and policies and assess whether CHSRA is attaining the performance measures listed in part 10 of the section 327 MOU. During monitoring FRA may request information from CHSRA and relevant Federal agencies, verify CHSRA's financial and personnel resources dedicated to carrying out the section 327 MOU, and review documents and other information. FRA provides the results of each annual audit to the public and solicits comment. FRA published the first audit report of CHSRA on April 21, 2021.

Audits are the primary mechanism through which FRA, oversees CHSRA's compliance with the provisions in the section 327 MOU. FRA conducts annual audits to: (1) oversee the State's compliance with this MOU and applicable Federal laws and policies; (2) determine the State's attainment of the performance measures identified in part 10 of the section 327 MOU; and (3) collect information needed for the Secretary's annual report to Congress pursuant to 23 U.S.C. 327(i). FRA intends to conduct two more annual audits consistent with 23 U.S.C. 327(g) and part 11 of the section 327 MOU. FRA will publish the results of each audit in a draft report and make the report available for public comment in the **Federal Register**, before publishing the final audit report.

Scope and Methodology

This audit covers all final NEPA decisions issued by CHSRA within the Audit Period. The Audit Team reviewed a sampling from CHSRA's project files complied for NEPA decisions; CHSRA's self-assessment report; and CHSRA current policies, guidance, and manuals relating to NEPA decisions and the decision-making process. FRA reviewed twelve reexaminations of previously approved final environmental impact statements (EIS) and one final EIS/record of decision (ROD), representing all projects completed within the Audit Period. In conducting the audit, the Audit Team focused on objectives related to six NEPA Assignment Program Elements: program management, documentation and records management, quality assurance and control (QA/QC), training, performance measurement, and legal sufficiency. Each NEPA Assignment Program Element is described further below.

The Audit Team interviewed nine CHSRA staff in CHSRA's regional offices and its headquarters office. In addition, the Audit Team interviewed one staff member from the U.S. Army Corps of Engineers to ensure timely and effective coordination occurs with this Federal resource agency partner. The Audit Team invited CHSRA staff, middle management, legal counsel, and executive management to participate in the interview process to ensure representation from a diverse range of staff expertise, experience, and program responsibility.

The Audit Team compared the procedures outlined in CHSRA's current environmental manuals and policies to the information obtained during staff interviews and project file reviews to evaluate CHSRA's performance against its documented procedures. The Audit Team then assessed CHSRA's performance based on the six NEPA Assignment Program Elements.

Audit Results

Overall, FRA found that CHSRA has carried out the environmental responsibilities assumed through the section 327 MOU and the Audit Team found that CHSRA is complying with the section 327 MOU. The following sections detail each of FRA's findings with respect to CHSRA's performance and the six NEPA Assignment Program Elements.

Program Management

Consistent with part 4 of the section 327 MOU, the State committed to maintaining adequate organizational and staff capability at CHSRA to manage the STPD Program. This includes integrating the STPD Program into CHSRA's environmental and project

development processes, using the appropriate SMEs, and developing, maintaining and implementing internal policies and procedures. In reviewing documentation for this audit, FRA found that CHSRA continues to implement an effective STPD Program by adhering to its Environmental Policies and Procedures Handbook, Environmental Compliance Program Manual, and the QA/QC Plan. The section 327 MOU requires CHSRA to conduct a self-assessment of their program implementation, and document actions to improve upon the previous audit self-assessment findings. CHSRA has conducted the required self-assessment and implemented actions to improve upon the findings described in the first audit.

CHSRA has incorporated the STPD Program into its overall project development process. CHSRA staff and counsel at the headquarters office are responsible for ensuring NEPA Assignment responsibilities are fulfilled by reviewing projects for compliance with assigned environmental laws and regulations independently from those responsible for developing the NEPA and related documentation as required in part 3 of the section 327 MOU.

CHSRA environmental staff at the three regional offices continues to coordinate their NEPA related project-work with headquarters staff through NEPA Coordinators. While no changes in staff functions have occurred since the completion of the first audit, the CHSRA NEPA Assignment Team has demonstrated an increased level of engagement in the overall project development process during the Audit Period. FRA's Audit Team found that the CHSRA is effectively incorporating environmental justice and climate change considerations into the CHSRA planning process.[1] CHSRA noted that it is currently updating its environmental justice guidance. The Audit Team recognizes CHSRA efforts to ensure compliance with these Administration initiatives through successfully tracking and implementing commitments.

Documentation and Records Management

In accordance with part 10.2.A of the section 327 MOU, CHSRA agreed to maintain documented compliance with NEPA and other Federal environmental statutes and regulations. During the Audit Period CHSRA issued 13 final NEPA decisions. The Audit Team reviewed the project files for twelve reexaminations of previously approved Final EISs and one combined Final EIS/ROD. These projects represented all CHSRA environmental review decisions completed within the Audit Period. The Audit Team found that CHSRA maintained a complete final electronic project record, containing all NEPA-related documentation, in accordance with the section 327 MOU.

Quality Assurance/Quality Control

CHSRA agreed to carry out regular QA/QC activities to ensure the assumed responsibilities are conducted consistent with applicable law and part 10.2.B of the section 327 MOU. The QA/QC program includes coordination between the regional environmental staff and the headquarters' NEPA assignment team, including CHSRA NEPA counsel. The NEPA assignment team reviews all NEPA documentation and technical reports to ensure regulatory compliance and technical sufficiency. CHSRA staff also engage with SMEs, when appropriate, regarding various environmental resources and regulations.

During interviews with the Audit Team, CHSRA described the continued use of comment resolution workshops to ensure appropriate consideration of all comments, both internal and from external stakeholders, including agencies. In addition, CHSRA continues to utilize an electronic file system to manage documentation effectively across the program. CHSRA provided the Audit Team documentation used to track QA/QC in the form of project review checklists, comment summary reports, and other associated documentation with project the file reviews.

Based on the information evaluated by the Audit Team, the Audit Team found that CHSRA is conducting regular QA/QC activities in accordance with the section 327 MOU.

Training Program

CHSRA committed to implementing training necessary to meet its environmental obligations consistent with part 12 of the section 327 MOU. CHSRA developed its NEPA Assignment Training Plan to meet this requirement. The training covers topics related to CHSRA's assigned environmental responsibilities. Based on interviews and a review of training documentation and records, all CHSRA staff received the training in accordance with the NEPA Assignment Training Plan during the Audit Period.

During interviews, CHSRA noted their continuing efforts to ensure effective coordination with Federal agencies, including the Federal Aviation Administration. These efforts may include providing additional training opportunities regarding high-speed rail system requirements. The Audit Team recognizes CHSRA ongoing activities and will evaluate these training efforts during the next audit cycle.

Performance Measures

As described in part 10.2 of the section 327 MOU, FRA and CHSRA established performance measures that CHSRA will seek to attain, and that FRA will consider during FRA's audits.

FRA evaluated CHSRA's administration of its assigned responsibilities against the performance measures outlined in the 327 MOU. The Audit Team recognizes the CHSRA efforts to implement a robust self-assessment review process. Based on results of the self-assessment, project file review and interviews, the FRA Audit Team found that CHSRA is attaining the performances measures in the section 327 MOU.

Legal Sufficiency

CHSRA maintains a documented legal sufficiency review for draft and final documents, which generally includes multiple rounds of review and procedures for elevating issues of concern, as outlined in the section 327 MOU. This review is conducted by CHSRA NEPA attorneys who also engage with NEPA outside counsel, as necessary. CHSRA attorneys are also involved in the preparation of guidance and trainings for staff. Since the first audit, CHSRA has updated its guidance for reevaluations and reexaminations, to include a legal sufficiency review for these documents.

Next Steps

FRA is providing the draft audit report for public review and comment for a 30-day period in accordance with 23 U.S.C. 327(g). No later than 60 days after the close of the comment period, FRA will publish the final audit report in the **Federal Register**.

Issued in Washington, DC.

Jennifer Mitchell,

Deputy Administrator.

[FR Doc. 2022–15478 Filed 7–19–22; 8:45 am]

BILLING CODE 4910–06–P

[1] CHSRA's environmental justice guidance is available at: *https://hsr.ca.gov/wp-content/uploads/docs/programs/title_VI/CHSRA%20EJ%20Guidance%208-14-2012.pdf.* CHSRA also publishes an annual sustainability report documenting its efforts to mitigate climate impacts. The 2021 report is available at: *https://hsr.ca.gov/wp-content/uploads/2021/09/Sustainability_Report_2021.pdf.*

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2022–0063]

Agency Information Collection Activities; Notice and Request for Comment; Drivers' Knowledge/Correct Use of New Technology Features in Passenger Vehicles

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice and request for comments on a request for approval of a new information collection.

SUMMARY: The National Highway Traffic Safety Administration (NHTSA) invites public comments about our intention to request approval from the Office of Management and Budget (OMB) for a new information collection. Before a Federal agency can collect certain information from the public, it must receive approval from OMB. Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved collections. This document describes a collection of information for which NHTSA intends to seek OMB approval on Drivers' Knowledge/Correct Use of New Technology Features in Passenger Vehicles.

DATES: Comments must be submitted on or before September 19, 2022.

ADDRESSES: You may submit comments identified by the Docket No. NHTSA–2022–0063 using any of the following methods:

- *Electronic submissions:* Go to the Federal eRulemaking Portal at *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail or Hand Delivery:* Docket Management, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays. To be sure someone is there to help you, please call (202) 366–9322 before coming.

Instructions: All submissions must include the agency name and docket number for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit *https://www.transportation.gov/privacy.*

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* or the street address listed above. Follow the online instructions for accessing the dockets via internet.

FOR FURTHER INFORMATION CONTACT: For additional information or access to background documents, contact Kathy Sifrit, Ph.D., Contracting Officer's Representative, Office of Behavioral Safety Research (NPD–320), National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, W46–470, Washington, DC 20590. Dr. Sifrit's phone number is 202–366–0868, and her email address is *Kathy.Sifrit@dot.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), before an agency submits a proposed collection of information to OMB for approval, it must first publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulation (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) how to enhance the quality, utility, and clarity of the information to be collected; and (d) how to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.* permitting electronic submission of responses. In compliance with these requirements, NHTSA asks for public comments on the following proposed collection of information for which the agency is seeking approval from OMB.

Title: Drivers' Knowledge/Correct Use of New Technology Features in Passenger Vehicles.

OMB Control Number: New.

Form Numbers: NHTSA Forms 1627, 1628, 1629, and 1630.

Type of Request: Approval of a new information collection request.

Type of Review Requested: Regular.

Requested Expiration Date of Approval: 3 years from date of approval.

Summary of the Collection of Information

The National Highway Traffic Safety Administration (NHTSA) of the U.S. Department of Transportation is seeking approval for a one-time voluntary information collection from 180 of licensed drivers of various ages for a research study of drivers' interactions with Level 2 (L2) systems that can provide longitudinal (adaptive cruise control) and lateral (lane centering) control of the vehicle. NHTSA expects to provide screening questionnaires to 1,000 potential participants to determine their eligibility for the study. Recruiting participants for the study has an estimated burden of 250 hours for the screening questions. An estimated 200 potential participants will be eligible and interested. This group will receive the consent form with an estimated burden of 150 hours for reviewing and completing the form. An estimated 180 participants are expected to consent and enroll in the study. Participants' naturalistic driving data will be collected using a data acquisition system (DAS) installed in study-provided vehicles. The DAS includes video cameras and sensors; data also will be collected from the vehicle. Naturalistic driving data will be collected for two weeks with the L2 systems in this study unavailable to the drivers to provide a baseline measure of participants' driving habits, followed by four weeks driving with the systems available to measure changes in driving patterns as well as safety-related behaviors such as distracted driving and seat belt use. While the naturalistic data collection does not create a burden to participants, study tasks above and beyond the driving they would normally complete include a 15-minute enrollment procedure, a one-hour vehicle familiarization briefing, a two-hour training about the L2 systems, two two-hour planned drives (one at the beginning and one at the end of the study), five 30-minute planned drives

(during the study), a five-minute usability questionnaire, and a 30-minute final debriefing. As such, the naturalistic study has an expected burden of 1,860 hours. In addition, half the participants will complete a 15-minute questionnaire that measures knowledge and opinions before exposure to the L2 systems and the other half will complete after exposure with an estimated burden of 45 hours. The total expected burden for this collection is 2,305 hours. NHTSA will use the information to produce a technical report containing summary statistics and tables. No identifying information or individual responses will be reported. The technical report will be made available to a variety of audiences interested in improving highway safety through the agency website and the National Transportation Library. This project involves approval by an institutional review board, which the contractor will obtain before contacting potential participants. This collection will inform the development of behavioral safety countermeasures, particularly in the areas of communications and training, intended to improve drivers' ability to use L2 systems safely.

Description of the Need for the Information and Proposed Use of the Information

NHTSA's mission is to save lives, prevent injuries, and reduce traffic-related health care and other economic costs. To further this mission, NHTSA conducts research as a foundation for the development of motor vehicle standards and traffic safety programs. Older adults comprise an increasing proportion of the driving population. Driving supports older adults' access to the goods and services they need and enhances their ability to take part in community and family activities that support quality of life. Vehicles equipped with L2 systems can reduce the cognitive load imposed by driving, which may make them appealing to older drivers who may find driving cognitively taxing, and to younger adults who may find the systems useful when navigating through heavy traffic or during long trips. However, drivers must understand what they can and cannot expect from L2 systems to use them safely and effectively. An increasing proportion of passenger vehicles are equipped with L2 systems which, under appropriate conditions, keep the vehicle centered in the lane and manage the vehicle's acceleration/braking to stay an appropriate distance from the vehicle ahead while maintaining driving speed. Research regarding driver understanding of L2 systems has been mixed. NHTSA is concerned that drivers may over-rely on L2 systems, and engage risky behaviors such as driving while distracted, drowsy, or under the influence of alcohol or drugs. NHTSA desires to learn more about how older and young adult drivers use these systems to better target behavioral countermeasures such as communications and training to ensure that drivers use the systems safely.

Affected Public: Study volunteers in the Blacksburg, VA, area. The study plans to recruit participants with little to no experience driving a vehicle with L2 systems. Of the 180 selected drivers, 60 will be age 70 and older, 60 will be between the ages of 35 and 55, and 60 will be between ages 18 and 25. Equal numbers of males and females will be recruited within each age group.

Estimated Number of Respondents: The study anticipates screening 1,000 potential participants to obtain 180 drivers who meet study inclusion criteria. NHTSA expects to provide screening questionnaires to 1,000 potential participants to determine their eligibility for the study. Based upon previous research experience in the study area, an estimated 200 potential participants (20% of those who respond to screener questions) will be eligible and interested. An estimated 180 participants (90% of those who receive the consent form) are expected to consent and enroll in the study.

Frequency: This study is a one-time information collection.

Estimated Total Annual Burden Hours: 2,305.

The annual estimated burden is 2,305 hours. This estimate includes 250 hours for 1,000 potential participants to complete the initial screening and 150 hours for 200 potential participants to review and complete the consent form. The burden estimate also includes 1,860 hours for the 180 consented and enrolled participants to complete all study tasks above and beyond the driving they would normally complete during the naturalistic driving observation periods. The study tasks include a 15-minute process for study enrollment, a 1-hour vehicle familiarization briefing, a 2-hour training about the L2 systems, two 2-hour planned drives (one at the beginning and one at the end of the study), five 30-minute planned drivers (during the study), a five-minute usability questionnaire, and a 30-minute final debriefing. In addition, half the participants will complete a 15-minute questionnaire that measures knowledge and opinions before exposure to L2 systems and the other half will complete the questionnaire after exposure with an estimated burden of 45 hours. The total burden is the sum of the burden across screening, consenting, and completing the study for a total estimate of 2,305 hours. The details are presented in Table 1 below.

TABLE 1—ESTIMATED BURDEN HOURS BY FORM

Form	Description	Participants	Estimated minutes per participant	Total estimated burden hours per form
Form 1627	Screening Questionnaire	1000	15	250
Form 1628	Informed Consent Briefing	200	45	150
Form 1629	Knowledge & Opinion Questionnaire	180	15	45
Form 1630	Naturalistic Study	180	620	1,860
	Enrollment		*15*	
	Vehicle Familiarization		*60*	
	Baseline Planned Drive		*120*	
	L2 System Familiarization		*120*	
	Five Weekly Planned Drives		*150*	
	Post-Study Planned Drive		*120*	
	Usability Questionnaire		*5*	
	Debriefing		*30*	

TABLE 1—ESTIMATED BURDEN HOURS BY FORM—Continued

Form	Description	Participants	Estimated minutes per participant	Total estimated burden hours per form
Total	.....	.....	.....	2,305

Estimated Total Annual Burden Cost: NHTSA estimates the only cost burdens to respondents beyond the time spent on data collection activities are costs related to drives above and beyond their normal driving required by the study, which impose additional fuel costs. These cost burdens are expected to be offset by the monetary compensation that will be provided to all research participants. Participants will receive $100 after completion of the first session, $150 after completion of the baseline naturalistic driving, and $200 upon completion of the study. This compensation offsets both the participants time as well as the additional fuel costs, and the amount is in line with past similar efforts given the activities it requires of participants.

Public Comments Invited: You are asked to comment on any aspects of this information collection, including (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (b) the accuracy of the Department's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended; 49 CFR 1.49; and DOT Order 1351.29.

Issued in Washington, DC.

Nanda Narayanan Srinivasan,

Associate Administrator, Research and Program Development.

[FR Doc. 2022–15408 Filed 7–19–22; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2018–0028; Notice 2]

Mobility Ventures, LLC, Denial of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Denial of petition.

SUMMARY: Mobility Ventures, LLC (Mobility), a wholly owned subsidiary of AM General, LLC, has determined that certain model year (MY) 2015–2016 Mobility Ventures MV–1 motor vehicles do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 126, *Electronic Stability Control Systems for Light Vehicles.* Mobility filed a noncompliance Part 573 Safety Recall Report on February 14, 2018. Mobility subsequently petitioned NHTSA on February 20, 2018, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. This notice announces the denial of Mobility's petition.

FOR FURTHER INFORMATION CONTACT: Vince Williams, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366–2319.

SUPPLEMENTARY INFORMATION:

I. Overview

Mobility has determined that certain MY 2015–2016 Mobility MV–1 motor vehicles do not fully comply with the requirements of paragraph S5.3.3 [1] of FMVSS No. 126, *Electronic Stability Control Systems for Light Vehicles* (49 CFR 571.126). Mobility filed a noncompliance Part 573 Safety Recall Report on February 14, 2018, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* Mobility subsequently petitioned NHTSA on February 20, 2018, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of receipt of Mobility's petition was published with a 30-day public comment period, on September 17, 2019, in the **Federal Register** (84 FR 48990). No comments were received. To view the petition and all supporting documents log onto the Federal Docket Management System (FDMS) website at *https://www.regulations.gov/.* Then follow the online search instructions to locate docket number ''NHTSA–2018–0028.''

II. Vehicles Involved

Approximately 977 MY 2015–2016 Mobility Ventures MV–1 vehicles, manufactured between December 22, 2014, and August 24, 2015, are potentially involved.

III. Noncompliance

Mobility reports that the previous model year vehicles (2011–2014) were equipped with a 4.6L V8 powertrain with 6 ignition states and the engine was changed in model years (2015–2016) to a 3.7L V6 powertrain with 11 ignition states. Following the change, the supplier of the Electronic Brake Control Module (EBCM) incorrectly programmed the EBCM memory chip to recognize the possible power mode states. This issue led to the telltale warning lamp not illuminating to indicate an Electronic Stability Control (ESC) fault under certain starting conditions, thus, not complying with paragraph S5.3.3 of FMVSS No. 126.

IV. Rule Requirements

Paragraph S5.3.3 of FMVSS No. 126, includes the requirements relevant to this petition. As of September 1, 2011, except as provided in paragraphs S5.3.4, S5.3.5, S5.3.8, and S5.3.10, the ESC malfunction telltale must illuminate when a malfunction of the ESC system exists and must remain continuously illuminated under the conditions specified in paragraph S5.3 for as long as the malfunction exists (unless the ''ESC malfunction'' and ''ESC Off'' telltale are combined in a two-part

[1] NHTSA believes that Mobility inadvertently cited paragraph S4.3.3 of FMVSS No. 126 in its petition. NHTSA believes, based on Mobility's Part 573 Safety Recall Report, that Mobility meant to cite paragraph S5.3.3 of FMVSS No. 126 in its petition.

telltale and the ''ESC Off'' telltale is illuminated), whenever the ignition locking system is in the ''On'' (''Run'') position.

V. Summary of Mobility's Petition

The following views and arguments presented in this section, ''V. Summary of Mobility's Petition,'' are the views and arguments provided by Mobility. Mobility describes the subject noncompliance and contends that the noncompliance is inconsequential as it relates to motor vehicle safety.

Mobility states its belief that the subject noncompliance is inconsequential ''because the Traction Control Off warning lamp will illuminate when a fault is detected, either immediately if the operator pauses with the key in the 'ignition on' state before starting the vehicle, or upon driving if the vehicle is started without pausing in the 'ignition on' state.'' Despite the noncompliance, Mobility claims that the driver would still be ''alerted to the possibility of a malfunction with the ESC system by the illumination of the Traction Control Off warning lamp.'' Although Mobility believes the subject noncompliance to be inconsequential to motor vehicle safety, it and its EBCM supplier, BWI Group, are ''developing a plug-and play re-flashing tool that will permit uploading of revised software into the current EBCM installed in the vehicle.'' Mobility explains that the software ''tracks the ignition sequences required by FMVSS No. 126, and fully corrects the observed noncompliance.'' However, Mobility says its only available solution at present would be ''to remove and replace the entire electrical and hydraulic unit with one that has had its software updated.''

Mobility states that it ''has notified its dealers to stop sale of any affected MV–1 vehicles that may be in their dealer inventory (new, used or demonstrator) until the EBCM software is updated.'' In addition, Mobility says that its ''authorized dealers will perform EBCM unit replacement or re-flashing (when available) free-of-charge when vehicle owners present to Dealers for service.''

Mobility says ''is not aware of any issues'' related to the subject noncompliance, nor has it ''received any warranty claims, field reports, or information about injuries or crashes related to the performance of the ESC.''

Mobility concludes by expressing its belief that the subject noncompliance is inconsequential as it relates to motor vehicle safety, and that its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

Mobility's complete petition and all supporting documents are available by logging onto the Federal Docket Management System (FDMS) website at: *https://www.regulations.gov* and by following the online search instructions to locate the docket number listed in the heading of this notice.

VI. Supplemental Information:

Mobility's petition contained sparse details about the condition(s) of when the ''Traction Control Off'' lamp would set in lieu of the ESC malfunction lamp or whether the required ESC lamp would eventually set at some point during the drive cycle. The petition also did not mention if the issue affected ''ALL'' ESC related faults or if it was specific to the faults attributed to steering angle sensor failures.

NHTSA requested more detailed information from Mobility about the subject noncompliance. In Mobility's supplemental response, it confirmed that under the subject noncompliance, the appropriate ESC diagnostic trouble code is triggered internally in the system; however, due to the failure in the software programming, the system incorrectly illuminates the ''Traction Control Off'' malfunction lamp instead of the required ''ESC'' malfunction lamp. Mobility added that the ''Traction Control Off'' lamp also illuminates when an operator manually ''turns off'' the Traction Control System (TCS) via the push-button toggle switch and that the TCS will remain ''Off'' and the lamp illuminated until either the TCS is re-enabled via an ignition-cycle or, the operator pushes the toggle switch a second time. Mobility also confirmed that the TCS remains fully functional and effective in this scenario.

NHTSA also requested clarification from Mobility with respect to how much time lapses after the vehicle starts moving until the system sets the ESC fault code and at what speed this occurs. Mobility responded to NHTSA that it should take approximately 8 minutes of driving a vehicle before the ESC fault code sets. However, Mobility failed to provide any insight with respect to what speed it believes a vehicle would need to be traveling for the system to set the ESC fault code.

VII. NHTSA's Analysis

The burden of establishing the inconsequentiality of a failure to comply with a *performance requirement* in an FMVSS—as opposed to a *labeling requirement with no performance implications*—is more substantial and difficult to meet. Accordingly, the Agency has not found many such noncompliances inconsequential.[2]

In determining inconsequentiality of a noncompliance, NHTSA focuses on the safety risk to individuals who experience the type of event against which a recall would otherwise protect.[3] In general, NHTSA does not consider the absence of complaints or injuries when determining if a noncompliance is inconsequential to safety. The absence of complaints does not mean vehicle occupants have not experienced a safety issue, nor does it mean that there will not be safety issues in the future.[4]

Arguments that only a small number of vehicles or items of motor vehicle equipment are affected also do not justify granting an inconsequentiality petition.[5] Similarly, mere assertions that only a small percentage of vehicles or items of equipment are likely to actually exhibit a noncompliance are unpersuasive. The percentage of potential occupants that could be adversely affected by a noncompliance is not relevant to whether the noncompliance poses an inconsequential risk to safety. Rather,

[2] *Cf. Gen. Motors Corporation; Ruling on Petition for Determination of Inconsequential Noncompliance,* 69 FR 19897, 19899 (Apr. 14, 2004) (citing prior cases where noncompliance was expected to be imperceptible, or nearly so, to vehicle occupants or approaching drivers).

[3] *See Gen. Motors, LLC; Grant of Petition for Decision of Inconsequential Noncompliance,* 78 FR 35355 (June 12, 2013) (finding noncompliance had no effect on occupant safety because it had no effect on the proper operation of the occupant classification system and the correct deployment of an air bag); *Osram Sylvania Prods. Inc.; Grant of Petition for Decision of Inconsequential Noncompliance,* 78 FR 46000 (July 30, 2013) (finding occupant using noncompliant light source would not be exposed to significantly greater risk than occupant using similar compliant light source).

[4] *See Morgan 3 Wheeler Limited; Denial of Petition for Decision of Inconsequential Noncompliance,* 81 FR 21663, 21666 (Apr. 12, 2016); *see also United States* v. *Gen. Motors Corp.,* 565 F.2d 754, 759 (D.C. Cir. 1977) (finding defect poses an unreasonable risk when it ''results in hazards as potentially dangerous as sudden engine fire, and where there is no dispute that at least some such hazards, in this case fires, can definitely be expected to occur in the future'').

[5] *See Mercedes-Benz, U.S.A., L.L.C.; Denial of Application for Decision of Inconsequential Noncompliance,* 66 FR 38342 (July 23, 2001) (rejecting argument that noncompliance was inconsequential because of the small number of vehicles affected); *Aston Martin Lagonda Ltd.; Denial of Petition for Decision of Inconsequential Noncompliance,* 81 FR 41370 (June 24, 2016) (noting that situations involving individuals trapped in motor vehicles—while infrequent—are consequential to safety); *Morgan 3 Wheeler Ltd.; Denial of Petition for Decision of Inconsequential Noncompliance,* 81 FR 21663, 21664 (Apr. 12, 2016) (rejecting argument that petition should be granted because the vehicle was produced in very low numbers and likely to be operated on a limited basis).

NHTSA focuses on the consequence to an occupant who is exposed to the consequence of that noncompliance.[6] The Safety Act is preventive, and manufacturers cannot and should not wait for deaths or injuries to occur in their vehicles before they carry out a recall.[7] Indeed, the very purpose of a recall is to protect individuals from risk. *Id.*

NHTSA evaluated the merits of the petition submitted by Mobility and has determined that its petition has not met the burden of persuasion that the subject FMVSS No. 126 noncompliance is inconsequential to motor vehicle safety. Specifically, S5.3.3 of FMVSS No. 126 requires that the ESC malfunction telltale must illuminate when a malfunction of the ESC system exists and must remain continuously illuminated under the conditions specified in paragraph S5.3 for as long as the malfunction exists (unless the ''ESC malfunction'' and ''ESC Off'' telltale are combined in a two-part telltale and the ''ESC Off'' telltale is illuminated), or whenever the ignition locking system is in the ''On'' (''Run'') position.

In making this determination, NHTSA considered Mobility's argument that the condition which causes this noncompliance is inconsequential to motor vehicle safety because when it occurs, it would alert the vehicle operator of the possibility of an ESC malfunction due to it immediately illuminating the ''Traction Control Off'' warning lamp when the fault occurs as opposed to the ESC malfunction lamp and then later illuminating the ESC malfunction lamp after the vehicle is driven for some period of time. While reviewing this petition, NHTSA requested clarification from Mobility about some of the details in the petition and attempted to learn how the issue would manifest itself to the operator in a real-life scenario. Mobility responded to NHTSA's request and provided supplemental information about how the fault code would set and the conditions in which it would illuminate the malfunctions lamps. Despite the additional information provided, Mobility has not met its burden of proof that this noncompliance is inconsequential to vehicle safety. The ESC system, with its corresponding ESC malfunction lamp, is a required safety system with the purpose of reducing the number of deaths and injuries that result from crashes in which the driver loses directional control of the vehicle, including those resulting in vehicle rollovers. It would not be in the best interest of the public to allow a vehicle to operate with an ESC malfunction at any point without illuminating the required ESC malfunction lamp. An illuminated Traction Control Off lamp does not carry the same sense of urgency as the ESC malfunction lamp. Whenever an ESC failure is detected, it is imperative that the ESC malfunction lamp illuminates as to alert the driver that the ESC system is not active and that the system should be serviced immediately.

VIII. NHTSA's Decision

In consideration of the foregoing, NHTSA finds that Mobility has not met its burden of persuasion that the subject FMVSS No. 126 noncompliance is inconsequential to motor vehicle safety. Accordingly, Mobility's petition is hereby denied. Mobility is consequently obligated to provide notification of and free remedy for that noncompliance under 49 U.S.C. 30118 and 30120.

(Authority: 49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8)

Anne L. Collins,

Associate Administrator for Enforcement.

[FR Doc. 2022–15491 Filed 7–19–22; 8:45 am]

BILLING CODE 4910–59–P

[6] *See Gen. Motors Corp.; Ruling on Petition for Determination of Inconsequential Noncompliance,* 69 FR 19897, 19900 (Apr. 14, 2004); *Cosco Inc.; Denial of Application for Decision of Inconsequential Noncompliance,* 64 FR 29408, 29409 (June 1, 1999).

[7] *See, e.g., United States* v. *Gen. Motors Corp.,* 565 F.2d 754, 759 (D.C. Cir. 1977).

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. DOT–NHTSA–2022–0011]

Agency Information Collection Activities; Notice and Request for Comment; Record Retention

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice and request for comments on an extension of a currently approved information collection

SUMMARY: The National Highway Traffic Safety Administration (NHTSA) invites public comments about our intention to request approval from the Office of Management and Budget (OMB) for an extension of a currently approved information collection. Before a Federal agency can collect certain information from the public, it must receive approval from (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved collections. This document describes a collection of information for which NHTSA intends to seek OMB approval. The information collection is for mandatory record retention requirements.

DATES: Written comments should be submitted by September 19, 2022.

ADDRESSES: You may submit comments identified by the Docket No. DOT–NHTSA–2022–0011 through any of the following methods:

- *Electronic Submissions:* Go to the Federal eRulemaking Portal at *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail or Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays. To be sure someone is there to help you please (202) 366–9322 before coming.

Instructions: All submissions must include the agency name and docket number for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.) You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2020 (65 FR 19477–78) or you may visit *https://www.transportation.gov/privacy.*

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* or the street address listed above. Follow the online instructions for accessing the dockets via internet.

FOR FURTHER INFORMATION CONTACT: For additional information or access to background documents, contact Paul Simmons, Office of Defect Investigation (NEF–110), (202) 366–2315, National Highway Traffic Safety Administration, Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590, email *paul.simmons@dot.gov.*

Please identify the relevant collection of information by referring to its OMB Control Number 2127–0042.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), before an agency submits a proposed collection of information to OMB for approval, it must first publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulation (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) how to enhance the quality, utility, and clarity of the information to be collected; and (d) how to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.* permitting electronic submission of responses. In compliance with these requirements, NHTSA asks for public comments on the following proposed collection of information for which the agency is seeking approval from OMB.

Title: Record Retention—49 CFR part 576.

OMB Control Number: 2127–0042.

Form Number(s): N/A.

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

Type of Review Requested: Regular.

Summary of the Collection of Information

Under 49 U.S.C. Section 30166(e), NHTSA ''reasonably may require a manufacturer of a motor vehicle or motor vehicle equipment to keep records, and a manufacturer, distributor or dealer to make reports, to enable [NHTSA] to decide whether the manufacturer, distributor, or dealer has complied or is complying with this chapter or a regulation prescribed under this chapter.''

To ensure that NHTSA will have access to this type of information, the agency exercised the authority granted in 49 U.S.C. Section 30166(e) and promulgated 49 CFR part 576 Record Retention, initially published on August 20, 1974 and most recently amended on July 10, 2002 (67 FR 45873), requiring manufacturers to retain one copy of all records that contain information concerning malfunctions that may be related to motor vehicle safety for a period of five calendar years after the record is generated or acquired by the manufacturer. Manufacturers are also required to retain for five years the underlying records related to early warning reporting (EWR) information submitted under 49 CFR part 579. The information collections support NHTSA's mission by increasing the effectiveness of NHTSA's investigations into potential safety related defects.

Description of the Need for the Information and Proposed Use of the Information

The records that are required to be retained per 49 CFR part 576 are used to promptly identify potential safety-related defects in motor vehicles and motor vehicle equipment in the United States. When a trend in incidents arising from a potentially safety-related defect is discovered, NHTSA relies on this information, along with other agency data, to determine whether or not to open a formal defect investigation (as authorized by Title 49 U.S.C. Chapter 301—Motor Vehicle Safety). NHTSA normally becomes aware of possible safety-related defects because it receives consumer complaints.

Agency experience has shown that manufacturers receive significantly more consumer complaints than does the agency. This is because the consumer with the product does not know whether their particular vehicle or equipment has a problem that is common with an entire group of vehicles or equipment. Whereas consumers know the manufacturer of their vehicle or equipment, relatively few know how to file a complaint with the National Highway Traffic Safety Administration's Auto Safety Hotline. The complaints filed with the manufacturer give the agency a fair indication of how widespread the potential problem may be.

If the manufacturer did not retain its records, NHTSA would be unable to enforce the statutory requirements that the manufacturer notify the agency and other persons of a safety-related defect when the manufacturer ''learns'' of the defect, and notify the agency and other persons of a noncompliance when it ''decides in good faith'' that the noncompliance exists. Without access to the manufacturer's records, it would be impossible for anyone other than the manufacturer to show when or if that manufacturer had obtained knowledge of a potential defect or had determined in good faith that the noncompliance did or did not exist. Without access to manufacturers' records, NHTSA's examinations of potential defects and non-compliances would be seriously handicapped. NHTSA could conduct surveys of vehicle owners or use other means to learn of problems with vehicles and equipment, but any of these other methods would require significantly more information collections by the agency and necessitate a larger staff of the agency's Office of Defect Investigations.

Affected Public: Manufacturers of motor vehicles and motor vehicle equipment.

Estimated Number of Respondents: 1,030.

NHTSA estimates that approximately 1,030 manufacturers of vehicles and equipment (including tires, child restraint systems and trailers) are required to maintain records under Part 576.

Frequency: As needed.

Number of Responses: 1,030.

Estimated Total Annual Burden Hours: 40,225.

NHTSA estimates the total annual burden for each vehicle, tire, and child restraint manufacturer to be 40 hours for a subtotal of 40,200 hours (1,005 respondents × 40 hours). In addition, there are approximately 23,660 equipment manufacturers (excluding tires, child seat restraint systems and trailer manufacturers) whose record retention requirements under Part 576 are limited to the documents underlying their Part 579 reporting requirements. Their Part 579 requirements include only the reporting of incidents involving deaths. Therefore, based on the number of death reports submitted to date by these equipment manufacturers, we estimate that an additional 25 equipment manufacturers have record retention requirements imposed by Part 576. We estimate that it will take one hour each to maintain the necessary records each year for a subtotal burden of 25 hours (25 respondents × one hour). Accordingly, NHTSA estimates that the total annual burden hours is 40,225 hours ((1,005 respondents × 40 hours) + (25 respondents × 1 hour)).

To calculate the labor cost associated with maintaining, NHTSA looked at wage estimates for the type of personnel involved with compiling and submitting the documents. NHTSA estimates the total labor costs associated with these burden hours by looking at the average wage for clerical workers. The Bureau of Labor Statistics (BLS) estimates that the

average hourly wage for office clerks (BLS Occupation code 43–9061) in the Motor Vehicle Manufacturing Industry is $20.98.[1] The Bureau of Labor Statistics estimates that private industry workers' wages represent 70.2% of total labor compensation costs.[2] Therefore, NHTSA estimates the hourly labor costs to be $29.89 and NHTSA estimates the total labor cost associated with the 40,225 burden hours to be $1,202,325.25. Table 1 provides a summary of the estimated burden hours and labor costs associated with those submissions.

TABLE 1—BURDEN ESTIMATES

Annual responses	Estimated burden per response	Average hourly labor cost	Labor cost per response	Total burden hours	Total labor costs
1,030	39.05 hours	$29.89	$1,167.31	40,225	$1,202,325.25

Estimated Total Annual Burden Cost: $0.

NHTSA estimates that there are no costs resulting from this collection of information other than labor costs associated with the burden hours.

Public Comments Invited: You are asked to comment on any aspects of this information collection, including (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (b) the accuracy of the Department's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; 49 CFR 1.49; and DOT Order 1351.29.

Stephen Ridella,

Director, Office of Defect Investigation.

[FR Doc. 2022–15470 Filed 7–19–22; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2022–0031]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Fatality Analysis Reporting System and Non-Traffic Surveillance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice and request for comments on an extension with modification of a currently approved information collection.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (PRA), this notice announces that the Information Collection Request (ICR) abstracted below will be submitted to the Office of Management and Budget (OMB) for review and approval. The ICR describes the nature of the information collection and its expected burden. This document describes a currently approved collection of information for which NHTSA intends to seek approval from OMB for extension on NHTSA's State data reporting systems: Fatality Analysis Reporting System (FARS) and Non-Traffic Surveillance (NTS). A **Federal Register** Notice with a 60-day comment period soliciting comments on the following information collection was published on April 4, 2022. Three supporting comments were received.

DATES: Comments must be submitted on or before August 19, 2022.

ADDRESSES: Written comments and recommendations for the proposed information collection, including suggestions for reducing burden, should be submitted to the Office of Management and Budget at *www.reginfo.gov/public/do/PRAMain.* To find this particular information collection, select ''Currently under Review—Open for Public Comment'' or use the search function.

FOR FURTHER INFORMATION CONTACT: For additional information or access to background documents, contact Barbara Rhea, State Data Reporting Systems Division (NSA–120), (202) 366–2714, National Highway Traffic Safety Administration, Room W53–304, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590. Please identify the relevant collection of information by referring to its OMB Control Number.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501 *et seq.*), a Federal agency must receive approval from the Office of Management and Budget (OMB) before it collects certain information from the public and a person is not required to respond to a collection of information by a Federal agency unless the collection displays a valid OMB control number. In compliance with these requirements, this notice announces that the following information collection request will be submitted to OMB.

A **Federal Register** notice with a 60-day comment period soliciting public comments on the following information collection was published on April 04, 2022 (87 FR 19573).

Title: Fatality Analysis Reporting System and Non-Traffic Surveillance.

OMB Control Number: 2127–0006.

Form Number: N/A.

Type of Request: Request for extension of a currently approved information collection.

Type of Review Requested: Regular.

Length of Approval Requested: Three years from date of approval.

Summary of the Collection of Information

NHTSA is authorized by 49 U.S.C. 30182 and 23 U.S.C. 403 to collect data on motor vehicle traffic crashes to aid in the identification of issues and the development, implementation, and evaluation of motor vehicle and highway safety countermeasures to reduce fatalities and the property damage associated with motor vehicle crashes. Using this authority, NHTSA established the Fatal Analysis Reporting System (FARS) and the Non-Traffic Surveillance (NTS), which collect data on fatal motor vehicle traffic crashes. Among other things, the information aids in the establishment and

[1] May 2020 National Industry-Specific Occupational Employment and Wage Estimates, NAICS 336100—Motor Vehicle Manufacturing, available at *https://www.bls.gov/oes/2020/may/naics4_336100.htm#43-0000* (accessed March 25, 2022).

[2] *See* Table 1. Employer Costs for Employee Compensation by ownership (Mar. 2020), available at *https://www.bls.gov/news.release/archives/ecec_06182020.pdf* (accessed March 25, 2022).

enforcement of motor vehicle regulations and highway safety programs.

The FARS is in its forty-sixth year of operation and is a census of all defined crashes involving fatalities. The FARS collects data from all 50 States, the District of Columbia, and Puerto Rico. NHTSA established cooperative agreements with the 50 States, the District of Columbia and Puerto Rico to report a standard set of data on each fatal crash within their jurisdictions. State employees extract and transcribe information from existing State files including police crash reports as well as driver license, vehicle registration, highway department, and vital statistics files. This collected information comprises a national database, Fatality Analysis Reporting System (FARS), that is NHTSA's and many States' principal means of tracking trends involving motor vehicle traffic fatalities and quantifying problems or potential problems in highway safety.

The Non-Traffic Surveillance (NTS) is a data collection effort for collecting information about counts and details regarding fatalities and injuries that occur in non-traffic crashes and non-crash incidents. Non-traffic crashes are crashes that occur off a public trafficway (*e.g.,* private roads, parking lots, or driveways), and non-crash incidents are incidents involving motor vehicles but without a crash scenario such as, carbon monoxide poisoning and hypo/hyperthermia. NTS non-traffic crash data are obtained through NHTSA's data collection efforts for the Crash Report Sampling System (CRSS),[1] the Crash Investigation Sampling System (CISS),[2] and FARS. NTS also includes data outside of NHTSA's own data collections. NTS' non-crash injury data is based upon emergency department records from a special study conducted by the Consumer Product Safety Commission's National Electronic Injury Surveillance System (NEISS) All Injury Program. NTS non-crash fatality data is derived from death certificate information from the Centers for Disease Control's National Vital Statistics System.

Data is collected differently under each of NHTSA's three data collection efforts that feed into NTS. The CRSS and CISS data collection efforts obtain NTS applicable reports received from the sample sites during their normal data collection efforts for CRISS and CISS. The FARS data collection effort uncovers NTS applicable reports received from the State during their normal data collection activities for FARS. Therefore, the burden for NTS is included in each study's calculation. This notice only seeks comment on the part of the NTS data that comes from the FARS data collection effort.

Description of the Need for the Information and Proposed Use of the Information

NHTSA's mission is to save lives, prevent injuries, and reduce economic losses resulting from motor vehicle crashes. To accomplish this mission, NHTSA needs high-quality data on motor vehicle crashes to identify primary factors related to the source of crashes and injury outcomes. The FARS supports this mission by providing the agency with vital information about all crashes involving fatalities that occur on our nation's roadways. The FARS does this by collection of national fatality information directly from existing State files and documents and aggregates that information for research and analysis.

FARS data is used extensively by all the NHTSA program and research offices, other DOT modes, States, and local jurisdictions. The highway research community uses the FARS data for trend analysis, problem identification, and program evaluation. Congress uses the FARS data for making decisions concerning safety programs. The FARS data are also available upon request to anyone interested in highway safety.

60-Day Notice

NHTSA published a 60-day notice in the **Federal Register** on April 4, 2022 (87 FR 19573). NHTSA received three supporting comments from the National Association of Mutual Insurance Companies (NAMIC), the Oklahoma Department of Transportation, and Safe Kids Worldwide. NAMIC emphasizes that the proposed data collection is necessary and appropriate and believes that the information surveyed will have significant practical utility. Furthermore, NAMIC supports this initiative to better understand and improve highway and auto safety, as well as inform policy development and other decision making. The Oklahoma DOT acknowledges the great role the FARS plays in compiling information that helps it develop plans to reduce occurrences of fatalities. The Oklahoma DOT also believes NHTSA's estimate of burden to be valid, and believes that, as technology progresses, the burden could be minimized while the system is enhanced. Safe Kids Worldwide asserts the importance of the FARS/NTS programs to NHTSA's mission and the broader safety community and that it is an incredibly robust and valuable system for research purposes. Safe Kids Worldwide suggests inclusion of more detailed information be available through the online query and more detailed coding for train-related injuries.

FARS is an on-going data acquisition system; reviews are conducted yearly to determine whether the data acquired are responsive to the total user population needs. Annual changes in the data collected in FARS are minor in terms of operation and method of data acquisition. The changes do not affect the reporting burden of the respondent. In fact, the changes are based on a continuous data collection and quality improvement process. The changes usually involve clarifying adjustments to aid statisticians in conducting more precise analyses and to remove potential ambiguity for the respondents. As part of this continual review process, NHTSA will consider Safe Kids Worldwide's suggestion regarding making more FARS data available through NHTSA's online query tool. NHTSA will also separately consider Safe Kids Wordwide's suggestion to include more detailed coding for train-related injuries and fatalities at railroad crossings.

Burden to Respondents

NHTSA has established cooperative agreements with the 50 States, the District of Columbia, and Puerto Rico to report a standard set of data on each fatal crash in their jurisdictions. State respondents report based on the occurrence of crashes involving fatalities. When a fatal crash occurs, State employees extract and transcribe information from existing files and input the information into FARS, with the frequency of reporting determined by the frequency of fatal crashes occurring in the respondent's jurisdiction. NHTSA continues to estimate, as stated in the 60-day notice, that there will be 52 data collection sites in each of the next three years with a total annual burden of 107,209 hours and $0 for the two information collections.

Program: FARS and NTS.

Affected Public: States, the District of Columbia, and Puerto Rico.

Estimated Number of Respondents: 52.

Frequency: On Occasion.

Estimated Total Annual Burden Hours: 107,209 hours (106,909 hours + 300 hours).

NHTSA estimates the total annual burden for the two information

[1] NHTSA's information collection for CRSS is covered by the ICR with OMB Control No. 2127–0714.

[2] NHTSA's information collection for CISS is covered by the ICR with OMB Control No. 2127–0706.

collections, FARS and NTS, is 107,209 hours per year. The hours and costs associated with the burden reflect the complexity of coding the FARS cases, an increase in the number of fatal crashes across most jurisdictions, and accounting for the processing of the non-traffic fatalities. Furthermore, over the past two years, there has been an increase in staff turnover at the State level, adding an increase in administrative hours to provide for State field personnel turnover, training, and coding assistance to continue operations.

For both FARS and NTS, there are 52 respondents (50 States, the District of Columbia, and Puerto Rico) reporting on approximately 34,817 fatal crash cases per year. Of these cases, 34,232 are reported to FARS and approximately 585 are identified and reported as non-traffic fatal crashes (NTS).

The State employee (or employees depending on the number of fatal crashes per year occurring in the jurisdiction) acquires and codes the required information, as fatal crashes occur, in the FARS records-based system. For FARS, although there is only one information collection, NHTSA calculates the total burden using four burden categories: (1) FARS Manual Protocol Case Entry, (2) overhead burden for FARS in States without EDT, (3) FARS coding in States with EDT, and (4) FARS EDT mapping maintenance.

FARS Manual Protocol Case Entry

NHTSA estimates that there are currently 33 States providing crash reports (including case materials) via manual protocol. For these respondents, NHTSA estimates that it takes analysts approximately 4.25 hours to collect fatal crash information and code a FARS case entry in the FARS data entry system. This estimate is based on information, over a five-year period, of the average number of analysts, full- and part-time, back-up analysts, FARS supervisors, and coding assistance respondents needed to complete an annual FARS file. NHTSA estimates that, on average, 16,205 cases are collected and coded annually using this access method. Therefore, NHTSA estimates the total annual burden associated with FARS Manual Protocol case entry to be approximately 68,871 hours annually (16,205 cases × 4.25 hours = 68,871 hours).

FARS Manual Protocol In-Kind Process Support

In addition to the time for each crash entry, some respondents using the FARS Manual Protocol are also expected to incur overhead burden time. NHTSA estimates that 8 States provide overhead support and that the total annual burden for this support is 2,000 hours, or an average of 250 hours per respondent. This burden includes hours spent by supervisors and State managers responding to and supporting FARS operations that are not accounted for in the coding hours every year, including supporting data acquisition and other associated tasks.

FARS EDT Mapping Maintenance

NHTSA estimates that there are approximately 19 States already participating in Electronic Data Transfer (EDT). For these respondents, PAR data is automatically transferred from the State's centralized crash database to NHTSA's CDAN system. The crash data is then prepopulated in NHTSA's crash data systems, including FARS.

NHTSA estimates the burden to maintain the protocol is estimated at two hours per State (respondent) or a total of 38 hours per year (19 States × 2 hours). This represents time to monitor case quality and timeliness, conduct quality control processes, and maintain communications with NHTSA and its contractors to ensure accurate data transfer. The specific task associated with this maintenance of effort is referred to as ''mapping''. Upon becoming an EDT State, the respondent participates in an initial mapping process. The process requires an alignment between the State Specific Coding Instructions and the FARS Coding and Validation guidance.[3] During quality control processes, which are conducted year-round, data anomalies may be detected, at which time action must be taken to review and ultimately correct the shifts in the data. This process, while managed by the Office of Data Acquisition, requires concurrence from the respondent, which is what the burden represents.

FARS EDT Manual Case Entry for Supporting Case Materials

Participation in EDT reduces but does not eliminate the manual entry of data into FARS. Although information from PARs is pre-populated into the system, EDT State respondents must still collect and enter supporting case materials, such as driver records, toxicology reports, death certificate information, and coroner's/medical examiners reports to complete a FARS case. NHTSA estimates that completing each case entry in an EDT States takes 2 hours, which is slightly less than half the time the process is estimated to take for non-EDT States. On average, NHTSA estimates that 18,000 FARS cases will have pre-populated data. Accordingly, NHTSA estimates the total burden associated with completing the FARS case entries for these cases to be 36,000 hours (18,000 cases × 2 hours).

Total Burden for FARS

The collective and cumulative efforts of all 52 respondents results in an estimated annual burden of 106,909 hours (68,871 hours + 2,000 hours + 38 hours + 36,000 hours). Table 1 provides a summary of the burden associated with FARS.

TABLE 1—BURDEN CATEGORY ESTIMATES AND TOTAL BURDEN FOR FARS

Burden category	Cases processed	Participating respondents	Burden per response	Hours per respondent	Total (hours)
FARS EDT (mapping maintenance)	19	19	N/A	2	38
FARS EDT Manual Case Entry (supporting case materials)	18,000	19	2.00	1,895	36,000
FARS Manual Protocol Case Entry Process (including supporting case materials)	16,205	33	4.25	2,087	68,871
FARS Manual Protocol In-kind Process Support	8	8	N/A	250	2,000
Total	34,232	52	3.13	2,056.94	106,909

[3] The burden associated with this task is accounted for under NHTSA ICR that covers EDT (OMB Control Number 2127–0753).

NTS Data Collection

Non-traffic fatal crashes are collected by approximately 25 States as part of the FARS data collection process. NHTSA estimates that it takes twelve hours per respondent annually to account for NTS cases. Therefore, NHTSA estimates that the total burden for NTS case identification and coding is 300 hours annually (25 respondents × 12 hours).

Burden for FARS and NTS

NHTSA estimates the total annual burden for the two information collections, FARS and NTS, is 107,209 hours per year (106,909 hours + 300 hours). Table 2 provides a summary of the burdens for the two information collections.

TABLE 2—SUMMARY OF BURDEN HOUR ESTIMATES

Information collection	Responses	Respondents	Burden per response (hours)	Hours per respondent	Total burden (hours)
FARS	34,232	52	3.13	2,056.94	106,909
NTS	585	25	0.5	12	300
Total	34,817	52	.....	.....	107,209

Estimated Total Annual Burden Cost All Programs: $0.

NHTSA estimates that there are no costs to respondents other than costs associated with burden hours. There are no capital, start-up, or annual operation and maintenance costs involved in this collection of information. The respondents would not incur any reporting costs from the information collection beyond the opportunity or labor costs associated with the burden hours. The respondents also would not incur any recordkeeping burden or recordkeeping costs from the information collection.

Public Comments Invited: You are asked to comment on any aspects of this information collection, including (a) whether the proposed collection of information is necessary for the proper performance of the functions of the 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 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.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; 49 CFR 1.49; and DOT Order 1351.29.

Chou Lin Chen,

Associate Administrator, National Center for Statistics and Analysis.

[FR Doc. 2022–15412 Filed 7–19–22; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket No. DOT–OST–2022–0080]

Notice To Establish the Transforming Transportation Advisory Committee (TTAC)

AGENCY: Office of the Secretary (OST), Department of Transportation (DOT).

ACTION: Notice of the establishment of the Transforming Transportation Advisory Committee (TTAC), TTAC Charter, and TTAC Membership Balance Plan.

SUMMARY: The Office of the Secretary of Transportation (OST) announces the establishment of the Transforming Transportation Advisory Committee (TTAC). The Secretary has determined that establishing TTAC is necessary and is in the public interest.

DATES: The TTAC Charter will be effective for two years after date of publication of this **Federal Register** notice.

FOR FURTHER INFORMATION CONTACT: TTAC Designated Federal Officer, c/o Juli Huynh—Director, Office of Policy Coordination and Development, Office of the Secretary, *NETTCouncil@dot.gov* or (202) 366–2278.

SUPPLEMENTARY INFORMATION: This notice announces the establishment of the DOT TTAC as a Federal Advisory Committee in accordance with the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C. App. 2) to provide information, advice, and recommendations to the Secretary on matters relating to transportation innovation. TTAC is tasked with providing advice and recommendations to the Secretary about needs, objectives, plans, and approaches for transportation innovation. Please see the TTAC website for additional information at *https://www.transportation.gov/ttac.*

Issued in Washington, DC on July 14, 2022, under authority delegated at 49 CFR 1.25a.

Vincent Gerard White Jr.,

Senior Advisor for Innovation.

Transforming Transportation Advisory Committee Charter

1. *Committee's Official Designation:* The Committee's official designation is the Transforming Transportation Advisory Committee (TTAC).

2. *Authority:* The Committee is established as a discretionary Committee under the authority of the U.S. Department of Transportation (DOT) and in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App. 2. The formation and use of TTAC are determined to be in the public interest.

3. *Objectives and Scope of Activities:* The Secretary of Transportation (the Secretary), or his or her designee, shall present TTAC with tasks on matters relating to transportation innovation. The Committee will provide advice and recommendations to the Secretary about needs, objectives, plans, and approaches for multimodal transportation innovation.

4. *Description of Duties:* The Committee is advisory only. Duties include the following:

a. Gathering information as necessary to discuss issues presented by the Designated Federal Officer (DFO);

b. Deliberating on the following issues, as assigned:

i. Exploring pathways to safe, secure, equitable, environmentally friendly and accessible deployments of emerging technologies;

ii. Identifying integrated approaches and finding ways to promote greater cross-modal integration of emerging

technologies, in particular applications to deploy automation;

iii. Recommending policies that encourage innovation to grow and support a safe and productive U.S. workforce, as well as foster economic competitiveness and job quality;

iv. Assessing approaches and frameworks that encourage the secure exchange and sharing of transformative transportation data, including technologies and infrastructure, across the public and private sectors that can guide core policy decisions across DOT's strategic goals;

v. Exploring ways the Department can identify and elevate cybersecurity solutions and protect privacy across transportation systems and infrastructure;

vi. Considering other emerging issues, topics, and technologies, at the direction of the DFO.

c. Providing written advice and recommendations to the Secretary.

5. *Agency/Official To Whom the Committee Reports:* The Committee shall report to the Secretary through the Under Secretary for Transportation Policy.

6. *Support:* The Office of the Assistant Secretary for Transportation Policy (OST–P) will provide necessary support for the Committee.

7. *Estimated Annual Operating Costs and Staff Years:* The annual operating (administrative) costs associated with the Committee's functions are estimated to be $200,000. The cost estimate includes support from 2 full-time equivalent positions that are required to support the Committee. Costs incurred by Committee members for travel and logistics will not be paid by the Department.

8. *Designated Federal Officer (DFO) and Sponsor*

a. The DFO for the Committee is OST's Senior Advisor for Innovation or his or her designee.

b. The DFO will approve or call all Committee and subcommittee meetings, prepare and approve all meeting agendas, attend all Committee and subcommittee meetings, adjourn any meetings when he or she determines adjournment to be in the public interest, and chair meetings when directed to do so by the Secretary.

9. *Estimated Number and Frequency of Meetings:* Committee meetings will be held approximately twice a year. As necessary, the DFO may call subcommittee meetings.

10. *Duration:* Continuing until renewed/terminated.

11. *Termination:* The Committee will terminate 2 years from the charter filing date unless the charter is renewed in accordance with the FACA.

12. *Membership and Designation*

a. Members will serve without charge, and without any government compensation.

b. The Committee shall comprise no more than 25 members appointed by the Secretary for up to 2-year terms.

c. Members serve at the discretion of the Secretary. The Secretary may extend appointments and may appoint replacements for members outside a stated term, as necessary.

d. The Secretary may reappoint members.

e. The members shall include safety advocates, experts from academia/universities, representatives of organized labor, technical experts (*e.g.,* automation, data, privacy, cybersecurity), and industry representatives. Individuals appointed solely for their expertise will be appointed as special government employees (SGEs). No single interest group may constitute a majority of the Committee.

f. To ensure that the recommendations of the Committee have considered the needs of diverse groups served by the Department, membership shall include, to the extent practicable, persons with lived experience and knowledge of the needs of underrepresented groups.

g. Members may continue to serve until their replacements have been appointed.

h. The Secretary shall designate a chair and vice chair from among members of the Committee. They will serve 2-year nonrenewable terms. The vice chair will succeed the chair at the end of the term.

13. *Subcommittees:* The Secretary, Under Secretary for Transportation Policy, or DFO shall be authorized to establish subcommittees. Subcommittees shall not work independently of the chartered TTAC and shall report their recommendations and advice to the full TTAC for deliberation and discussion. Subcommittees must not provide advice or work products directly to DOT. Subcommittee membership is not limited to those who were selected as members of the Committee. Further, any costs associated with subcommittee travel or meetings will not be paid by the Department.

14. *Recordkeeping:* The records of the Committee, formally and informally established subcommittees, or other subgroups of the Committee, shall be handled in accordance with General Records Schedule 6.2 or other approved agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552.

15. *Filing Date:* This charter is effective July 19, 2022. The charter will expire 2 years after this date unless sooner terminated or renewed.

Transforming Transportation Advisory Committee Membership Balance Plan

(1) Federal Advisory Committee Name

Transforming Transportation Advisory Committee (TTAC).

(2) Authority

The Committee is a discretionary Committee under the authority of the U.S. Department of Transportation (DOT), established in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App. 2.

(3) Mission/Function

The Committee will provide advice and recommendations to the Secretary on transportation innovation.

(4) Points of View

The Committee consists of members from DOT's stakeholder groups, representing safety advocates, labor, technical experts (e.g., automation, data, privacy, cybersecurity), and industry representatives. The TTAC membership ceiling is set at 25.

a. The Committee may be composed of up to 25 members who are selected from individuals who are not employees of DOT and who represent the interests and opinions of the safety advocates, labor, technical experts (e.g., automation, data, privacy, cybersecurity), and industry representatives. Other members appointed solely for their expertise must be appointed as Special Government Employees (SGE).

b. DOT seeks to achieve balance among the membership on the Committee. Membership shall include representative members and SGEs, as necessary. Membership balance is dynamic and may change depending on the work of the Committee.

(5) Other Balance Factors

In addition to the factors stated above to balance the Committee membership, DOT seeks balance regarding the following factors: gender; geographic area; race and ethnicity; expertise; diversity of work sector; and other factors to achieve the most diverse and comprehensive points of view.

(6) Candidate Identification Process

a. Initial TTAC membership will be solicited through a **Federal Register** Notice.

b. Periodically, when several openings arise on the Committee, DOT will solicit membership from among the representative sectors through a notice in the **Federal Register** and other advertisements, as necessary. Adequate time is allowed for candidates to apply or be nominated. Additionally, the Secretary may extend appointments and may appoint replacements for members who have resigned outside of a stated term, as necessary.

c. Upon closure of the application period, candidate applications will be compiled and reviewed and recommendations for membership made by the Designated Federal Officer, or designee, and to the Secretary for selection.

d. Under the TTAC Charter, Committee members continue to serve until new members have been appointed to replace them. Members may be appointed by the Secretary for up to 2-year terms and may be reappointed by the Secretary.

(7) Subcommittee Balance

If established, subcommittees will be balanced according to the criteria discussed above. A truncated selection process may be implemented.

(8) Other

None.

(9) Date Prepared/Updated

This Membership Balance Plan was prepared initially on July 14, 2022 and will be updated in conjunction with the charter every two years.

[FR Doc. 2022–15458 Filed 7–19–22; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket No. DOT–OST–2022–0080]

Notice To Solicit Members for the Transforming Transportation Advisory Committee (TTAC)

AGENCY: Office of the Secretary (OST), Department of Transportation (DOT).

ACTION: Notice to solicit members for the Transforming Transportation Advisory Committee (TTAC).

SUMMARY: The Office of the Secretary of Transportation (OST) is publishing this notice to solicit individuals who wish to be considered as members within the Transforming Transportation Advisory Committee (TTAC).

DATES: Nominations for Committee members must be received on or before August 19, 2022.

ADDRESSES: All nomination materials should refer to the docket number above and be submitted by one of the following methods:

- *Federal Rulemaking Portal: https://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal Holidays.

FOR FURTHER INFORMATION CONTACT: TTAC Designated Federal Officer, c/o Juli Huynh—Director, Office of Policy Coordination and Development, Office of the Secretary, *NETTCouncil@dot.gov* or (202) 366–2278.

SUPPLEMENTARY INFORMATION: The U.S. Secretary of Transportation (Secretary) establishes TTAC as a Federal Advisory Committee in accordance with the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C. App. 2) to provide information, advice, and recommendations to the Secretary on matters relating to transportation innovations. TTAC is tasked with advice and recommendations to the Secretary about needs, objectives, plans, and approaches for transportation innovations. This notice seeks to solicit individuals who wish to be considered as members within the TTAC.

This notice is provided in accordance with the Federal Advisory Committee Act. (FACA). Please see the TTAC website for additional information at *https://www.transportation.gov/ttac.*

Description of Duties: TTAC will undertake only tasks assigned to it by the Secretary of Transportation or designee and provide direct, first-hand information, advice, and recommendations by meeting and exchanging ideas on the tasks assigned. In addition, TTAC will respond to ad-hoc informational requests from OST.

Membership: TTAC comprises members appointed by the Secretary of Transportation upon recommendation by OST. All TTAC members serve at the pleasure of the Secretary of Transportation. TTAC will have no more than 25 members and comprise safety advocates, experts from academia/universities, representatives of organized labor, technical experts (*e.g.,* automation, data, privacy, cybersecurity), and industry representatives. The designated members are intended to provide balanced representation in terms of knowledge, expertise, and points of view of interested parties relative to TTAC's tasks. Each voting member holds appropriate authority within the entity with which they are affiliated to speak for it, and the community or industry represented. In addition, members provide a balance in points of view regarding the functions and tasks to be performed by TTAC. Members are appointed for a 2-year term.

Nomination Process: The Secretary is seeking individual nominations for membership to the TTAC. Any interested person may nominate one or more qualified individuals for membership on TTAC. Self-nominations are also accepted. Nominations must include, in full, the following materials to be considered for membership. Failure to submit the required information may disqualify a candidate from the review process.

a. A biography, including professional and academic credentials.

b. A résumé or curriculum vitae, which must include relevant job experience, qualifications, as well as contact information (full legal name, email, telephone, and mailing address).

c. A one-page statement describing how the candidate will benefit TTAC, considering the candidate's unique perspective that will advance the conversation. This statement must also identify the stakeholder group that the candidate would represent.

d. State the level of expertise in the stakeholder group that is being represented as well as the size of the constituency being represented.

e. If applicable, state any previous experience on a Federal Advisory committee.

Evaluations will be based on the materials submitted.

The Secretary will make every effort to appoint members to serve on TTAC from among those candidates determined to have the technical expertise required to meet Departmental needs, and in a manner to ensure an appropriate balance of membership. The selection of committee members will be consistent with achieving the greatest impact, scope, and credibility among diverse stakeholders. The diversity in such membership includes representatives of organizations directly and indirectly impacted by transportation innovation as well as the background of the representatives.

The Secretary reserves the discretion to appoint members to serve on TTAC who were not nominated in response to this notice if necessary to meet Departmental needs in a manner to ensure an appropriate balance of membership.

Issued in Washington, DC on July 14, 2022.

Vincent Gerard White Jr.,

Senior Advisor for Innovation.

[FR Doc. 2022–15460 Filed 7–19–22; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 13441–A

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning Form 13441–A, Health Coverage Tax Credit (HCTC) Monthly Registration and Update.

DATES: Written comments should be received on or before September 19, 2022 to be assured of consideration.

ADDRESSES: Direct all written comments to Andres Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to *pra.comments@irs.gov.* Include 1545–1842 or Health Coverage Tax Credit (HCTC) Monthly Registration and Update in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this collection should be directed to LaNita Van Dyke, at (202)317–6009, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at *Lanita.VanDyke@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Health Coverage Tax Credit (HCTC) Monthly Registration and Update.

OMB Number: 1545–1842.

Form Number: 13441–A

Abstract: The health coverage tax credit monthly registration and update Form will be directly mailed to all individuals who are potentially eligible for the HCTC. Potentially eligible individuals will use this form to determine if they are eligible for the Health Coverage Tax Credit and to register for the HCTC program. Participation in this program is voluntary. This form will be submitted by the individual to the HCTC program office in a postage-paid, return envelope. We will accept faxed forms, if necessary. Additionally, recipients may call the HCTC call center for help in completing this form.

Current Actions: The HCTC expired in 2021 and is unavailable to be claimed in 2022. IRS is keeping the OMB approval active on the collection, in case, Congress reauthorizes the credit for future tax years.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 5,146.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 2,573.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: July 15, 2022.

Andres Garcia Leon,

Supervisory Tax Analyst.

[FR Doc. 2022–15499 Filed 7–19–22; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0521]

Agency Information Collection Activity: Certification of Loan Disbursement, Verification of Deposit and Verification of Employment

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. VA Forms 26–1820, 26–8497 and 26–8497a are used by lenders to obtain specific information concerning a veteran's credit history in order to properly underwrite the veteran's loan. The data collected on the forms is used to ensure that applications for VA-guaranteed loans are underwritten in a reasonable and prudent manner.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before September 19, 2022.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0521'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, VA PRA Clearance Officer, Office of Enterprise and Integration, Data Governance Analytics, Department of Veterans Affairs. Please

refer to ''OMB Control No. 2900–0521'' in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: Public Law 104–13; 44 U.S.C. 3501–3521.

Title: Certification of Loan Disbursement, Verification of Deposit and Verification of Employment (VA Form 26–1820, VA Form 26–8497, VA Form 26–8497a).

OMB Control Number: 2900–0521.

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 26–1820 is used for loans closed on the prior approval and automatic basis. It is used by lenders closing VA loans under 38 U.S.C. 3710 and thereby complies with the provisions of 38 U.S.C. 3702(c) which requires lenders to report to the Secretary on loans guaranteed or insured.

In this information collection request, VA has revised the VA Form 26–1820 to include additional fields and certifications. The fields added are already collected routinely by the lender and do not add an undue burden to the lender. In addition, certifications that are to be provided to the Veteran were added that were included in OMB Control #2900–0144.

Affected Public: Individuals or households.

Estimated Annual Burden: 267,167 hours.

Estimated Average Burden per Respondent: 20 minutes.

Frequency of Response: One-time.

Estimated Number of Respondents: 804,000.

By direction of the Secretary.

Dorothy Glasgow,

VA PRA Clearance Officer, (Alt) Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2022–15477 Filed 7–19–22; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Unprocessed Election into the Rapid Appeals Modernization Program

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs (VA) announces it will no longer process elections (opt-ins) into the Rapid Appeals Modernization Program (RAMP). To ensure an orderly conclusion of this pilot program with respect to RAMP elections that have not yet been processed, VA is providing a 90-day transition period for claimants to notify VA of any such unprocessed RAMP elections before VA terminates processing. Claimants who previously submitted a timely RAMP election that has not yet been processed may request that VA process it. VA must receive an eligible claimant's request to process a pending RAMP election on or before October 18, 2022. Requests that VA process a previously submitted timely RAMP election must be sent by email to *RAMP@VA.gov.* No response to this notice is required. VA will continue to process pending claims and appeals for all claimants, regardless of whether a claimant responds to this notice.

DATES: Discontinuation of the processing of elections for the Rapid Appeals Modernization Program is effective October 18, 2022.

ADDRESSES: Claimants, or their authorized representative, who wish to have their previously submitted RAMP election honored may submit a request. Requests must be sent via email to *RAMP@VA.gov.* Only claimants who are sent a VA notice accepting a RAMP election will be eligible to participate in RAMP.

FOR FURTHER INFORMATION CONTACT: Carling K. Bennett, Senior Management and Program Analyst, Program Administration, Office of Administrative Review, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC, (202) 632–5347.

SUPPLEMENTARY INFORMATION:

On August 23, 2017, the President signed into law the *Veterans Appeals Improvement and Modernization Act of 2017,* Public Law 115–55 (AMA), creating a new, modernized claims and appeals framework for pursuing VA benefits. VA fully implemented the AMA on February 19, 2019. However, prior to implementation, section 4(a) of the AMA authorized VA to implement programs for testing the feasibility and advisability of any facet of the new appeals system. As such, VA developed RAMP. Starting in November 2017, RAMP allowed certain Veterans with appeals pending in the ''legacy'' system for disability compensation to opt-in to the modernized system by electing a supplemental claim or higher-level review (HLR). RAMP participants benefited from early resolution and the effective date protections of the new process.

RAMP provided VA with information that improved the procedures and information technology systems used to fully implement the AMA in February 2019. Feedback received from Veterans, Veterans Service Organizations, employees and other stakeholders during the RAMP pilot period also led VA to revise its forms and notices. VA likewise identified additional training resources and materials regarding the new review options and procedures. As of the end of February 2019, RAMP elections resulted in a combined 85,993 HLR requests and supplemental claims, resulting in 65,670 decisions that released total payments of $267,403,115 to Veterans.

On February 14, 2019, VA issued a press release advising that it would discontinue accepting RAMP elections postmarked after February 15, 2019 (and non-postmarked elections received after February 25, 2019) prior to full implementation of the AMA on February 19, 2019. Section 4(c) of the AMA prohibits VA from carrying out pilot programs such as RAMP after it fully implements the law, which it did on February 19, 2019. However, VA continued thereafter to process RAMP elections postmarked on or before February 15, 2019, to conclude the program in an orderly fashion.

Although VA believes that decisions have been issued on the majority of timely RAMP elections, occasionally VA discovers a RAMP election that has not been processed (residual RAMP election). In these situations, the subject claims have continued to move through the legacy appeals system such that they are now in a different procedural or temporal posture than they were when the RAMP election was filed. Because the posture of the subject claims has often changed, it generally is not clear whether the claimant still desires to make a RAMP election due to the passage of time. Claimants may no

longer wish to pursue a previously submitted RAMP election, for example, if a legacy appeal has been certified to the Board or if a favorable, or partly favorable, legacy decision has been received. In accordance with VA's statutory obligation to wind RAMP, this notice announces a procedure to terminate the processing of RAMP elections.

From the date of publication of this notice, VA is establishing a 90-day period for claimants to notify VA if they believe they have submitted a timely RAMP election that has not been processed by VA. Upon receipt of such notification, VA will accept such a residual RAMP election if (1) VA determines that the claimant in fact has a residual, unprocessed RAMP election in the claims file, (2) the RAMP election was properly and timely filed (postmarked on or before February 15, 2019; or non-postmarked elections received on or before February 25, 2019), (3) the applicable claim or claims are still in appellate status before the agency and other RAMP eligibility requirements are met and (4) the claimant has not already successfully opted-in to the new modernized system through another avenue. If VA determines that the criteria for acting on a claimant's notification are not met, VA will notify the claimant in writing. If VA accepts the residual opt-in, it will notify the claimant in writing. Only claimants who are sent a VA notice accepting a RAMP election will be eligible to participate in RAMP.

Ninety Days After the Date of Publication in the **Federal Register**, VA will not process a newly discovered residual RAMP election for a claim in the legacy appeals system and the claim will continue to be processed in that system unless and until the claim transitions to the new system through an avenue other than RAMP. Any request to process a residual RAMP election received October 18, 2022 will not be accepted. As a result, this notice announces that the processing of RAMP elections will be discontinued as part of VA's effort to end RAMP in accordance with section 4(c) of the AMA.

The 90-day period established herein does not extend the time period for filing a RAMP election. Rather, this transition period will allow claimants with a residual RAMP election the opportunity to verify that they still want to opt-in to RAMP. Claimants with pending legacy appeals who wish to participate in the AMA but do not submit a valid request in response to this notice may still elect to opt-in to the modernized system after receiving a Statement of the Case or Supplemental Statement of the Case, per 38 CFR 3.2400(c)(2).

Claimants who wish to notify VA of a timely, unprocessed RAMP election must send an email to VA at *RAMP@VA.gov.* Using this dedicated email address will help ensure that VA gives such notification immediate attention. No response to this notice is required. VA will continue to process pending claims and appeals for all claimants, regardless of whether a claimant responds to this notice.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507) requires that VA consider the impact of paperwork and other information collection burdens imposed on the public. An agency may not conduct or sponsor a collection of information, nor may it impose an information collection requirement, unless it displays a valid Office of Management and Budget (OMB) control number.

VA has determined that there are no new information collection requirements associated with this notice. Approval to collect such information previously was approved by OMB under assigned OMB Control Numbers 2900–0075 and 2900–0734, which have current clearances pursuant to the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521).

Signing Authority

Denis McDonough, Secretary of Veterans Affairs, approved this document on July 13, 2022, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

Jeffrey M. Martin,

Assistant Director, Office of Regulation Policy & Management, Office of General Counsel, Department of Veterans Affairs.

[FR Doc. 2022–15367 Filed 7–19–22; 8:45 am]

BILLING CODE 8320–01–P

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Wednesday, July 20, 2022

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FEDERAL REGISTER PAGES AND DATE, JULY

39329–39732 1
39733–40088 5
40089–40428 6
40429–40706 7
40707–41024 8
41025–41242 11
41243–41580 12
41581–42058 13
42059–42296 14
42297–42632 15
42633–42948 18
42949–43198 19
43199–43388 20

CFR PARTS AFFECTED DURING JULY

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
10421 40707
10422 42051
10423 43199
10424 43201
Executive Orders:
10476 42053
14077 43203
Administrative Orders:
Memorandums:
Memorandum of July 1, 2022 41025
Memorandum of July 8, 2022 42059
Notices:
Notice of July 11, 2022 42057

7 CFR

1714 39329
3434 42949
3550 40709
5001 42297
Proposed Rules:
1 41077
959 40746
1230 43222

8 CFR

103 41027
212 41027
214 41027
274a 41027

10 CFR

430 42297
Proposed Rules:
30 42969
70 42969
430 ..... 40590, 42270
431 43226

12 CFR

Ch. VI 43227
404 41032
1006 39733
1022 ..... 41042, 41243
Proposed Rules:
25 39792
228 39792
327 39388
345 39792
1026 42662

13 CFR

Proposed Rules:
121 ..... 40034, 40141
125 40141
128 40141

14 CFR

39 ..... 39329, 39735, 39738, 39741, 39743, 40089, 40429, 40435, 40710, 40714, 41046, 41049, 41581, 42061, 42063, 42066, 42068, 42308, 42312, 42315, 42318, 42951, 43209
71 ..... 39332, 39334, 39335, 39745, 41052, 41054, 41055, 41057, 41058, 41583, 42070, 42320, 42633, 42954
77 39746
97 ..... 40091, 40095
Proposed Rules:
39 ..... 40164, 40460, 40747, 40749, 40752, 40755, 41263, 41265, 41627, 41629, 42106, 42970
71 ..... 41632, 41633, 41635, 42395
91 42109
121 42109
125 42109
135 42109

15 CFR

Proposed Rules:
801 39411
922 42800

16 CFR

1231 42633
1241 41059
Proposed Rules:
463 42012
1223 42117

17 CFR

1 41246
232 42960
240 43168
270 41060
276 43168

18 CFR

Proposed Rules:
35 39934
141 39414

19 CFR

12 42636
Proposed Rules:
362 39426

20 CFR

404 42642

21 CFR

Proposed Rules:
2 42398
112 42973
174 41079
175 41079
177 41079

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List June 30, 2022

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